

116TH CONGRESS
1ST SESSION

S. 2372

To enhance global engagement to combat marine debris, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

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

A BILL

To enhance global engagement to combat 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: Enhanced Global Engagement to
6 Combat Marine Debris Act”.

7 (b) DEFINITIONS.—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) MARINE DEBRIS.—The term “marine de-
 15 bris” has the meaning given that term in section 7
 16 of the Marine Debris Act (33 U.S.C. 1956).

17 (4) MARINE DEBRIS EVENT.—The term “ma-
 18 rine debris event” means an event or related events
 19 that affects or may imminently affect the United
 20 States involving—

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

24 (B) distinct, nonrecurring marine debris,
 25 including derelict vessel groundings and con-

tainer spills, that have immediate or long-term impacts on habitats with high ecological, economic, or human-use values; or

(C) marine debris caused by an intentional or grossly negligent act or acts that causes substantial economic or environmental harm.

(5) POST-CONSUMER MATERIALS MANAGEMENT.—The term “post-consumer materials management” means the systems, operation, supervision, and aftercare of processes and equipment for post-consumer materials, including —

(A) collection;

(B) transport;

(C) safe disposal of waste, such as post-consumer materials that cannot be recovered, reused, recycled, repaired, or refurbished; and

(D) systems and processes related to recovering, recycling, reusing, repairing, or refurbishing post-consumer materials.

(6) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

1 **SEC. 2. STATEMENT OF POLICY ON INTERNATIONAL CO-**
2 **OPERATION TO COMBAT MARINE DEBRIS.**

3 It is the policy of the United States to partner, con-
4 sult, and coordinate with foreign governments (at the na-
5 tional and subnational levels), civil society, international
6 organizations, international financial institutions, sub-
7 national coastal communities, commercial and recreational
8 fishing industry leaders, and the private sector, in a con-
9 certed effort—

10 (1) to increase knowledge and raise awareness
11 about—

12 (A) the linkages between the sources of
13 plastic waste, mismanaged waste and post-con-
14 sumer materials, and marine debris; and

15 (B) the upstream and downstream causes
16 and effects of plastic waste, mismanaged waste
17 and post-consumer materials, and marine debris
18 on marine environments, marine wildlife,
19 human health, and economic development;

20 (2) to support—

21 (A) strengthening systems for recovering,
22 managing, reusing (to the extent practicable),
23 and recycling plastic waste, marine debris, and
24 microfiber pollution in the world's oceans, em-
25 phasizing upstream post-consumer materials
26 management solutions—

1 (i) to mitigate plastic waste at its
2 source; and

3 (ii) to prevent leakage of plastic waste
4 into the environment;

5 (B) advancing the utilization and avail-
6 ability of safe and affordable reusable alter-
7 natives to disposable plastic products in com-
8 merce, to the extent practicable, and with con-
9 sideration for the potential impacts of such al-
10 ternatives, and other efforts to prevent marine
11 debris;

12 (C) deployment of and access to advanced
13 technologies to capture value from post-con-
14 sumer materials and municipal solid waste
15 streams through mechanical and other recycling
16 systems;

17 (D) access to information on best practices
18 in post-consumer materials management, op-
19 tions for post-consumer materials management
20 systems financing, and options for participating
21 in public-private partnerships; and

22 (E) implementation of management meas-
23 ures to reduce derelict fishing gear, the loss of
24 fishing gear, and other sources of pollution gen-
25 erated from marine activities and to increase

1 proper disposal and recycling of fishing gear;
2 and

3 (3) to work cooperatively with international
4 partners—

5 (A) on establishing—

6 (i) measurable targets for reducing
7 marine debris, lost fishing gear, and plastic
8 waste from all sources; and

9 (ii) action plans to achieve those tar-
10 gets with a mechanism to provide regular
11 reporting;

12 (B) to promote consumer education,
13 awareness, and outreach to prevent marine de-
14bris;

15 (C) to reduce marine debris by improving
16 advance planning for marine debris events and
17 responses to such events; and

18 (D) to share best practices in post-con-
19sumer materials management systems to pre-
20vent the entry of plastic waste into the environ-
21ment.

