

118TH CONGRESS
1ST SESSION

S. 318

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Save Our Seas 2.0
3 Amendments Act”.

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

6 (a) DEFINITIONS.—Section 2 of the Save Our Seas
7 2.0 Act (33 U.S.C. 4201) is amended—

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

10 (2) by redesignating paragraph (11) as para-
11 graph (13); and

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

14 “(11) TRIBAL GOVERNMENT.—The term ‘Tribal
15 government’ means the recognized governing body of
16 any Indian or Alaska Native Tribe, band, nation,
17 pueblo, village, community, component band, or com-
18 ponent reservation, individually identified (including
19 parenthetically) in the list published most recently as
20 of the date of the enactment of the Save Our Seas
21 2.0 Amendments Act pursuant to section 104 of the
22 Federally Recognized Indian Tribe List Act of 1994
23 (25 U.S.C. 5131).

24 “(12) TRIBAL ORGANIZATION.—The term ‘Trib-
25 al organization’ has the meaning given that term in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).”.

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

7 (c) PURPOSES.—Section 111(b)(3) of such Act (33
8 U.S.C. 4211(b)(3)) is amended by inserting “Indian
9 Tribes,” after “Tribal governments,”.

10 (d) BOARD OF DIRECTORS.—

11 (1) APPOINTMENT, VACANCIES, AND RE-
12 MOVAL.—Section 112(b) of such Act (33 U.S.C.
13 4212(b)) is amended—

14 (A) in paragraph (1), in the matter pre-
15 ceding subparagraph (A)—

16 (i) by striking “and considering” and
17 inserting “considering”;

18 (ii) by inserting “and with the ap-
19 proval of the Secretary of Commerce,”
20 after “by the Board,”; and

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

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

4 (C) in paragraph (5)—

5 (i) by inserting “the Administrator of
6 the United States Agency for International
7 Development,” after “Service,”; and

8 (ii) by inserting “and with the ap-
9 proval of the Secretary of Commerce” after
10 “EPA Administrator”;

11 (D) by redesignating paragraphs (2)
12 through (5) as paragraphs (3) through (6), re-
13 spectively; and

14 (E) by inserting after paragraph (1) the
15 following:

16 “(2) RECOMMENDATIONS OF BOARD REGARD-
17 ING APPOINTMENTS.—For appointments made
18 under paragraph (1) other than the initial appoint-
19 ments, the Board shall submit to the Under Sec-
20 retary recommendations on candidates for appoint-
21 ment.”.

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

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

4 (B) in paragraph (2)(B)(i), by striking “its
5 chief operating officer” and inserting “the chief
6 executive officer of the Foundation”.

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

10 “(h) CHIEF EXECUTIVE OFFICER.—

11 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
12 Board shall appoint and may remove and review the
13 performance of the chief executive officer of the
14 Foundation.

15 “(2) POWERS.—The chief executive officer of
16 the Foundation may appoint, remove, and review the
17 performance of any officer or employee of the Foun-
18 dation.”.

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

22 (1) by inserting “nonprofit” before “corpora-
23 tion”; and

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

1 (f) PRINCIPAL OFFICE.—Section 113 of such Act (33
2 U.S.C. 4213) is amended by adding at the end the fol-
3 lowing:

4 “(g) PRINCIPAL OFFICE.—The Board may locate the
5 principal office of the Foundation outside the District of
6 Columbia and is encouraged to locate that office in a
7 coastal State.”.

8 (g) BEST PRACTICES; RULE OF CONSTRUCTION.—
9 Section 113 of such Act (33 U.S.C. 4213), as amended
10 by subsection (f), is further amended by adding at the end
11 the following:

12 “(h) BEST PRACTICES.—

13 “(1) IN GENERAL.—The Foundation shall de-
14 velop and implement best practices for conducting
15 outreach to Indian Tribes and Tribal governments.

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

18 “(A) include a process to support technical
19 assistance and capacity building to improve out-
20 comes; and

21 “(B) promote an awareness of programs
22 and grants available under this Act.

23 “(i) RULE OF CONSTRUCTION.—Nothing in this Act
24 may be construed—

1 “(1) to satisfy any requirement for government-
2 to-government consultation with Tribal governments;
3 or

4 “(2) to affect or modify any treaty or other
5 right of any Tribal government.”.

6 (h) 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 regional organizations, Indian Tribes, and Trib-
13 al organizations”; and

14 (B) in paragraph (3)—

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

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) SALARIES.—The Foundation may use
21 Federal funds described in subparagraph (A) to
22 pay for salaries only during the 24-month pe-
23 riod beginning on the date of the enactment of
24 the Save Our Seas 2.0 Amendments Act. The
25 Secretary shall not require reimbursement from

1 the Foundation for any such Federal funds
2 used to pay for such salaries.”; and

3 (2) in subsection (b)(2), by striking “and State
4 and local government agencies” and inserting “,
5 State and local government agencies, United States
6 and international nongovernmental organizations, re-
7 gional organizations, and foreign government enti-
8 ties”.

9 **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS PROGRAM**
10 **OF THE NATIONAL OCEANIC AND ATMOS-**
11 **PHERIC ADMINISTRATION.**

12 Section 3(d) of the Marine Debris Act (33 U.S.C.
13 1952(d)) is amended—

14 (1) in the subsection heading, by striking “AND
15 CONTRACTS” and inserting “CONTRACTS, AND
16 OTHER AGREEMENTS”;

17 (2) in paragraph (1), by striking “and con-
18 tracts” and inserting “, contracts, and other agree-
19 ments”;

20 (3) in paragraph (2)—

21 (A) in subparagraph (B)—

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

24 (ii) by inserting “or (C)” after “sub-
25 paragraph (A)”;

1 (B) in subparagraph (C), in the matter
2 preceding clause (i), by inserting “and except as
3 provided in subparagraph (B)” after “subpara-
4 graph (A)”;

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

6 “(7) IN-KIND CONTRIBUTIONS.—With respect
7 to any project carried out pursuant to a contract or
8 other agreement entered into under paragraph (1)
9 that is not a cooperative agreement or an agreement
10 to provide financial assistance in the form of a
11 grant, the Administrator may contribute on an in-
12 kind basis the portion of the costs of the project that
13 the Administrator determines represents the amount
14 of benefit the National Oceanic and Atmospheric
15 Administration derives from the project.”.

Passed the Senate December 13, 2023.

Attest:

Secretary.

118TH CONGRESS
1ST SESSION

S. 318

AN ACT

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.