

116TH CONGRESS
2D SESSION

S. 5030

To provide for negotiations for the establishment or designation of a trust fund administered by the international community for the prevention and reduction of marine debris, including marine plastic pollution, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2020

Mr. COONS (for himself, Mr. GRAHAM, Mr. SULLIVAN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for negotiations for the establishment or designation of a trust fund administered by the international community for the prevention and reduction of marine debris, including marine plastic pollution, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unify Nations In
5 Trash Elimination for our Oceans Act of 2020” or the
6 “UNITE for our Oceans Act of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Foreign Relations,
7 the Committee on Commerce, Science, and
8 Transportation, and the Committee on Finance
9 of the Senate; and

10 (B) the Committee on Foreign Affairs, the
11 Committee on Financial Services, the Com-
12 mittee on Natural Resources, and the Com-
13 mittee on Ways and Means of the House of
14 Representatives.

15 (2) MARINE DEBRIS.—The term “marine de-
16 bris” means any persistent solid material that is
17 manufactured or processed and directly or indirectly,
18 intentionally or unintentionally, disposed of or aban-
19 doned into the marine environment or the Great
20 Lakes.

21 (3) MARINE PLASTIC POLLUTION.—The term
22 “marine plastic pollution” means any plastic mate-
23 rial directly or indirectly discarded, disposed of, or
24 abandoned in the marine or coastal environment, in-
25 cluding microplastics.

1 (4) MICROPLASTICS.—The term “microplastics”
2 means small particles or fragments of plastic meas-
3 uring less than 5 millimeters in diameter.

4 (5) SECRETARY.—Except as otherwise specifi-
5 cally provided, the term “Secretary” means the Sec-
6 retary of State.

7 **SEC. 3. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) A large portion of the world’s population
11 depends on oceans and marine environments for
12 food security and economic livelihoods.

13 (2) Marine debris, including marine plastic pol-
14 lution, is a global problem that directly and indi-
15 rectly threatens marine habitats and species, eco-
16 nomic growth, and human health and safety.

17 (3) Each year, billions of pounds of trash and
18 other pollutants enter the ocean, a large proportion
19 of which is plastic.

20 (4) The increasing production, consumption,
21 and improper disposal of plastic products, including
22 single-use plastic products, contributes substantially
23 to the issue of marine debris.

1 (5) In 2016, the United States generated the
2 largest amount of plastic waste of any country in the
3 world.

4 (6) A significant portion of marine debris, in-
5 cluding marine plastic pollution, originates from
6 land-based activities, and the movement of such de-
7 bris has significant impacts on marine environments.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the United States must improve domestic
11 production, consumption, and end-of-life practices to
12 achieve a comprehensive and sustainable life-cycle
13 system for products;

14 (2) it is critical to support and enhance the ca-
15 pacity of countries to manage their waste systems
16 and marine and coastal ecosystems sustainably; and

17 (3) international efforts to enhance the control
18 of the transboundary movements of plastic waste, in-
19 cluding the Basel Convention on the Control of
20 Transboundary Movements of Hazardous Wastes
21 and their Disposal, adopted by the United Nations
22 March 22, 1989, and ongoing discussions on poten-
23 tial agreements relating to marine debris, provide
24 meaningful frameworks to reduce marine debris, in-
25 cluding marine plastic pollution.

1 **SEC. 4. ESTABLISHMENT OR DESIGNATION OF TRUST FUND**
2 **FOR MARINE DEBRIS AND PLASTIC POLLU-**
3 **TION.**

4 (a) IN GENERAL.—The Secretary shall seek to enter
5 into negotiations with foreign countries and the United
6 Nations, the International Bank for Reconstruction and
7 Development, the Global Environment Facility, and other
8 relevant international organizations for the purposes of—

9 (1) establishing a new trust fund, or designat-
10 ing an existing trust fund, to serve as the “Trust
11 Fund for Marine Debris and Plastic Pollution” (in
12 this Act referred to as the “Trust Fund”); and

13 (2) establishing an Advisory Board to the Trust
14 Fund in accordance with section 8.

