

(Pub. L. 109-449, §2, Dec. 22, 2006, 120 Stat. 3333; Pub. L. 112-213, title VI, §603, Dec. 20, 2012, 126 Stat. 1576.)

AMENDMENTS

2012—Pub. L. 112-213 amended section generally. Prior to amendment, text read as follows: “The purposes of this chapter are—

“(1) to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety;

“(2) to reactivate the Interagency Marine Debris Coordinating Committee; and

“(3) to develop a Federal marine debris information clearinghouse.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-213, title VI, §601, Dec. 20, 2012, 126 Stat. 1576, provided that: “This title [amending this section and sections 1952 to 1956 of this title, transferring section 1914 of this title to section 1954 of this title, repealing sections 1915 and 1954 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Marine Debris Act Amendments of 2012’.”

SHORT TITLE

Pub. L. 109-449, §1, Dec. 22, 2006, 120 Stat. 3333, as amended by Pub. L. 112-213, title VI, §602(a), Dec. 20, 2012, 126 Stat. 1576, provided that: “This Act [enacting and amending this chapter] may be cited as the ‘Marine Debris Act’.”

§ 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 non-regulatory 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; and

(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.

(c) 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 1951 of this title.

(2) Grant cost sharing requirement

(A) In general

Except as provided in subparagraph (B), 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.

(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 chapter 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 chapter 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 chapter;

(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.

(Pub. L. 109-449, § 3, Dec. 22, 2006, 120 Stat. 3333; Pub. L. 112-213, title VI, § 604(a)-(c), Dec. 20, 2012, 126 Stat. 1576, 1577.)

AMENDMENTS

2012—Pub. L. 112-213, § 604(a)(1), struck out “Prevention and Removal” before “Program” in section catchline.

Subsec. (a). Pub. L. 112-213, § 604(a)(2), substituted “Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the” for “Prevention and Removal Program to reduce and prevent the occurrence and” and “marine debris on the economy of the United States, the marine environment, and” for “marine debris on the marine environment and”.

Subsec. (b). Pub. L. 112-213, § 604(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) described components of the Marine Debris Prevention and Removal Program.

Subsec. (c)(1). Pub. L. 112-213, § 604(c)(1), substituted “section 1951” for “section 1951(1)”.

Subsec. (c)(5) to (7). Pub. L. 112-213, § 604(c)(2), (3), redesignated pars. (6) and (7) as (5) and (6), respectively, and struck out former par. (5) which required the Administrator to promulgate necessary guidelines for implementation of the grant program within 180 days after Dec. 22, 2006.

§ 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.

(Pub. L. 109-449, § 4, Dec. 22, 2006, 120 Stat. 3335; Pub. L. 112-213, title VI, § 605, Dec. 20, 2012, 126 Stat. 1578.)

REFERENCES IN TEXT

The Act to Prevent Pollution from Ships, referred to in pars. (1) and (2), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, which is classified principally to chapter 33 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

AMENDMENTS

2012—Pub. L. 112-213 struck out subsec. (a) designation and heading “Strategy” and struck out subssecs. (b) and (c) which required reports on the Coast Guard’s progress in implementing former subsec. (a) and on the effectiveness of international and national measures to prevent and reduce marine debris and its impact.

§ 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 organizations, 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; and

(5) such other Federal agencies that have an interest in ocean issues or water pollution pre-