1 **SEC. 3. PRIORITIZATION OF EFFORTS AND ASSISTANCE TO**
2 **COMBAT MARINE DEBRIS AND IMPROVE**
3 **PLASTIC WASTE MANAGEMENT.**

4 (a) IN GENERAL.—The Secretary of State shall, in
5 coordination with the Administrator of the United States
6 Agency for International Development, as appropriate,
7 and the officials specified in subsection (b)—

8 (1) lead and coordinate efforts to implement the
9 policy described in section 2; and

10 (2) develop strategies and implement programs
11 that prioritize engagement and cooperation with for-
12 eign governments, subnational and local stake-
13 holders, and the private sector to expedite efforts
14 and assistance in foreign countries—

15 (A) to partner with, encourage, advise and
16 facilitate national and subnational governments
17 on the development and execution, where prac-
18 ticable, of national projects, programs and ini-
19 tiatives to—

20 (i) improve the capacity, security, and
21 standards of operations of post-consumer
22 materials management systems;

23 (ii) monitor and track how well post-
24 consumer materials management systems
25 are functioning nationwide, based on uni-
26 form and transparent standards developed

in cooperation with municipal, industrial,
and civil society stakeholders;

(iii) identify the operational challenges
of post-consumer materials management
systems and develop policy and pro-
grammatic solutions;

(iv) end intentional or unintentional
incentives for municipalities, industries,
and individuals to improperly dispose of
plastic waste; and

(v) conduct outreach campaigns to
raise public awareness of the importance of
proper waste disposal;

(B) to facilitate the involvement of munici-
palities and industries in improving solid waste
reduction, collection, disposal, and reuse and re-
cycling projects, programs, and initiatives;

(C) to partner with and provide technical
assistance to investors, and national and local
institutions, including private sector actors, to
develop new business opportunities and solu-
tions to specifically reduce plastic waste and ex-
pand solid waste and post-consumer materials
management best practices in foreign countries
by—

1 (i) maximizing the number of people
2 and businesses, in both rural and urban
3 communities, receiving reliable solid waste
4 and post-consumer materials management
5 services;

6 (ii) improving and expanding the ca-
7 pacity of foreign industries to responsibly
8 employ post-consumer materials manage-
9 ment practices;

10 (iii) improving and expanding the ca-
11 pacity and transparency of tracking mech-
12 anisms for marine debris to reduce the im-
13 pacts on the marine environment;

14 (iv) eliminating incentives that under-
15 mine responsible post-consumer materials
16 management practices and lead to im-
17 proper waste disposal practices and leak-
18 age;

19 (v) building the capacity of coun-
20 tries—

21 (I) to monitor, regulate, and
22 manage waste, post-consumer mate-
23 rials and plastic waste, and pollution
24 appropriately and transparently;

1 (II) to encourage private invest-
2 ment in post-consumer materials man-
3 agement; and

4 (III) to encourage private invest-
5 ment, grow opportunities, and develop
6 markets for recyclable, reusable, and
7 repurposed plastic waste and post-con-
8 sumer materials, and products with
9 high levels of recycled plastic content,
10 at both national and local levels; and

11 (vi) promoting safe and affordable re-
12 usable alternatives to disposable plastic
13 products, to the extent practicable; and

14 (D) to research, identify, and facilitate op-
15 portunities to promote collection and proper
16 disposal of damaged or derelict fishing gear.

17 (b) OFFICIALS SPECIFIED.—The officials specified in
18 this subsection are the following:

19 (1) The United States Trade Representative.

20 (2) The Under Secretary.

21 (3) The EPA Administrator.

