

116TH CONGRESS
1ST SESSION

S. 2364

To enhance domestic marine debris response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Ms. COLLINS, Mr. BOOKER, Mr. COONS, Mr. BLUMENTHAL, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To enhance domestic marine debris response, 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 “Save Our Seas 2.0:
5 Enhancing the Domestic Marine Debris Response Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CIRCULAR ECONOMY.—The term “circular
9 economy” means an economy that uses a systems-fo-

1 cused approach and involves industrial processes and
2 economic activities that—

3 (A) are restorative or regenerative by de-
4 sign;

5 (B) enable resources used in such proc-
6 esses and activities to maintain their highest
7 values for as long as possible; and

8 (C) aim for the elimination of waste
9 through the superior design of materials, prod-
10 ucts, and systems (including business models).

11 (2) EPA ADMINISTRATOR.—The term “EPA
12 Administrator” means the Administrator of the En-
13 vironmental Protection Agency.

14 (3) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given the term “Indian tribe” in
16 section 4 of the Indian Self-Determination and Edu-
17 cation Assistance Act (25 U.S.C. 5304), without re-
18 gard to capitalization.

19 (4) MARINE DEBRIS.—The term “marine de-
20bris” has the meaning given that term in section 7
21 of the Marine Debris Act (33 U.S.C. 1956).

22 (5) NON-FEDERAL FUNDS.—The term “non-
23 Federal funds” means funds provided by—

24 (A) a State;

25 (B) an Indian Tribe;

1 (C) a territory of the United States;

2 (D) one or more units of local governments
3 or Tribal organizations (as defined in section 4
4 of the Indian Self-Determination and Education
5 Assistance Act (25 U.S.C. 5304));

6 (E) a private for-profit entity;

7 (F) a nonprofit organization; or

8 (G) a private individual.

9 (6) NONPROFIT ORGANIZATION.—The term
10 “nonprofit organization” means an organization that
11 is described in section 501(c) of the Internal Rev-
12 enue Code of 1986 and exempt from tax under sec-
13 tion 501(a) of such Code.

14 (7) POST-CONSUMER MATERIALS MANAGE-
15 MENT.—The term “post-consumer materials man-
16 agement” means the systems, operation, supervision,
17 and aftercare of processes and equipment used for
18 post-use material (including packaging, goods, prod-
19 ucts, and other materials), including—

20 (A) collection;

21 (B) transport;

22 (C) safe disposal of waste that cannot be
23 recovered, reused, recycled, repaired, or refur-
24 bished; and

1 (D) systems and processes related to post-
 2 use materials that can be recovered, reused, re-
 3 cycled, repaired, or refurbished.

4 (8) STATE.—The term “State” means—

5 (A) a State;

6 (B) an Indian Tribe;

7 (C) the District of Columbia; and

8 (D) a territory or possession of the United
 9 States.

10 (9) UNDER SECRETARY.—The term “Under
 11 Secretary” means the Under Secretary of Commerce
 12 for Oceans and Atmosphere and Administrator of
 13 the National Oceanic and Atmospheric Administra-
 14 tion.

15 **TITLE I—MARINE DEBRIS** 16 **RESPONSE TRUST FUND**

17 **SEC. 101. MARINE DEBRIS RESPONSE TRUST FUND.**

18 (a) IN GENERAL.—Subchapter A of chapter 98 of the
 19 Internal Revenue Code of 1986 is amended by adding at
 20 the end the following:

21 **“SEC. 9512. MARINE DEBRIS RESPONSE TRUST FUND.**

22 “(a) CREATION OF TRUST FUND.—There is estab-
 23 lished in the Treasury of the United States a trust fund
 24 to be known as the ‘Marine Debris Response Trust Fund’,

1 consisting of such amounts as may be appropriated or
2 credited to the Trust Fund as provided in this section.

3 “(b) PURPOSES OF TRUST FUND.—

4 “(1) IN GENERAL.—Amounts in the Marine De-
5bris Response Trust Fund shall be available for the
6 National Oceanic and Atmospheric Administration
7 to respond to a marine debris event described in
8 paragraph (2), which may include—

9 “(A) monitoring, response, and prevention;

10 “(B) providing funding to States, terri-
11tories, Indian Tribes, and other United States
12 Government and nongovernmental organizations
13 supporting prevention, cleanup, and response
14 efforts; or

15 “(C) administrative costs relating to dis-
16tributing amounts from the Marine Debris Re-
17sponse Trust Fund.

18 “(2) MARINE DEBRIS EVENT DESCRIBED.—A
19 marine debris event described in this paragraph is
20 an event that affects or may affect the United
21 States involving—

22 “(A) marine debris caused by a natural
23 event, including a tsunami, flood, landslide,
24 hurricane, or other natural source;

1 “(B) distinct, nonrecurring marine debris,
2 including derelict vessel groundings and con-
3 tainer spills, that have immediate or long-term
4 impacts on habitats with high ecological, eco-
5 nomic, or human-use values; or

6 “(C) marine debris caused by an inten-
7 tional or grossly negligent act or acts that
8 causes substantial economic or environmental
9 harm.

10 “(c) LIMITATIONS ON EXPENDITURES.—

11 “(1) MAXIMUM PER EVENT.—The maximum
12 amount that may be paid from the Marine Debris
13 Response Trust Fund with respect to any single
14 event may not exceed \$100,000,000.

15 “(2) MINIMUM BALANCE.—A payment may be
16 made from the Marine Debris Response Trust Fund
17 only if the amount in the Marine Debris Response
18 Trust Fund after the payment will not be less than
19 \$1,000,000.

20 “(3) MAXIMUM BALANCE.—Amounts in the Ma-
21 rine Debris Response Trust Fund may not exceed
22 \$500,000,000.

