

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO S. 362
OFFERED BY MR. POMBO OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Marine Debris Re-
3 search, Prevention, and Reduction Act”.

4 SEC. 2. PURPOSES.

5 The purposes of this Act are—

6 (1) to help identify, determine sources of, as-
7 sess, reduce, and prevent marine debris and its ad-
8 verse impacts on the marine environment and navi-
9 gation safety;

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

12 (3) to develop a Federal marine debris informa-
13 tion clearinghouse.

14 SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL
15 PROGRAM.

16 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
17 lished, within the National Oceanic and Atmospheric Ad-
18 ministration, a Marine Debris Prevention and Removal



1 Program to reduce and prevent the occurrence and ad-
2 verse impacts of marine debris on the marine environment
3 and navigation safety.

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

7 (1) MAPPING, IDENTIFICATION, IMPACT AS-
8 SESSMENT, REMOVAL, AND PREVENTION.—The Ad-
9 ministrator shall, in consultation with relevant Fed-
10 eral agencies, undertake marine debris mapping,
11 identification, impact assessment, prevention, and
12 removal efforts, with a focus on marine debris pos-
13 ing a threat to living marine resources and naviga-
14 tion safety, including—

15 (A) the establishment of a process, build-
16 ing on existing information sources maintained
17 by Federal agencies such as the Environmental
18 Protection Agency and the Coast Guard, for
19 cataloguing and maintaining an inventory of
20 marine debris and its impacts found in the nav-
21 igable waters of the United States and the
22 United States exclusive economic zone, includ-
23 ing location, material, size, age, and origin, and
24 impacts on habitat, living marine resources,
25 human health, and navigation safety;



1 (B) measures to identify the origin, loca-
2 tion, and projected movement of marine debris
3 within United States navigable waters, the
4 United States exclusive economic zone, and the
5 high seas, including the use of oceanographic,
6 atmospheric, satellite, and remote sensing data;
7 and

8 (C) development and implementation of
9 strategies, methods, priorities, and a plan for
10 preventing and removing marine debris from
11 United States navigable waters and within the
12 United States exclusive economic zone, includ-
13 ing development of local or regional protocols
14 for removal of derelict fishing gear and other
15 marine debris.

16 (2) REDUCING AND PREVENTING LOSS OF
17 GEAR.—The Administrator shall improve efforts to
18 reduce adverse impacts of lost and discarded fishing
19 gear on living marine resources and navigation safe-
20 ty, including—

21 (A) research and development of alter-
22 natives to gear posing threats to the marine en-
23 vironment, and methods for marking gear used
24 in specific fisheries to enhance the tracking, re-



1 covery, and identification of lost and discarded
2 gear; and

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

7 (3) OUTREACH.—The Administrator shall un-
8 dertake outreach and education of the public and
9 other stakeholders, such as the fishing industry,
10 fishing gear manufacturers, and other marine-de-
11 pendent industries, and the plastic and waste man-
12 agement industries, on sources of marine debris,
13 threats associated with marine debris and ap-
14 proaches to identify, determine sources of, assess,
15 reduce, and prevent marine debris and its adverse
16 impacts on the marine environment and navigational
17 safety, including outreach and education activities
18 through public-private initiatives. The Administrator
19 shall coordinate outreach and education activities
20 under this paragraph with any outreach programs
21 conducted under section 2204 of the Marine Plastic
22 Pollution Research and Control Act of 1987 (33
23 U.S.C. 1915).

24 (c) GRANTS, COOPERATIVE AGREEMENTS, AND CON-
25 TRACTS.—



1 (1) IN GENERAL.—The Administrator, acting
2 through the Program, shall enter into cooperative
3 agreements and contracts and provide financial as-
4 sistance in the form of grants for projects to accom-
5 plish the purpose set forth in section 2(1).

6 (2) GRANT COST SHARING REQUIREMENT.—

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

14 (B) WAIVER.—The Administrator may
15 waive all or part of the matching requirement
16 under subparagraph (A) if the Administrator
17 determines that no reasonable means are avail-
18 able through which applicants can meet the
19 matching requirement and the probable benefit
20 of such project outweighs the public interest in
21 such matching requirement.

