

Sullivan - Substitute (Modified)



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1982

To improve efforts to combat marine debris, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. SULLIVAN

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Save Our Seas 2.0
5 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-focused
10 approach and involves industrial processes and
11 economic activities that—

1 (A) are restorative or regenerative by de-
2 sign;

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

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

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

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

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

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

22 (A) a State;

23 (B) an Indian Tribe;

24 (C) a territory of the United States;

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

5 (E) a private for-profit entity;

6 (F) a nonprofit organization; or

7 (G) a private individual.

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

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

19 (A) collection;

20 (B) transport;

21 (C) safe disposal of waste that cannot be
22 recovered, reused, recycled, repaired, or refur-
23 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 **FOUNDATION**

17 **SEC. 101. ESTABLISHMENT AND PURPOSES OF FOUNDA-**
18 **TION.**

19 (a) ESTABLISHMENT.—There is established the Ma-
20 rine Debris Foundation (in this title referred to as the
21 “Foundation”). The Foundation is a charitable and non-
22 profit organization and is not an agency or establishment
23 of the United States.

24 (b) PURPOSES.—The purposes of the Foundation
25 are—

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

8 (2) to undertake and conduct such other activi-
9 ties as will further the efforts of the National Oce-
10 anic and Atmospheric Administration to assess, pre-
11 vent, reduce, and remove marine debris and address
12 the adverse impacts of marine debris on the economy
13 of the United States, the marine environment, and
14 navigation safety;

15 (3) to participate with, and otherwise assist,
16 State, local, and Tribal governments, foreign govern-
17 ments, entities, and individuals in undertaking and
18 conducting activities to assess, prevent, reduce, and
19 remove marine debris and address the adverse im-
20 pacts of marine debris and its root causes on the
21 economy of the United States, the marine environ-
22 ment (including waters in the jurisdiction of the
23 United States, the high seas, and waters in the ju-
24 risdiction of other countries), and navigation safety;

1 (4) to administer the Genius Prize for Save Our
2 Seas Innovation as described in title II; and

3 (5) to support other Federal actions to reduce
4 marine debris.

5 **SEC. 102. BOARD OF DIRECTORS OF THE FOUNDATION.**

6 (a) ESTABLISHMENT AND MEMBERSHIP.—

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

13 (2) REPRESENTATION OF DIVERSE POINTS OF
14 VIEW.—To the maximum extent practicable, the
15 membership of the Board shall represent diverse
16 points of view relating to the assessment, prevention,
17 reduction, and removal of marine debris.

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

22 (b) APPOINTMENT AND TERMS.—

23 (1) APPOINTMENT.—Subject to paragraph (2),
24 after consulting with the EPA Administrator, the
25 Director of the United States Fish and Wildlife

1 Service, the Assistant Secretary of State for the Bu-
2 reau of Oceans and International Environmental and
3 Scientific Affairs, and the Administrator of the
4 United States Agency for International Develop-
5 ment, and considering the recommendations sub-
6 mitted by the Board, the Under Secretary shall ap-
7 point 12 Directors who meet the criteria established
8 by subsection (a), of whom—

9 (A) at least 4 shall be educated or experi-
10 enced in the assessment, prevention, reduction,
11 or removal of marine debris, which may include
12 an individual with expertise in post-consumer
13 materials management or a circular economy;

14 (B) at least 2 shall be educated or experi-
15 enced in the assessment, prevention, reduction,
16 or removal of marine debris outside the United
17 States;

18 (C) at least 2 shall be educated or experi-
19 enced in ocean and coastal resource conserva-
20 tion science or policy; and

21 (D) at least 2 shall be educated or experi-
22 enced in international trade or foreign policy.

23 (2) TERMS.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), each Director (other than the Under

1 Secretary) shall be appointed for a term of 6
2 years.

3 (B) INITIAL APPOINTMENTS TO NEW MEM-
4 BER POSITIONS.—Of the Directors appointed by
5 the Under Secretary under paragraph (1), the
6 Secretary shall appoint, not later than 180 days
7 after the date of the enactment of this Act—

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

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

10 and

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

12 (3) VACANCIES.—

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

15 (B) TERM OF APPOINTMENTS TO FILL UN-
16 EXPIRED TERMS.—An individual appointed to
17 fill a vacancy that occurs before the expiration
18 of the term of a Director shall be appointed for
19 the remainder of the term.

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

24 (5) REQUEST FOR REMOVAL.—The executive
25 committee of the Board may submit to the Under

1 Secretary a letter describing the nonperformance of
2 a Director and requesting the removal of the Direc-
3 tor from the Board.