23 “(d) INITIAL FUNDING.—There are authorized to be
24 appropriated to the Marine Debris Response Trust Fund

1 \$2,000,000 for fiscal year 2020 to establish the Marine
2 Debris Response Trust Fund.

3 “(e) AUTHORITY TO BORROW.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated to the Marine Debris Response Trust
6 Fund, as repayable advances, such sums as may be
7 necessary to carry out the purposes of the Marine
8 Debris Response Trust Fund.

9 “(2) LIMITATION ON AMOUNT OUTSTANDING.—

10 The maximum aggregate amount of repayable ad-
11 vances to the Marine Debris Response Trust Fund
12 outstanding at any one time may not exceed
13 \$1,000,000.

14 “(3) REPAYMENT OF ADVANCES.—

15 “(A) IN GENERAL.—Advances made to the
16 Marine Debris Response Trust Fund shall be
17 repaid, and interest on such advances shall be
18 paid, to the general fund of the Treasury when
19 the Secretary of Commerce, in consultation with
20 the Secretary of the Treasury, determines that
21 amounts are available for such purposes in the
22 Marine Debris Response Trust Fund.

23 “(B) FINAL REPAYMENT.—No advance
24 may be made to the Marine Debris Response
25 Trust Fund after September 30, 2035, and all

1 advances to such Fund shall be repaid on or be-
 2 fore that date.

3 “(C) RATE OF INTEREST.—Interest on ad-
 4 vances made pursuant to this subsection shall
 5 be—

6 “(i) at a rate determined by the Sec-
 7 retary of the Treasury (as of the close of
 8 the calendar month preceding the month in
 9 which the advance is made) to be equal to
 10 the current average market yield on out-
 11 standing marketable obligations of the
 12 United States with remaining periods to
 13 maturity comparable to the anticipated pe-
 14 riod during which the advance will be out-
 15 standing, and

16 “(ii) compounded annually.

17 “(f) AVAILABILITY OF FUNDS.—Amounts in the Ma-
 18 rine Debris Response Trust Fund shall—

19 “(1) be available without fiscal year limitation
 20 and without apportionment; and

21 “(2) shall supplement and not supplant other
 22 amounts available for responding to marine debris
 23 events.

24 “(g) INVESTMENT.—The Secretary of the Treasury
 25 shall invest amounts in the Marine Debris Response Trust

1 Fund in interest bearing obligations of the United States
 2 to the extent such amounts are not required to meet cur-
 3 rent withdrawals. Interest earned by such investments
 4 shall be credited to, and become a part of, the Marine De-
 5bris Response Trust Fund.

6 “(h) ADMINISTRATION.—The Under Secretary of
 7 Commerce for Oceans and Atmosphere shall prescribe reg-
 8 ulations—

9 “(1) providing for a process for submitting a
 10 claim to the Marine Debris Response Trust Fund
 11 and for distributing amounts from the Marine De-
 12bris Response Trust Fund pursuant to those claims;
 13 and

14 “(2) providing guidance with respect to what
 15 constitutes an event for which amounts will be dis-
 16tributed from the Marine Debris Response Trust
 17 Fund.

18 “(i) LIABILITY OF THE UNITED STATES LIMITED TO
 19 AMOUNT IN TRUST FUND.—

20 “(1) IN GENERAL.—Any claim filed against the
 21 Marine Debris Response Trust Fund may be paid
 22 only out of the Marine Debris Response Trust Fund.

23 “(2) ORDER IN WHICH UNPAID CLAIMS ARE TO
 24 BE PAID.—If at any time the Marine Debris Re-
 25sponse Trust Fund has insufficient funds to pay all

1 of the claims out of the Marine Debris Response
2 Trust Fund at such time, such claims shall, to the
3 extent permitted under paragraph (1), be paid in
4 full in the order in which they were finally deter-
5 mined.

6 “(j) NON-FEDERAL CONTRIBUTIONS TO THE TRUST
7 FUND.—

8 “(1) IN GENERAL.—A gift, award, devise, or
9 bequest, and non-Federal amounts from legal judg-
10 ments or settlements may be accepted by the Marine
11 Debris Response Trust Fund without regard to
12 whether the gift, devise, or bequest is encumbered,
13 restricted, or subject to beneficial interests of private
14 persons if any current or future interest in the gift,
15 devise, or bequest is for the benefit of the Marine
16 Debris Response Trust Fund.

17 “(2) FOREIGN GIFTS.—Any gifts, awards, de-
18 vises, or bequests given to or received from a person
19 in a foreign country by or to the Marine Debris Re-
20 sponse Trust Fund shall be made only with the con-
21 currence of the Secretary of State, in consultation,
22 as appropriate, with the Administrator of the United
23 States Agency for International Development.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for subchapter A of chapter 98 of such Code is amended
 3 by adding at the end the following:

“Sec. 9512. Marine Debris Response Trust Fund.”.

4 **TITLE II—MARINE DEBRIS**
 5 **FOUNDATION**

6 **SEC. 201. ESTABLISHMENT AND PURPOSES OF FOUNDA-**
 7 **TION.**

8 (a) ESTABLISHMENT.—There is established the Ma-
 9 rine Debris Foundation (in this title referred to as the
 10 “Foundation”). The Foundation is a charitable and non-
 11 profit organization and is not an agency or establishment
 12 of the United States.

