

109TH CONGRESS
1ST SESSION

S. 362

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) Marine debris, including plastics, derelict
15 fishing gear, and a wide variety of other objects, has
16 a harmful and persistent effect on marine flora and
17 fauna and can have adverse impacts on human
18 health.

19 (4) Marine debris is also a hazard to naviga-
20 tion, putting mariners and rescuers, their vessels,
21 and consequently the marine environment at risk,
22 and can cause economic loss due to entanglement of
23 vessel systems.

24 (5) Plastic materials persist for decades in the
25 marine environment and therefore pose the greatest

1 potential for long-term damage to the marine envi-
2 ronment.

3 (6) Insufficient knowledge and data on the
4 source, movement, and effects of plastics and other
5 marine debris in marine ecosystems has hampered
6 efforts to develop effective approaches for addressing
7 marine debris.

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

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

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

21 (2) to re-establish the Inter-agency Marine De-
22bris Coordinating Committee to ensure a coordinated
23 government response across Federal agencies;

24 (3) to develop a Federal information clearing-
25 house to enable researchers to study the sources,

1 scale and impact of marine debris more efficiently;
 2 and

3 (4) to take appropriate action in the inter-
 4 national community to prevent marine debris and re-
 5 duce concentrations of existing debris on a global
 6 scale.

7 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**
 8 **PROGRAM.**

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

15 (b) PROGRAM COMPONENTS.—Through the Marine
 16 Debris Prevention and Removal Program, the Adminis-
 17 trator shall carry out the following activities:

18 (1) MAPPING, IDENTIFICATION, IMPACT AS-
 19 SESSMENT, REMOVAL, AND PREVENTION.—The Ad-
 20 ministrator shall, in consultation with relevant Fed-
 21 eral agencies, undertake marine debris mapping,
 22 identification, impact assessment, prevention, and
 23 removal efforts, with a focus on marine debris pos-
 24 ing a threat to living marine resources, particularly
 25 species identified as endangered or threatened under

1 the Endangered Species Act of 1973 (16 U.S.C.
2 1531 et seq.) and species protected under the Ma-
3 rine Mammal Protection Act of 1972 (16 U.S.C.
4 1631 et seq.), and navigation safety, including—

5 (A) the establishment of a process, build-
6 ing on existing information sources maintained
7 by Federal agencies such as the Environmental
8 Protection Agency and the Coast Guard, for
9 cataloguing and maintaining an inventory of
10 marine debris and its impacts found in the nav-
11 igable waters of the United states and the
12 United States exclusive economic zone, includ-
13 ing location, material, size, age, and origin, and
14 impacts on habitat, living marine resources,
15 human health, and navigation safety;

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

23 (C) development and implementation of
24 strategies, methods, priorities, and a plan for
25 preventing and removing marine debris from

1 United States navigable waters and within the
2 United States exclusive economic zone, includ-
3 ing development of local or regional protocols
4 for removal of derelict fishing gear.

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

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

17 (B) development of voluntary or manda-
18 tory measures to reduce the loss and discard of
19 fishing gear, and to aid its recovery, such as in-
20 centive programs, reporting loss and recovery of
21 gear, observer programs, toll-free reporting hot-
22 lines, computer-based notification forms, and
23 providing adequate and free disposal receptacles
24 at ports.

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

17 (c) GRANTS.—

18 (1) IN GENERAL.—The Administrator shall pro-
19 vide financial assistance, in the form of grants,
20 through the Marine Debris Prevention and Removal
21 Program for projects to accomplish the purposes of
22 this Act.

23 (2) 50 PERCENT MATCHING REQUIREMENT.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), Federal funds for any

project 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.

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 Adminis-
14 trator 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 Administrator shall promulgate necessary guide-
19 lines for implementation of the grant program, in-
20 cluding 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 Adminis-
2 trator 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 Administrator 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 Administrator 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 Administrator. Each report shall include all
7 information required by the Administrator for evalu-
8 ating the progress and success in meeting its stated
9 goals, and impact on the marine debris problem.

10 **SEC. 4. COAST GUARD PROGRAM.**

11 (a) IN GENERAL.—The Commandant of the Coast
12 Guard shall, in cooperation with the Administrator, under-
13 take measures to reduce violations of MARPOL Annex V
14 and the Act to Prevent Pollution from Ships (33 U.S.C.
15 1901 et seq.) with respect to the discard of plastics and
16 other garbage from vessels. The measures shall include—

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

22 (2) regulations to address implementation gaps
23 with respect to the requirement of MARPOL Annex
24 V and section 6 of the Act to Prevent Pollution from
25 Ships (33 U.S.C. 1905) that all United States ports

1 and terminals maintain receptacles for disposing of
2 plastics and other garbage, which may include meas-
3 ures to ensure that a sufficient quantity of such fa-
4 cilities exist at all such ports and terminals, require-
5 ments for logging the waste received, and for Coast
6 Guard comparison of vessel and port log books to
7 determine compliance, taking into account potential
8 economic impacts and technical feasibility;

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, taking into account potential economic im-
19 pacts and technical feasibility;

20 (4) regulations to improve ship-board waste
21 management, which may include expanding to small-
22 er vessels existing requirements to maintain ship-
23 board receptacles and maintain a ship-board waste
24 management plan, taking into account potential eco-
25 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 (b) ON-SHORE OIL AND GAS SPILLS.—The Com-
 14 mandant of the Coast Guard shall expedite implementa-
 15 tion of the Coast Guard’s responsibilities with respect to
 16 on-shore oil and gas spills.

