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THE TRASH FREE SEAS ACT OF 2011

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1119



APRIL 25, 2012.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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## THE TRASH FREE SEAS ACT OF 2011

APRIL 25, 2012.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

### REPORT

[To accompany S. 1119]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1119) to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 1119, the Trash Free Seas Act of 2011, is to reauthorize and update the Marine Debris Research, Prevention, and Reduction Act of 2006. The bill, as reported, would reauthorize and strengthen the authorities of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard to identify, assess, remove, and prevent marine debris and its adverse impacts to the marine environment, the United States economy, human health, and navigational safety. The bill would authorize appropriations for fiscal year (FY) 2012 through FY 2016.

#### BACKGROUND AND NEEDS

Marine debris, persistent solid material disposed of or abandoned into the marine environment, is a pervasive and growing global pollution problem. Land-based sources contribute an estimated 80 percent of marine debris, followed by ocean-based sources including lost or abandoned fishing gear, galley waste and other trash from ships, and offshore infrastructure.

Marine debris can injure, kill, or contaminate marine life, including threatened or endangered marine mammals, sea turtles, and sea birds. Each year, millions of these animals ingest or become entangled in marine debris that they have mistaken for food. This

problem is particularly acute in the Hawaiian Islands, where converging ocean currents carry large amounts of trash to remote beaches and negatively impact protected species, such as the endangered Hawaiian monk seal.

Humans can also be directly affected by marine debris. Swimmers and divers can become entangled in abandoned netting and fishing lines. Beach users can be injured by stepping on broken glass, cans, needles, or other litter. Floating debris is visually unappealing and can result in lost tourism revenues. Furthermore, marine debris acts as a navigational hazard to fishing and recreational boats by entangling propellers and clogging cooling water intake valves.

The severity of the marine debris problem in the United States was officially recognized in the 2004 Final Report of the Congressionally authorized U.S. Commission on Ocean Policy, which devoted an entire chapter to the issue. The Ocean Commission advocated strengthening interagency efforts and public-private partnerships to promote monitoring, prevention, reduction, and public awareness of marine debris and its impacts. It also recommended development of an international plan of action to target derelict fishing gear, which is a serious and persistent source of marine debris.

In 2006, the 109th Congress passed the Marine Debris Research, Prevention, and Reduction Act (MDRPRA)(33 U.S.C. 1951 et seq.). MDRPRA addressed many of the Ocean Commission recommendations related to marine debris by establishing: (1) a Marine Debris Prevention and Removal Program within NOAA to reduce and prevent adverse impacts of marine debris on the marine environment and navigational safety; (2) marine debris mapping, identification, prevention, and removal efforts; (3) public education and outreach efforts; and (4) programs for research and development of gear alternatives to reduce the threat to the marine environment and to enhance the tracking, recovery, and identification of lost gear. MDRPRA also authorized NOAA to establish a competitive grants program (with a 50 percent non-Federal match requirement) made available to States and other eligible groups to encourage cooperative approaches to addressing marine debris concerns, as well as a NOAA-administered information database on marine debris to assist in identifying sources and devising prevention strategies.

MDRPRA also directed the Coast Guard to improve its enforcement of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), regulations designed to prevent ship-based pollution from plastics and other garbage. MDRPRA authorized the development and implementation of regulations requiring U.S. fishing vessels to report the loss and recovery of fishing gear, as well as regulations to improve ship-board waste management and ensure that ports and terminals have adequate waste receptacles.

As recommended by the Ocean Commission, MDRPRA also re-established and strengthened the Interagency Committee on Marine Debris to reinvigorate marine debris research and activities among Federal agencies and in cooperation with non-governmental entities. The Interagency Committee was directed to prepare an Interagency Report on Marine Debris Impacts and Strategies within 12 months of enactment. MDRPRA also directed the Interagency Com-

mittee to develop a strategy to pursue international action to reduce the incidence of marine debris through the International Maritime Organization and other appropriate international and regional forums.

MDRPRA authorized to be appropriated \$10 million per year for NOAA, and \$2 million per year for the Coast Guard to implement their respective programs under the Act for FY 2006 to FY 2010.