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

24 (A) CONSENT DECREES AND ORDERS.—If
25 authorized by the Administrator or the Attor-



1 ney General, as appropriate, the non-Federal
2 share of the cost of a project carried out under
3 this Act may include money paid pursuant to,
4 or the value of any in-kind service performed
5 under, an administrative order on consent or
6 judicial consent decree that will remove or pre-
7 vent marine debris.

8 (B) OTHER DECREES AND ORDERS.—The
9 non-Federal share of the cost of a project car-
10 ried out under this Act may not include any
11 money paid pursuant to, or the value of any in-
12 kind service performed under, any other admin-
13 istrative order or court order.

14 (4) ELIGIBILITY.—Any State, local, or tribal
15 government whose activities affect research or regu-
16 lation of marine debris, and any institution of higher
17 education, nonprofit organization, or commercial or-
18 ganization with expertise in a field related to marine
19 debris, is eligible to submit to the Administrator a
20 marine debris proposal under the grant program.

21 (5) GRANT CRITERIA AND GUIDELINES.—With-
22 in 180 days after the date of enactment of this Act,
23 the Administrator shall promulgate necessary guide-
24 lines for implementation of the grant program, in-
25 cluding development of criteria and priorities for



1 grants. In developing those guidelines, the Adminis-
2 trator shall consult with—

3 (A) the Interagency Marine Debris Coordi-
4 nating Committee;

5 (B) Regional Fishery Management Coun-
6 cils established under the Magnuson-Stevens
7 Fishery Conservation and Management Act (16
8 U.S.C. 1801 et seq.);

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

11 (D) marine-dependent industries; and

12 (E) nongovernmental organizations in-
13 volved in marine debris research, prevention, or
14 removal activities.

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

17 (A) review each marine debris project pro-
18 posal to determine if it meets the grant criteria
19 and supports the goals of this Act;

20 (B) after considering any written com-
21 ments and recommendations based on the re-
22 view, approve or disapprove the proposal; and

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



1 (7) PROJECT REPORTING.—Each grantee under
2 this section shall provide periodic reports as required
3 by the Administrator. Each report shall include all
4 information required by the Administrator for evalu-
5 ating the progress and success in meeting its stated
6 goals, and impact of the grant activities on the ma-
7 rine debris problem.

8 **SEC. 4. COAST GUARD PROGRAM.**

9 (a) IN GENERAL.—Not later than 360 days after the
10 enactment of this Act, the Commandant of the Coast
11 Guard shall submit a report to the Committee on Trans-
12 portation and Infrastructure of the House of Representa-
13 tives and the Committee on Commerce, Science and
14 Transportation of the Senate on the implementation of the
15 provision of the MARPOL Annex V and the Act to Pre-
16 vent Pollution from Ships (33 U.S.C. 1901 et seq.) with
17 respect to the discard of plastics and other garbage from
18 vessels. The report shall include—

19 (1) a review of the effectiveness of those provi-
20 sions in reducing the discard of plastics and other
21 garbage from vessels;

22 (2) recommendations on cost effective actions to
23 improve compliance with those provisions;

24 (3) a review of the implementation of and com-
25 pliance with requirements of those provisions that all



1 United States ports and terminals maintain recep-
2 tacles for disposing of plastics and other garbage, in-
3 cluding whether a sufficient quantity of such facili-
4 ties exists at all such ports and terminals;

5 (4) an assessment of the potential economic im-
6 pacts and technical feasibility of requiring a vessel
7 operator to log the disposal of plastics and other
8 garbage, including at a minimum, the time, date,
9 type of garbage, quantity, and location of discharge
10 by latitude and longitude or, if discharged on land,
11 the name of the port where such material is
12 offloaded for disposal;

13 (5) an assessment of the potential economic im-
14 pacts and technical feasibility of methods to improve
15 ship-board waste management; and

16 (6) a strategy to promote international coopera-
17 tion to reduce marine debris.