13 (b) PURPOSES.—The purposes of the Foundation
 14 are—

15 (1) to encourage, accept, and administer private
 16 gifts of property for the benefit of, or in connection
 17 with, the activities and services of the National Oce-
 18 anic and Atmospheric Administration under the Ma-
 19 rine Debris Program established under section 3 of
 20 the Marine Debris Act (33 U.S.C. 1952), and other
 21 relevant programs and agencies;

22 (2) to undertake and conduct such other activi-
 23 ties as will further the efforts of the National Oce-
 24 anic and Atmospheric Administration to assess, pre-
 25 vent, reduce, and remove marine debris and address

1 the adverse impacts of marine debris on the economy
2 of the United States, the marine environment, and
3 navigation safety;

4 (3) to participate with, and otherwise assist,
5 State, local, and Tribal governments, foreign govern-
6 ments, entities, and individuals in undertaking and
7 conducting activities to assess, prevent, reduce, and
8 remove marine debris and address the adverse im-
9 pacts of marine debris and its root causes on the
10 economy of the United States, the marine environ-
11 ment (including waters in the jurisdiction of the
12 United States, the high seas, and waters in the ju-
13 risdiction of other countries), and navigation safety;
14 and

15 (4) to support other Federal actions to reduce
16 marine debris.

17 **SEC. 202. BOARD OF DIRECTORS OF THE FOUNDATION.**

18 (a) ESTABLISHMENT AND MEMBERSHIP.—

19 (1) IN GENERAL.—The Foundation shall have a
20 governing Board of Directors (in this title referred
21 to as the “Board”), which shall consist of the Under
22 Secretary and 12 additional Directors appointed in
23 accordance with subsection (b) from among individ-
24 uals who are United States citizens.

1 (2) REPRESENTATION OF DIVERSE POINTS OF
2 VIEW.—To the maximum extent practicable, the
3 membership of the Board shall represent diverse
4 points of view relating to the assessment, prevention,
5 reduction, and removal of marine debris.

6 (3) NOT FEDERAL EMPLOYEES.—Appointment
7 as a Director of the Foundation shall not constitute
8 employment by, or the holding of an office of, the
9 United States for the purpose of any Federal law.

10 (b) APPOINTMENT AND TERMS.—

11 (1) APPOINTMENT.—Subject to paragraph (2),
12 after consulting with the EPA Administrator, the
13 Director of the United States Fish and Wildlife
14 Service, the Assistant Secretary of State for the Bu-
15 reau of Oceans and International Environmental and
16 Scientific Affairs, and the Administrator of the
17 United States Agency for International Develop-
18 ment, and considering the recommendations sub-
19 mitted by the Board, the Under Secretary shall ap-
20 point 12 Directors who meet the criteria established
21 by subsection (a), of whom—

22 (A) at least 4 shall be educated or experi-
23 enced in the assessment, prevention, reduction,
24 or removal of marine debris, which may include

an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(2) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than the Under Secretary) shall be appointed for a term of 6 years.

(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Under Secretary under paragraph (1), the Secretary shall appoint, not later than 180 days after the date of the enactment of this Act—

(i) 4 Directors for a term of 6 years;

(ii) 4 Directors for a term of 4 years;

and

(iii) 4 Directors for a term of 2 years.

1 (3) VACANCIES.—

2 (A) IN GENERAL.—The Under Secretary
3 shall fill a vacancy on the Board.

4 (B) TERM OF APPOINTMENTS TO FILL UN-
5 EXPIRED TERMS.—An individual appointed to
6 fill a vacancy that occurs before the expiration
7 of the term of a Director shall be appointed for
8 the remainder of the term.

9 (4) REAPPOINTMENT.—An individual (other
10 than an individual described in paragraph (1)) shall
11 not serve more than 2 consecutive terms as a Direc-
12 tor, excluding any term of less than 6 years.

13 (5) REQUEST FOR REMOVAL.—The executive
14 committee of the Board may submit to the Under
15 Secretary a letter describing the nonperformance of
16 a Director and requesting the removal of the Direc-
17 tor from the Board.

18 (6) CONSULTATION BEFORE REMOVAL.—Before
19 removing any Director from the Board, the Under
20 Secretary shall consult with the Assistant Secretary
21 of State for the Bureau of Oceans and International
22 Environmental and Scientific Affairs, the Director of
23 the United States Fish and Wildlife Service, and the
24 EPA Administrator.

1 (c) CHAIRMAN.—The Chairman shall be elected by
2 the Board from its members for a 2-year term.

3 (d) QUORUM.—A majority of the current membership
4 of the Board shall constitute a quorum for the transaction
5 of business.

6 (e) MEETINGS.—The Board shall meet at the call of
7 the Chairman at least once a year. If a Director misses
8 3 consecutive regularly scheduled meetings, that individual
9 may be removed from the Board and that vacancy filled
10 in accordance with subsection (b).

11 (f) REIMBURSEMENT OF EXPENSES.—Members of
12 the Board shall serve without pay, but may be reimbursed
13 for the actual and necessary traveling and subsistence ex-
14 penses incurred by them in the performance of the duties
15 of the Foundation.

16 (g) GENERAL POWERS.—

17 (1) IN GENERAL.—The Board may complete
18 the organization of the Foundation by—

19 (A) appointing officers and employees;

20 (B) adopting a constitution and bylaws
21 consistent with the purposes of the Foundation
22 and the provisions of this title; and

23 (C) undertaking of other such acts as may
24 be necessary to carry out the provisions of this
25 title.

(2) LIMITATIONS ON APPOINTMENT.—The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to the assessment, prevention, reduction, and removal of marine debris.

SEC. 203. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

1 (1) shall have perpetual succession;

2 (2) may conduct business throughout the sev-
3 eral States, territories, and possessions of the
4 United States and abroad;

5 (3) shall have its principal offices in the Dis-
6 trict of Columbia or in a county in the State of
7 Maryland or Virginia that borders on the District of
8 Columbia; and

9 (4) shall at all times maintain a designated
10 agent authorized to accept service of process for the
11 Foundation.

