

118TH CONGRESS  
2D SESSION

# S. 5649

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 21 (legislative day, DECEMBER 16), 2024

Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To amend the Marine Debris Act to improve the administration of the Marine Debris Program of the National Oceanic and Atmospheric Administration, to improve the administration of the Marine Debris Foundation, 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 PROGRAM**  
2 **OF THE NATIONAL OCEANIC AND ATMOS-**  
3 **PHERIC ADMINISTRATION.**

4 Section 3(d) of the Marine Debris Act (33 U.S.C.  
5 1952(d)) is amended—

6 (1) in the subsection heading, by striking “AND  
7 CONTRACTS” and inserting “CONTRACTS, AND  
8 OTHER AGREEMENTS”;

9 (2) in paragraph (1), by striking “and con-  
10 tracts” and inserting “, contracts, and other agree-  
11 ments”;

12 (3) in paragraph (2)—

13 (A) in subparagraph (B)—

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

16 (ii) by inserting “or (C)” after “sub-  
17 paragraph (A)”;

18 (B) in subparagraph (C), in the matter  
19 preceding clause (i), by inserting “and except as  
20 provided in subparagraph (B)” after “subpara-  
21 graph (A)”;

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

23 “(7) IN-KIND CONTRIBUTIONS.—With respect  
24 to any project carried out pursuant to a contract or  
25 other agreement entered into under paragraph (1)  
26 that is not a cooperative agreement or an agreement

1 to provide financial assistance in the form of a  
2 grant, the Under Secretary may contribute on an in-  
3 kind basis the portion of the costs of the project that  
4 the Under Secretary determines represents the  
5 amount of benefit the National Oceanic and Atmos-  
6 pheric Administration derives from the project.”.

7 **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS FOUNDA-**  
8 **TION.**

9 (a) STATUS OF FOUNDATION.—Section 111(a) of the  
10 Save Our Seas 2.0 Act (33 U.S.C. 4211(a)) is amended,  
11 in the second sentence, by striking “organization” and in-  
12 serting “corporation”.

13 (b) PURPOSES.—Section 111(b)(3) of the Save Our  
14 Seas 2.0 Act (33 U.S.C. 4211(b)(3)) is amended by insert-  
15 ing “Indian Tribes,” after “Tribal governments,”.

16 (c) BOARD OF DIRECTORS.—

17 (1) APPOINTMENT, VACANCIES, AND RE-  
18 MOVAL.—Section 112(b) of the Save Our Seas 2.0  
19 Act (33 U.S.C. 4212(b)) is amended—

20 (A) by redesignating paragraphs (1)  
21 through (5) as paragraphs (2) through (6), re-  
22 spectively;

23 (B) by inserting before paragraph (2) the  
24 following:

1           “(1) RECOMMENDATIONS OF BOARD REGARD-  
2           ING APPOINTMENTS.—For appointments made  
3           under paragraph (2), the Board shall submit to the  
4           Under Secretary recommendations on candidates for  
5           appointment.”;

6           (C) in paragraph (2), as redesignated by  
7           subparagraph (A), in the matter preceding sub-  
8           paragraph (A)—

9           (i) by striking “paragraph (2)” and  
10          inserting “paragraph (3)”;

11          (ii) by striking “and considering” and  
12          inserting “considering”; and

13          (iii) by inserting “under paragraph  
14          (1), and with the approval of the Secretary  
15          of Commerce” after “by the Board”;

16          (D) by amending paragraph (3), as so re-  
17          designated, to read as follows:

18          “(3) TERMS.—Any Director appointed under  
19          paragraph (2) shall be appointed for a term of 6  
20          years.”;

21          (E) in subparagraph (A) of paragraph (4),  
22          as so redesignated, by inserting “with the ap-  
23          proval of the Secretary of Commerce” after  
24          “the Board”; and

25          (F) in paragraph (6), as so redesignated—

1 (i) by inserting “the Administrator of  
2 the United States Agency for International  
3 Development,” after “Service,”; and

4 (ii) by inserting “, and with the ap-  
5 proval of the Secretary of Commerce” after  
6 “EPA Administrator”.

7 (2) GENERAL POWERS.—Section 112(g) of the  
8 Save Our Seas 2.0 Act (33 U.S.C. 4212(g)) is  
9 amended—

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

13 (B) in paragraph (2)(B)(i), by striking “its  
14 chief operating officer” and inserting “the chief  
15 executive officer of the Foundation”.

16 (3) CHIEF EXECUTIVE OFFICER.—Section 112  
17 of the Save Our Seas 2.0 Act (33 U.S.C. 4212) is  
18 amended by adding at the end the following:

19 “(h) CHIEF EXECUTIVE OFFICER.—

20 “(1) APPOINTMENT; REMOVAL; REVIEW.—The  
21 Board shall appoint and review the performance of,  
22 and may remove, the chief executive officer of the  
23 Foundation.

24 “(2) POWERS.—The chief executive officer of  
25 the Foundation may appoint, remove, and review the

1 performance of any officer or employee of the Foun-  
2 dation.”.

