

Calendar No. 224

116TH CONGRESS
1ST SESSION**S. 2260**

To provide for the improvement of domestic infrastructure in order to prevent marine debris, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2019

Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. COONS, Mr. MURPHY, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 25, 2019

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the improvement of domestic infrastructure in order to prevent marine debris, 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; DEFINITIONS.**

4 ~~(a) SHORT TITLE.—This Act may be cited as the~~
5 ~~“Save Our Seas 2.0: Improving Domestic Infrastructure~~
6 ~~to Prevent Marine Debris Act”.~~

1 (b) DEFINITIONS.—In this Act:

2 (1) EPA ADMINISTRATOR.—The term “EPA
3 Administrator” means the Administrator of the En-
4 vironmental Protection Agency.

5 (2) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given the term “Indian tribe” in
7 section 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304), without re-
9 gard to capitalization.

10 (3) INTENDED USE PLAN.—The term “intended
11 use plan” means a plan developed by a State under
12 section 3(e)(1).

13 (4) NONPROFIT ORGANIZATION.—The term
14 “nonprofit organization” means an organization that
15 is described in section 501(c) of the Internal Rev-
16 enue Code of 1986 and exempt from tax under sec-
17 tion 501(a) of such Code.

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

24 (A) collection;

25 (B) transport;

1 (C) safe disposal of waste that cannot be
2 recovered, reused, recycled, repaired, or refurb-
3 ished; and

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

7 (6) STATE.—The term “State” means—

8 (A) a State;

9 (B) an Indian Tribe;

10 (C) the District of Columbia; and

11 (D) a territory or possession of the United
12 States.

13 (7) STATE LOAN FUND.—The term “State loan
14 fund” means a post-consumer materials manage-
15 ment revolving State loan fund established by a
16 State under section 3(a)(2)(B).

17 (8) UNDER SECRETARY.—The term “Under
18 Secretary” means the Under Secretary of Commerce
19 for Oceans and Atmosphere and Administrator of
20 the National Oceanic and Atmospheric Administra-
21 tion.

1 **SEC. 2. STRATEGY FOR IMPROVING POST-CONSUMER MA-**
 2 **TERIALS MANAGEMENT AND WATER MAN-**
 3 **AGEMENT.**

4 (a) **IN GENERAL.**—Not later than 1 year after the
 5 date of enactment of this Act, the EPA Administrator
 6 shall, in consultation with stakeholders, develop a strategy
 7 to improve post-consumer materials management and resi-
 8 dential recycling infrastructure, particularly for post-con-
 9 sumer materials management that is (at the time of enact-
 10 ment of this Act) not meeting existing national standards,
 11 for the purpose of reducing potential leakage of plastic
 12 waste and other post-consumer materials into waterways
 13 and oceans.

14 (b) **RELEASE.**—On development of the strategy
 15 under subsection (a), the EPA Administrator shall—

16 (1) distribute the strategy to States and units
 17 of local government; and

18 (2) make the strategy publicly available for use
 19 by—

20 (A) for-profit private entities involved in
 21 post-consumer materials management; and

22 (B) other nongovernmental entities.

23 (c) **SENSE OF CONGRESS.**—It is the sense of Con-
 24 gress that the strategy under subsection (a) should include
 25 guidance, for the purpose of reducing potential leakage of

1 plastic waste and other post-consumer materials into wa-
 2 terways and oceans, relating to—

3 (1) the harmonization of post-consumer mate-
 4 rials management protocols, such as waste collection
 5 and municipal recycling, including—

6 (A) best practices for the collection of resi-
 7 dential recyclables;

8 (B) improved quality and sorting of resi-
 9 dential recyclable materials through opportuni-
 10 ties such as—

11 (i) education and awareness pro-
 12 grams;

13 (ii) improved infrastructure, including
 14 new equipment and innovative technologies
 15 for processing of recyclable materials;

16 (iii) enhanced markets for recycled
 17 material; and

18 (iv) standardized measurements; and

19 (C) increasing capacity for more types of
 20 plastic (including plastic films) and other mate-
 21 rials to be collected, processed, and recycled or
 22 repurposed into usable materials or products;

23 (2) the development of new strategies and pro-
 24 grams that prioritize engagement and cooperation
 25 with States and the private sector to expedite efforts

1 and assistance in States to partner with, encourage,
2 advise, and facilitate the development and execution,
3 where practicable, of projects, programs, and initia-
4 tives—

5 (A) to improve the capacity, security, and
6 standards of operations for post-consumer ma-
7 terials management;

8 (B) to monitor and track how well post-
9 consumer materials management entities are
10 functioning, based on uniform and transparent
11 standards developed in cooperation with munic-
12 ipal, industrial, Federal, and civil society stake-
13 holders;

14 (C)(i) to identify the operational challenges
15 of post-consumer materials management; and

16 (ii) to develop policy and programmatic so-
17 lutions to those challenges; and

18 (D) to end intentional and unintentional
19 incentives for municipalities, industries, and in-
20 dividuals to improperly dispose of municipal
21 post-consumer materials; and

22 (3) strengthening markets for products with
23 high levels of recycled plastic content.

24 (d) COMPLEMENTARY ACTIVITIES.—It is the sense of

25 Congress that the strategy developed under subsection (a)

1 should include guidance on activities that are complemen-
2 tary to the activities described in subsection (c), such as—

3 (1) reducing waste at the source of the waste;
4 including anti-litter initiatives;

5 (2) developing effective post-consumer materials
6 management provisions for—

7 (A) national pollutant discharge elimi-
8 nation system permits issued to municipal sepa-
9 rate storm sewer systems under section 402 of
10 the Federal Water Pollution Control Act (33
11 U.S.C. 1342); and

12 (B) stormwater management plans;

13 (3) capturing post-consumer materials at
14 stormwater inlets, at stormwater outfalls, or in bod-
15 ies of water;

16 (4) providing education and outreach relating to
17 post-consumer materials movement and reduction;
18 and

19 (5) monitoring or modeling post-consumer ma-
20 terial flows and the reduction of post-consumer ma-
21 terials resulting from the implementation of best
22 management practices.