#### SUMMARY OF PROVISIONS

S. 1119, the Trash Free Seas Act of 2011, would reauthorize and update MDRPRA to reflect the sources and extent of the marine debris problem that has developed since the passage of the original Act. Specifically, S. 1119 would: (1) focus greater attention on the removal of marine debris and marine debris impacts to navigational safety and the economy; (2) clarify the “research and assessment” and “reduction, prevention, and removal” components of the NOAA program as distinct efforts; (3) highlight functions of the NOAA program, including research and assessment of plastics, tool and product development, regional coordination of local marine debris activities, and promotion of international action on marine debris; (4) conduct research on the resiliency of shorelines to marine debris impacts; and (5) develop interagency action plans and research to enable adequate preparation for and timely response to a severe marine debris event caused by a natural disaster, including a tsunami, flood, landslide, or hurricane. The bill does not make changes to the Coast Guard program. S. 1119 would maintain the currently authorized annual funding levels—\$10 million for activities to be carried out by NOAA and \$2 million for activities to be carried out by the Coast Guard—through FY 2016.

#### LEGISLATIVE HISTORY

On May 26, 2011, in the 112th Congress, Senator Inouye introduced S. 1119, the Trash Free Seas Act of 2011, cosponsored by Senators Rockefeller, Begich, Snowe, and Murkowski. At its Executive Session on November 2, 2011, the Committee agreed by voice vote to report the bill favorably with two amendments. One amendment offered by Senator Cantwell would authorize the development of interagency action plans and research to bolster preparedness for severe marine debris events, such as those caused by a tsunami or other natural disaster. The other amendment offered by Senator Wicker would initiate research on shoreline resiliency to marine debris impacts.

A similar marine debris bill, H.R. 1171, the Marine Debris Act Reauthorization Amendments of 2011, was introduced on March 17, 2011, and referred to the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives. H.R. 1171 is sponsored by Representatives Farr, Young, and many additional Members.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

*S. 1119—Trash Free Seas Act of 2011*

Summary: S. 1119 would reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act. The bill would authorize the appropriation of \$12 million annually for the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard (USCG) to carry out activities to reduce the amount of marine debris (such as plastic and lost fishing gear) in oceans and coastal areas.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$47 million over the 2012–2016 period and \$13 million after 2016. Enacting S. 1119 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1119 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1119 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Research and Data Collection:						
Authorization Level .....	10	10	10	10	10	50
Estimated Outlays .....	2	7	9	10	10	38
Enhanced Enforcement:						
Authorization Level .....	2	2	2	2	2	10
Estimated Outlays .....	1	2	2	2	2	9
Total Changes:						
Authorization Level .....	12	12	12	12	12	60
Estimated Outlays .....	3	9	11	12	12	47

Basis of estimate: For this estimate, CBO assumes that S. 1119 will be enacted early in 2012 and that the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar NOAA and USCG activities.

S. 1119 would authorize the appropriation of \$10 million a year over the 2012–2016 period for NOAA to expand the Marine Debris Program to include additional research, planning, reporting, and data collection related to reducing marine debris. In 2011, NOAA spent about \$4 million to carry out activities related to the program. The bill also would authorize \$2 million a year over the 2012–2016 period for USCG to improve enforcement of existing laws and treaties that address ocean pollution at sea. USCG did not receive a specified appropriation in 2011 to carry out activities related to the Marine Debris program. Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$47 million over the 2012–2016 period and \$13 million after 2016.

Pay-As-You-Go Considerations: None.

Intergovernmental and private-sector impact: S. 1119 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFaye; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

S. 1119 would reauthorize small programs within NOAA and the Coast Guard to identify, assess, remove, and prevent marine debris and its adverse impacts to the marine environment, U.S. economy, human health, and navigational safety. It would make no changes to Coast Guard's existing authority to develop regulations to reduce violations of the provisions of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) requiring that U.S. ports and terminals maintain waste disposal receptacles for plastics and other garbage. The legislation also would not amend the Coast Guard's existing authority to develop regulations regarding vessel waste disposal records and ship-board waste management; therefore, individuals or businesses that generate waste on-board ships could become subject to regulations if developed.