4 (6) CONSULTATION BEFORE REMOVAL.—Before
5 removing any Director from the Board, the Under
6 Secretary shall consult with the Assistant Secretary
7 of State for the Bureau of Oceans and International
8 Environmental and Scientific Affairs, the Director of
9 the United States Fish and Wildlife Service, and the
10 EPA Administrator.

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

13 (d) QUORUM.—A majority of the current membership
14 of the Board shall constitute a quorum for the transaction
15 of business.

16 (e) MEETINGS.—The Board shall meet at the call of
17 the Chairman at least once a year. If a Director misses
18 3 consecutive regularly scheduled meetings, that individual
19 may be removed from the Board and that vacancy filled
20 in accordance with subsection (b).

21 (f) REIMBURSEMENT OF EXPENSES.—Members of
22 the Board shall serve without pay, but may be reimbursed
23 for the actual and necessary traveling and subsistence ex-
24 penses incurred by them in the performance of the duties
25 of the Foundation.

10

1 (g) GENERAL POWERS.—

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

4 (A) appointing officers and employees;

5 (B) adopting a constitution and bylaws
6 consistent with the purposes of the Foundation
7 and the provisions of this title; and

8 (C) undertaking of other such acts as may
9 be necessary to carry out the provisions of this
10 title.

11 (2) LIMITATIONS ON APPOINTMENT.—The fol-
12 lowing limitations apply with respect to the appoint-
13 ment of officers and employees of the Foundation:

14 (A) Officers and employees may not be ap-
15 pointed until the Foundation has sufficient
16 funds to pay them for their service. Officers
17 and employees of the Foundation shall be ap-
18 pointed without regard to the provisions of title
19 5, United States Code, governing appointments
20 in the competitive service, and may be paid
21 without regard to the provisions of chapter 51
22 and subchapter III of chapter 53 of such title
23 relating to classification and General Schedule
24 pay rates.

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

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

6 (ii) shall be knowledgeable and experi-
7 enced in matters relating to the assess-
8 ment, prevention, reduction, and removal
9 of marine debris.

10 **SEC. 103. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**

11 (a) **IN GENERAL.**—The Foundation—

12 (1) shall have perpetual succession;

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

16 (3) shall at all times maintain a designated
17 agent authorized to accept service of process for the
18 Foundation.

19 (b) **SERVICE OF PROCESS.**—The serving of notice to,
20 or service of process upon, the agent required under sub-
21 section (a)(3), or mailed to the business address of such
22 agent, shall be deemed as service upon or notice to the
23 Foundation.

24 (c) **POWERS.**—

1 (1) IN GENERAL.—To carry out its purposes
2 under section 101, the Foundation shall have, in ad-
3 dition to the powers otherwise given it under this
4 title, the usual powers of a corporation acting as a
5 trustee in the District of Columbia, including the
6 power—

7 (A) to accept, receive, solicit, hold, admin-
8 ister, and use any gift, devise, or bequest, either
9 absolutely or in trust, of real or personal prop-
10 erty or any income therefrom or other interest
11 therein;

12 (B) to acquire by purchase or exchange
13 any real or personal property or interest there-
14 in;

15 (C) to invest any funds provided to the
16 Foundation by the Federal Government in obli-
17 gations of the United States or in obligations or
18 securities that are guaranteed or insured by the
19 United States;

20 (D) to deposit any funds provided to the
21 Foundation by the Federal Government into ac-
22 counts that are insured by an agency or instru-
23 mentality of the United States;

24 (E) to make use of any interest or invest-
25 ment income that accrues as a consequence of

1 actions taken under subparagraph (C) or (D) to
2 carry out the purposes of the Foundation;

3 (F) to use Federal funds to make pay-
4 ments under cooperative agreements to provide
5 substantial long-term benefits for the assess-
6 ment, prevention, reduction, and removal of ma-
7 rine debris;

8 (G) unless otherwise required by the in-
9 strument of transfer, to sell, donate, lease, in-
10 vest, reinvest, retain or otherwise dispose of any
11 property or income therefrom;

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

14 (I) to sue and be sued, and complain and
15 defend itself in any court of competent jurisdic-
16 tion, except that the Directors of the Founda-
17 tion shall not be personally liable, except for
18 gross negligence;

19 (J) to enter into contracts or other ar-
20 rangements with, or provide financial assistance
21 to, public agencies and private organizations
22 and persons and to make such payments as
23 may be necessary to carry out its functions; and

1 (K) to do any and all acts necessary and
2 proper to carry out the purposes of the Founda-
3 tion.