12 (b) SERVICE OF PROCESS.—The serving of notice to,
13 or service of process upon, the agent required under sub-
14 section (a)(4), or mailed to the business address of such
15 agent, shall be deemed as service upon or notice to the
16 Foundation.

17 (c) SEAL.—The Foundation shall have an official seal
18 selected by the Board which shall be judicially noticed.

19 (d) POWERS.—

20 (1) IN GENERAL.—To carry out its purposes
21 under section 201, the Foundation shall have, in ad-
22 dition to the powers otherwise given it under this
23 title, the usual powers of a corporation acting as a
24 trustee in the District of Columbia, including the
25 power—

1 (A) to accept, receive, solicit, hold, admin-
2 ister, and use any gift, devise, or bequest, either
3 absolutely or in trust, of real or personal prop-
4 erty or any income therefrom or other interest
5 therein;

6 (B) to acquire by purchase or exchange
7 any real or personal property or interest there-
8 in;

9 (C) to invest any funds provided to the
10 Foundation by the Federal Government in obli-
11 gations of the United States or in obligations or
12 securities that are guaranteed or insured by the
13 United States;

14 (D) to deposit any funds provided to the
15 Foundation by the Federal Government into ac-
16 counts that are insured by an agency or instru-
17 mentality of the United States;

18 (E) to make use of any interest or invest-
19 ment income that accrues as a consequence of
20 actions taken under subparagraph (C) or (D) to
21 carry out the purposes of the Foundation;

22 (F) to use Federal funds to make pay-
23 ments under cooperative agreements to provide
24 substantial long-term benefits for the assess-

1 ment, prevention, reduction, and removal of ma-
2 rine debris;

3 (G) unless otherwise required by the in-
4 strument of transfer, to sell, donate, lease, in-
5 vest, reinvest, retain or otherwise dispose of any
6 property or income therefrom;

7 (H) to borrow money and issue bonds, de-
8 bentures, or other debt instruments;

9 (I) to sue and be sued, and complain and
10 defend itself in any court of competent jurisdic-
11 tion, except that the Directors of the Founda-
12 tion shall not be personally liable, except for
13 gross negligence;

14 (J) to enter into contracts or other ar-
15 rangements with, or provide financial assistance
16 to, public agencies and private organizations
17 and persons and to make such payments as
18 may be necessary to carry out its functions; and

19 (K) to do any and all acts necessary and
20 proper to carry out the purposes of the Founda-
21 tion.

22 (2) NON-FEDERAL CONTRIBUTIONS TO THE
23 FUND.—A gift, devise, or bequest may be accepted
24 by the Foundation without regard to whether the
25 gift, devise, or bequest is encumbered, restricted, or

1 subject to beneficial interests of private persons if
2 any current or future interest in the gift, devise, or
3 bequest is for the benefit of the Foundation.

4 (e) NOTICE TO MEMBERS OF CONGRESS.—The
5 Foundation may not make a grant of Federal funds in
6 an amount greater than \$100,000 unless, by not later
7 than 15 days before the grant is made, the Foundation
8 provides notice of the grant to the Member of Congress
9 for the congressional district in which the project to be
10 funded with the grant will be carried out.

11 (f) COORDINATION OF INTERNATIONAL EFFORTS.—
12 Any efforts of the Foundation carried out in a foreign
13 country, and any grants provided to an individual or entity
14 in a foreign country, shall be made only with the concur-
15 rence of the Secretary of State, in consultation, as appro-
16 priate, with the Administrator of the United States Agen-
17 cy for International Development.

18 (g) CONSULTATION WITH NOAA.—The Foundation
19 shall consult with the Under Secretary during the plan-
20 ning of any restoration or remediation action using funds
21 resulting from judgments or settlements relating to the
22 damage to trust resources of the National Oceanic and
23 Atmospheric Administration.

1 **SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

2 (a) PROVISION OF SERVICES.—The Under Secretary
3 may provide personnel, facilities, and other administrative
4 services to the Foundation, including reimbursement of
5 expenses, not to exceed the current Federal Government
6 per diem rates, for a period of up to 5 years beginning
7 on the date of the enactment of this Act.

8 (b) REIMBURSEMENT.—The Foundation may reim-
9 burse the Under Secretary for any administrative service
10 provided under subsection (a). The Under Secretary shall
11 deposit any reimbursement received under this subsection
12 into the Treasury to the credit of the appropriations then
13 current and chargeable for the cost of providing such serv-
14 ices.

15 **SEC. 205. VOLUNTEER STATUS.**

16 The Secretary of Commerce may accept, without re-
17 gard to the civil service classification laws, rules, or regu-
18 lations, the services of the Foundation, the Board, and
19 the officers and employees of the Board, without com-
20 pensation from the Department of Commerce, as volun-
21 teers in the performance of the functions authorized in
22 this title.

23 **SEC. 206. REPORT REQUIREMENTS; PETITION OF ATTOR-**
24 **NEY GENERAL FOR EQUITABLE RELIEF.**

25 (a) REPORT.—The Foundation shall, as soon as prac-
26 ticable after the end of each fiscal year, transmit to the

1 Committee on Commerce, Science, and Transportation of
 2 the Senate and the Committee on Natural Resources and
 3 the Committee on Energy and Commerce of the House
 4 of Representatives a report—

5 (1) describing the proceedings and activities of
 6 the Foundation during that fiscal year, including a
 7 full and complete statement of its receipts, expendi-
 8 tures, and investments; and

9 (2) including a detailed statement of the recipi-
 10 ent, amount, and purpose of each grant made by the
 11 Foundation in the fiscal year.

