

108TH CONGRESS
2D SESSION

S. 2488

AN ACT

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Debris Re-
5 search Prevention and Reduction Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The oceans, which comprise nearly three
5 quarters of the Earth's surface, are an important
6 source of food and provide a wealth of other natural
7 products that are important to the economy of the
8 United States and the world.

9 (2) Ocean and coastal areas are regions of re-
10 markably high biological productivity, are of consid-
11 erable importance for a variety of recreational and
12 commercial activities, and provide a vital means of
13 transportation.

14 (3) Ocean and coastal resources are limited and
15 susceptible to change as a direct and indirect result
16 of human activities, and such changes can impact
17 the ability of the ocean to provide the benefits upon
18 which the Nation depends.

19 (4) Marine debris, including plastics, derelict
20 fishing gear, and a wide variety of other objects, has
21 a harmful and persistent effect on marine flora and
22 fauna and can have adverse impacts on human
23 health.

24 (5) Marine debris is also a hazard to naviga-
25 tion, putting mariners and rescuers, their vessels,
26 and consequently the marine environment at risk,

1 and can cause economic loss due to entanglement of
2 vessel systems.

3 (6) Modern plastic materials persist for decades
4 in the marine environment and therefore pose the
5 greatest potential for long-term damage to the ma-
6 rine environment.

7 (7) Insufficient knowledge and data on the
8 source, movement, and effects of plastics and other
9 marine debris in marine ecosystems has hampered
10 efforts to develop effective approaches for addressing
11 marine debris.

12 (8) Lack of resources, inadequate attention to
13 this issue, and poor coordination at the Federal level
14 has undermined the development and implementa-
15 tion of a Federal program to address marine debris,
16 both domestically and internationally.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to establish programs within the National
19 Oceanic and Atmospheric Administration and the
20 United States Coast Guard to help identify, deter-
21 mine sources of, assess, reduce, and prevent marine
22 debris and its adverse impacts on the marine envi-
23 ronment and navigation safety, in coordination with
24 other Federal and non-Federal entities;

1 (2) to re-establish the Inter-agency Marine De-
2 bris Coordinating Committee to ensure a coordinated
3 government response across Federal agencies;

4 (3) to develop a Federal information clearing-
5 house to enable researchers to study the sources,
6 scale and impact of marine debris more efficiently;
7 and

8 (4) to take appropriate action in the inter-
9 national community to prevent marine debris and re-
10 duce concentrations of existing debris on a global
11 scale.

12 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**
13 **PROGRAM.**

14 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
15 lished, within the National Oceanic and Atmospheric Ad-
16 ministration, a Marine Debris Prevention and Removal
17 Program to reduce and prevent the occurrence and ad-
18 verse impacts of marine debris on the marine environment
19 and navigation safety.

20 (b) PROGRAM COMPONENTS.—Through the Marine
21 Debris Prevention and Removal Program, the Under Sec-
22 retary for Oceans and Atmosphere (Under Secretary) shall
23 carry out the following activities:

24 (1) MAPPING, IDENTIFICATION, IMPACT AS-
25 SESSMENT, REMOVAL, AND PREVENTION.—The

1 Under Secretary shall, in consultation with relevant
2 Federal agencies, undertake marine debris mapping,
3 identification, impact assessment, prevention, and
4 removal efforts, with a focus on marine debris pos-
5 ing a threat to living marine resources (particularly
6 endangered or protected species) and navigation
7 safety, including—

8 (A) the establishment of a process, build-
9 ing on existing information sources maintained
10 by Federal agencies such as the Environmental
11 Protection Agency and the Coast Guard, for
12 cataloguing and maintaining an inventory of
13 marine debris and its impacts found in the
14 United States navigable waters and the United
15 States exclusive economic zone, including loca-
16 tion, material, size, age, and origin, and im-
17 pacts on habitat, living marine resources,
18 human health, and navigation safety;

19 (B) measures to identify the origin, loca-
20 tion, and projected movement of marine debris
21 within the United States navigable waters, the
22 United States exclusive economic zone, and the
23 high seas, including the use of oceanographic,
24 atmospheric, satellite, and remote sensing data;
25 and

1 (C) development and implementation of
2 strategies, methods, priorities, and a plan for
3 preventing and removing marine debris from
4 United States navigable waters and within the
5 United States exclusive economic zone, includ-
6 ing development of local or regional protocols
7 for removal of derelict fishing gear.

