

AUTHORIZING THE ADMINISTRATOR OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO PROVIDE CERTAIN FUNDS TO ELIGIBLE ENTITIES FOR ACTIVITIES UNDERTAKEN TO ADDRESS THE MARINE DEBRIS IMPACTS OF THE MARCH 2011 TOHOKU EARTHQUAKE AND SUBSEQUENT TSUNAMI, AND FOR OTHER PURPOSES

APRIL 2, 2014.—Ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 1491]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1491) to authorize the Administrator of the National Oceanic and Atmospheric Administration to provide certain funds to eligible entities for activities undertaken to address the marine debris impacts of the March 2011 Tohoku earthquake and subsequent tsunami, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO PROVIDE FUNDS.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration may provide funds to an eligible entity impacted by the covered severe marine debris event to assist such entity with the costs of any activity carried out to address the effects of such event.

(b) **FUNDING.**—The Administrator may provide funds under subsection (a) using any funds provided by the Government of Japan for activities to address the effects of the covered severe marine debris event.

(c) **DEFINITIONS.**—In this section:

(1) **COVERED SEVERE MARINE DEBRIS EVENT.**—The term “covered severe marine debris event” means the events, including marine debris, resulting from the March 2011 Tohoku earthquake and subsequent tsunami.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means any State (as that term is defined in section 7 of the Marine Debris Act (33 U.S.C. 1956)), local, or tribal government.

PURPOSE OF THE BILL

The purpose of H.R. 1491 is to authorize the Administrator of the National Oceanic and Atmospheric Administration to provide certain funds to eligible entities for activities undertaken to address the marine debris impacts of the March 2011 Tohoku earthquake and subsequent tsunami.

BACKGROUND AND NEED FOR LEGISLATION

In fiscal year 2012, the National Oceanic and Atmospheric Administration (NOAA) allocated \$875,000 from its marine debris base funding for the Community-based Marine Debris Prevention and Removal Grants Program. According to NOAA, the grants supported locally driven, community-based marine debris prevention and removal projects that benefit coastal habitat, waterways, and wildlife. The competitive grants were awarded to groups throughout the country, including state agencies and municipalities. NOAA stated the projects were not specifically focused on tsunami debris, but noted about 42 percent of the funds went to states impacted by the debris confirmed to be from the March 2011 tsunami that struck Japan.

NOAA also provided additional funds to address the tsunami-related debris, making available \$250,000 through cooperative agreements to Alaska, Washington, Oregon, California, and Hawaii. Each state received \$50,000 for marine debris removal efforts.

In December 2012, the Government of Japan gifted \$5 million to the U.S. to remove marine debris determined to be from Japan due to the 2011 tsunami. Using existing cooperative agreements with the states and existing legal authorities, NOAA was able to funnel \$250,000 each to Alaska, Washington, Oregon, California and Hawaii, and \$50,000 each to Guam and the Commonwealth of the Northern Mariana Islands (CNMI). In addition, NOAA contributed \$478,000 of the \$5 million to remove a dock in the remote wilderness coast in the Olympic Coast National Marine Sanctuary and the Olympic National Park. A September 2013 NOAA update on the funds noted \$2.478 million of the \$5 million was obligated and approximately \$2,422,000 remains.

On December 20, 2012, amendments to the Marine Debris Act were signed into law (Public Law 112–213). The law required NOAA to make a determination whether the March 2011 Japan earthquake and subsequent tsunami were the cause of a “severe marine debris event”. The law defines a “severe marine debris event” as “atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.” On February 14, 2013, NOAA made this determination. The law requires NOAA to notify certain committees in Congress, but requires no other action after the determination.

H.R. 1491 would authorize the Administrator of NOAA to use funds, provided to the U.S. from the Government of Japan, as grants to any State, locality or tribal government that was effected by a covered marine debris event resulting from the March 2011 Tohoku earthquake and subsequent tsunami. NOAA has the ability under existing law to pay for current and future debris removal efforts; however, H.R. 1491 would give NOAA the authority to also reimburse States for past costs of debris removal efforts.

COMMITTEE ACTION

H.R. 1491 was introduced on April 11, 2013, by Congresswoman Suzanne Bonamici (D-OR). The bill was referred to the Committee on Transportation and Infrastructure and in addition to the Committee on Natural Resources. Within the Committee on Natural Resources, the bill was referred to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On June 13, 2013, the Subcommittee held a hearing on the bill. On December 4, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. Congressman Don Young (R-AK) offered an amendment designated .002 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1491—A bill to authorize the Administrator of the National Oceanic and Atmospheric Administration to provide certain funds to eligible entities for activities undertaken to address the marine debris impacts of the March 2011 Tohoku earthquake and subsequent tsunami, and for other purposes

H.R. 1491 would authorize the National Oceanic and Atmospheric Administration (NOAA) to use funds provided by the government of Japan to reimburse states for costs incurred to clean up marine debris stemming from a tsunami. Based on information provided by NOAA, CBO estimates that implementing the bill would have no significant cost. Because CBO expects that enacting the bill would allow NOAA to spend certain funds faster than it would under current law, CBO estimates that enacting H.R. 1491 would affect direct spending; however, we estimate that any net effects on spending would be minimal. Enacting the legislation would not affect revenues.

In December 2012, Japan provided a \$5 million gift to the United States to fund efforts to clean up marine debris from a tsunami

that affected Japan in 2011. Under current law, NOAA may use those funds to cover costs incurred after the gift was received. Under the bill, the agency would be able to use those funds to reimburse states for costs incurred prior to December 2012. CBO estimates that allowing NOAA to use funds for that purpose would increase direct spending in 2014 and reduce direct spending in later years; however, we estimate that the net effect on spending would be minimal.

H.R. 1491 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the bill would affect direct spending but the net effects would be minimal.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Administrator of the National Oceanic and Atmospheric Administration to provide certain funds to eligible entities for activities undertaken to address the marine debris impacts of the March 2011 Tohoku earthquake and subsequent tsunami.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. The bill does establish a program of the federal government known to be duplicative of another federal program, although it does not reauthorize such a program. Such program was identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220), as amended by Public Law 98-169) as relating to other programs, coastal zone management administrative awards and habitat conservation. These related programs specifically include Coastal Zone Management Administration Awards, Financial Assistance for National Centers for Coastal Ocean Science, Regional Fishery Management Councils, Chesapeake Bay Studies, and Congressionally Identified Awards and Projects. However, the purpose of H.R. 1491 is to allow a one-time

event—the expenditure of certain funds donated by the Government of Japan to address marine debris associated with the March 2011 Tohoku earthquake and subsequent tsunami, which affected Pacific coast states and territories. While NOAA has the legal authority to grant funds to coastal states and the territories for marine debris removal, H.R. 1491 will allow the states to be reimbursed for the expenditure of their own funds from the donated Japanese funds. This is not a situation expected to be repeated.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