12 (b) RELIEF WITH RESPECT TO CERTAIN FOUNDA-
 13 TION ACTS OR FAILURE TO ACT.—If the Foundation—

14 (1) engages in, or threatens to engage in, any
 15 act, practice, or policy that is inconsistent with its
 16 purposes set forth in section 201(b); or

17 (2) refuses, fails, or neglects to discharge its
 18 obligations under this title, or threatens to do so,

19 the Attorney General may petition in the United States
 20 District Court for the District of Columbia for such equi-
 21 table relief as may be necessary or appropriate.

22 **SEC. 207. UNITED STATES RELEASE FROM LIABILITY.**

23 The United States shall not be liable for any debts,
 24 defaults, acts, or omissions of the Foundation nor shall

1 the full faith and credit of the United States extend to
2 any obligation of the Foundation.

3 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the Secretary of Commerce such
7 sums as may be necessary to carry out this title for
8 each of fiscal years 2020 through 2025.

9 (2) USE OF APPROPRIATED FUNDS.—Subject to
10 paragraph (3), amounts made available under para-
11 graph (1) shall be provided to the Foundation to
12 match contributions (whether in currency, services,
13 or property) made to the Foundation, or to a recipi-
14 ent of a grant provided by the Foundation, by pri-
15 vate persons and State and local government agen-
16 cies.

17 (3) PROHIBITION ON USE FOR ADMINISTRATIVE
18 EXPENSES.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), no Federal funds made
21 available under paragraph (1) may be used by
22 the Foundation for administrative expenses of
23 the Foundation, including for salaries, travel
24 and transportation expenses, and other over-
25 head expenses.

1 (B) EXCEPTION.—The Secretary may
2 allow the use of Federal funds made available
3 under paragraph (1) to pay for salaries during
4 the 18-month period beginning on the date of
5 the enactment of this Act.

6 (b) ADDITIONAL AUTHORIZATION.—

7 (1) IN GENERAL.—In addition to the amounts
8 authorized to be appropriated under subsection (a),
9 the Foundation may accept Federal funds from a
10 Federal agency under any other Federal law for use
11 by the Foundation to further the assessment, pre-
12 vention, reduction, and removal of marine debris in
13 accordance with the requirements of this title.

14 (2) USE OF FUNDS ACCEPTED FROM FEDERAL
15 AGENCIES.—Federal funds provided to the Founda-
16 tion under paragraph (1) shall be used by the Foun-
17 dation for matching, in whole or in part, contribu-
18 tions (whether in currency, services, or property)
19 made to the Foundation by private persons and
20 State and local government agencies.

21 (c) PROHIBITION ON USE OF GRANT AMOUNTS FOR
22 LITIGATION AND LOBBYING EXPENSES.—Amounts pro-
23 vided as a grant by the Foundation shall not be used for—

24 (1) any expense related to litigation consistent
25 with Federal-wide cost principles; or

1 (2) any activity the purpose of which is to influ-
 2 ence legislation pending before Congress consistent
 3 with Federal-wide cost principles.

4 **TITLE III—GENIUS PRIZE FOR**
 5 **SAVE OUR SEAS INNOVATIONS**

6 **SEC. 301. DEFINITIONS.**

7 In this title:

8 (1) PRIZE COMPETITION.—The term “prize
 9 competition” means the competition for the award of
 10 the Genius Prize for Save Our Seas Innovations es-
 11 tablished under section 302.

12 (2) SECRETARY.—The term “Secretary” means
 13 the Secretary of Commerce.

14 **SEC. 302. GENIUS PRIZE FOR SAVE OUR SEAS INNOVA-**
 15 **TIONS.**

16 (a) IN GENERAL.—Not later than 1 year after the
 17 date of the enactment of this Act, the Secretary shall es-
 18 tablish under section 24 of the Stevenson-Wydler Tech-
 19 nology Innovation Act of 1980 (15 U.S.C. 3719) a prize
 20 competition—

21 (1) to encourage technological innovation with
 22 the potential to reduce plastic waste and thereby
 23 prevent marine debris; and

24 (2) to award 1 or more prizes biennially for
 25 projects that advance human understanding and in-

1 novation in removing and preventing plastic waste,
2 including—

3 (A) advancements in materials used in
4 packaging and other products that, if such
5 products enter the coastal or ocean environ-
6 ment, will fully degrade without harming the
7 environment, wildlife, or human health;

8 (B) innovations in production and pack-
9 aging design that reduce the use of raw mate-
10 rials, increase recycled content, encourage
11 reusability and recyclability, and promote a cir-
12 cular economy;

13 (C) improvements in marine debris detec-
14 tion, monitoring, and cleanup technologies and
15 processes;

16 (D) technological improvements or im-
17 proved strategies to increase solid waste collec-
18 tion, processing, sorting, recycling, reuse, or
19 repurposing; and

20 (E) new designs or strategies to reduce
21 overall packaging needs.

22 (b) DESIGNATION.—The prize competition estab-
23 lished under subsection (a) shall be known as the “Genius
24 Prize for Save Our Seas Innovations”.

1 (c) PRIORITIZATION.—In selecting awards for the
2 prize competition, priority shall be given to projects that—

3 (1) have a strategy, submitted with the applica-
4 tion or proposal, to move the new technology, proc-
5 ess, design, material, or other product supported by
6 the prize to market-scale deployment;

7 (2) support the concept of a circular economy;
8 and

9 (3) promote development of materials that—
10 (A) can fully degrade in the ocean without
11 harming the environment, wildlife, or human
12 health; and

13 (B) are to be used in fishing gear or other
14 maritime products that have an increased likeli-
15 hood of entering the coastal or ocean environ-
16 ment as unintentional waste.