8 (2) REDUCING AND PREVENTING LOSS OF
9 GEAR.—The Under Secretary shall improve efforts
10 and actively seek to prevent and reduce fishing gear
11 losses, as well as to reduce adverse impacts of such
12 gear on living marine resources and navigation safe-
13 ty, including—

14 (A) research and development of alter-
15 natives to gear posing threats to the marine en-
16 vironment, and methods for marking gear used
17 in specific fisheries to enhance the tracking, re-
18 covery, and identification of lost and discarded
19 gear; and

20 (B) development of voluntary or manda-
21 tory measures to reduce the loss and discard of
22 fishing gear, and to aid its recovery, such as in-
23 centive programs, reporting loss and recovery of
24 gear, observer programs, toll-free reporting hot-
25 lines, computer-based notification forms, and

1 providing adequate and free disposal recepticals
2 at ports.

3 (3) OUTREACH.—The Under Secretary shall
4 undertake outreach and education of the public and
5 other stakeholders, such as the fishing industry,
6 fishing gear manufacturers, and other marine-de-
7 pendent industries, on sources of marine debris,
8 threats associated with marine debris and ap-
9 proaches to identify, determine sources of, assess,
10 reduce, and prevent marine debris and its adverse
11 impacts on the marine environment and navigational
12 safety. Including outreach and education activities
13 through public-private initiatives. The Under Sec-
14 retary shall coordinate outreach and education ac-
15 tivities under this paragraph with any outreach pro-
16 grams conducted under section 2204 of the Marine
17 Plastic Pollution Research and Control Act of 1987
18 (33 U.S.C. 1915).

19 (c) GRANTS.—

20 (1) IN GENERAL.—The Under Secretary shall
21 provide financial assistance, in the form of grants,
22 through the Marine Debris Prevention and Removal
23 Program for projects to accomplish the purposes of
24 this Act.

25 (2) 50 PERCENT MATCHING REQUIREMENT.—

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

8 (B) WAIVER.—The Under Secretary may
9 waive all or part of the matching requirement
10 under subparagraph (A) if the Under Secretary
11 determines that no reasonable means are avail-
12 able through which applicants can meet the
13 matching requirement and the probable benefit
14 of such project outweighs the public interest in
15 such matching requirement.

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

18 (A) CONSENT DECREES AND ORDERS.—
19 The non-Federal share of the cost of a project
20 carried out under this Act may include money
21 paid pursuant to, or the value of any in-kind
22 service performed under, an administrative
23 order on consent or judicial consent decree that
24 will remove or prevent marine debris.

1 (B) OTHER DECREES AND ORDERS.—The
2 non-Federal share of the cost of a project car-
3 ried out under this Act may not include any
4 money paid pursuant to, or the value of any in-
5 kind service performed under, any other admin-
6 istrative order or court order.

7 (4) ELIGIBILITY.—Any natural resource man-
8 agement authority of a State, Federal or other gov-
9 ernment authority whose activities directly or indi-
10 rectly affect research or regulation of marine debris,
11 and any educational or nongovernmental institutions
12 with demonstrated expertise in a field related to ma-
13 rine debris, are eligible to submit to the Under Sec-
14 retary a marine debris proposal under the grant pro-
15 gram.

16 (5) GRANT CRITERIA AND GUIDELINES.—With-
17 in 180 days after the date of enactment of this Act,
18 the Under Secretary shall promulgate necessary
19 guidelines for implementation of the grant program,
20 including development of criteria and priorities for
21 grants. Such priorities may include proposals that
22 would reduce new sources of marine debris and pro-
23 vide additional benefits to the public, such as recy-
24 cling of marine debris or use of biodegradable mate-

1 rials. In developing those guidelines, the Under Sec-
2 retary shall consult with—

3 (A) the Interagency Marine Debris Com-
4 mittee;

5 (B) regional fishery management councils
6 established under the Magnuson-Stevens Fish-
7 ery 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) non-governmental organizations in-
13 volved in marine debris research, prevention, or
14 removal activities.

