

## Marine Debris Act

[Public Law 109–449]

[As Amended Through P.L. 116–224, Enacted December 18, 2020]

【Currency: This publication is a compilation of the text of Public Law 109-449. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. [33 U.S.C. 1951 note] SHORT TITLE.**

This Act may be cited as the “Marine Debris Act”.

### **SEC. 2. [33 U.S.C. 1951] PURPOSE.**

The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety through the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

### **SEC. 3. [33 U.S.C. 1952] NOAA MARINE DEBRIS PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety.

(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

(3) undertake efforts to reduce the adverse impacts of lost and discarded fishing 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 certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) the development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives;

(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to—

(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture;

(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing technical assistance to expand waste management systems internationally; and

(8) in the case of an event determined to be a severe marine debris event under subsection (c)—

(A) assist in the cleanup and response required by the severe marine debris event; or

(B) conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

(c) SEVERE MARINE DEBRIS EVENTS.—At the discretion of the Administrator or at the request of the Governor of an affected

State, the Administrator shall determine whether there is a severe marine debris event.

(d) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

(1) IN GENERAL.—The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2.

(2) GRANT COST SHARING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), Federal funds for any grant 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.

(C) SEVERE MARINE DEBRIS EVENTS.—Notwithstanding subparagraph (A), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be—

(i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or

(ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).

(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.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide notification of that approval or disapproval to the person who submitted the proposal.

(6) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

**SEC. 4. [33 U.S.C. 1953] COAST GUARD PROGRAM.**

The Commandant of the Coast Guard, in consultation with the Interagency Committee, shall—

(1) take actions to reduce violations of and improve implementation of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels;

(2) take actions to cost-effectively monitor and enforce compliance with MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), including through cooperation and coordination with other Federal and State enforcement programs;

(3) take actions to improve compliance with requirements under MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain and monitor the adequacy of receptacles for the disposal of plastics and other garbage, including through promoting voluntary government-industry partnerships;

(4) develop and implement a plan, in coordination with industry and recreational boaters, to improve ship-board waste management, including recordkeeping, and access to waste reception facilities for ship-board waste;

(5) take actions to improve international cooperation to reduce marine debris; and

(6) establish a voluntary reporting program for commercial vessel operators and recreational boaters to report incidents of damage to vessels and disruption of navigation caused by marine debris, and observed violations of laws and regulations relating to the disposal of plastics and other marine debris.

**SEC. 5. [33 U.S.C. 1954] COORDINATION.**

(a) ESTABLISHMENT OF INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—There is established an Interagency Marine Debris Coordinating Committee to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental orga-

nizations, industry, universities, and research institutions, States, Indian tribes, and other nations, as appropriate.

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

- (1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;
- (2) the Environmental Protection Agency;
- (3) the United States Coast Guard;
- (4) the United States Navy;
- (5) the Department of State;
- (6) the Department of the Interior; and
- (7) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) MEETINGS.—Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) MONITORING.—Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

- (1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and
- (2) the United States Coast Guard in assessing the effectiveness of the Marine Plastic Pollution Research and Control Act of 1987 and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987.

(e) BIENNIAL PROGRESS REPORTS.—Biennially, the Committee, through the Chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purpose of this Act. The report shall include—

- (1) the status of implementation of any recommendations and strategies of the Committee and analysis of their effectiveness;
- (2) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;
- (3) a review of the National Oceanic and Atmospheric Administration program authorized by section 3, including projects funded and accomplishments relating to reduction and prevention of marine debris;
- (4) a review of Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(5) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

**SEC. 6. [33 U.S.C. 1955] FEDERAL INFORMATION CLEARINGHOUSE.**

The Administrator, in coordination with the Interagency Committee, shall—

(1) maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested persons to improve marine debris source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data; and

(2) take the necessary steps to ensure the confidentiality of such information (especially proprietary information), for any information required by the Administrator to be submitted under this section.

**SEC. 7. [33 U.S.C. 1956] DEFINITIONS.**

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **INTERAGENCY COMMITTEE.**—The term “Interagency Committee” means the Interagency Marine Debris Coordinating Committee established under section 5 of this Act.

(3) **MARINE DEBRIS.**—The term “marine debris” means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

(4) **MARPOL; ANNEX V; CONVENTION.**—The terms “MARPOL”, “Annex V”, and “Convention” have the meaning given those terms under section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(6) **SEVERE MARINE DEBRIS EVENT.**—The term “severe marine debris event” means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.

(5) **PROGRAM.**—The term “Program” means the Marine Debris Program established under section 3.<sup>1</sup>

(7) **STATE.**—The term “State” means—

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.

<sup>1</sup>The placement of paragraph (5), as redesignated by section 608(4) of Public Law 112–213, is so in law. Such amendment probably should have included an instruction to transfer paragraph (5) (as redesignated) to appear after paragraph (4).

**SEC. 8. [33 U.S.C. 1957] RELATIONSHIP TO OUTER CONTINENTAL SHELF LANDS ACT.**

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

**SEC. 9.<sup>2</sup> [33 U.S.C. 1958] AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to the Administrator \$15,000,000 for each of fiscal years 2018 through 2022 for carrying out sections 3, 5, and 6, of which not more than 7 percent is authorized for each fiscal year for administrative costs.

(b) **AMOUNTS AUTHORIZED FOR COAST GUARD.**—Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to \$2,000,000 is authorized for the Secretary of the department in which the Coast Guard is operating for use by the Commandant of the Coast Guard to carry out section 4 of this Act, of which not more than 5 percent is authorized for each fiscal year for administrative costs.

**SEC. 10. [33 U.S.C. 1959] PRIORITIZATION OF MARINE DEBRIS IN EXISTING INNOVATION AND ENTREPRENEURSHIP PROGRAMS.**

In carrying out any relevant innovation and entrepreneurship programs that improve the innovation, effectiveness, and efficiency of the Marine Debris Program established under section 3 without undermining the purpose for which such program was established, the Secretary of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal agencies, shall prioritize efforts to combat marine debris, including by—

(1) increasing innovation in methods and the effectiveness of efforts to identify, determine sources of, assess, prevent, reduce, and remove marine debris; and

(2) addressing the impacts of marine debris on—

- (A) the economy of the United States;
- (B) the marine environment; and
- (C) navigation safety.

<sup>2</sup>Section 11328(b) of Public Law 117–263 attempts to amend section 9, however, the reference to the amended law states “Maritime Debris Act” and should have been made to the “Marine Debris Act”. As a result, these amendments are not reflected here.