

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 362

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Mr. INOUE (for himself, Mr. STEVENS, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress makes the following  
6 findings:

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

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

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

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

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

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

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

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

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

21               (1) to establish programs within the National  
22               Oceanic and Atmospheric Administration and the  
23               United States Coast Guard to help identify, deter-  
24               mine sources of, assess, reduce, and prevent marine  
25               debris and its adverse impacts on the marine envi-

1       ronment and navigation safety, in coordination with  
2       other Federal and non-Federal entities;

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

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

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

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  
19       Program to reduce and prevent the occurrence and ad-  
20       verse impacts of marine debris on the marine environment  
21       and navigation safety.

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

1           (1) MAPPING, IDENTIFICATION, IMPACT AS-  
2           SESSMENT, REMOVAL, AND PREVENTION.—The Ad-  
3           ministrators shall, in consultation with relevant Fed-  
4           eral agencies, undertake marine debris mapping,  
5           identification, impact assessment, prevention, and re-  
6           moval efforts, with a focus on marine debris posing  
7           a threat to living marine resources (particularly en-  
8           dangered or protected species) and navigation safety,  
9           including—

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

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

1 atmospheric, satellite, and remote sensing data;  
2 and

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

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

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

22 (B) development of voluntary or manda-  
23 tory measures to reduce the loss and discard of  
24 fishing gear, and to aid its recovery, such as in-  
25 centive programs, reporting loss and recovery of

1 gear, observer programs, toll-free reporting hot-  
2 lines, computer-based notification forms, and  
3 providing adequate and free disposal recepticals  
4 at ports.

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

21 (c) GRANTS.—

22 (1) IN GENERAL.—The Administrator shall pro-  
23 vide financial assistance, in the form of grants,  
24 through the Marine Debris Prevention and Removal

1 Program for projects to accomplish the purposes of  
2 this Act.

3 (2) 50 PERCENT MATCHING REQUIREMENT.—

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

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

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

21 (A) CONSENT DECREES AND ORDERS.—

22 The non-Federal share of the cost of a project  
23 carried out under this Act may include money  
24 paid pursuant to, or the value of any in-kind  
25 service performed under, an administrative

1           order on consent or judicial consent decree that  
2           will remove or prevent marine debris.

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

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

18                   (5) GRANT CRITERIA AND GUIDELINES.—With-  
19          in 180 days after the date of enactment of this Act,  
20          the Administrator shall promulgate necessary guide-  
21          lines for implementation of the grant program, in-  
22          cluding development of criteria and priorities for  
23          grants. Such priorities may include proposals that  
24          would reduce new sources of marine debris and pro-  
25          vide additional benefits to the public, such as recy-

1       cling of marine debris or use of biodegradable mate-  
2       rials. In developing those guidelines, the Adminis-  
3       trator shall consult with—

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

6               (B) regional fishery management councils  
7       established under the Magnuson-Stevens Fish-  
8       ery Conservation and Management Act (16  
9       U.S.C. 1801 et seq.);

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

12              (D) marine-dependent industries; and

13              (E) non-governmental organizations in-  
14       volved in marine debris research, prevention, or  
15       removal activities.

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

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

1 (B) after considering any written com-  
2 ments and recommendations based on the re-  
3 view, approve or disapprove the proposal; and

4 (C) provide written notification of that ap-  
5 proval or disapproval to the person who sub-  
6 mitted the proposal.

7 (7) PROJECT REPORTING.—Each grantee under  
8 this section shall provide periodic reports as required  
9 by the Administrator. Each report shall include all  
10 information required by the Administrator for evalu-  
11 ating the progress and success in meeting its stated  
12 goals, and impact on the marine debris problem.

13 **SEC. 4. COAST GUARD PROGRAM.**

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

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

1           (2) regulations to address implementation gaps  
2 with respect to the requirement of MARPOL Annex  
3 V and section 6 of the Act to Prevent Pollution from  
4 Ships (33 U.S.C. 1905) that all United States ports  
5 and terminals maintain receptacles for disposing of  
6 plastics and other garbage, which may include meas-  
7 ures to ensure that a sufficient quantity of such fa-  
8 cilities exist at all such ports and terminals, require-  
9 ments for logging the waste received, and for Coast  
10 Guard comparison of vessel and port log books to  
11 determine compliance;

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

22           (4) regulations to improve ship-board waste  
23 management, which may include expanding to small-  
24 er vessels existing requirements to maintain ship-  
25 board receptacles and maintain a ship-board waste

1 management plan, taking into account potential eco-  
2 nomic impacts and technical feasibility;

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

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

15 **SEC. 5. INTERAGENCY COORDINATION.**

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

1 verse impact on the marine environment and navigational  
2 safety, including the joint funding of research and mitiga-  
3 tion and prevention strategies.

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

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

9 (2) the United States Coast Guard;

10 (3) the Environmental Protection Agency;

11 (4) the United States Navy;

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

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

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

17 (8) the Department of State;

18 (9) the Marine Mammal Commission; and

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

23 (c) MEETINGS.—The Committee shall meet at least  
24 twice a year to provide a public, interagency forum to en-  
25 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 Administrator, in cooperation  
22 with the Administrator of the Environmental Protection  
23 Agency, shall utilize the marine debris data derived under  
24 this Act and title V of the Marine Protection, Research,

1 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to  
2 assist—

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

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

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

15 **SEC. 6. INTERNATIONAL COOPERATION.**

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

21 (1) the inclusion of effective and enforceable  
22 marine debris prevention and removal measures in  
23 international and regional agreements, including  
24 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 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 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) ADMINISTRATOR.—The term “Adminis-  
25 trator” means the Administrator of the National  
26 Oceanic and Atmospheric Administration.

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 2006 through 2010—

21           (1) to the Administrator for the purpose of car-  
22 rying out sections 3 and 7 of this Act, \$10,000,000,  
23 of which no more than 10 percent may be for ad-  
24 ministrative 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.

○