

118TH CONGRESS
1ST SESSION

S. 318

To amend the Save Our Seas 2.0 Act to improve the administration of the Marine Debris Foundation, to amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Save Our Seas 2.0 Act to improve the administration of the Marine Debris Foundation, to amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Our Seas 2.0
5 Amendments Act”.

1 **SEC. 2. MODIFICATIONS TO THE MARINE DEBRIS FOUNDA-**
2 **TION.**

3 (a) DEFINITION OF TRIBAL ORGANIZATION.—Sec-
4 tion 2 of the Save Our Seas 2.0 Act (33 U.S.C. 4201)
5 is amended—

6 (1) in paragraph (7)(D), by striking “(as de-
7 fined” and all that follows through “5304))”;

8 (2) by redesignating paragraph (11) as para-
9 graph (12); and

10 (3) by inserting after paragraph (10) the fol-
11 lowing:

12 “(11) TRIBAL ORGANIZATION.—The term ‘Trib-
13 al organization’ has the meaning given that term in
14 section 4 of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 5304).”.

16 (b) STATUS OF FOUNDATION.—Section 111(a) of
17 such Act (33 U.S.C. 4211(a)) is amended, in the second
18 sentence, by striking “organization” and inserting “cor-
19 poration”.

20 (c) BOARD OF DIRECTORS.—

21 (1) APPOINTMENT, VACANCIES, AND RE-
22 MOVAL.—Section 112(b) of such Act (33 U.S.C.
23 4212(b)) is amended—

24 (A) in paragraph (1), in the matter pre-
25 ceding subparagraph (A)—

1 (i) by striking “and considering” and
 2 inserting “considering”;

3 (ii) by inserting “and with the ap-
 4 proval of the Secretary of Commerce,”
 5 after “by the Board,”; and

6 (iii) by inserting “and such other cri-
 7 teria as the Under Secretary may estab-
 8 lish” after “subsection (a)”;

9 (B) in paragraph (3)(A), by inserting
 10 “with the approval of the Secretary of Com-
 11 merce” after “the Board”;

12 (C) in paragraph (5)—

13 (i) by inserting “the Administrator of
 14 the United States Agency for International
 15 Development,” after “Service,”; and

16 (ii) by inserting “and with the ap-
 17 proval of the Secretary of Commerce” after
 18 “EPA Administrator”;

19 (D) by redesignating paragraphs (2)
 20 through (5) as paragraphs (3) through (6), re-
 21 spectively; and

22 (E) by inserting after paragraph (1) the
 23 following:

24 “(2) RECOMMENDATIONS OF BOARD REGARD-
 25 ING APPOINTMENTS.—For appointments made

1 under paragraph (1) other than the initial appoint-
2 ments, the Board shall submit to the Under Sec-
3 retary recommendations on candidates for appoint-
4 ment.”.

5 (2) GENERAL POWERS.—Section 112(g) of such
6 Act (33 U.S.C. 4212(g)) is amended—

7 (A) in paragraph (1)(A), by striking “offi-
8 cers and employees” and inserting “the initial
9 officers and employees”; and

10 (B) in paragraph (2)(B)(i), by striking “its
11 chief operating officer” and inserting “the chief
12 executive officer of the Foundation”.

13 (3) CHIEF EXECUTIVE OFFICER.—Section 112
14 of such Act (33 U.S.C. 4212) is amended by adding
15 at the end the following:

16 “(h) CHIEF EXECUTIVE OFFICER.—

17 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
18 Board shall appoint and may remove and review the
19 performance of the chief executive officer of the
20 Foundation.

21 “(2) POWERS.—The chief executive officer of
22 the Foundation may appoint, remove, and review the
23 performance of any officer or employee of the Foun-
24 dation.”.

1 (d) POWERS OF FOUNDATION.—Section 113(c)(1) of
2 such Act (33 U.S.C. 4213(c)(1)) is amended, in the mat-
3 ter preceding subparagraph (A)—

4 (1) by inserting “nonprofit” before “corpora-
5 tion”; and

6 (2) by striking “acting as a trustee” and insert-
7 ing “formed”.

8 (e) PRINCIPAL OFFICE.—Section 113 of such Act (33
9 U.S.C. 4213) is amended by adding at the end the fol-
10 lowing:

11 “(g) PRINCIPAL OFFICE.—The Board may locate the
12 principal office of the Foundation outside the District of
13 Columbia and is encouraged to locate that office in a
14 coastal State.”.

15 (f) BEST PRACTICES.—Section 113 of such Act (33
16 U.S.C. 4213), as amended by subsection (e), is further
17 amended by adding at the end the following:

18 “(h) BEST PRACTICES.—

19 “(1) IN GENERAL.—The Foundation shall de-
20 velop and implement best practices for conducting
21 outreach to Indian Tribes.