17 **SEC. 5. INTERAGENCY COORDINATION.**

18 (a) INTERAGENCY MARINE DEBRIS COMMITTEE ES-
 19 TABLISHED.—There is established an Interagency Com-
 20 mittee on Marine Debris to coordinate a comprehensive
 21 program of marine debris research and activities among
 22 Federal agencies, in cooperation and coordination with
 23 non-governmental organizations, industry, universities,
 24 and research institutions, State governments, Indian
 25 tribes, and other nations, as appropriate, and to foster

1 cost-effective mechanisms to identify, determine sources
2 of, assess, reduce, and prevent marine debris, and its ad-
3 verse impact on the marine environment and navigational
4 safety, including the joint funding of research and mitiga-
5 tion and prevention strategies.

6 (b) MEMBERSHIP.—The Committee shall include a
7 senior official from—

8 (1) the National Oceanic and Atmospheric Ad-
9 ministration, who shall serve as the chairperson of
10 the Committee;

11 (2) the United States Coast Guard;

12 (3) the Environmental Protection Agency;

13 (4) the United States Navy;

14 (5) the Maritime Administration of the Depart-
15 ment of Transportation;

16 (6) the National Aeronautics and Space Admin-
17 istration;

18 (7) the U.S. Fish and Wildlife Service;

19 (8) the Department of State;

20 (9) the Marine Mammal Commission; and

21 (10) such other Federal agencies that have an
22 interest in ocean issues or water pollution prevention
23 and control as the Administrator determines appro-
24 priate.

1 (c) MEETINGS.—The Committee shall meet at least
2 twice a year to provide a public, interagency forum to en-
3 sure the coordination of national and international re-
4 search, monitoring, education, and regulatory actions ad-
5 dressing the persistent marine debris problem.

6 (d) DEFINITION.—The Committee shall develop and
7 promulgate through regulation a definition of the term
8 “marine debris”.

9 (e) REPORTING.—

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

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

1 (A) establishing priority areas for action to
2 address leading problems relating to marine de-
3 bris;

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

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

12 (D) establishing effective and coordinated
13 education and outreach activities; and

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

22 (3) ANNUAL PROGRESS REPORTS.—Not later
23 than 2 years after the date of the enactment of this
24 Act, and every year thereafter, the Committee,
25 through the chairperson, shall submit to the Com-

1 mittee on Commerce, Science, and Transportation of
2 the Senate and the Committee on Resources of the
3 House of Representatives a report that evaluates
4 United States and international progress in meeting
5 the purposes of this Act. The report shall include—

6 (A) the status of implementation of the
7 recommendations of the Committee and anal-
8 ysis of their effectiveness;

9 (B) a summary of the marine debris inven-
10 tory to be maintained by the National Oceanic
11 and Atmospheric Administration;

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

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

21 (E) estimated Federal and non-Federal
22 funding provided for marine debris and rec-
23 ommendations for priority funding needs.

24 (f) MONITORING.—The Administrator, in cooperation
25 with the Administrator of the Environmental Protection

1 Agency, shall utilize the marine debris data derived under
 2 this Act and title V of the Marine Protection, Research,
 3 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to
 4 assist—

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

8 (2) the United States Coast Guard in assessing
 9 the effectiveness of this Act and the Act to Prevent
 10 Pollution from Ships (33 U.S.C. 1901 et seq.) in en-
 11 suring compliance under section 2201 of the Marine
 12 Plastic Pollution Research and Control Act of 1987
 13 (33 U.S.C. 1913).

14 (g) CONFORMING AMENDMENT.—Section 2203 of the
 15 Marine Plastic Pollution Research and Control Act of
 16 1987 (33 U.S.C. 1914) is repealed.

17 **SEC. 6. INTERNATIONAL COOPERATION.**

18 The Interagency Marine Debris Committee shall de-
 19 velop a strategy that may be pursued by the United States
 20 in the International Maritime Organization and other ap-
 21 propriate international and regional forums to reduce the
 22 incidence of marine debris, including—

23 (1) the inclusion of effective and enforceable
 24 marine debris prevention and removal measures in

1 international and regional agreements, including
 2 fisheries agreements and maritime agreements;

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

5 (3) national reporting and information require-
 6 ments that will assist in improving information col-
 7 lection, identification and monitoring of marine de-
 8bris;

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

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

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

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

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

2 The Administrator, 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 the general
10 locations of commercial fishing and aquaculture ac-
11 tivities using Geographic Information System tech-
12 niques;

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

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

20 (4) the data on mapping and identification of
21 marine debris to be developed pursuant to section
22 3(b)(1) of this Act.

23 **SEC. 8. DEFINITIONS.**

24 In this Act:

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

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

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

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

21 (5) NAVIGABLE WATERS.—The term “navigable
22 waters” has the meaning given that term by section
23 502(7) of the Federal Water Pollution Control Act
24 (33 U.S.C. 1362(7)).

1 **SEC. 9. APPLICATION WITH 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. 10. 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 the purpose of car-
 10 rying out sections 3 and 7 of this Act, \$10,000,000,
 11 of which no more than 10 percent may be for ad-
 12 ministrative costs; and

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

Passed the Senate July 1, 2005.

Attest:

Secretary.

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