17 **SEC. 303. SAVE OUR SEAS INNOVATION STEERING COM-**
18 **MITTEE.**

19 (a) ESTABLISHMENT.—The Secretary shall establish
20 a steering committee, to be known as the “Save Our Seas
21 Innovation Steering Committee” (in this title referred as
22 the “Committee”) to provide expert advice and rec-
23 ommendations in the establishment of the prize competi-
24 tion, selection of awardees, and analysis of the successes
25 of the prize competition.

1 (b) DUTIES.—Subject to subsection (d), with respect
 2 to the prize competition, the Committee shall—

3 (1) select a topic;

4 (2) issue a problem statement; and

5 (3) advise the Secretary on any opportunity for
 6 market-scale development of technological innovation
 7 to prevent marine plastic debris and promote the de-
 8 velopment of materials that fully degrade in ocean
 9 and coastal environments without harming the envi-
 10 ronment, wildlife, or human health.

11 (c) COMPETITION JUDGES.—A member of the Com-
 12 mittee may serve as a judge for the prize competition
 13 under section 305.

14 (d) ADMINISTRATIVE COST REDUCTION.—The Com-
 15 mittee shall, to the maximum extent practicable, minimize
 16 the administrative costs of the Committee, including by
 17 encouraging remote participation to reduce travel costs.

18 (e) CONSULTATION.—In selecting a topic and issuing
 19 a problem statement for the prize competition under para-
 20 graphs (1) and (2) of subsection (b), respectively, the
 21 Committee shall consult widely with Federal and non-Fed-
 22 eral stakeholders, including—

23 (1) 1 or more Federal agencies with jurisdiction
 24 over the prevention of marine debris or the pro-
 25 motion of innovative materials;

1 (2) 1 or more State agencies with jurisdiction
 2 over the prevention of marine debris or the pro-
 3 motion of innovative materials;

4 (3) 1 or more State, regional, or local conserva-
 5 tion or post-consumer materials management organi-
 6 zations, the mission of which relates to the preven-
 7 tion of marine debris or the promotion of innovative
 8 materials;

9 (4) 1 or more conservation groups, technology
 10 companies, research institutions, institutions of high-
 11 er education, industry associations, or individual
 12 stakeholders with an interest in the prevention of
 13 marine debris or the promotion of innovative mate-
 14 rials;

15 (5) 1 or more experts in the area of standards
 16 development regarding the degradation, breakdown,
 17 or recycling of polymers; and

18 (6) experts in the following areas:

19 (A) Polymer chemistry.

20 (B) Wildlife conservation and management.

21 (C) Marine biology or animal science.

22 (D) Post-consumer materials management.

23 (E) Technology development.

24 (F) Engineering.

25 (G) Lifecycle assessment.

1 (H) Economics.

2 (I) Recycling.

3 (J) Business development and manage-
4 ment.

5 (K) Marine environmental chemistry.

6 (L) Any other discipline that the Secretary
7 determines to be necessary to achieve the pur-
8 poses of this title.

9 (f) NONAPPLICABILITY OF THE FEDERAL ADVISORY
10 COMMITTEE ACT.—

11 (1) IN GENERAL.—The Federal Advisory Com-
12 mittee Act (5 U.S.C. App.) shall not apply with re-
13 spect to the Committee.

14 (2) APPLICABILITY OF FINANCIAL DISCLOSURE
15 REQUIREMENTS.—Notwithstanding paragraph (1),
16 section 208(b)(3) of title 18, United States Code,
17 shall apply with respect to Government employees
18 serving on the Committee.

19 **SEC. 304. AGREEMENT WITH THE MARINE DEBRIS FOUNDA-**
20 **TION.**

21 (a) IN GENERAL.—The Secretary shall offer to enter
22 into an agreement, which may include a grant or coopera-
23 tive agreement, under which the Marine Debris Founda-
24 tion established under title II shall administer the prize
25 competition.

1 (b) REQUIREMENTS.—An agreement entered into
 2 under subsection (a) shall comply with the following re-
 3 quirements:

4 (1) DUTIES.—The Marine Debris Foundation
 5 shall—

6 (A) advertise the prize competition;

7 (B) solicit prize competition participants;

8 (C) administer funds relating to the prize
 9 competition;

10 (D) receive Federal and non-Federal
 11 funds—

12 (i) to administer the prize competi-
 13 tion; and

14 (ii) to award a cash prize;

15 (E) carry out activities to generate con-
 16 tributions of non-Federal funds to offset, in
 17 whole or in part—

18 (i) the administrative costs of the
 19 prize competition; and

20 (ii) the costs of a cash prize;

21 (F) in consultation with, and subject to
 22 final approval by, the Secretary, develop criteria
 23 for the selection of prize competition winners;

24 (G) provide advice and consultation to the
 25 Secretary on the selection of judges under sec-

1 tion 305 based on criteria developed in con-
 2 sultation with, and subject to the final approval
 3 of, the Secretary;

4 (H) announce 1 or more annual winners of
 5 the prize competition;

6 (I) subject to paragraph (2), award 1 or
 7 more cash prizes biennially of not less than
 8 \$100,000; and

9 (J) protect against unauthorized use or
 10 disclosure by the Marine Debris Foundation of
 11 any trade secret or confidential business infor-
 12 mation of a prize competition participant.

13 (2) ADDITIONAL CASH PRIZES.—The Marine
 14 Debris Foundation may award more than 1 cash
 15 prize in a year—

16 (A) if the initial cash prize referred to in
 17 paragraph (1)(I) and any additional cash prizes
 18 are awarded using only non-Federal funds; and

19 (B) consisting of an amount determined by
 20 the Under Secretary after the Secretary is noti-
 21 fied by the Marine Debris Foundation that non-
 22 Federal funds are available for an additional
 23 cash prize.