1 **SEC. 3. POST-CONSUMER MATERIALS MANAGEMENT STATE**
 2 **REVOLVING FUNDS.**

3 (a) **BLOCK GRANTS TO STATES TO ESTABLISH LOAN**
 4 **FUNDS.—**

5 (1) **IN GENERAL.**—The EPA Administrator
 6 shall offer to enter into agreements with eligible
 7 States to make capitalization block grants, including
 8 letters of credit, to the States under this sub-
 9 section—

10 (A) to support improvements to local post-
 11 consumer materials management, including mu-
 12 nicipal recycling programs;

13 (B) to assist local waste management au-
 14 thorities in making improvements to local waste
 15 management systems—

16 (i) to meet waste management stand-
 17 ards, particularly with respect to systems
 18 falling significantly below national stand-
 19 ards, as determined by the EPA Adminis-
 20 trator; and

21 (ii) to implement the strategy devel-
 22 oped under section 2(a);

23 (C) to deploy waste interceptor tech-
 24 nologies, such as “trash wheels” and litter
 25 traps, to manage the collection and cleanup of
 26 aggregated waste from waterways; and

1 ~~(D)~~ for such other purposes as the EPA
2 Administrator determines to be appropriate.

3 ~~(2)~~ ELIGIBILITY.—To be eligible to receive a
4 capitalization block grant under this subsection, a
5 State shall—

6 ~~(A)~~ enter into a capitalization agreement
7 with the EPA Administrator under paragraph
8 ~~(1)~~; and

9 ~~(B)~~ establish a post-consumer materials
10 management revolving State loan fund.

11 ~~(3)~~ DEPOSIT.—Funds from a capitalization
12 block grant to a State under this subsection shall be
13 deposited in the State loan fund established by the
14 State.

15 ~~(4)~~ PERIOD.—Funds from a capitalization block
16 grant to a State under this subsection shall be avail-
17 able to the State for obligation—

18 ~~(A)~~ during the fiscal year for which the
19 funds are authorized; and

20 ~~(B)~~ during the following fiscal year.

21 ~~(5)~~ ALLOTMENT.—Funds made available to
22 carry out this section shall be allotted to States at
23 the discretion of the EPA Administrator.

24 ~~(6)~~ REALLOTMENT.—Any funds not obligated
25 by a State by the last day of the period for which

1 the block grants are available shall be reallocated in
 2 accordance with paragraph (5).

3 ~~(b) USE OF FUNDS.—~~

4 ~~(1) IN GENERAL.—~~Amounts deposited in a
 5 State loan fund, including loan repayments and in-
 6 terest earned on the amounts, shall be used only—

7 ~~(A)~~ for providing loans or loan guarantees;

8 ~~(B)~~ for outcomes-based or performance
 9 payments; or

10 ~~(C)~~ as a source of reserve and security for
 11 leveraged loans.

12 ~~(2) LIMITATIONS.—~~Loans or loan guarantees
 13 made by a State under paragraph (1)(A)—

14 ~~(A)~~ may be used only for expenditures of
 15 a type or category that the EPA Administrator
 16 has determined, through guidance, will—

17 ~~(i)~~ facilitate compliance with an in-
 18 tended use plan; or

19 ~~(ii)~~ otherwise significantly further the
 20 purposes described in subparagraphs (A)
 21 through (C) of subsection (a)(1); and

22 ~~(B)~~ may not be used for the acquisition of
 23 real property or an interest in real property,
 24 unless the acquisition is—

1 (i) integral to an intended use plan;

2 and

3 (ii) from a willing seller.

4 ~~(c) INTENDED USE PLANS.—~~

5 (1) IN GENERAL.—After providing for public
6 review and comment, each State that has entered
7 into a capitalization agreement under subsection
8 (a)(1) annually shall prepare a plan that identifies
9 the intended uses of the amounts available from the
10 State loan fund of the State.

11 (2) CONTENTS.—An intended use plan shall in-
12 clude—

13 (A) a list of the projects to be carried out
14 by entities receiving the loans in the first fiscal
15 year that begins after the date of the intended
16 use plan, including a description of the project;

17 (B) a description of how the funds will
18 support disadvantaged communities;

19 (C) an explanation of any local restrictions,
20 such as flow control measures, that restrict ac-
21 cess to recyclable materials;

22 (D) the criteria and methods established
23 for the use of the funds; and

1 ~~(E)~~ a description of the financial status of
 2 the State loan fund and the short- and long-
 3 term goals of the State loan fund.

4 ~~(3)~~ LIST OF PROJECTS.—Each State, after no-
 5 tice and opportunity for public comment, shall pub-
 6 lish, and periodically update, a list of projects in the
 7 State that are eligible for assistance under this sec-
 8 tion, including—

9 ~~(A)~~ the priority assigned to each project;
 10 and

11 ~~(B)~~ to the maximum extent practicable,
 12 the expected funding schedule for each project.

13 ~~(d)~~ FUND MANAGEMENT.—

14 ~~(1)~~ IN GENERAL.—Each State loan fund shall
 15 be established, maintained, and credited with repay-
 16 ments and interest, and the fund corpus shall be
 17 available in perpetuity in accordance with this sec-
 18 tion.

19 ~~(2)~~ INVESTMENT AUTHORIZED.—To the extent
 20 amounts in the State loan fund of a State are not
 21 required for current obligation or expenditure, the
 22 amounts shall be invested in interest bearing obliga-
 23 tions.

24 ~~(e)~~ STATE CONTRIBUTIONS.—Each capitalization
 25 agreement entered into under subsection (a)(1) shall re-

1 quire that the State deposit in the State loan fund from
 2 State funds an amount equal to not less than 20 percent
 3 of the total amount of the block grant to be made to the
 4 State on or before the date on which the block grant pay-
 5 ment is made to the State.