4 (2) NON-FEDERAL CONTRIBUTIONS TO THE
5 FUND.—A gift, devise, or bequest may be accepted
6 by the Foundation without regard to whether the
7 gift, devise, or bequest is encumbered, restricted, or
8 subject to beneficial interests of private persons if
9 any current or future interest in the gift, devise, or
10 bequest is for the benefit of the Foundation.

11 (d) NOTICE TO MEMBERS OF CONGRESS.—The
12 Foundation may not make a grant of Federal funds in
13 an amount greater than \$100,000 unless, by not later
14 than 15 days before the grant is made, the Foundation
15 provides notice of the grant to the Member of Congress
16 for the congressional district in which the project to be
17 funded with the grant will be carried out.

18 (e) COORDINATION OF INTERNATIONAL EFFORTS.—
19 Any efforts of the Foundation carried out in a foreign
20 country, and any grants provided to an individual or entity
21 in a foreign country, shall be made only with the concur-
22 rence of the Secretary of State, in consultation, as appro-
23 priate, with the Administrator of the United States Agen-
24 cy for International Development.

1 (f) CONSULTATION WITH NOAA.—The Foundation
2 shall consult with the Under Secretary during the plan-
3 ning of any restoration or remediation action using funds
4 resulting from judgments or settlements relating to the
5 damage to trust resources of the National Oceanic and
6 Atmospheric Administration.

7 **SEC. 104. ADMINISTRATIVE SERVICES AND SUPPORT.**

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

14 (b) REIMBURSEMENT.—The Under Secretary may
15 request reimbursement from the Foundation for any ad-
16 ministrative service provided under subsection (a). The
17 Under Secretary shall deposit any reimbursement received
18 under this subsection into the Treasury to the credit of
19 the appropriations then current and chargeable for the
20 cost of providing such services.

21 **SEC. 105. VOLUNTEER STATUS.**

22 The Secretary of Commerce may accept, without re-
23 gard to the civil service classification laws, rules, or regu-
24 lations, the services of the Foundation, the Board, and
25 the officers and employees of the Board, without com-

1 pensionation from the Department of Commerce, as volun-
2 teers in the performance of the functions authorized in
3 this title.

4 **SEC. 106. REPORT REQUIREMENTS; PETITION OF ATTOR-**
5 **NEY GENERAL FOR EQUITABLE RELIEF.**

6 (a) **REPORT.**—The Foundation shall, as soon as prac-
7 ticable after the end of each fiscal year, transmit to the
8 Committee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Natural Resources and
10 the Committee on Energy and Commerce of the House
11 of Representatives a report—

12 (1) describing the proceedings and activities of
13 the Foundation during that fiscal year, including a
14 full and complete statement of its receipts, expendi-
15 tures, and investments; and

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

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

21 (1) engages in, or threatens to engage in, any
22 act, practice, or policy that is inconsistent with its
23 purposes set forth in section 101(b), or

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

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

4 **SEC. 107. UNITED STATES RELEASE FROM LIABILITY.**

5 The United States shall not be liable for any debts,
6 defaults, acts, or omissions of the Foundation nor shall
7 the full faith and credit of the United States extend to
8 any obligation of the Foundation.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—The Secretary of Commerce
12 shall carry out this title using existing amounts that
13 are appropriated or otherwise made available to the
14 Department of Commerce.

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

23 (3) PROHIBITION ON USE FOR ADMINISTRATIVE
24 EXPENSES.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), no Federal funds made
3 available under paragraph (1) may be used by
4 the Foundation for administrative expenses of
5 the Foundation, including for salaries, travel
6 and transportation expenses, and other over-
7 head expenses.

8 (B) EXCEPTION.—The Secretary may
9 allow the use of Federal funds made available
10 under paragraph (1) to pay for salaries during
11 the 18-month period beginning on the date of
12 the enactment of this Act.

13 (b) ADDITIONAL AUTHORIZATION.—

14 (1) IN GENERAL.—In addition to the amounts
15 made available under subsection (a), the Foundation
16 may accept Federal funds from a Federal agency
17 under any other Federal law for use by the Founda-
18 tion to further the assessment, prevention, reduc-
19 tion, and removal of marine debris in accordance
20 with the requirements of this title.

