

**Calendar No. 70**109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 362****[Report No. 109-56]**

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, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

APRIL 13, 2005

Reported by Mr. STEVENS, with an amendment

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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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS AND PURPOSES.**

7        (a) FINDINGS.—The Congress makes the following  
8 findings:

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

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

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

24            (4) Marine debris, including plastics, derelict  
25        fishing gear, and a wide variety of other objects, has

1 a harmful and persistent effect on marine flora and  
2 fauna and can have adverse impacts on human  
3 health.

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

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

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

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

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

24 (1) to establish programs within the National  
25 Oceanic and Atmospheric Administration and the

1 United States Coast Guard to help identify, deter-  
2 mine sources of, assess, reduce, and prevent marine  
3 debris and its adverse impacts on the marine envi-  
4 ronment and navigation safety, in coordination with  
5 other Federal and non-Federal entities;

6 (2) to re-establish the Inter-agency Marine De-  
7bris Coordinating Committee to ensure a coordinated  
8 government response across Federal agencies;

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

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

17 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**  
18 **PROGRAM.**

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

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

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

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

24 (B) measures to identify the origin, loca-  
25 tion, and projected movement of marine debris

1 within the United States navigable waters, the  
2 United States exclusive economic zone, and the  
3 high seas, including the use of oceanographic,  
4 atmospheric, satellite, and remote sensing data;  
5 and

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

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

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

1 (B) development of voluntary or manda-  
2 tory measures to reduce the loss and discard of  
3 fishing gear, and to aid its recovery, such as in-  
4 centive programs, reporting loss and recovery of  
5 gear, observer programs, toll-free reporting hot-  
6 lines, computer-based notification forms, and  
7 providing adequate and free disposal recepticals  
8 at ports.

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

25 (c) GRANTS.—

1           (1) IN GENERAL.—The Administrator shall pro-  
2           vide financial assistance, in the form of grants,  
3           through the Marine Debris Prevention and Removal  
4           Program for projects to accomplish the purposes of  
5           this Act.

6           (2) 50 PERCENT MATCHING REQUIREMENT.—

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

25                 The non-Federal share of the cost of a project

1 carried out under this Act may include money  
2 paid pursuant to, or the value of any in-kind  
3 service performed under, an administrative  
4 order on consent or judicial consent decree that  
5 will remove or prevent marine debris.

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

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

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. Such priorities may include proposals that  
2 would reduce new sources of marine debris and pro-  
3 vide additional benefits to the public, such as recy-  
4 cling of marine debris or use of biodegradable mate-  
5 rials. In developing those guidelines, the Adminis-  
6 trator shall consult with—

7 (A) the Interagency Marine Debris Com-  
8 mittee;

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

13 (C) State, regional, and local governmental  
14 entities with marine debris experience;

15 (D) marine-dependent industries; and

16 (E) non-governmental organizations in-  
17 volved in marine debris research, prevention, or  
18 removal activities.

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

1 (A) provide for external merit-based peer  
2 review of the proposal;

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

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

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

15 **SEC. 4. COAST GUARD PROGRAM.**

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

22 (1) the development of a strategy to improve  
23 monitoring and enforcement of current laws, as well  
24 as recommendations for statutory or regulatory

1 changes to improve compliance and for the develop-  
2 ment of any appropriate amendments to MARPOL;

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

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

1           (4) regulations to improve ship-board waste  
2 management, which may include expanding to small-  
3 er vessels existing requirements to maintain ship-  
4 board receptacles and maintain a ship-board waste  
5 management plan, taking into account potential eco-  
6 nomic impacts and technical feasibility;

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

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

19 **SEC. 5. INTERAGENCY COORDINATION.**

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

1 and research institutions, State governments, Indian  
2 tribes, and other nations, as appropriate, and to foster  
3 cost-effective mechanisms to identify, determine sources  
4 of, assess, reduce, and prevent marine debris, and its ad-  
5 verse impact on the marine environment and navigational  
6 safety, including the joint funding of research and mitiga-  
7 tion and prevention strategies.