6 (f) ADMINISTRATION OF STATE LOAN FUND.—

7 (1) IN GENERAL.—Each State annually may
 8 use not greater than 4 percent of the funds allotted
 9 to the State under this section to cover the reason-
 10 able costs of administration of the programs under
 11 this section, including the recovery of reasonable
 12 costs expended to establish a State loan fund that
 13 are incurred after the date of enactment of this Act.

14 (2) GUIDANCE AND REGULATIONS.—The EPA
 15 Administrator shall issue guidance and promulgate
 16 regulations as are necessary to carry out this sec-
 17 tion, including guidance and regulations—

18 (A) to ensure that each State commits and
 19 expends funds allotted to the State under this
 20 section as efficiently as practicable in accord-
 21 ance with this section and applicable State law;

22 (B) to prevent waste, fraud, and abuse;
 23 and

24 (C) to ensure that the States receiving
 25 block grants under this section use accounting;

1 audit, and fiscal procedures that conform to
2 generally accepted accounting standards.

3 ~~(3)~~ STATE REPORT.—Not less frequently than
4 every 2 years, each State administering a State loan
5 fund under this section shall submit to the EPA Ad-
6 ministrator a report describing the activities carried
7 out under this section, including the findings of the
8 most recent audit of the State loan fund and the en-
9 tire State allotment.

10 ~~(4)~~ AUDITS.—The EPA Administrator shall pe-
11 riodically audit all State loan funds established by,
12 and all other amounts allotted to, the States in ac-
13 cordance with procedures established by the Comp-
14 troller General of the United States.

15 ~~(g)~~ APPLICABILITY OF FEDERAL LAW.—

16 ~~(1)~~ IN GENERAL.—The EPA Administrator
17 shall ensure that all laborers and mechanics em-
18 ployed on projects funded directly, or assisted in
19 whole or in part, by a State loan fund established
20 by this section shall be paid wages at rates not less
21 than those prevailing on projects of a character simi-
22 lar in the locality as determined by the Secretary of
23 Labor in accordance with subchapter IV of chapter
24 31 of part A of subtitle II of title 40, United States
25 Code.

1 (2) **AUTHORITY.**—With respect to the labor
 2 standards specified in paragraph (1), the Secretary
 3 of Labor shall have the authority and functions set
 4 forth in Reorganization Plan Numbered 14 of 1950
 5 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
 6 title 40, United States Code.

7 (h) **AUTHORIZATION OF APPROPRIATIONS.**—There
 8 are authorized to be appropriated to carry out this section
 9 \$300,000,000 for each of fiscal years 2020 through 2025.

10 **SEC. 4. GRANT PROGRAMS.**

11 (a) **POST-CONSUMER MATERIALS MANAGEMENT IN-**
 12 **FRASTRUCTURE GRANT PROGRAM.**—

13 (1) **IN GENERAL.**—The EPA Administrator
 14 may provide grants to units of local government, In-
 15 dian Tribes, and local post-consumer materials man-
 16 agement entities—

17 (A) to assist those entities in making im-
 18 provements to post-consumer materials manage-
 19 ment—

20 (i) to meet waste management stand-
 21 ards; and

22 (ii) to implement the strategy devel-
 23 oped under section 2(a); and

24 (B) to support improvements to local post-
 25 consumer materials management, including tra-

ditional and innovative recycling and reuse technologies and processes for transforming recyclable plastics into commodity-grade materials for use.

(2) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(b) DRINKING WATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide competitive grants to units of local government (including units of local government that own treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292))), Indian Tribes, and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), as applicable, to support improvements in removing plastic waste from drinking water, including planning, design, construction, technical assistance, and planning support for operational adjustments.

(2) PREFERENCE.—In making grants under paragraph (1), the EPA Administrator shall give preference to applicants that—

(A) seek to improve the removal of microplastics, including microfibers, from drinking water; and

(B) have demonstrated prior commitment and success in reducing other pollution sources in drinking water, such as lead and other contaminants.

(3) APPLICATIONS.—To be eligible to receive a grant under paragraph (1), an applicant shall submit to the EPA Administrator an application at such time, in such manner, and containing such information as the EPA Administrator may require.

(c) WASTEWATER INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The EPA Administrator may provide grants to units of local government (including units of local government that own treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292))) and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), as applicable, to support improvements in removing plastic waste from wastewater.

(2) PREFERENCE.—In making grants under paragraph (1), the EPA Administrator shall give preference to applicants that—

1 (A) seek to improve the removal of micro-
 2 plastics, including microfibers, from wastewater;
 3 and

4 (B) have demonstrated prior commitment
 5 and success in reducing other pollution sources
 6 in wastewater, such as nutrient pollution and
 7 other contaminants.

8 (3) APPLICATIONS.—To be eligible to receive a
 9 grant under paragraph (1), an applicant shall sub-
 10 mit to the EPA Administrator an application at
 11 such time, in such manner, and containing such in-
 12 formation as the EPA Administrator may require.

13 (d) TRASH-FREE WATERS GRANTS.—

14 (1) IN GENERAL.—The EPA Administrator
 15 may provide grants to political subdivisions of States
 16 and units of local government, Indian Tribes, and
 17 nonprofit organizations—

18 (A) to support projects to reduce the quan-
 19 tity of solid waste in bodies of water by reduc-
 20 ing the quantity of waste at the source, includ-
 21 ing through anti-litter initiatives;

22 (B) to enforce local post-consumer mate-
 23 rials management ordinances;

24 (C) to implement the solid waste provisions
 25 of a national pollutant discharge elimination

1 system permit issued to a municipal separate
 2 storm sewer system under section 402 of the
 3 Federal Water Pollution Control Act (33 U.S.C.
 4 1342);

5 (D) to capture post-consumer materials at
 6 stormwater inlets, at stormwater outfalls, or in
 7 bodies of water;

8 (E) to provide education and outreach
 9 about post-consumer materials movement and
 10 reduction; and

11 (F) to monitor or model flows of post-con-
 12 sumer materials, including monitoring or mod-
 13 eling a reduction in trash as a result of the im-
 14 plementation of best management practices for
 15 the reduction of plastic waste and other post-
 16 consumer materials in sources of drinking
 17 water.