15 (6) PROJECT REVIEW AND APPROVAL.—The
16 Under Secretary shall review each marine debris
17 project proposal to determine if it meets the grant
18 criteria and supports the goals of the Act. Not later
19 than 120 days after receiving a project proposal
20 under this section, the Under Secretary shall—

21 (A) provide for external merit-based peer
22 review of the proposal;

23 (B) after considering any written com-
24 ments and recommendations based on the re-
25 view, approve or disapprove the proposal; and

1 (C) provide written notification of that ap-
2 proval or disapproval to the person who sub-
3 mitted the proposal.

4 (7) PROJECT REPORTING.—Each grantee under
5 this section shall provide periodic reports as required
6 by the Under Secretary. Each report shall include all
7 information required by the Under Secretary for
8 evaluating the progress and success in meeting its
9 stated goals, and impact on the marine debris prob-
10 lem.

11 **SEC. 4. COAST GUARD PROGRAM.**

12 The Commandant of the Coast Guard shall, in co-
13 operation with the Under Secretary, undertake measures
14 to reduce violations of MARPOL Annex V and the Act
15 to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)
16 with respect to the discard of plastics and other garbage
17 from vessels. The measures shall include—

18 (1) the development of a strategy to improve
19 monitoring and enforcement of current laws, as well
20 as recommendations for statutory or regulatory
21 changes to improve compliance and for the develop-
22 ment of any appropriate amendments to MARPOL;

23 (2) regulations to address implementation gaps
24 with respect to the requirement of MARPOL Annex
25 V and section 6 of the Act to Prevent Pollution from

1 Ships (33 U.S.C. 1905) that all United States ports
2 and terminals maintain receptacles for disposing of
3 plastics and other garbage, which may include meas-
4 ures to ensure that a sufficient quantity of such fa-
5 cilities exist at all such ports and terminals, require-
6 ments for logging the waste received, and for Coast
7 Guard comparison of vessel and port log books to
8 determine compliance;

9 (3) regulations to close record keeping gaps,
10 which may include requiring fishing vessels under
11 400 gross tons entering United States ports to
12 maintain records subject to Coast Guard inspection
13 on the disposal of plastics and other garbage, that,
14 at a minimum, include the time, date, type of gar-
15 bage, quantity, and location of discharge by latitude
16 and longitude or, if discharged on land, the name of
17 the port where such material is offloaded for dis-
18 posal;

19 (4) regulations to improve ship-board waste
20 management, which may include expanding to small-
21 er vessels existing requirements to maintain ship-
22 board receptacles and maintain a ship-board waste
23 management plan, taking into account potential eco-
24 nomic impacts and technical feasibility;

1 (5) the development, through outreach to com-
2 mercial vessel operators and recreational boaters, of
3 a voluntary reporting program, along with the estab-
4 lishment of a central reporting location, for incidents
5 of damage to vessels caused by marine debris, as
6 well as observed violations of existing laws and regu-
7 lations relating to disposal of plastics and other ma-
8 rine debris; and

9 (6) a voluntary program encouraging United
10 States flag vessels to inform the Coast Guard of any
11 ports in other countries that lack adequate port re-
12 ception facilities for garbage.

13 **SEC. 5. INTERAGENCY COORDINATION.**

14 (a) INTERAGENCY MARINE DEBRIS COMMITTEE ES-
15 TABLISHED.—There is established an Interagency Com-
16 mittee on Marine Debris to coordinate a comprehensive
17 program of marine debris research and activities among
18 Federal agencies, in cooperation and coordination with
19 non-governmental organizations, industry, universities,
20 and research institutions, State governments, Indian
21 tribes, and other nations, as appropriate, and to foster
22 cost-effective mechanisms to identify, determine sources
23 of, assess, reduce, and prevent marine debris, and its ad-
24 verse impact on the marine environment and navigational

1 safety, including the joint funding of research and mitiga-
2 tion and prevention strategies.

3 (b) MEMBERSHIP.—The Committee shall include a
4 senior official from—

5 (1) the National Oceanic and Atmospheric Ad-
6 ministration, who shall serve as the chairperson of
7 the Committee;

8 (2) the United States Coast Guard;

9 (3) the Environmental Protection Agency;

10 (4) the United States Navy;

11 (5) the Maritime Administration of the Depart-
12 ment of Transportation;

13 (6) the National Aeronautics and Space Admin-
14 istration;

15 (7) the United States Fish and Wildlife Service;

16 (8) the Department of State;

17 (9) the Marine Mammal Commission; and

18 (10) such other Federal agencies that have an
19 interest in ocean issues or water pollution prevention
20 and control as the Secretary of Commerce deter-
21 mines appropriate.