22 (4) The Director of the Trade and Development
23 Agency.

24 (5) The President and the Board of Directors
25 of the Overseas Private Investment Corporation or

1 the Chief Executive Officer and the Board of Direc-
2 tors of the United States International Development
3 Finance Corporation, as appropriate.

4 (6) The Chief Executive Officer and the Board
5 of Directors of the Millennium Challenge Corpora-
6 tion.

7 (7) The heads of such other agencies as the
8 Secretary of State considers appropriate.

9 (c) PRIORITIZATION.—In carrying out subsection (a),
10 the officials specified in subsection (b) shall prioritize as-
11 sistance to countries with—

12 (1) rapidly developing economies; and

13 (2) rivers and coastal areas that are the most
14 severe sources of marine debris.

15 (d) EFFECTIVENESS MEASUREMENT.—In
16 prioritizing and expediting efforts and assistance under
17 this section, the officials specified in subsection (b) shall
18 use clear, accountable, and metric-based targets to meas-
19 ure the effectiveness of guarantees and assistance in
20 achieving the policy described in section 2.

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to authorize the modification of or
23 the imposition of limits on the portfolios of any agency
24 or institution led by an official specified in subsection (b).

1 **SEC. 4. UNITED STATES LEADERSHIP IN INTERNATIONAL**
2 **FORA.**

3 In implementing the policy described in section 2, the
4 President shall direct the United States representatives to
5 appropriate international bodies and conferences (such as
6 the United Nations Environment Programme, the Asso-
7 ciation of Southeast Asian Nations, the Asia Pacific Eco-
8 nomic Cooperation, the Group of 7, the Group of 20, and
9 the Our Ocean Conference) to use the voice, vote, and in-
10 fluence of the United States, consistent with the broad for-
11 eign policy goals of the United States, to advocate that
12 each such body—

13 (1) commit to significantly increasing efforts to
14 promote investment in well-designed post-consumer
15 materials management and plastic waste elimination
16 and mitigation projects and services that increase
17 access to safe post-consumer materials management
18 and mitigation services, in partnership with the pri-
19 vate sector and consistent with the constraints of
20 other countries;

21 (2) address the post-consumer materials man-
22 agement needs of individuals and communities where
23 access to municipal post-consumer materials man-
24 agement services is historically impractical or cost-
25 prohibitive;

1 (3) enhance coordination with the private sec-
2 tor—

3 (A) to increase access to solid waste and
4 post-consumer materials management services;

5 (B) to utilize safe and affordable reusable
6 alternatives to disposable plastic products, to
7 the extent practicable;

8 (C) to encourage and incentivize the use of
9 recycled content; and

10 (D) to grow economic opportunities and
11 develop markets for recyclable, reusable, and
12 repurposed plastic waste materials and other ef-
13 forts that support the circular economy;

14 (4) provide technical assistance to foreign regu-
15 latory authorities and governments to remove unnec-
16 essary barriers to investment in otherwise commer-
17 cially viable projects related to—

18 (A) post-consumer materials management;

19 (B) the use of safe and affordable reusable
20 alternatives to disposable plastic products, to
21 the extent practicable; or

22 (C) beneficial reuse of solid waste, plastic
23 waste, post-consumer materials, plastic prod-
24 ucts, and refuse;

1 (5) use clear, accountable, and metric-based
2 targets to measure the effectiveness of such projects;
3 and

4 (6) engage international partners in an existing
5 multilateral forum (or, if necessary, establish
6 through an international agreement a new multilat-
7 eral forum) to improve global cooperation on—

8 (A) creating tangible metrics for evaluating
9 efforts to reduce plastic waste and marine de-
10bris;

11 (B) developing and implementing best
12 practices for collecting, disposing, recycling, and
13 reusing plastic waste and post-consumer mate-
14rials, including building capacity for improving
15 post-consumer materials management at the
16 national and subnational levels of foreign coun-
17tries, particularly countries with little to no
18 solid waste or post-consumer materials manage-
19ment systems, facilities, or policies in place;