18 ~~(2) APPLICATIONS.—~~To be eligible to receive a
 19 grant under paragraph (1), an applicant shall sub-
 20 mit to the EPA Administrator an application at
 21 such time, in such manner, and containing such in-
 22 formation as the EPA Administrator may require.

23 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—~~

24 ~~(1) IN GENERAL.—~~Subject to paragraph (2),
 25 there are authorized to be appropriated, for each of

the programs described in this section, \$50,000,000 per year for each of fiscal years 2020 through 2025.

~~(2) NO IMPACT ON OTHER FEDERAL FUNDS.—~~

~~(A) IN GENERAL.—~~No funds shall be made available under paragraph (1) to carry out subsections (b) and (c) in a fiscal year if the total amount made available to carry out the programs described in subparagraph (B) for that fiscal year is less than the total amount made available to carry out the programs described in subparagraph (B) for fiscal year 2019.

~~(B) PROGRAMS DESCRIBED.—~~The programs referred to in subparagraph (A) are—

(i) State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(ii) programs for assistance for small and disadvantaged communities under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a); and

(iii) State water pollution control revolving funds established under title VI of

1 the Federal Water Pollution Control Act
 2 (~~33~~ U.S.C. 1381 et seq.).

3 **SEC. 5. STUDY ON REPURPOSING PLASTIC WASTE IN IN-**
 4 **FRAS**TRUCTURE.

5 (a) IN GENERAL.—The Secretary of Transportation
 6 (referred to in this section as the “Secretary”) and the
 7 EPA Administrator shall seek to jointly enter into an ar-
 8 rangement with the National Academies of Sciences, Engi-
 9 neering, and Medicine under which the National Acad-
 10 emies will—

11 (1) conduct a study of the feasibility and advis-
 12 ability of innovative uses of plastic waste in road-
 13 ways, bridges, and other infrastructure; and

14 (2) as part of the study under paragraph (1)—

15 (A) identify international examples of—

16 (i) the use of materials described in
 17 that paragraph; and

18 (ii) projects in which the use of plastic
 19 waste has been applied;

20 (B) assess the economic benefits, if any,
 21 including employment opportunities, to munici-
 22 palities and States in investing in innovative
 23 reuse of plastic waste in infrastructure; and

24 (C) if the National Academies consider
 25 uses described in that paragraph to be advis-

1 able, make recommendations with respect to
2 what Federal testing standards and other bar-
3 riers may need to be addressed to enable those
4 uses, including with respect to ensuring human
5 health and safety.

6 (b) **REPORT REQUIRED.**—Not later than 2 years
7 after the date of enactment of this Act, the Secretary shall
8 submit to Congress a report on the study conducted under
9 subsection (a).

10 (c) **GRANT PROGRAM.**—

11 (1) **IN GENERAL.**—If the National Academies
12 consider the innovative uses of plastic waste de-
13 scribed in subsection (a)(1) to be advisable, and the
14 Secretary agrees, the Secretary shall establish a
15 grant program to encourage those uses.

16 (2) **DEMONSTRATION PROJECTS.**—If the Sec-
17 retary establishes a grant program under paragraph
18 (1), the Secretary shall carry out the grant program
19 by selecting, through a competitive process, not more
20 than 5 projects to demonstrate the uses described in
21 subsection (a)(1), each of which shall be located in
22 a different region of the United States.

23 (3) **REPORT.**—Not later than 180 days after
24 the date on which the last demonstration project, if
25 any, is completed under paragraph (2), the Sec-

1 retary shall submit to Congress a report summa-
 2 rizing the results of the demonstration projects, in-
 3 cluding—

4 (A) the total quantity of plastic waste redi-
 5 rected from the waste stream into infrastruc-
 6 ture;

7 (B) the durability of the infrastructure
 8 constructed with plastic waste; and

9 (C) any cost savings achieved through the
 10 use of plastic waste in the demonstration
 11 projects.

12 (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 13 are authorized to be appropriated such sums as are nec-
 14 essary to carry out this section.

15 **SEC. 6. STUDY ON OPTIONS TO ADVANCE TECHNOLOGIES**
 16 **FOR CONVERTING PLASTIC WASTE TO**
 17 **CHEMICALS, FEEDSTOCKS, AND OTHER**
 18 **PRODUCTS.**

19 (a) ~~IN GENERAL.~~—The EPA Administrator shall
 20 seek to enter into an arrangement with the National Acad-
 21 emies of Sciences, Engineering, and Medicine under which
 22 the National Academies will conduct a study on options
 23 to advance technologies (including pyrolysis,
 24 hydropyrolysis, methanolysis, gasification, and enzymatic

1 breakdown) for converting plastic waste to useful prod-
 2 ucts, such as chemicals, feedstocks, fuels, and energy.

3 (b) INCLUSIONS.—As part of the study under sub-
 4 section (a), the National Academies shall conduct an eval-
 5 uation of—

6 (1) the air emissions associated with tech-
 7 nologies described in that subsection; and

8 (2) an evaluation of the ability of those tech-
 9 nologies to become cost-competitive with other op-
 10 tions for obtaining source materials or producing en-
 11 ergy.

12 (c) REPORT REQUIRED.—Not later than 2 years
 13 after the date of the enactment of this Act, the EPA Ad-
 14 ministrator shall submit to Congress a report on the study
 15 conducted under subsection (a).