8 (b) MEMBERSHIP.—The Committee shall include a  
9 senior official from—

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

13 (2) the United States Coast Guard;

14 (3) the Environmental Protection Agency;

15 (4) the United States Navy;

16 (5) the Maritime Administration of the Depart-  
17 ment of Transportation;

18 (6) the National Aeronautics and Space Admin-  
19 istration;

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

21 (8) the Department of State;

22 (9) the Marine Mammal Commission; and

23 (10) such other Federal agencies that have an  
24 interest in ocean issues or water pollution prevention

1 and control as the Administrator determines appro-  
2 priate.

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

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

11 (e) REPORTING.—

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

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

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

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

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

14          (D) establishing effective and coordinated  
15 education and outreach activities; and

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

24          (3) ANNUAL PROGRESS REPORTS.—Not later  
25 than 2 years after the date of the enactment of this

1 Act, and every year thereafter, the Committee,  
2 through the chairperson, shall submit to the Com-  
3 mittee on Commerce, Science, and Transportation of  
4 the Senate and the Committee on Resources of the  
5 House of Representatives a report that evaluates  
6 United States and international progress in meeting  
7 the purposes of this Act. The report shall include—

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

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

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

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

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

1 (f) MONITORING.—The Administrator, in cooperation  
2 with the Administrator of the Environmental Protection  
3 Agency, shall utilize the marine debris data derived under  
4 this Act and title V of the Marine Protection, Research,  
5 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to  
6 assist—

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

10 (2) the United States Coast Guard in assessing  
11 the effectiveness of this Act and the Act to Prevent  
12 Pollution from Ships (33 U.S.C. 1901 et seq.) in en-  
13 suring compliance under section 2201 of the Marine  
14 Plastic Pollution Research and Control Act of 1987  
15 (33 U.S.C. 1913).

16 (g) CONFORMING AMENDMENT.—Section 2203 of the  
17 Marine Plastic Pollution Research and Control Act of  
18 1987 (33 U.S.C. 1914) is repealed.

19 **SEC. 6. INTERNATIONAL COOPERATION.**

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

1           (1) the inclusion of effective and enforceable  
2 marine debris prevention and removal measures in  
3 international and regional agreements, including  
4 fisheries agreements and maritime agreements;

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

7           (3) national reporting and information require-  
8 ments that will assist in improving information col-  
9 lection, identification and monitoring of marine de-  
10bris;

11           (4) the establishment of an international data-  
12base, consistent with the information clearinghouse  
13established under section 7, that will provide current  
14information on location, source, prevention, and re-  
15moval of marine debris;

16           (5) the establishment of public-private partner-  
17ships and funding sources for pilot programs that  
18will assist in implementation and compliance with  
19marine debris requirements in international agree-  
20ments and guidelines;

21           (6) the identification of possible amendments to  
22and provisions in the International Maritime Organi-  
23zation Guidelines for the Implementation of Annex V  
24of MARPOL for potential inclusion in Annex V; and

1           (7) when appropriate assist the responsible  
2       Federal agency in bilateral negotiations to effectively  
3       enforce marine debris prevention.

4   **SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

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

12           (1) standardized protocols to map locations of  
13      commercial fishing and aquaculture activities using  
14      Geographic Information System techniques;

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

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

22           (4) the data on mapping and identification of  
23      marine debris to be developed pursuant to section  
24      3(b)(1) of this Act.

1 **SEC. 8. 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) COMMITTEE.—The term “Committee”  
7 means the Interagency Marine Debris Committee es-  
8 tablished by section 5 of this Act.

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

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

23 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

1           (1) to the Administrator for the purpose of car-  
2           rying out sections 3 and 7 of this Act, \$10,000,000,  
3           of which no more than 10 percent may be for ad-  
4           ministrative costs; and

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



**Calendar No. 70**

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

**S. 362**

[Report No. 109-56]

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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.

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APRIL 13, 2005

Reported with an amendment