18 (b) VOLUNTARY REPORTING PROGRAM.—The Com-
19 mandant of the Coast Guard shall develop a voluntary re-
20 porting program and establish a central reporting location
21 to receive information from commercial vessel operators,
22 recreational boaters, and the general public regarding inci-
23 dents of damage to vessels caused by marine debris and
24 observed violations of existing laws and regulations relat-
25 ing to disposal of plastics and other marine debris. The



1 voluntary program developed under this subsection shall
2 be designed to encourage United States-flag vessels to no-
3 tify the Coast Guard of ports in other countries that lack
4 adequate port reception facilities for garbage.

5 (c) VOLUNTARY MEASURES.—The Commandant of
6 the Coast Guard shall develop voluntary measures to pre-
7 vent and reduce the loss and discard of fishing gear from
8 vessels.

9 **SEC. 5. INTERAGENCY COORDINATION.**

10 (a) INTERAGENCY MARINE DEBRIS COORDINATING
11 COMMITTEE.—Section 2203 of the Marine Plastic Pollu-
12 tion Research and Control Act of 1987 (33 U.S.C. 1914)
13 is amended—

14 (1) by striking subsection (a) and inserting the
15 following:

16 “(a) ESTABLISHMENT OF INTERAGENCY MARINE
17 DEBRIS COORDINATING COMMITTEE.—There is estab-
18 lished an Interagency Marine Debris Coordinating Com-
19 mittee to coordinate a comprehensive program of marine
20 debris research and activities among Federal agencies, in
21 cooperation and coordination with non-governmental orga-
22 nizations, industry, universities, and research institutions,
23 States, Indian tribes, and other nations, as appropriate.”;
24 and



1 (2) in subsection (c), by inserting “public, inter-
2 agency” before “forum”.

3 (b) DEFINITION OF MARINE DEBRIS.—The Adminis-
4 trator and the Commandant of the Coast Guard, in con-
5 sultation with the Interagency Committee established
6 under subsection (a), shall jointly develop and promulgate
7 through regulations a definition of the term “marine de-
8 bris” for purposes of this Act.

9 (c) REPORTS.—

10 (1) INTERAGENCY REPORT ON MARINE DEBRIS
11 IMPACTS AND STRATEGIES.—

12 (A) IN GENERAL.—Not later than 12
13 months after the date of the enactment of this
14 Act, the Interagency Committee, through the
15 chairperson, shall complete and submit to the
16 Committee on Commerce, Science, and Trans-
17 portation of the Senate and the Committee on
18 Transportation and Infrastructure and the
19 Committee on Resources of the House of Rep-
20 resentatives a report that—

21 (i) identifies sources of marine debris;

22 (ii) the ecological and economic im-
23 pact of marine debris;

1 (iii) alternatives for reducing, miti-
2 gating, preventing, and controlling the
3 harmful affects of marine debris;

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

6 (v) recommendations to reduce marine
7 debris both domestically and internation-
8 ally.

9 (B) RECOMMENDATIONS.—The report
10 shall provide strategies and recommendations
11 on—

12 (i) establishing priority areas for ac-
13 tion to address leading problems relating
14 to marine debris;

15 (ii) developing strategies and ap-
16 proaches to prevent, reduce, remove, and
17 dispose, of marine debris, including
18 through private-public partnerships;

19 (iii) establishing effective and coordi-
20 nated education and outreach activities;
21 and

22 (iv) ensuring Federal cooperation
23 with, and assistance to, the coastal States
24 (as that term is defined in section 304 of
25 the Coastal Zone Management Act of 1972



1 (16 U.S.C. 1453)), Indian tribes, and local
2 governments in the identification, deter-
3 mination of sources, prevention, reduction,
4 management, mitigation, and control of
5 marine debris and its adverse impacts.