15 (b) PURPOSE.—The Secretary shall seek, pursuant to
16 negotiations described in subsection (a), to require that
17 the Trust Fund use funds contributed to the Trust Fund
18 to provide support for activities that—

19 (1) prevent and reduce marine debris, including
20 marine plastic pollution; and

21 (2) promote sustainable consumption and pro-
22 duction of resources.

23 (c) BOARD OF TRUSTEES.—

24 (1) COMPOSITION.—The Secretary shall seek,
25 pursuant to negotiations described in subsection (a),

1 to establish a Board of Trustees for the Trust Fund,
2 to be composed of individuals who—

3 (A) are representatives of the countries
4 that contribute funds to the Trust Fund; and

5 (B) have knowledge or experience in the
6 fields of marine or environmental sciences, ma-
7 rine debris or marine plastic pollution, sustain-
8 able consumption and production of resources,
9 international relations, or international funding
10 programs.

11 (2) UNITED STATES REPRESENTATIVE.—If the
12 Board of Trustees is established pursuant to nego-
13 tiations described in subsection (a), there shall be a
14 United States member of the Board, who shall be
15 appointed by the President, by and with the advice
16 and consent of the Senate, from among individuals
17 who have knowledge or experience described in para-
18 graph (1)(B).

19 (d) CONSULTATIONS.—The Secretary shall conduct
20 negotiations described in subsection (a) in consultation
21 with the Administrator of the United States Agency for
22 International Development, the Secretary of Commerce,
23 the Administrator of the Environmental Protection Agen-
24 cy, the Secretary of the Interior, the Administrator of the
25 National Oceanic and Atmospheric Administration, the

1 United States Trade Representative, the Chief Executive
2 Officer of the United States International Development
3 Finance Corporation, and the heads of such other relevant
4 United States Government agencies as the Secretary con-
5 siderers appropriate.

6 **SEC. 5. GRANT AUTHORITIES.**

7 (a) IN GENERAL.—The Secretary shall seek, pursu-
8 ant to negotiations described in section 4(a), to provide
9 the Board of Trustees of the Trust Fund with authority
10 to provide grants, including grants for technical assistance
11 and capacity building, for eligible entities to lead and im-
12 plement effective activities relating to the prevention or
13 reduction of, or education or research and development
14 with respect to, marine debris, including marine plastic
15 pollution, including with respect to the following:

16 (1) Preventing debris, including plastics, from
17 entering marine environments.

18 (2) Reducing the amount of debris, including
19 plastic pollution, in marine environments.

20 (3) Reducing the use and improper disposal of
21 single-use plastics and other materials that pollute
22 marine environments.

23 (4) Encouraging the reuse, recycling, and use of
24 sustainable alternatives to materials, such as plas-

1 tics, including single-use plastics, and other mate-
2 rials.

3 (5) Supporting the infrastructure and operation
4 of sustainable waste and recycling systems, including
5 the harmonization of such systems across regions.

6 (6) Encouraging sustainable standards for
7 product design and manufacturing to maximize re-
8 duction, reuse, and recycling of materials.

9 (7) Supporting the research and development of
10 new sustainable materials and processes that pro-
11 mote a comprehensive life-cycle approach for prod-
12 ucts.

13 (b) COORDINATION.—The Secretary shall seek, pur-
14 suant to negotiations described in section 4(a), to require
15 the Board of Trustees, in providing grants for activities
16 described in subsection (a), to coordinate its activities with
17 international organizations, such as the United Nations,
18 the International Bank for Reconstruction and Develop-
19 ment, and the Global Environment Facility, national and
20 local governments, civil society, nongovernmental organi-
21 zations, and the private sector.

22 (c) PRIORITY.—The Secretary shall seek, pursuant to
23 negotiations described in section 4(a), to require the
24 Board of Trustees, in providing grants under this section,

1 to prioritize awarding grants for activities that would most
 2 effectively—

3 (1) reduce the amount of debris, including plas-
 4 tics, that enters marine environments;

5 (2) encourage practices to improve the sustain-
 6 able consumption and production of resources and
 7 minimize waste generation; and

8 (3) remove debris, including plastics, from ma-
 9 rine environments.