22 (c) MEETINGS.—The Committee shall meet at least
23 twice a year to provide a public, interagency forum to en-
24 sure the coordination of national and international re-

1 search, monitoring, education, and regulatory actions ad-
2 dressing the persistent marine debris problem.

3 (d) DEFINITION.—The Committee shall develop and
4 promulgate through regulation a definition of the term
5 “marine debris”.

6 (e) REPORTING.—

7 (1) INTERAGENCY REPORT ON MARINE DEBRIS
8 IMPACTS AND STRATEGIES.—Not later than 12
9 months after the date of the enactment of this Act,
10 the Committee, through the chairperson, and in co-
11 operation with the coastal States, Indian tribes, local
12 governments, and non-governmental organizations,
13 shall complete and submit to the Congress a report
14 identifying the source of marine debris, examining
15 the ecological and economic impact of marine debris,
16 alternatives for reducing, mitigating, preventing, and
17 controlling the harmful affects of marine debris, the
18 social and economic costs and benefits of such alter-
19 natives, and recommendations regarding both do-
20 mestic and international marine debris issues.

21 (2) CONTENTS.—The report submitted under
22 paragraph (1) shall provide recommendations on—

23 (A) establishing priority areas for action to
24 address leading problems relating to marine de-
25 bris;

1 (B) developing an effective strategy and
2 approaches to preventing, reducing, removing,
3 and disposing of marine debris, including
4 through private-public partnerships;

5 (C) providing appropriate infrastructure
6 for effective implementation and enforcement of
7 measures to prevent and remove marine debris,
8 especially the discard and loss of fishing gear;

9 (D) establishing effective and coordinated
10 education and outreach activities; and

11 (E) ensuring Federal cooperation with, and
12 assistance to, the coastal States (as defined in
13 section 304(4) of the Coastal Zone Management
14 Act of 1972 (16 U.S.C. 1453(4))), Indian
15 tribes, and local governments in the identifica-
16 tion, determination of sources, prevention, re-
17 duction, management, mitigation, and control of
18 marine debris and its adverse impacts.

19 (3) ANNUAL PROGRESS REPORTS.—Not later
20 than 2 years after the date of the enactment of this
21 Act, and every year thereafter, the Committee,
22 through the chairperson, shall submit to the Com-
23 mittee on Commerce, Science, and Transportation of
24 the Senate and the Committee on Resources of the
25 House of Representatives a report that evaluates

1 United States and international progress in meeting
2 the purposes of this Act. The report shall include—

3 (A) the status of implementation of the
4 recommendations of the Committee and anal-
5 ysis of their effectiveness;

6 (B) a summary of the marine debris inven-
7 tory to be maintained by the National Oceanic
8 and Atmospheric Administration;

9 (C) a review of the National Oceanic and
10 Atmospheric Administration program author-
11 ized by section 3 of this Act, including projects
12 funded and accomplishments relating to reduc-
13 tion and prevention of marine debris;

14 (D) a review of United States Coast Guard
15 programs and accomplishments relating to ma-
16 rine debris removal, including enforcement and
17 compliance with MARPOL requirements; and

18 (E) estimated Federal and non-Federal
19 funding provided for marine debris and rec-
20 ommendations for priority funding needs.

21 (f) MONITORING.—The Secretary of Commerce, act-
22 ing through the Administrator of the National Oceanic
23 and Atmospheric Administration and in cooperation with
24 the Administrator of the Environmental Protection Agen-
25 cy, shall utilize the marine debris data derived under this

1 Act and title V of the Marine Protection, Research, and
2 Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to
3 assist—

4 (1) the Committee in ensuring coordination of
5 research, monitoring, education, and regulatory ac-
6 tions; and

7 (2) the United States Coast Guard in assessing
8 the effectiveness of this Act and the Act to Prevent
9 Pollution from Ships (33 U.S.C. 1901 et seq.) in en-
10 suring compliance under section 2201 of the Marine
11 Plastic Pollution Research and Control Act of 1987
12 (33 U.S.C. 1913).