16 **SEC. 7. STUDY ON EFFECTS OF MICROPLASTICS IN FOOD**
 17 **SUPPLIES AND SOURCES OF DRINKING**
 18 **WATER.**

19 (a) IN GENERAL.—The EPA Administrator, in con-
 20 sultation with the Under Secretary, shall seek to enter into
 21 an arrangement with the National Academies of Sciences,
 22 Engineering, and Medicine under which the National
 23 Academies will conduct a human health and environmental
 24 risk assessment on microplastics, including microfibers, in
 25 food supplies and sources of drinking water.

1 (b) REPORT REQUIRED.—Not later than 2 years
2 after the date of the enactment of this Act, the EPA Ad-
3 ministrator shall submit to Congress a report on the study
4 conducted under subsection (a) that includes—

5 (1) a science-based definition of “microplastics”
6 that can be adopted in federally supported moni-
7 toring and future assessments supported or con-
8 ducted by a Federal agency;

9 (2) recommendations for standardized moni-
10 toring, testing, and other necessary protocols relat-
11 ing to microplastics;

12 (3)(A) an assessment of whether microplastics
13 are currently present in the food supplies and
14 sources of drinking water of United States con-
15 sumers; and

16 (B) if the assessment under subparagraph (A)
17 is positive—

18 (i) the extent to which microplastics are
19 present in the food supplies and sources of
20 drinking water; and

21 (ii) an assessment of the type, source,
22 prevalence, and risk of microplastics in the food
23 supplies and sources of drinking water;

24 (4) an assessment of the risk posed, if any, by
25 the presence of microplastics in the food supplies

1 and sources of drinking water of United States con-
 2 sumers that includes—

3 (A) an identification of the most signifi-
 4 cant sources of those microplastics; and

5 (B) a review of the best available science
 6 to determine any potential hazards of micro-
 7 plastics in the food supplies and sources of
 8 drinking water of United States consumers; and
 9 (5) a measurement of—

10 (A) the quantity of environmental chemi-
 11 cals that absorb to microplastics; and

12 (B) the quantity described in subpara-
 13 graph (A) that would be available for human
 14 exposure through food supplies or sources of
 15 drinking water.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 17 are authorized to be appropriated such sums as are nec-
 18 essary to carry out this section.

19 **SEC. 8. REPORT ON ELIMINATING BARRIERS TO INCREASE**
 20 **THE COLLECTION OF RECYCLABLE MATE-**
 21 **RIALS.**

22 Not later than 1 year after the date of enactment
 23 of this Act, the EPA Administrator shall submit to Con-
 24 gress a report describing—

1 (1) the economic, technological, resource avail-
 2 ability, or other barriers to increasing the collection
 3 of recyclable materials; and

4 (2) recommendations to overcome the barriers
 5 described under paragraph (1).

6 **SEC. 9. REPORT ON ECONOMIC INCENTIVES TO SPUR DE-**
 7 **VELOPMENT OF NEW END-USE MARKETS FOR**
 8 **RECYCLED PLASTICS.**

9 Not later than 1 year after the date of enactment
 10 of this Act, the EPA Administrator shall submit to Con-
 11 gress a report describing the most efficient and effective
 12 economic incentives to spur the development of additional
 13 new end-use markets for recyclable plastics (including
 14 plastic film); including the use of increased recycled con-
 15 tent by manufacturers in the production of plastic goods
 16 and packaging.

17 **SECTION 1. SHORT TITLE; DEFINITIONS.**

18 (a) *SHORT TITLE.*—*This Act may be cited as the*
 19 *“Save Our Seas 2.0: Improving Domestic Infrastructure to*
 20 *Prevent Marine Debris Act”.*

21 (b) *DEFINITIONS.*—*In this Act:*

22 (1) *EPA ADMINISTRATOR.*—*The term “EPA Ad-*
 23 *ministrator” means the Administrator of the Envi-*
 24 *ronmental Protection Agency.*

1 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*
 2 *has the meaning given the term “Indian tribe” in sec-*
 3 *tion 4 of the Indian Self-Determination and Edu-*
 4 *cation Assistance Act (25 U.S.C. 5304), without re-*
 5 *gard to capitalization.*

6 (3) *NONPROFIT ORGANIZATION.*—*The term “non-*
 7 *profit organization” means an organization that is*
 8 *described in section 501(c) of the Internal Revenue*
 9 *Code of 1986 and exempt from tax under section*
 10 *501(a) of such Code.*

11 (4) *POST-CONSUMER MATERIALS MANAGE-*
 12 *MENT.*—*The term “post-consumer materials manage-*
 13 *ment” means the systems, operation, supervision, and*
 14 *long-term management of processes and equipment*
 15 *used for post-use material (including packaging,*
 16 *goods, products, and other materials), including—*

17 (A) *collection;*

18 (B) *transport;*

19 (C) *safe disposal of waste that cannot be re-*
 20 *covered, reused, recycled, repaired, or refur-*
 21 *bished; and*

22 (D) *systems and processes related to post-*
 23 *use materials that can be recovered, reused, recy-*
 24 *cled, repaired, or refurbished.*

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

- 1 (A) a State;
- 2 (B) an Indian Tribe;
- 3 (C) the District of Columbia;
- 4 (D) a territory or possession of the United
- 5 States; or
- 6 (E) any political subdivision of an entity
- 7 described in subparagraphs (A) through (D).

8 (6) *UNDER SECRETARY.*—The term “Under Sec-

9 retary” means the Under Secretary of Commerce for

10 Oceans and Atmosphere and Administrator of the Na-

11 tional Oceanic and Atmospheric Administration.

12 **SEC. 2. STRATEGY FOR IMPROVING POST-CONSUMER MATE-**

13 **RIALS MANAGEMENT AND WATER MANAGE-**

14 **MENT.**

15 (a) *IN GENERAL.*—Not later than 1 year after the date

16 of enactment of this Act, the EPA Administrator shall, in

17 consultation with stakeholders, develop a strategy to im-

18 prove post-consumer materials management and infrastruc-

19 ture for the purpose of reducing plastic waste and other

20 post-consumer materials in waterways and oceans.