24 (3) SOLICITATION OF FUNDS.—The Marine De-
 25 bris Foundation—

1 (A) may request and accept Federal funds
2 and non-Federal funds for a cash prize or ad-
3 ministration of the prize competition;

4 (B) may accept a contribution for a cash
5 prize in exchange for the right to name the
6 prize; and

7 (C) shall not give special consideration to
8 any Federal agency or non-Federal entity in ex-
9 change for a donation for a cash prize awarded
10 under this section.

11 **SEC. 305. JUDGES.**

12 (a) APPOINTMENT.—The Secretary shall appoint not
13 fewer than 3 judges who shall, except as provided in sub-
14 section (b), select the 1 or more annual winners of the
15 prize competition.

16 (b) DETERMINATION BY THE SECRETARY.—The
17 judges appointed under subsection (a) shall not select any
18 annual winner of the prize competition if the Secretary
19 makes a determination that, in any fiscal year, none of
20 the technological advancements entered into the prize
21 competition merits an award.

22 **SEC. 306. REPORT TO CONGRESS.**

23 Not later than 60 days after the date on which a cash
24 prize is awarded under this title, the Secretary shall sub-
25 mit to the Committee on Commerce, Science, and Trans-

1 portation of the Senate and the Committee on Natural Re-
2 sources of the House of Representatives a report on the
3 prize competition that includes—

4 (1) a statement by the Committee that de-
5 scribes the activities carried out by the Committee
6 relating to the duties described in section 303;

7 (2) if the Secretary has entered into an agree-
8 ment under section 304, a statement by the Marine
9 Debris Foundation that describes the activities car-
10 ried out by the Marine Debris Foundation relating
11 to the duties described in section 303; and

12 (3) a statement by 1 or more of the judges ap-
13 pointed under section 305 that explains the basis on
14 which the winner of the cash prize was selected.

15 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) **AUTHORIZATION.**—There are authorized to be ap-
17 propriated such sums as may be necessary for expenses,
18 including administrative expenses, relating to the prize
19 competition.

20 (b) **REIMBURSEMENT OF EXPENSES.**—Members of
21 the Committee and judges appointed under section 305
22 shall serve without pay, but may be reimbursed for the
23 actual and necessary traveling and subsistence expenses.

1 **SEC. 308. TERMINATION OF AUTHORITY.**

2 The prize program will terminate after 5 prize com-
3 petition cycles have been completed.

4 **TITLE IV—OTHER MEASURES**
5 **RELATING TO COMBATING**
6 **MARINE DEBRIS**

7 **SEC. 401. PRIORITIZATION OF MARINE DEBRIS IN EXISTING**
8 **INNOVATION AND ENTREPRENEURSHIP PRO-**
9 **GRAMS.**

10 The Secretary of Commerce, the Secretary of Energy,
11 the EPA Administrator, and the heads of other relevant
12 Federal agencies, shall prioritize efforts to combat marine
13 debris in innovation and entrepreneurship programs estab-
14 lished before the date of the enactment of this Act, includ-
15 ing by using such programs to increase innovation in and
16 the effectiveness of post-consumer materials management,
17 monitoring, detection, and data-sharing related to the
18 prevalence and location of marine debris, demand for recy-
19 cled content, alternative uses for plastic waste, product de-
20 sign, reduction of disposable plastic consumer products
21 and packaging, ocean biodegradable materials develop-
22 ment, waste prevention, and cleanup.

23 **SEC. 402. EXPANSION OF DERELICT VESSEL RECYCLING.**

24 Not later than 1 year after the date of the enactment
25 of this Act, the Under Secretary and the EPA Adminis-
26 trator shall jointly conduct a study to determine the feasi-

1 bility of developing a nationwide derelict vessel recycling
 2 program—

3 (1) using as a model the fiberglass boat recy-
 4 cling program from the pilot project in Rhode Island
 5 led by Rhode Island Sea Grant and its partners; and

6 (2) including, if possible, recycling of vessels
 7 made from materials other than fiberglass.

8 **SEC. 403. INCENTIVE FOR FISHERMEN TO COLLECT AND**
 9 **DISPOSE OF PLASTIC FOUND AT SEA.**

10 (a) IN GENERAL.—The Under Secretary shall estab-
 11 lish a pilot program to assess the feasibility and advis-
 12 ability of providing incentives, such as grants, to fisher-
 13 men based in the United States who incidentally capture
 14 marine debris while at sea—

15 (1) to track or keep the debris on board; and

16 (2) to dispose of the debris properly on land.

17 (b) SUPPORT FOR COLLECTION AND REMOVAL OF
 18 DERELICT GEAR.—The Under Secretary shall encourage
 19 United States efforts, such as the Fishing for Energy net
 20 disposal program, that support—

21 (1) collection and removal of derelict fishing
 22 gear and other fishing waste;

23 (2) disposal or recycling of such gear and
 24 waste; and

25 (3) prevention of the loss of such gear.

1 **SEC. 404. AMENDMENTS TO MARINE DEBRIS PROGRAM.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 9(a) of the Marine Debris Act (33 U.S.C. 1958(a)) is
4 amended by—

5 (1) striking “\$10,000,000” and inserting
6 “\$15,000,000”; and

7 (2) striking “5 percent” and inserting “7 per-
8 cent”.

9 (b) ENHANCEMENT OF PURPOSE.—Section 2 of the
10 Marine Debris Act (33 U.S.C. 1951) is amended by strik-
11 ing “marine environment,” and inserting “marine environ-
12 ment (including waters in the jurisdiction of the United
13 States, the high seas, and waters in the jurisdiction of
14 other countries),”.