20 (C) encouraging the development of stand-
21ards and practices, and increasing recycled con-
22tent percentage requirements for disposable
23plastic products;

1 (D) integrating tracking and monitoring
2 systems into post-consumer materials manage-
3 ment systems;

4 (E) fostering research to improve scientific
5 understanding of—

6 (i) how microfibers and microplastics
7 may affect marine ecosystems, human
8 health and safety, and maritime activities;

9 (ii) changes in the amount and re-
10 gional concentrations of plastic waste in
11 the ocean, based on scientific modeling and
12 forecasting;

13 (iii) the role rivers, streams, and other
14 inland waterways play in serving as con-
15 duits for mismanaged waste traveling from
16 land to the ocean;

17 (iv) effective means to eliminate
18 present and future leakages of plastic
19 waste into the environment; and

20 (v) other related areas of research the
21 United States representatives deem nec-
22 essary;

23 (F) encouraging the World Bank and other
24 international finance organizations to prioritize
25 efforts to combat marine debris;

1 (G) collaborating on technological advances
 2 in post-consumer materials management and
 3 recycled plastics;

4 (H) growing economic opportunities and
 5 developing markets for recyclable, reusable, and
 6 repurposed plastic waste and post-consumer
 7 materials and other efforts that support the cir-
 8 cular economy; and

9 (I) advising foreign countries, at both the
 10 national and subnational levels, on the develop-
 11 ment and execution of regulatory policies, serv-
 12 ices, including recycling and reuse of plastic,
 13 and laws pertaining to reducing the creation
 14 and the collection and safe management of—

- 15 (i) solid waste;
- 16 (ii) post-consumer materials;
- 17 (iii) plastic waste; and
- 18 (iv) marine debris.

19 **SEC. 5. ENHANCING INTERNATIONAL OUTREACH AND**
 20 **PARTNERSHIP OF UNITED STATES AGENCIES**
 21 **INVOLVED IN MARINE DEBRIS ACTIVITIES.**

22 (a) FINDINGS.—Congress recognizes the success of
 23 the marine debris program of the National Oceanic and
 24 Atmospheric Administration and the Trash-Free Waters
 25 program of the Environmental Protection Agency.

1 (b) AUTHORIZATION OF EFFORTS TO BUILD FOR-
2 EIGN PARTNERSHIPS.—The Under Secretary and the
3 EPA Administrator shall work with the Secretary of State
4 and the Administrator of the United States Agency for
5 International Development to build partnerships, as ap-
6 propriate, with the governments of foreign countries and
7 to support international efforts to combat marine debris.

8 **SEC. 6. NEGOTIATION OF NEW INTERNATIONAL AGREE-**
9 **MENTS.**

10 Not later than 1 year after the date of the enactment
11 of this Act, the Secretary of State shall submit to Con-
12 gress a report—

13 (1) assessing the potential for negotiating new
14 international agreements or creating a new inter-
15 national forum to reduce land-based sources of ma-
16 rine debris and derelict fishing gear, consistent with
17 section 4;

18 (2) describing the provisions that could be in-
19 cluded in such agreements; and

20 (3) assessing potential parties to such agree-
21 ments.

1 **SEC. 7. CONSIDERATION OF MARINE DEBRIS IN NEGOTI-**
2 **ATING INTERNATIONAL AGREEMENTS.**

3 In negotiating any relevant international agreement
4 with any country or countries after the date of the enact-
5 ment of this Act, the President shall, as appropriate—

6 (1) consider the impact of land-based sources of
7 plastic waste and other solid waste from that coun-
8 try on the marine and aquatic environment; and

9 (2) ensure that the agreement strengthens ef-
10 forts to eliminate land-based sources of plastic waste
11 and other solid waste from that country that impact
12 the marine and aquatic environment.

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