10 (d) ELIGIBLE ENTITIES.—The Secretary shall seek,
 11 pursuant to negotiations described in section 4(a), to es-
 12 tablish that entities eligible to receive grants under this
 13 section include national and local governments, non-
 14 governmental organizations, and other appropriate inter-
 15 ested entities as determined by the Board of Trustees.

16 (e) PROHIBITION ON GRANTS FOR CERTAIN HIGH-
 17 RISK ACTIVITIES.—The Secretary shall seek, pursuant to
 18 negotiations described in section 4(a), to prohibit the
 19 Board of Trustees from making grants for the purpose
 20 of activities that involve incineration or chemical recycling
 21 processes that produce fuel as the final product.

22 **SEC. 6. CRITERIA AND PROCESSES FOR ENVIRONMENTAL**
 23 **ASSESSMENTS OF GRANT ACTIVITIES.**

24 (a) IN GENERAL.—The Secretary shall seek, pursu-
 25 ant to negotiations described in section 4(a), to require

1 the Board of Trustees of the Trust Fund to develop cri-
2 teria and processes to assess the environmental impacts,
3 and the impacts on the health and livelihoods of affected
4 communities, of activities funded by grants provided by
5 the Trust Fund.

6 (b) CONSULTATION AND AVAILABILITY.—The Sec-
7 retary shall seek, pursuant to negotiations described in
8 section 4(a), to ensure that the assessments described in
9 subsection (a) involve consultation with, and are available
10 to—

11 (1) all affected groups and stakeholders in local
12 communities where grant activities would occur; and

13 (2) the general public.

14 **SEC. 7. ADMINISTRATION.**

15 (a) APPOINTMENT OF AN ADMINISTRATOR.—The
16 Secretary shall seek, pursuant to negotiations described
17 in section 4(a), to require the Board of Trustees of the
18 Trust Fund, in consultation with appropriate officials, to
19 appoint an administrator to manage the day-to-day oper-
20 ations of the Trust Fund.

21 (b) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBU-
22 TIONS.—The Secretary shall seek, pursuant to negotia-
23 tions described in section 4(a), to authorize the Trust
24 Fund to solicit and accept contributions from govern-

1 ments, the private sector, and nongovernmental entities of
2 all kinds.

3 (c) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR
4 SUPPORT.—As part of the negotiations described in sec-
5 tion 4(a), the Secretary shall—

6 (1) take such actions as are necessary and with-
7 in the authority of the Secretary to ensure that the
8 Board of Trustees will have in effect adequate proce-
9 dures and standards to account for and monitor the
10 use of funds contributed to the Trust Fund, includ-
11 ing the costs of administering the Trust Fund; and

12 (2) seek approval from the Board of Trustees
13 on the criteria that should be used to determine the
14 entities and activities that should receive support
15 from the Trust Fund.

16 (d) SELECTION OF ENTITIES AND ACTIVITIES.—The
17 Secretary shall seek, pursuant to negotiations described
18 in section 4(a), to require the Board of Trustees to estab-
19 lish—

20 (1) standards and criteria for the selection of
21 entities and activities to receive grants from the
22 Trust Fund; and

23 (2) such rules and procedures as may be nec-
24 essary—

1 (A) for cost-effective management of the
2 Trust Fund; and

3 (B) to ensure transparency and account-
4 ability in the process of awarding grants.

5 (e) TRANSPARENCY OF OPERATIONS.—The Secretary
6 shall seek, pursuant to negotiations described in section
7 4(a), to require the Board of Trustees to ensure full and
8 prompt public disclosure of the proposed objectives, finan-
9 cial organization, and operations of the Trust Fund.

10 **SEC. 8. ADVISORY BOARD.**

11 (a) IN GENERAL.—The Secretary shall seek, pursu-
12 ant to negotiations described in section 4(a), to establish
13 an Advisory Board to the Trust Fund to provide advice
14 and guidance to the Board of Trustees of the Trust Fund
15 with respect to—

16 (1) the development and implementation of ac-
17 tivities to receive support from the Trust Fund; and

18 (2) leveraging contributions to the Trust Fund.