6 (2) ANNUAL PROGRESS REPORTS.—Not later
7 than 3 years after the date of the enactment of this
8 Act, and biennially thereafter, the Interagency Com-
9 mittee, through the chairperson, shall submit to the
10 Committee on Commerce, Science, and Transpor-
11 tation of the Senate and the Committee on Trans-
12 portation and Infrastructure and the Committee on
13 Resources of the House of Representatives a report
14 that evaluates United States and international
15 progress in meeting the purpose of this Act. The re-
16 port shall include—

17 (A) the status of implementation of any
18 recommendations and strategies of the Inter-
19 agency Committee and analysis of their effec-
20 tiveness;

21 (B) a summary of the marine debris inven-
22 tory to be maintained by the National Oceanic
23 and Atmospheric Administration;

24 (C) a review of the National Oceanic and
25 Atmospheric Administration program author-



1 ized by section 3, including projects funded and
2 accomplishments relating to reduction and pre-
3 vention of marine debris;

4 (D) a review of Coast Guard programs and
5 accomplishments relating to marine debris re-
6 moval, including enforcement and compliance
7 with MARPOL requirements; and

8 (E) estimated Federal and non-Federal
9 funding provided for marine debris and rec-
10 ommendations for priority funding needs.

11 **SEC. 6. FEDERAL INFORMATION CLEARINGHOUSE.**

12 The Administrator, in coordination with the Inter-
13 agency Committee, shall—

14 (1) maintain a Federal information clearing-
15 house on marine debris that will be available to re-
16 searchers and other interested persons to improve
17 marine debris source identification, data sharing,
18 and monitoring efforts through collaborative re-
19 search and open sharing of data; and

20 (2) take the necessary steps to ensure the con-
21 fidentiality of such information (especially propri-
22 etary information), for any information required by
23 the Administrator to be submitted by the fishing in-
24 dustry under this section.



1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the National
5 Oceanic and Atmospheric Administration.

6 (2) INTERAGENCY COMMITTEE.—The term
7 “Interagency Committee” means the Interagency
8 Marine Debris Coordinating Committee established
9 under section 2203 of the Marine Plastic Pollution
10 Research and Control Act of 1987 (33 U.S.C.
11 1914).

12 (3) UNITED STATES EXCLUSIVE ECONOMIC
13 ZONE.—The term “United States exclusive economic
14 zone” means the zone established by Presidential
15 Proclamation Numbered 5030, dated March 10,
16 1983, including the ocean waters of the areas re-
17 ferred to as “eastern special areas” in article 3(1)
18 of the Agreement between the United States of
19 America and the Union of Soviet Socialist Republics
20 on the Maritime Boundary, signed June 1, 1990.

21 (4) MARPOL; ANNEX V; CONVENTION.—The
22 terms “MARPOL”, “Annex 5”, and “Convention”
23 have the meaning given those terms under section
24 2(a) of the Act to Prevent Pollution from Ships (33
25 U.S.C. 1901(a)).



1 (5) NAVIGABLE WATERS.—The term “navigable
2 waters” means waters of the United States, includ-
3 ing the territorial sea.

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

8 (7) PROGRAM.—The term “Program” means
9 the Marine Debris Prevention and Removal Program
10 established under section 3.

11 (8) STATE.—The term “State” means—

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

15 (B) the District of Columbia;

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

19 (D) any other territory or possession of the
20 United States, or separate sovereign in free as-
21 sociation with the United States, that is im-
22 pacted by marine debris within its seaward
23 boundaries.



1 **SEC. 8. RELATIONSHIP TO OUTER CONTINENTAL SHELF**
2 **LANDS ACT.**

3 Nothing in this Act supersedes, or limits the author-
4 ity of the Secretary of the Interior under, the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1331 et seq.)

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

7 There are authorized to be appropriated for each fis-
8 cal year 2006 through 2010—

9 (1) to the Administrator for carrying out sec-
10 tions 3 and 7, \$10,000,000, of which no more than
11 10 percent may be for administrative costs; and

12 (2) to the Secretary of the Department in which
13 the Coast Guard is operating, for the use of the
14 Commandant of the Coast Guard in carrying out
15 sections 4 and 6, \$2,000,000, of which no more than
16 10 percent may be used for administrative costs.