21 (b) *RELEASE.*—On development of the strategy under

22 subsection (a), the EPA Administrator shall—

- 23 (1) distribute the strategy to States; and
- 24 (2) make the strategy publicly available for use
- 25 by—

1 (A) for-profit private entities involved in
2 post-consumer materials management; and

3 (B) other nongovernmental entities.

4 **SEC. 3. SENSE OF THE SENATE FOR ISSUES TO BE IN-**
5 **CLUDED IN STRATEGY FOR POST-CONSUMER**
6 **MATERIALS MANAGEMENT AND WATER MAN-**
7 **AGEMENT.**

8 *It is the sense of the Senate that the strategy under*
9 *section 2 should address, for the purpose of reducing plastic*
10 *waste and other post-consumer materials in waterways and*
11 *oceans—*

12 (1) *the harmonization of post-consumer mate-*
13 *rials management protocols, including—*

14 (A) *best practices for the collection of post-*
15 *consumer recyclables;*

16 (B) *improved quality and sorting of post-*
17 *consumer recyclable materials through opportu-*
18 *nities such as—*

19 (i) *education and awareness programs;*

20 (ii) *improved infrastructure, including*
21 *new equipment and innovative technologies*
22 *for processing of recyclable materials;*

23 (iii) *enhanced markets for recycled ma-*
24 *terial; and*

25 (iv) *standardized measurements; and*

1 (C) increasing capacity, where practicable,
 2 for more types of plastic (including plastic films)
 3 and other materials to be collected, processed,
 4 and recycled or repurposed into usable materials
 5 or products;

6 (2) the development of new strategies and pro-
 7 grams that prioritize engagement and cooperation
 8 with States and the private sector to expedite efforts
 9 and assistance for States to partner with, encourage,
 10 advise, and facilitate the development and execution,
 11 where practicable, of projects, programs, and initia-
 12 tives—

13 (A) to improve operations for post-consumer
 14 materials management;

15 (B) to monitor how well post-consumer ma-
 16 terials management entities are functioning;

17 (C)(i) to identify the operational challenges
 18 of post-consumer materials management; and

19 (ii) to develop policy and programmatic so-
 20 lutions to those challenges; and

21 (D) to end intentional and unintentional
 22 incentives to improperly dispose of post-con-
 23 sumer materials;

24 (3) strengthening markets for products with high
 25 levels of recycled plastic content; and

1 (4) *the consideration of complementary activi-*
 2 *ties, such as—*

3 (A) *reducing waste at the source of the*
 4 *waste, including anti-litter initiatives;*

5 (B) *developing effective post-consumer mate-*
 6 *rials management provisions in stormwater*
 7 *management plans;*

8 (C) *capturing post-consumer materials at*
 9 *stormwater inlets, at stormwater outfalls, or in*
 10 *bodies of water;*

11 (D) *providing education and outreach relat-*
 12 *ing to post-consumer materials movement and*
 13 *reduction;*

14 (E) *monitoring or modeling post-consumer*
 15 *material flows and the reduction of post-con-*
 16 *sumer materials resulting from the implementa-*
 17 *tion of best management practices; and*

18 (F) *incentives for manufacturers to design*
 19 *packaging and consumer goods that can more*
 20 *easily be recycled, repurposed, or otherwise re-*
 21 *moved from the waste stream after their initial*
 22 *use.*

23 **SEC. 4. GRANT PROGRAMS.**

24 (a) *POST-CONSUMER MATERIALS MANAGEMENT IN-*
 25 *FRASTRUCTURE GRANT PROGRAM.—*

1 (1) *IN GENERAL.*—*The EPA Administrator may*
 2 *provide grants to States, as defined in section 1(b)(5),*
 3 *to implement the strategy developed under section*
 4 *2(a) and—*

5 *(A) to support improvements to local post-*
 6 *consumer materials management, including mu-*
 7 *nicipal recycling programs;*

8 *(B) to assist local waste management au-*
 9 *thorities in making improvements to local waste*
 10 *management systems;*

11 *(C) to deploy waste interceptor technologies,*
 12 *such as “trash wheels” and litter traps, to man-*
 13 *age the collection and cleanup of aggregated*
 14 *waste from waterways; and*

15 *(D) for such other purposes as the EPA Ad-*
 16 *ministrator determines to be appropriate.*

17 (2) *APPLICATIONS.*—*To be eligible to receive a*
 18 *grant under paragraph (1), the applicant State shall*
 19 *submit to the EPA Administrator an application at*
 20 *such time, in such manner, and containing such in-*
 21 *formation as the EPA Administrator may require.*

22 (3) *CONTENTS OF APPLICATIONS.*—*In developing*
 23 *application requirements, the EPA Administrator*
 24 *shall consider requesting that a State applicant pro-*
 25 *vide—*

1 (A) a description of the project or projects
2 to be carried out by entities receiving the grant;

3 (B) a description of how the funds will sup-
4 port disadvantaged communities; and

5 (C) an explanation of any limitations, such
6 as flow control measures, that restrict access to
7 recyclable materials.

8 (4) *REPORT TO CONGRESS.*—Not later than Jan-
9 uary 1, 2023, the EPA Administrator shall submit to
10 the Committee on Environment and Public Works of
11 the Senate and the Committee on Transportation and
12 Infrastructure of the House of Representatives a re-
13 port that includes—

14 (A) a description of the activities carried
15 out under this subsection;

16 (B) estimates as to how much plastic waste
17 was prevented from entering the oceans and
18 other waterways as a result of activities funded
19 by the grant; and

20 (C) a recommendation on the utility of
21 evolving the grant program into a new waste
22 management State revolving fund.