22 “(2) REQUIREMENTS.—The best practices de-
23 veloped under paragraph (1) shall—

1 “(A) include a process to support technical
2 assistance and capacity building to improve out-
3 comes; and

4 “(B) promote an awareness of programs
5 and grants available under this Act.”.

6 (g) USE OF FUNDS.—Section 118 of such Act (33
7 U.S.C. 4218) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2), by striking “and
10 State and local government agencies” and in-
11 serting “, State and local government agencies,
12 United States and international nongovern-
13 mental organizations, regional organizations,
14 Indian Tribes, Tribal organizations, and foreign
15 government entities”; and

16 (B) in paragraph (3)—

17 (i) in the paragraph heading, by strik-
18 ing “PROHIBITION” and inserting “LIMI-
19 TATION”;

20 (ii) in subparagraph (A)—

21 (I) by striking “Except as pro-
22 vided in subparagraph (B), no” and
23 inserting “Not more than 12 percent
24 of”; and

1 (II) by striking “for administra-
2 tive” and inserting “to offset the ad-
3 ministrative”; and

4 (iii) by striking subparagraph (B) and
5 inserting the following:

6 “(B) SALARIES.—The Foundation may use
7 Federal funds described in subparagraph (A) to
8 pay for salaries only during the 24-month pe-
9 riod beginning on the date of the enactment of
10 the Save Our Seas 2.0 Amendments Act. The
11 Secretary shall not require reimbursement from
12 the Foundation for any such Federal funds
13 used to pay for such salaries.”; and

14 (2) in subsection (b)(2), by striking “and State
15 and local government agencies” and inserting “,
16 State and local government agencies, United States
17 and international nongovernmental organizations, re-
18 gional organizations, and foreign government enti-
19 ties”.

20 **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS PROGRAM**
21 **OF THE NATIONAL OCEANIC AND ATMOS-**
22 **PHERIC ADMINISTRATION.**

23 (a) GRANTS, COOPERATIVE AGREEMENTS, CON-
24 TRACTS, AND OTHER AGREEMENTS.—Section 3(d) of the
25 Marine Debris Act (33 U.S.C. 1952(d)) is amended—

1 (1) in the subsection heading, by striking “AND
2 CONTRACTS” and inserting “CONTRACTS, AND
3 OTHER AGREEMENTS”;

4 (2) in paragraph (1), by striking “and con-
5 tracts” and inserting “, contracts, and other agree-
6 ments”;

7 (3) in paragraph (2)—

8 (A) in subparagraph (B)—

9 (i) by striking “part of the” and in-
10 serting “part of a”; and

11 (ii) by inserting “or (C)” after “sub-
12 paragraph (A)”;

13 (B) in subparagraph (C), in the matter
14 preceding clause (i), by inserting “and except as
15 provided in subparagraph (B)” after “subpara-
16 graph (A)”;

17 (4) by adding at the end the following:

18 “(7) IN-KIND CONTRIBUTIONS.—With respect
19 to any project carried out pursuant to a contract or
20 other agreement entered into under paragraph (1)
21 that is not a cooperative agreement or an agreement
22 to provide financial assistance in the form of a
23 grant, the Administrator may contribute on an in-
24 kind basis the portion of the costs of the project that
25 the Administrator determines represents the amount

1 of benefit the National Oceanic and Atmospheric
2 Administration derives from the project.”.

3 (b) RECEIPT AND EXPENDITURE OF FUNDS; USE OF
4 RESOURCES.—Section 3 of such Act (33 U.S.C. 1952) is
5 amended by adding at the end the following:

6 “(e) RECEIPT AND EXPENDITURE OF FUNDS.—In
7 order to accomplish the purpose set forth in section 2, the
8 Administrator, acting through the Program, may receive
9 and, only to the extent provided in advance in appropria-
10 tions Acts, expend funds made available by—

11 “(1) any department, agency, or instrumen-
12 tality of the United States;

13 “(2) any State or local government (or any po-
14 litical subdivision thereof);

15 “(3) any Indian tribe;

16 “(4) any foreign government or international
17 organization;

18 “(5) any public or private organization; or

19 “(6) any individual.

20 “(f) USE OF RESOURCES.—In order to accomplish
21 the purpose set forth in section 2, the Administrator, act-
22 ing through the Program, may use, with consent, with re-
23 imbursement, and subject to the availability of appropria-
24 tions, the land, services, equipment, personnel, and facili-
25 ties of—

1 “(1) any department, agency, or instrumen-
2 tality of the United States;

3 “(2) any State or local government (or any po-
4 litical subdivision thereof);

5 “(3) any Indian tribe;

6 “(4) any foreign government or international
7 organization;

8 “(5) any public or private organization; or

9 “(6) any individual.”.

10 (c) DEFINITION OF INDIAN TRIBE.—Section 7 of
11 such Act (33 U.S.C. 1956) is amended—

12 (1) by redesignating paragraphs (2) through
13 (7) as paragraphs (3) through (8), respectively; and

14 (2) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
17 has the meaning given that term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5304).”.

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