

108TH CONGRESS  
2D SESSION

# S. 2488

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## 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

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, 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.—

(A) IN GENERAL.—Except as provided in 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 Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary 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.—  
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 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  
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