23 (b) *DRINKING WATER INFRASTRUCTURE GRANTS.*—

24 (1) *IN GENERAL.*—The EPA Administrator may
25 provide competitive grants to units of local govern-

1 *ment, including units of local government that own*
 2 *treatment works (as defined in section 212 of the Fed-*
 3 *eral Water Pollution Control Act (33 U.S.C. 1292)),*
 4 *Indian Tribes, and public water systems (as defined*
 5 *in section 1401 of the Safe Drinking Water Act (42*
 6 *U.S.C. 300f)), as applicable, to support improvements*
 7 *in removing plastic waste and post-consumer mate-*
 8 *rials, including microplastics and microfibers, from*
 9 *drinking water, including planning, design, construc-*
 10 *tion, technical assistance, and planning support for*
 11 *operational adjustments.*

12 (2) *APPLICATIONS.—To be eligible to receive a*
 13 *grant under paragraph (1), an applicant shall submit*
 14 *to the EPA Administrator an application at such*
 15 *time, in such manner, and containing such informa-*
 16 *tion as the EPA Administrator may require.*

17 (c) *WASTEWATER INFRASTRUCTURE GRANTS.—*

18 (1) *IN GENERAL.—The EPA Administrator may*
 19 *provide grants to units of local government, including*
 20 *units of local government that own treatment works*
 21 *(as defined in section 212 of the Federal Water Pollu-*
 22 *tion Control Act (33 U.S.C. 1292)), Indian Tribes,*
 23 *and public water systems (as defined in section 1401*
 24 *of the Safe Drinking Water Act (42 U.S.C. 300f)), as*
 25 *applicable, to support improvements in removing*

1 *plastic waste and post-consumer materials, including*
 2 *microplastics and microfibers, from wastewater.*

3 (2) *APPLICATIONS.*—*To be eligible to receive a*
 4 *grant under paragraph (1), an applicant shall submit*
 5 *to the EPA Administrator an application at such*
 6 *time, in such manner, and containing such informa-*
 7 *tion as the EPA Administrator may require.*

8 (d) *TRASH-FREE WATERS GRANTS.*—

9 (1) *IN GENERAL.*—*The EPA Administrator may*
 10 *provide grants to units of local government, Indian*
 11 *Tribes, and nonprofit organizations—*

12 (A) *to support projects to reduce the quan-*
 13 *tity of solid waste in bodies of water by reducing*
 14 *the quantity of waste at the source, including*
 15 *through anti-litter initiatives;*

16 (B) *to enforce local post-consumer materials*
 17 *management ordinances;*

18 (C) *to implement State or local policies re-*
 19 *lating to solid waste;*

20 (D) *to capture post-consumer materials at*
 21 *stormwater inlets, at stormwater outfalls, or in*
 22 *bodies of water;*

23 (E) *to provide education and outreach*
 24 *about post-consumer materials movement and re-*
 25 *duction; and*

1 (F) to monitor or model flows of post-con-
 2 sumer materials, including monitoring or mod-
 3 eling a reduction in trash as a result of the im-
 4 plementation of best management practices for
 5 the reduction of plastic waste and other post-con-
 6 sumer materials in sources of drinking water.

7 (2) *APPLICATIONS.*—To be eligible to receive a
 8 grant under paragraph (1), an applicant shall submit
 9 to the EPA Administrator an application at such
 10 time, in such manner, and containing such informa-
 11 tion as the EPA Administrator may require.

12 (e) *APPLICABILITY OF FEDERAL LAW.*—

13 (1) *IN GENERAL.*—The EPA Administrator shall
 14 ensure that all laborers and mechanics employed on
 15 projects funded directly, or assisted in whole or in
 16 part, by a grant established by this section shall be
 17 paid wages at rates not less than those prevailing on
 18 projects of a character similar in the locality as deter-
 19 mined by the Secretary of Labor in accordance with
 20 subchapter IV of chapter 31 of part A of subtitle II
 21 of title 40, United States Code.

22 (2) *AUTHORITY.*—With respect to the labor
 23 standards specified in paragraph (1), the Secretary of
 24 Labor shall have the authority and functions set forth
 25 in Reorganization Plan Numbered 14 of 1950 (64

1 *Stat. 1267; 5 U.S.C. App.) and section 3145 of title*
 2 *40, United States Code.*

3 (f) *LIMITATION ON USE OF FUNDS.—A grant under*
 4 *this section may not be used (directly or indirectly) as a*
 5 *source of payment (in whole or in part) of, or security for,*
 6 *an obligation the interest on which is excluded from gross*
 7 *income under section 103 of the Internal Revenue Code of*
 8 *1986.*

9 (g) *AUTHORIZATION OF APPROPRIATIONS.—*

10 (1) *IN GENERAL.—Subject to paragraph (2),*
 11 *there are authorized to be appropriated—*

12 (A) *for the program described subsection*
 13 *(a), \$55,000,000 for each of fiscal years 2021*
 14 *through 2025; and*

15 (B) *for each of the programs described sub-*
 16 *sections (b), (c), and (d), \$10,000,000 for each of*
 17 *fiscal years 2021 through 2025.*

18 (2) *NO IMPACT ON OTHER FEDERAL FUNDS.—*

19 (A) *IN GENERAL.—No funds shall be made*
 20 *available under paragraph (1) to carry out sub-*
 21 *sections (b) and (c) in a fiscal year if the total*
 22 *amount made available to carry out the pro-*
 23 *grams described in subparagraph (B) for that*
 24 *fiscal year is less than the total amount made*

1 *available to carry out the programs described in*
 2 *subparagraph (B) for fiscal year 2019.*

3 *(B) PROGRAMS DESCRIBED.—The programs*
 4 *referred to in subparagraph (A) are—*

5 *(i) State drinking water treatment re-*
 6 *volving loan funds established under section*
 7 *1452 of the Safe Drinking Water Act (42*
 8 *U.S.C. 300j–12);*

9 *(ii) programs for assistance for small*
 10 *and disadvantaged communities under sub-*
 11 *sections (a) through (j) of section 1459A of*
 12 *the Safe Drinking Water Act (42 U.S.C.*
 13 *300j–19a); and*

14 *(iii) State water pollution control re-*
 15 *volving funds established under title VI of*
 16 *the Federal Water Pollution Control Act (33*
 17 *U.S.C. 1381 et seq.).*