19 (b) APPOINTMENTS.—The Secretary shall seek, pur-
20 suant to negotiations described in section 4(a), to require
21 the members of the Advisory Board described in sub-
22 section (a) to consist of—

23 (1) a broad range of individuals with experience
24 and leadership in the fields of international develop-
25 ment, international finance, sustainable consumption

1 and production of resources, waste management,
2 materials science, marine sciences, and environ-
3 mental policy; and

4 (2) representatives of relevant international or-
5 ganizations, such as the United Nations, the Inter-
6 national Bank for Reconstruction and Development,
7 and the Global Environment Facility, and non-
8 governmental organizations with on-the-ground expe-
9 rience addressing marine debris, including marine
10 plastic pollution.

11 (c) PROHIBITION ON PAYMENT OF COMPENSA-
12 TION.—The Secretary shall seek, pursuant to negotiations
13 described in section 4(a), to prohibit any member of the
14 Advisory Board described in subsection (a) from receiving
15 compensation for services performed as a member of the
16 Board, other than travel expenses (including per diem in
17 lieu of subsistence).

18 (d) UNITED STATES REPRESENTATIVE.—Notwith-
19 standing any other provision of law (including an inter-
20 national agreement), a representative of the United States
21 on the Advisory Board described in subsection (a) may
22 not accept compensation for services performed as a mem-
23 ber of the Advisory Board, except that such representative
24 may accept travel expenses (including per diem in lieu of
25 subsistence), while away from the representative's home

1 or regular place of business in the performance of services
2 for the Advisory Board.

3 **SEC. 9. REPORTS TO CONGRESS.**

4 (a) ANNUAL REPORTS BY SECRETARY.—Not later
5 than 2 years after the date of the enactment of this Act,
6 and annually thereafter until the Trust Fund terminates,
7 the Secretary shall submit to the appropriate committees
8 of Congress a report on the Trust Fund that includes—

9 (1) in the first such report—

10 (A) a description of—

11 (i) the goals of the Trust Fund;

12 (ii) the activities supported by the
13 Trust Fund during the year preceding sub-
14 mission of the report; and

15 (iii) private and governmental con-
16 tributions to the Trust Fund during that
17 year;

18 (B) the criteria that have been established
19 to determine the activities to receive support
20 from the Trust Fund; and

21 (C) a statement of whether the criteria de-
22 scribed in subparagraph (B) are acceptable to
23 the Secretary, the Administrator of the Envi-
24 ronmental Protection Agency, and the Adminis-

1 trator of the United States Agency for Inter-
2 national Development; and

3 (2) in each subsequent report, a description of
4 each matter specified in clauses (ii) and (iii) of para-
5 graph (1)(A).

6 (b) GOVERNMENT ACCOUNTABILITY OFFICE RE-
7 PORT.—Not later than 4 years after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall submit to the appropriate committees of Con-
10 gress a report evaluating the effectiveness of the Trust
11 Fund that includes—

12 (1) an assessment of the effectiveness of the ac-
13 tivities supported by the Trust Fund in preventing
14 and reducing marine debris, including marine plastic
15 pollution; and

16 (2) an assessment of the merits of the United
17 States continuing to make financial contributions to
18 the Trust Fund.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated to the Secretary \$150,000,000 for each of fiscal
22 years 2021 and 2022 for contributions to the Trust Fund.

23 (b) SUPPLEMENT NOT SUPPLANT.—The amounts
24 authorized to be appropriated by subsection (a) shall sup-
25 plement and not supplant any other amounts authorized

1 to be appropriated for bilateral or multilateral activities
2 related to—

- 3 (1) the prevention or reduction of marine de-
4 bris, including marine plastic pollution; or
5 (2) economic development.

6 (c) CERTIFICATION REQUIREMENT.—Before the ini-
7 tial obligation or expenditure of amounts appropriated
8 pursuant to the authorization of appropriations under sub-
9 section (a), the Secretary shall submit to the appropriate
10 committees of Congress—

11 (1) a certification that adequate procedures and
12 standards have been established to ensure account-
13 ability for and monitoring of the use of funds con-
14 tributed to the Trust Fund, including the use of
15 such funds for the costs of administering the Trust
16 Fund; and

17 (2) an explanation of the basis for that certifi-
18 cation.

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