21 (2) USE OF FUNDS ACCEPTED FROM FEDERAL
22 AGENCIES.—Federal funds provided to the Founda-
23 tion under paragraph (1) shall be used by the Foun-
24 dation for matching, in whole or in part, contribu-
25 tions (whether in currency, services, or property)

1 made to the Foundation by private persons and
2 State and local government agencies.

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

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

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

11 **TITLE II—GENIUS PRIZE FOR** 12 **SAVE OUR SEAS INNOVATIONS**

13 **SEC. 201. DEFINITIONS.**

14 In this title:

15 (1) PRIZE COMPETITION.—The term “prize
16 competition” means the competition for the award of
17 the Genius Prize for Save Our Seas Innovations es-
18 tablished under section 202.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Commerce.

21 **SEC. 202. GENIUS PRIZE FOR SAVE OUR SEAS INNOVA-** 22 **TIONS.**

23 (a) IN GENERAL.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of the enactment of this Act, the Secretary

1 shall establish under section 24 of the Stevenson-
2 Wydler Technology Innovation Act of 1980 (15
3 U.S.C. 3719) a prize competition—

4 (A) to encourage technological innovation
5 with the potential to reduce plastic waste, and
6 associated and potential pollution, and thereby
7 prevent marine debris; and

8 (B) to award 1 or more prizes biennially
9 for projects that advance human understanding
10 and innovation in removing and preventing
11 plastic waste, in one of the categories described
12 in paragraph (2).

13 (2) CATEGORIES FOR PROJECTS.—The cat-
14 egories for projects are:

15 (A) Advancements in materials used in
16 packaging and other products that, if such
17 products enter the coastal or ocean environ-
18 ment, will fully degrade without harming the
19 environment, wildlife, or human health.

20 (B) Innovations in production and pack-
21 aging design that reduce the use of raw mate-
22 rials, increase recycled content, encourage
23 reusability and recyclability, and promote a cir-
24 cular economy.

1 (C) Improvements in marine debris detec-
2 tion, monitoring, and cleanup technologies and
3 processes.

4 (D) Improvements or improved strategies
5 to increase solid waste collection, processing,
6 sorting, recycling, or reuse.

7 (E) New designs or strategies to reduce
8 overall packaging needs and promote reuse.

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

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

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

18 (2) support the concept of a circular economy;
19 and

20 (3) promote development of materials that—

21 (A) can fully degrade in the ocean without
22 harming the environment, wildlife, or human
23 health; and

24 (B) are to be used in fishing gear or other
25 maritime products that have an increased likeli-

1 hood of entering the coastal or ocean environ-
2 ment as unintentional waste.

3 **SEC. 203. AGREEMENT WITH THE MARINE DEBRIS FOUNDA-**
4 **TION.**

5 (a) **IN GENERAL.**—The Secretary shall offer to enter
6 into an agreement, which may include a grant or coopera-
7 tive agreement, under which the Marine Debris Founda-
8 tion established under title I shall administer the prize
9 competition.

10 (b) **REQUIREMENTS.**—An agreement entered into
11 under subsection (a) shall comply with the following re-
12 quirements:

13 (1) **DUTIES.**—The Marine Debris Foundation
14 shall—

15 (A) advertise the prize competition;

16 (B) solicit prize competition participants;

17 (C) administer funds relating to the prize
18 competition;

19 (D) receive Federal and non-Federal
20 funds—

21 (i) to administer the prize competi-
22 tion; and

23 (ii) to award a cash prize;

1 (E) carry out activities to generate con-
2 tributions of non-Federal funds to offset, in
3 whole or in part—

4 (i) the administrative costs of the
5 prize competition; and

6 (ii) the costs of a cash prize;

7 (F) in the design and award of the prize,
8 consult, as appropriate with experts from—

9 (i) Federal agencies with jurisdiction
10 over the prevention of marine debris or the
11 promotion of innovative materials;

12 (ii) State agencies with jurisdiction
13 over the prevention of marine debris or the
14 promotion of innovative materials;

15 (iii) State, regional, or local conserva-
16 tion or post-consumer materials manage-
17 ment organizations, the mission of which
18 relates to the prevention of marine debris
19 or the promotion of innovative materials;

20 (iv) conservation groups, technology
21 companies, research institutions, scientists
22 (including those with expertise in marine
23 environments) institutions of higher edu-
24 cation, industry, or individual stakeholders
25 with an interest in the prevention of ma-

1 rine debris or the promotion of innovative
2 materials;

3 (v) experts in the area of standards
4 development regarding the degradation,
5 breakdown, or recycling of polymers; and

6 (vi) other relevant experts of the
7 Board's choosing;