15 (c) TECHNICAL CORRECTIONS.—Section 3(d)(2) of
16 the Marine Debris Act (33 U.S.C. 1952(d)(2)) is amend-
17 ed—

18 (1) in subparagraph (B), by striking “the
19 matching requirement under subparagraph (A)” and
20 inserting “a matching requirement under subpara-
21 graph (A) or (C)”; and

22 (2) in subparagraph (C), in the matter pre-
23 ceding clause (i), by striking “Notwithstanding sub-
24 paragraph (A)” and inserting “Notwithstanding sub-
25 paragraph (A) and except as provided in subpara-
26 graph (B)”.

1 **SEC. 405. MARINE DEBRIS ON NATIONAL FOREST SYSTEM**

2 **LAND.**

3 (a) SPECIAL-USE AUTHORIZATION.—The Secretary
4 of Agriculture (referred to in this section as the “Sec-
5 retary”) shall not require a volunteer organization to ob-
6 tain a special-use authorization for the removal of any ma-
7 rine debris being stored on National Forest System land.

8 (b) TEMPORARY STORAGE.—Marine debris may be
9 stored on National Forest System land in a location deter-
10 mined by the Secretary for not more than 60 days.

11 (c) REQUIREMENTS.—Except as otherwise provided
12 in this section, any activities related to the removal of ma-
13 rine debris from National Forest System land shall be con-
14 ducted in a manner consistent with applicable law and reg-
15 ulations and subject to such reasonable terms and condi-
16 tions as the Secretary may require.

17 **TITLE V—STUDIES AND**
18 **REPORTS**

19 **SEC. 501. REPORT ON OPPORTUNITIES FOR INNOVATIVE**
20 **USES OF PLASTIC WASTE.**

21 Not later than 2 years after the date of the enact-
22 ment of this Act, the Marine Debris Coordinating Com-
23 mittee established under section 5 of the Marine Debris
24 Act (33 U.S.C. 1954) (in this title referred to as the
25 “Interagency Marine Debris Coordinating Committee”)

1 shall submit to Congress a report on innovative uses for
2 plastic waste other than in infrastructure.

3 **SEC. 502. REPORT ON MICROFIBER POLLUTION.**

4 Not later than 2 years after the date of the enact-
5 ment of this Act, the Interagency Marine Debris Coordi-
6 nating Committee shall submit to Congress a report on
7 microfiber pollution that includes—

8 (1) a definition for “microfiber”;

9 (2) an assessment of the sources, prevalence,
10 and causes of microfiber pollution;

11 (3) a recommendation for a standardized meth-
12 odology to measure and estimate the prevalence of
13 microfiber pollution;

14 (4) recommendations for reducing microfiber
15 pollution; and

16 (5) a plan for how Federal agencies, in partner-
17 ship with other stakeholders, can lead on opportuni-
18 ties to reduce microfiber pollution during the 5-year
19 period beginning on such date of enactment.

20 **SEC. 503. STUDY ON UNITED STATES PLASTIC POLLUTION**
21 **DATA.**

22 (a) IN GENERAL.—The Under Secretary, in consulta-
23 tion with the EPA Administrator, shall seek to enter into
24 an arrangement with the National Academies of Sciences,
25 Engineering, and Medicine under which the National

1 Academies will undertake a multifaceted study that in-
2 cludes the following:

3 (1) An evaluation of United States contribu-
4 tions to global ocean plastic waste, including types,
5 sources, and geographic variations.

6 (2) An assessment of the prevalence of marine
7 debris and mismanaged plastic waste in saltwater
8 and freshwater United States waterways.

9 (b) REPORT.—Not later than 18 months after the
10 date of the enactment of this Act, the Under Secretary
11 shall submit to Congress a report on the study conducted
12 under subsection (a) that includes—

13 (1) the findings of the National Academies;

14 (2) recommendations on knowledge gaps that
15 warrant further scientific inquiry; and

16 (3) recommendations on the potential value of
17 a national marine debris tracking and monitoring
18 system and how such a system might be designed
19 and implemented.

20 **SEC. 504. REPORT ON MINIMIZING THE CREATION OF NEW**
21 **PLASTIC WASTE.**

22 Not later than 2 years after the date of the enact-
23 ment of this Act, the Interagency Marine Debris Coordi-
24 nating Committee shall submit to Congress a report on
25 minimizing the creation of new plastic waste.

1 **SEC. 505. STUDY ON MASS BALANCE METHODOLOGIES TO**
 2 **CERTIFY CIRCULAR POLYMERS.**

3 (a) IN GENERAL.—The National Institute of Stand-
 4 ards and Technology shall conduct a study of available
 5 mass balance methodologies that are or could be readily
 6 standardized to certify circular polymers.

7 (b) REPORT.—Not later than 1 year after the date
 8 of enactment of this Act, the Institute shall submit to Con-
 9 gress a report on the study conducted under subsection
 10 (a) that includes—

11 (1) an identification and assessment of existing
 12 mass balance methodologies, standards, and certifi-
 13 cation systems that are or may be applicable to sup-
 14 ply chain sustainability of polymers, considering the
 15 full life cycle of the polymer, and including an exam-
 16 ination of—

17 (A) the International Sustainability and
 18 Carbon Certification; and

19 (B) the Roundtable on Sustainable Bio-
 20 materials; and

21 (2) an assessment of any legal or regulatory
 22 barriers to developing a standard and certification
 23 system for circular polymers.

24 (c) DEFINITIONS.—In this section:

25 (1) CIRCULAR POLYMERS.—The term “circular
 26 polymers” means polymers that can be reused mul-

1 tiple times or converted into a new, higher-quality
2 product.

3 (2) MASS BALANCE METHODOLOGY.—The term
4 “mass balance methodology” means the method of
5 chain of custody accounting designed to track the
6 exact total amount of certain content in products or
7 materials through the production system and to en-
8 sure an appropriate allocation of this content in the
9 finished goods based on auditable bookkeeping.

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