##### ECONOMIC IMPACT

The bill would authorize \$10 million to the Administrator of NOAA and \$2 million to the Secretary of the department in which the Coast Guard is operating for each fiscal year from 2012 through 2016. These funding levels are modest and are not expected to have an inflationary impact on the Nation's economy.

##### PRIVACY

The Coast Guard authorities reauthorized in the bill may lead to changes in the reporting requirements in the private sector for detailing ship-board waste, but the legislation is not expected to have any adverse impact on the personal privacy of individuals.

##### PAPERWORK

The Coast Guard regulations reauthorized in the bill may lead to periodic changes in the paperwork requirements for recording and reporting ship-board waste, including loss and recovery of fishing gear.

##### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This section provides the short title of the bill, the “Trash Free Seas Act of 2011.”

*Section 2. Modification of purposes of Marine Debris Research, Prevention, and Reduction Act*

This section would refine the purposes of MDRPRA to focus greater attention on the removal of marine debris and marine debris impacts to navigational safety and the economy.

*Section 3. Revision of National Oceanic and Atmospheric Administration Marine Debris Program*

Subsection (a) would rename NOAA’s Marine Debris Prevention and Removal Program the Marine Debris Program.

Subsection (b) would expand the NOAA program’s purposes defined under the original Act to include research and assessment in addition to reduction and prevention of marine debris, and to include reduction of negative impacts of marine debris on the economy, as well as on the marine environment and navigation safety.

Subsection (c) would revise the components of NOAA’s marine debris program to clarify a distinction between research and assessment efforts with efforts to prevent, reduce, and remove occurrence and impacts of marine debris. Whereas MDRPRPA placed an emphasis on addressing derelict fishing gear, this section would refocus efforts to include all marine debris and would add a new section directing NOAA to work with other Federal agencies to address land-based sources of marine debris. This section would add new provisions directing NOAA to: (1) provide national and regional coordination to assist States, Indian tribes, and regional organizations in addressing local national marine debris issues; (2) promote international action to reduce the incidence of marine debris; (3) develop and disseminate tools and products resulting from efforts to address marine debris; (4) conduct research on the resiliency of shorelines to marine debris impacts; and (5) develop inter-agency action plans and research to enable adequate preparation for and timely response to a severe marine debris event caused by a natural disaster, including a tsunami, flood, landslide, or hurricane.

Subsection (d) would allow the NOAA Administrator greater flexibility in prescribing grant criteria and guidelines, and would require that applicants for and recipients of awarded grants comply with such criteria and guidelines.

*Section 4. Expansion of Federal Information Clearinghouse*

Paragraph (1) would expand the purpose of the information clearinghouse on marine debris to include improving best practices by entities that contribute to the marine debris problem.

Paragraph (2) would expand the types of industries that may be required to submit information to the clearinghouse to include other for-profit industries in addition to the fishing industry.



*Section 5. Definition of marine debris*

Subsection (a) would add a definition of “marine debris” to the Definitions section of MDRPRA.

Subsection (b) would direct the Interagency Marine Debris Coordinating Committee to submit a biennial report to Congress that includes: (1) the status of implementation of recommendations and strategies of the Interagency Committee and an analysis of their effectiveness; (2) a summary of the NOAA marine debris inventory; (3) a review of NOAA’s Marine Debris Program; (4) a review of the Coast Guard programs related to marine debris removal; and (5) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding levels.

*Section 6. Extension of authorization of appropriations*

This section would extend previous annual authorization levels (\$10 million for activities carried out by NOAA; \$2 million for activities carried out by Coast Guard) through FY 2016.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

MARINE DEBRIS RESEARCH, PREVENTION, AND  
REDUCTION ACT

[33 U.S.C. 1951 et seq.]

**SEC. 2. PURPOSES.**

[33 U.S.C. 1951]

The purposes of this Act are—

[(1) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety;]

*(1) to address the adverse impacts of marine debris on the marine environment, navigation safety, and the United States economy through research, source identification, assessment, reduction, removal, and prevention;*

(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

(3) to develop *and maintain* a Federal marine debris information clearinghouse.