13 (g) CONFORMING AMENDMENT.—Section 2203 of the
14 Marine Plastic Pollution Research and Control Act of
15 1987 (33 U.S.C. 1914) is repealed.

16 **SEC. 6. INTERNATIONAL COOPERATION.**

17 The Interagency Marine Debris Committee shall de-
18 velop a strategy and pursue in the International Maritime
19 Organization and other appropriate international and re-
20 gional forums, international action to reduce the incidence
21 of marine debris, including—

22 (1) the inclusion of effective and enforceable
23 marine debris prevention and removal measures in
24 international and regional agreements, including
25 fisheries agreements and maritime agreements;

1 (2) measures to strengthen and to improve
2 compliance with MARPOL Annex V;

3 (3) national reporting and information require-
4 ments that will assist in improving information col-
5 lection, identification and monitoring of marine de-
6bris;

7 (4) the establishment of an international data-
8 base, consistent with the information clearinghouse
9 established under section 7, that will provide current
10 information on location, source, prevention, and re-
11 moval of marine debris;

12 (5) the establishment of public-private partner-
13 ships and funding sources for pilot programs that
14 will assist in implementation and compliance with
15 marine debris requirements in international agree-
16 ments and guidelines;

17 (6) the identification of possible amendments to
18 and provisions in the International Maritime Organi-
19 zation Guidelines for the Implementation of Annex V
20 of MARPOL for potential inclusion in Annex V; and

21 (7) when appropriate assist the responsible
22 Federal agency in bilateral negotiations to effectively
23 enforce marine debris prevention.

1 **SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

2 The Under Secretary, in coordination with the Com-
3 mittee, shall maintain a Federal information clearinghouse
4 on marine debris that will be available to researchers and
5 other interested parties to improve source identification,
6 data sharing, and monitoring efforts through collaborative
7 research and open sharing of data. The clearinghouse shall
8 include—

9 (1) standardized protocols to map locations of
10 commercial fishing and aquaculture activities using
11 Geographic Information System techniques;

12 (2) a world-wide database which describes fish-
13 ing gear and equipment, and fishing practices, in-
14 cluding information on gear types and specifications;

15 (3) guidance on the identification of types of
16 fishing gear fragments and their sources developed
17 in consultation with persons of relevant expertise;
18 and

19 (4) the data on mapping and identification of
20 marine debris to be developed pursuant to section
21 3(b)(1) of this Act.

22 **SEC. 8. DEFINITIONS.**

23 In this Act:

24 (1) UNDER SECRETARY.—The term “Under
25 Secretary” means the Under Secretary for Oceans
26 and Atmosphere of the Department of Commerce.

1 (2) COMMITTEE.—The term “Committee”
2 means the Interagency Marine Debris Committee es-
3 tablished by section 5 of this Act.

4 (3) UNITED STATES EXCLUSIVE ECONOMIC
5 ZONE.—The term “United States exclusive economic
6 zone” means the zone established by Presidential
7 Proclamation Numbered 5030, dated March 10,
8 1983, including the ocean waters of the areas re-
9 ferred to as “eastern special areas” in Article 3(1)
10 of the Agreement between the United States of
11 America and the Union of Soviet Socialist Republics
12 on the Maritime Boundary, signed June 1, 1990.

13 (4) MARPOL; ANNEX V; CONVENTION.—The
14 terms “MARPOL”, “Annex 5”, and “Convention”
15 have the meaning given those terms in paragraphs
16 (3) and (4) of section 2(a) of the Act to Prevent
17 Pollution from Ships (33 U.S.C. 1901(a)).

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

19 There are authorized to be appropriated for each fis-
20 cal year 2005 through 2009—

21 (1) to the Secretary of Commerce for the pur-
22 pose of carrying out sections 3 and 7 of this Act,
23 \$10,000,000, of which no more than 10 percent may
24 be for administrative costs; and

1 (2) to the Secretary of the Department in which
2 the Coast Guard is operating, for the use of the
3 Commandant of the Coast Guard in carrying out
4 sections 4 and 6 of this Act, \$5,000,000, of which
5 no more than 10 percent may be used for adminis-
6 trative costs.

 Passed the Senate November 21 (legislative day, No-
vember 20), 2004.

Attest:

Secretary.

108TH CONGRESS
2D SESSION

S. 2488

AN ACT

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.