18 **SEC. 5. STUDY ON REPURPOSING PLASTIC WASTE IN INFRA-**
 19 **STRUCTURE.**

20 *(a) IN GENERAL.—The Secretary of Transportation*
 21 *(referred to in this section as the “Secretary”) and the EPA*
 22 *Administrator shall jointly enter into an arrangement with*
 23 *the National Academies of Sciences, Engineering, and Med-*
 24 *icine under which the National Academies will—*

1 (1) *conduct a study on the uses of plastic waste*
2 *in infrastructure; and*

3 (2) *as part of the study under paragraph (1)—*

4 (A) *identify domestic and international ex-*
5 *amples of—*

6 (i) *the use of plastic waste materials*
7 *described in that paragraph;*

8 (ii) *infrastructure projects in which the*
9 *use of plastic waste has been applied; and*

10 (iii) *projects in which the use of plastic*
11 *waste has been incorporated into or with*
12 *other infrastructure materials;*

13 (B) *assess—*

14 (i) *the effectiveness and utility of the*
15 *uses of plastic waste described in that para-*
16 *graph;*

17 (ii) *the extent to which plastic waste*
18 *materials are consistent with recognized*
19 *specifications for infrastructure construction*
20 *and other recognized standards;*

21 (iii) *relevant impacts of plastic waste*
22 *materials compared to non-waste plastic*
23 *materials;*

24 (iv) *the health, safety, and environ-*
25 *mental impacts of—*

1 (I) plastic waste on humans and
2 animals; and

3 (II) the increased use of plastic
4 waste for infrastructure;

5 (v) the ability of plastic waste infra-
6 structure to withstand natural disasters, ex-
7 treme weather events, and other hazards;
8 and

9 (vi) plastic waste in infrastructure
10 through an economic analysis; and

11 (C) make recommendations with respect to
12 what standards or matters may need to be ad-
13 dressed with respect to ensuring human and ani-
14 mal health and safety from the use of plastic
15 waste in infrastructure.

16 (b) *REPORT REQUIRED*.—Not later than 2 years after
17 the date of enactment of this Act and subject to the avail-
18 ability of appropriations, the Secretary and the EPA Ad-
19 ministrator shall submit to Congress a report on the study
20 conducted under subsection (a).

21 **SEC. 6. STUDY ON EFFECTS OF MICROPLASTICS IN FOOD**
22 **SUPPLIES AND SOURCES OF DRINKING**
23 **WATER.**

24 (a) *IN GENERAL*.—The EPA Administrator, in con-
25 sultation with the Under Secretary, shall seek to enter into

1 *an arrangement with the National Academies of Sciences,*
 2 *Engineering, and Medicine under which the National Acad-*
 3 *emies will conduct a human health and environmental risk*
 4 *assessment on microplastics, including microfibers, in food*
 5 *supplies and sources of drinking water.*

6 *(b) REPORT REQUIRED.—Not later than 2 years after*
 7 *the date of enactment of this Act, the EPA Administrator*
 8 *shall submit to Congress a report on the study conducted*
 9 *under subsection (a) that includes—*

10 *(1) a science-based definition of “microplastics”*
 11 *that can be adopted in federally supported monitoring*
 12 *and future assessments supported or conducted by a*
 13 *Federal agency;*

14 *(2) recommendations for standardized moni-*
 15 *toring, testing, and other necessary protocols relating*
 16 *to microplastics;*

17 *(3)(A) an assessment of whether microplastics*
 18 *are currently present in the food supplies and sources*
 19 *of drinking water of United States consumers; and*

20 *(B) if the assessment under subparagraph (A) is*
 21 *positive—*

22 *(i) the extent to which microplastics are*
 23 *present in the food supplies and sources of drink-*
 24 *ing water; and*

1 (ii) an assessment of the type, source, preva-
 2 lence, and risk of microplastics in the food sup-
 3 plies and sources of drinking water;

4 (4) an assessment of the risk posed, if any, by
 5 the presence of microplastics in the food supplies and
 6 sources of drinking water of United States consumers
 7 that includes—

8 (A) an identification of the most significant
 9 sources of those microplastics; and

10 (B) a review of the best available science to
 11 determine any potential hazards of microplastics
 12 in the food supplies and sources of drinking
 13 water of United States consumers; and

14 (5) a measurement of—

15 (A) the quantity of environmental chemicals
 16 that absorb to microplastics; and

17 (B) the quantity described in subparagraph
 18 (A) that would be available for human exposure
 19 through food supplies or sources of drinking
 20 water.

1 **SEC. 7. REPORT ON ELIMINATING BARRIERS TO INCREASE**
2 **THE COLLECTION OF RECYCLABLE MATE-**
3 **RIALS.**

4 *Not later than 1 year after the date of enactment of*
5 *this Act, the EPA Administrator shall submit to Congress*
6 *a report describing—*

7 *(1) the economic, educational, technological, re-*
8 *source availability, legal, or other barriers to increas-*
9 *ing the collection, processing, and use of recyclable*
10 *materials; and*

11 *(2) recommendations to overcome the barriers de-*
12 *scribed under paragraph (1).*

13 **SEC. 8. REPORT ON ECONOMIC INCENTIVES TO SPUR DE-**
14 **VELOPMENT OF NEW END-USE MARKETS FOR**
15 **RECYCLED PLASTICS.**

16 *Not later than 1 year after the date of enactment of*
17 *this Act, the EPA Administrator shall submit to Congress*
18 *a report describing the most efficient and effective economic*
19 *incentives to spur the development of additional new end-*
20 *use markets for recyclable plastics (including plastic film),*
21 *including the use of increased recycled content by manufac-*
22 *turers in the production of plastic goods and packaging.*

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S. 2260

A BILL

To provide for the improvement of domestic infrastructure in order to prevent marine debris, and for other purposes.

SEPTEMBER 25, 2019

Reported with an amendment