8 (G) in consultation with, and subject to
9 final approval by, the Secretary, develop criteria
10 for the selection of prize competition winners;

11 (H) provide advice and consultation to the
12 Secretary on the selection of judges under sec-
13 tion 204 based on criteria developed in con-
14 sultation with, and subject to the final approval
15 of, the Secretary;

16 (I) announce 1 or more annual winners of
17 the prize competition;

18 (J) subject to paragraph (2), award 1 or
19 more cash prizes biennially of not less than
20 \$100,000; and

21 (K) protect against unauthorized use or
22 disclosure by the Marine Debris Foundation of
23 any trade secret or confidential business infor-
24 mation of a prize competition participant.

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

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

7 (B) consisting of an amount determined by
8 the Under Secretary after the Secretary is noti-
9 fied by the Marine Debris Foundation that non-
10 Federal funds are available for an additional
11 cash prize.

12 (3) SOLICITATION OF FUNDS.—The Marine De-
13bris Foundation—

14 (A) may request and accept Federal funds
15 and non-Federal funds for a cash prize or ad-
16 ministration of the prize competition;

17 (B) may accept a contribution for a cash
18 prize in exchange for the right to name the
19 prize; and

20 (C) shall not give special consideration to
21 any Federal agency or non-Federal entity in ex-
22 change for a donation for a cash prize awarded
23 under this section.

1 **SEC. 204. JUDGES.**

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

6 (b) DETERMINATION BY THE SECRETARY.—The
7 judges appointed under subsection (a) shall not select any
8 annual winner of the prize competition if the Secretary
9 makes a determination that, in any fiscal year, none of
10 the technological advancements entered into the prize
11 competition merits an award.

12 **SEC. 205. REPORT TO CONGRESS.**

13 Not later than 60 days after the date on which a cash
14 prize is awarded under this title, the Secretary shall post
15 on a publicly available website a report on the prize com-
16 petition that includes—

17 (1) a statement by the Committee that de-
18 scribes the activities carried out by the Committee
19 relating to the duties described in section 203;

20 (2) if the Secretary has entered into an agree-
21 ment under section 203, a statement by the Marine
22 Debris Foundation that describes the activities car-
23 ried out by the Marine Debris Foundation relating
24 to the duties described in section 203; and

1 (3) a statement by 1 or more of the judges ap-
2 pointed under section 204 that explains the basis on
3 which the winner of the cash prize was selected.

4 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

5 The Secretary of Commerce shall carry out this title
6 using existing amounts that are appropriated or otherwise
7 made available to the Department of Commerce.

8 **SEC. 207. TERMINATION OF AUTHORITY.**

9 The prize program will terminate after 5 prize com-
10 petition cycles have been completed.

11 **TITLE III—OTHER MEASURES**
12 **RELATING TO COMBATING**
13 **MARINE DEBRIS**

14 **SEC. 301. PRIORITIZATION OF MARINE DEBRIS IN EXISTING**
15 **INNOVATION AND ENTREPRENEURSHIP PRO-**
16 **GRAMS.**

17 The Secretary of Commerce, the Secretary of Energy,
18 the EPA Administrator, and the heads of other relevant
19 Federal agencies, shall prioritize efforts to combat marine
20 debris in innovation and entrepreneurship programs estab-
21 lished before the date of the enactment of this Act, includ-
22 ing by using such programs to increase innovation in and
23 the effectiveness of post-consumer materials management,
24 monitoring, detection, and data-sharing related to the
25 prevalence and location of marine debris, demand for recy-

1 cled content, alternative uses for plastic waste, product de-
2 sign, reduction of disposable plastic consumer products
3 and packaging, ocean biodegradable materials develop-
4 ment, waste prevention, and cleanup.

5 **SEC. 302. EXPANSION OF DERELICT VESSEL RECYCLING.**

6 Not later than 1 year after the date of the enactment
7 of this Act, the Under Secretary and the EPA Adminis-
8 trator shall jointly conduct a study to determine the feasi-
9 bility of developing a nationwide derelict vessel recycling
10 program—

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

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

16 **SEC. 303. INCENTIVE FOR FISHERMEN TO COLLECT AND**
17 **DISPOSE OF PLASTIC FOUND AT SEA.**

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

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

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

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

5 (1) collection and removal of derelict fishing
6 gear and other fishing waste;

7 (2) disposal or recycling of such gear and
8 waste; and

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

10 **SEC. 304. AMENDMENTS TO MARINE DEBRIS PROGRAM.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
12 9(a) of the Marine Debris Act (33 U.S.C. 1958(a)) is
13 amended by—

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

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

18 (b) ENHANCEMENT OF PURPOSE.—Section 2 of the
19 Marine Debris Act (33 U.S.C. 1951) is amended by strik-
20 ing “marine environment,” and inserting “marine environ-
21 ment (including waters in the jurisdiction of the United
22 States, the high seas, and waters in the jurisdiction of
23 other countries),”.