**SEC. 3. NOAA MARINE DEBRIS [PREVENTION AND REMOVAL] PROGRAM.**

[33 U.S.C. 1952]

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a [Marine Debris Prevention and Removal Program] *Marine Debris Program* to [reduce and prevent] *research, assess, reduce, and prevent* the occurrence and adverse impacts of marine debris on the marine environment [and navigation safety.], *navigation safety, and the United States economy.*

(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall carry out the following activities:

【(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources and navigation safety, including—

【(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United States and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

【(B) measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

【(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear and other marine debris.

【(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

【(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

【(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery.

【(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section

2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).】

(1) *RESEARCH AND ASSESSMENT.*—*The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris research and assessment, reduction and prevention efforts, with a focus on marine debris posing a threat to living marine resources, the marine environment, navigation safety, or the United States economy, including the following:*

(A) *Research and assessment of derelict fishing gear.*

(B) *Research and assessment of plastics, with respect to the health of the marine environment.*

(C) *The establishment of a process for maintaining an inventory of marine debris types and their impacts found in the navigable waters of the United States and the United States exclusive economic zone, including impacts on living marine resources, the marine environment, navigation safety, and the United States economy.*

(D) *Measures to identify the origin, location, and projected movement of marine debris within United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data.*

(2) *PREVENT, REDUCE, AND REMOVE OCCURRENCE AND IMPACTS.*—*The Administrator shall undertake efforts to prevent, reduce, and remove the occurrence and impacts of marine debris, including the adverse impacts of derelict fishing gear, including by—*

(A) *working with other Federal agencies to address land-based sources of marine debris;*

(B) *conducting research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear;*

(C) *conducting research—*

(i) *related to shoreline resiliency to marine debris impacts; and*

(ii) *for purposes of—*

(I) *navigation safety;*

(II) *protecting living marine resources;*

(III) *protecting the marine environment; or*

(IV) *protecting the economy of the United States;*

(D) *developing effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery;*

(E) *developing interagency action plans for the preparation for, and timely response to, a severe marine debris event that include—*

(i) *plans to coordinate State, tribal, and local governments which respond to other types of marine debris to ensure adequate, timely, and efficient response;*

(ii) *utilizing appropriate Federal agencies and departments, State, tribal, and local governments, including the Interagency Committee, to assess the*

*unique and unknown potential impacts of a severe marine debris event; and*

*(iii) adequately prioritizing response needs for a severe marine debris event, including assessing—*

*(I) potential impacts to human health;*

*(II) potential impacts to natural resources;*

*(III) potential impacts to navigation safety;*

*(IV) potential impacts to livestock and aquaculture health; and*

*(V) models capable of projecting debris volume and trajectory to allow the committee to prioritize and direct resources to regional response programs;*

*(F) carrying out research relating to assessing the potential economic impacts of severe marine debris events on the economies of coastal States, including impacts to fishing, shipping, transportation, aquaculture, ecotourism, and other industries, as the Administrator considers appropriate;*

*(G) developing and implementing strategies, methods, priorities, and a plan for tracking, preventing, and removing marine debris that is in, or likely to enter, United States navigable waters or the United States exclusive economic zone, including the development of local or regional protocols for removal of derelict fishing gear and other marine debris;*

*(H) providing national and regional coordination to assist States, Indian tribes, and regional organizations in addressing local marine debris issues;*

*(I) promoting international action to reduce the incidence of marine debris; and*

*(J) developing and disseminating tools and products related to the activities described in subparagraphs (A) through (I).*

**(3) OUTREACH AND EDUCATION.—**

*(A) IN GENERAL.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, other marine-dependent industries, and the plastic and waste management industries, on sources of marine debris, threats associated with marine debris, and approaches to identify, determine sources of, assess, reduce, remove, and prevent marine debris and its adverse impacts on the marine environment, navigation safety, and the United States economy, including outreach and education activities through public-private initiatives.*

*(B) COORDINATION.—The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).*

**(c) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—**

**(1) IN GENERAL.—**The Administrator, acting through the Program, shall enter into cooperative agreements and contracts

and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2(1).

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

[(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Administrator shall consult with—

[(A) the Interagency Committee;

[(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

[(C) State, regional, and local governmental entities with marine debris experience;

[(D) marine-dependent industries; and

[(E) nongovernmental organizations involved in marine debris research, prevention, or removal activities.]

(5) GRANT CRITERIA AND GUIDELINES.—*Applicants for and recipients of grants awarded under this subsection shall comply with such criteria and guidelines as the Administrator shall prescribe to carry out the provisions of this subsection.*

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

#### SEC. 5. INTERAGENCY COORDINATION.

[33 U.S.C. 1954]

[(a) [Omitted]

[(b) DEFINITION OF MARINE DEBRIS.—The Administrator and the Commandant of the Coast Guard, in consultation with the Interagency Committee established under subsection (a), shall jointly develop and promulgate through regulations a definition of the term “marine debris” for purposes of this Act.

[(c) REPORTS.—

[(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.

[(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Interagency Committee, through the chairperson, shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives a report that—

[(i) identifies sources of marine debris;

[(ii) the ecological and economic impact of marine debris;

[(iii) alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris;

[(iv) the social and economic costs and benefits of such alternatives; and

[(v) recommendations to reduce marine debris both domestically and internationally.

[(B) RECOMMENDATIONS.—The report shall provide strategies and recommendations on—

[(i) establishing priority areas for action to address leading problems relating to marine debris;

[(ii) developing strategies and approaches to prevent, reduce, remove, and dispose of marine debris, including through private-public partnerships;

[(iii) establishing effective and coordinated education and outreach activities; and

[(iv) ensuring Federal cooperation with, and assistance to, the coastal States (as that term is defined in

section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

[(2) ANNUAL PROGRESS REPORTS.—Not later than 3 years after the date of the enactment of this Act, and biennially thereafter, the Interagency Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

[(A) the status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness;

[(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

[(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris;

[(D) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

[(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.]

**SEC. 5. BIENNIAL PROGRESS REPORTS OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.**

(a) *IN GENERAL.*—Not less frequently than once every 2 years, the Interagency Marine Debris Coordinating Committee established pursuant to section 2203(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914(a)) (in this section referred to as the “Interagency Committee”) shall, acting through the chairperson of the Interagency Committee, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act.

(b) *CONTENTS.*—Each report submitted pursuant to subsection (a) shall include the following:

(1) *The status of implementation of any recommendations and strategies of the Interagency Committee and analysis of their effectiveness.*

(2) *A summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration.*

(3) *A review of the Marine Debris Program established by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris.*

(4) *A review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements.*

(5) *Estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.*

#### SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.

[33 U.S.C. 1955]

The Administrator, in coordination with the Interagency Committee, shall—

(1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, [and monitoring efforts] *monitoring efforts, and best practices* through collaborative research and open sharing of data; and

(2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted by the fishing industry *or other forprofit industries* under this section.

#### SEC. 7. DEFINITIONS.

[33 U.S.C. 1956]

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) INTERAGENCY COMMITTEE.—The term “Interagency Committee” means the Interagency Marine Debris Coordinating Committee established under section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914).

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term “United States exclusive economic zone” means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as “eastern special areas” in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms “MARPOL”, “Annex V”, and “Convention” have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(5) NAVIGABLE WATERS.—The term “navigable waters” means waters of the United States, including the territorial sea.

(6) TERRITORIAL SEA.—The term “territorial sea” means the waters of the United States referred to in Presidential Proclamation No. 5928, dated December 27, 1988.

(7) PROGRAM.—The term “Program” means the [Marine Debris Prevention and Removal Program] *Marine Debris Program* established under section 3.



(8) STATE.—The term “State” means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

(9) MARINE DEBRIS.—*The term “marine debris” means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.*

(10) SEVERE MARINE DEBRIS EVENT.—*The term “severe marine debris event” means a period, as determined by the Administrator, of atypically large amounts of marine debris inside, or about to enter, the United States exclusive economic zone caused by—*

(A) *a natural disaster, including a tsunamis, flood, landslide, or hurricane; or*

(B) *any other source, as identified by the Administrator.*

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

[33 U.S.C. 1958]

There are authorized to be appropriated for each fiscal year 2006 [through 2010—] *through 2016—*

(1) to the Administrator for carrying out sections 3 and 6, \$10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, \$2,000,000, of which no more than 10 percent may be used for administrative costs.