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

4 (1) in subparagraph (B), by striking “the
5 matching requirement under subparagraph (A)” and
6 inserting “a matching requirement under subpara-
7 graph (A) or (C)”; and

8 (2) in subparagraph (C), in the matter pre-
9 ceding clause (i), by striking “Notwithstanding sub-
10 paragraph (A)” and inserting “Notwithstanding sub-
11 paragraph (A) and except as provided in subpara-
12 graph (B)”.

13 **SEC. 305. MARINE DEBRIS ON NATIONAL FOREST SYSTEM**

14 **LAND.**

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

20 (b) TEMPORARY STORAGE.—Marine debris may be
21 stored on National Forest System land in a location deter-
22 mined by the Secretary for a period of not more than to
23 90 days, which may be extended in 90-day increments with
24 approval by the relevant U.S. Forest Service District
25 Ranger.

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

7 **TITLE IV—STUDIES AND**
8 **REPORTS**

9 **SEC. 401. REPORT ON OPPORTUNITIES FOR INNOVATIVE**
10 **USES OF PLASTIC WASTE.**

11 Not later than 2 years after the date of the enact-
12 ment of this Act, the Marine Debris Coordinating Com-
13 mittee established under section 5 of the Marine Debris
14 Act (33 U.S.C. 1954) (in this title referred to as the
15 “Interagency Marine Debris Coordinating Committee”)
16 shall submit to Congress a report on innovative uses for
17 plastic waste in consumer products.

18 **SEC. 402. REPORT ON MICROFIBER POLLUTION.**

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

- 23 (1) a definition for “microfiber”;
- 24 (2) an assessment of the sources, prevalence,
25 and causes of microfiber pollution;

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

4 (4) recommendations for reducing microfiber
5 pollution; and

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

10 **SEC. 403. STUDY ON UNITED STATES PLASTIC POLLUTION**

11 **DATA.**

12 (a) **IN GENERAL.**—The Under Secretary, in consulta-
13 tion with the EPA Administrator and the Secretary of the
14 Interior, shall seek to enter into an arrangement with the
15 National Academies of Sciences, Engineering, and Medi-
16 cine under which the National Academies will undertake
17 a multifaceted study that includes the following:

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

21 (2) An assessment of the prevalence of marine
22 debris and mismanaged plastic waste in saltwater
23 and freshwater United States navigable waterways
24 and tributaries.

1 (3) An examination of the import and export of
2 plastic waste to and from the United States, includ-
3 ing the destinations of the exported plastic waste
4 and the waste management infrastructure and envi-
5 ronmental conditions of these locations.

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

10 (1) the findings of the National Academies;

11 (2) recommendations on knowledge gaps that
12 warrant further scientific inquiry; and

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

17 **SEC. 404. STUDY ON MASS BALANCE METHODOLOGIES TO**
18 **CERTIFY CIRCULAR POLYMERS.**

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

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Institute shall submit to Con-

1 gress a report on the study conducted under subsection

2 (a) that includes—

3 (1) an identification and assessment of existing
4 mass balance methodologies, standards, and certifi-
5 cation systems that are or may be applicable to sup-
6 ply chain sustainability of polymers, considering the
7 full life cycle of the polymer, and including an exam-
8 ination of—

9 (A) the International Sustainability and
10 Carbon Certification; and

11 (B) the Roundtable on Sustainable Bio-
12 materials; and

13 (2) an assessment of any legal or regulatory
14 barriers to developing a standard and certification
15 system for circular polymers.

16 (c) DEFINITIONS.—In this section:

17 (1) CIRCULAR POLYMERS.—The term “circular
18 polymers” means polymers that can be reused mul-
19 tiple times or converted into a new, higher-quality
20 product.

21 (2) MASS BALANCE METHODOLOGY.—The term
22 “mass balance methodology” means the method of
23 chain of custody accounting designed to track the
24 exact total amount of certain content in products or
25 materials through the production system and to en-

- 1 sure an appropriate allocation of this content in the
- 2 finished goods based on auditable bookkeeping.