3 (d) POWERS OF FOUNDATION.—Section 113(c)(1) of  
4 the Save Our Seas 2.0 Act (33 U.S.C. 4213(c)(1)) is  
5 amended, in the matter preceding subparagraph (A)—

6 (1) by inserting “nonprofit” before “corpora-  
7 tion”; and

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

10 (e) PRINCIPAL OFFICE.—Section 113 of the Save  
11 Our Seas 2.0 Act (33 U.S.C. 4213) is amended by adding  
12 at the end the following:

13 “(g) PRINCIPAL OFFICE.—The Board may locate the  
14 principal office of the Foundation in the National Capital  
15 Region, as such term is defined in section 2674(f)(2) of  
16 title 10, United States Code, or a coastal shoreline com-  
17 munity.”.

18 (f) BEST PRACTICES; RULE OF CONSTRUCTION.—  
19 Section 113 of the Save Our Seas 2.0 Act (33 U.S.C.  
20 4213), as amended by subsection (e), is further amended  
21 by adding at the end the following:

22 “(h) BEST PRACTICES FOR OUTREACH TO INDIAN  
23 TRIBES.—

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

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

6                   “(A) include a process to support technical  
7                   assistance and capacity building to improve out-  
8                   comes; and

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

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

13                  “(1) to satisfy any requirement for government-  
14                  to-government consultation with Tribal governments;  
15                  or

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

18          (g) USE OF FUNDS.—Section 118(a)(2) of the Save  
19          Our Seas 2.0 Act (33 U.S.C. 4218(a)(2)) is amended by  
20          striking “and State and local government agencies” and  
21          inserting “, State and local government agencies, United  
22          States and international nongovernmental organizations,  
23          regional organizations, Indian Tribes, Tribal organiza-  
24          tions, and foreign government entities”.

1 **SEC. 4. ORGANIZATION OF MARINE DEBRIS ACT.**

2 (a) IN GENERAL.—The Marine Debris Act (33  
3 U.S.C. 1951 et seq.) is amended—

4 (1) by inserting before section 3 the following:

5 **“Subtitle A—National Oceanic and**  
6 **Atmospheric Administration**  
7 **and Coast Guard Programs”;**

8 (2) by redesignating sections 3 through 6 as  
9 sections 101 through 104, respectively;

10 (3) by redesignating sections 7 through 10 as  
11 sections 131 through 134, respectively; and

12 (4) by inserting before section 131, as redesign-  
13 nated by paragraph (3), the following:

14 **“Subtitle D—Administration”.**

15 (b) MARINE DEBRIS FOUNDATION.—Subtitle B of  
16 title I of the Save Our Seas 2.0 Act (33 U.S.C. 4211 et  
17 seq.) is—

18 (1) transferred to the Marine Debris Act; and

19 (2) inserted after section 104 of the Marine De-  
20 bris Act, as redesignated by subsection (a)(2).

21 (c) GENIUS PRIZE FOR SAVE OUR SEAS INNOVA-  
22 TIONS.—Subtitle C of title I of the Save Our Seas 2.0  
23 Act (33 U.S.C. 4231 et seq.) is—

24 (1) transferred to the Marine Debris Act; and



1           (2) inserted after section 119 of the Marine De-  
2       bris Act, as transferred and inserted by subsection  
3       (b).

4 **SEC. 5. DEFINITIONS.**

5       Section 131 of the Marine Debris Act, as redesi-  
6       gnated by section 4(a)(3), is amended—

7           (1) by redesignating paragraphs (2), (3), (4),  
8       (5), (6), and (7) as paragraphs (4), (5), (6), (10),  
9       (11), and (12), respectively;

10          (2) by striking paragraph (1) and inserting the  
11       following:

12           “(1) CIRCULAR ECONOMY.—The term ‘circular  
13       economy’ has the meaning given such term in sec-  
14       tion 2 of the Save Our Seas 2.0 Act (Public Law  
15       116–224; 33 U.S.C. 4201 note).

16           “(2) COASTAL SHORELINE COMMUNITY.—The  
17       term ‘coastal shoreline community’ means a city or  
18       county directly adjacent to the open ocean, a major  
19       estuary, or one of the Great Lakes.

20           “(3) EPA ADMINISTRATOR.—The term ‘EPA  
21       Administrator’ means the Administrator of the Envi-  
22       ronmental Protection Agency.”;

23          (3) by inserting after paragraph (6), as redesi-  
24       gnated by paragraph (1), the following:

1           “(7) NON-FEDERAL FUNDS.—The term ‘non-  
2 Federal funds’ means funds provided by—

3           “(A) a State;

4           “(B) an Indian Tribe;

5           “(C) a territory of the United States;

6           “(D) one or more units of local govern-  
7 ments or Tribal organizations;

8           “(E) a foreign government;

9           “(F) a private for-profit entity;

10          “(G) a nonprofit organization; or

11          “(H) a private individual.

12          “(8) NONPROFIT.—The term ‘nonprofit’, with  
13 respect to a corporation or other organization,  
14 means the corporation or other organization is de-  
15 scribed in section 501(c) of the Internal Revenue  
16 Code of 1986 and exempt from tax under section  
17 501(a) of such Code.

18          “(9) POST-CONSUMER MATERIALS MANAGE-  
19 MENT.—The term ‘post-consumer materials manage-  
20 ment’ has the meaning given such term in section 2  
21 of the Save Our Seas 2.0 Act (Public Law 116–224;  
22 33 U.S.C. 4201 note).”;

23          (4) in paragraph (12), as so redesignated—

1 (A) by redesignating subparagraphs (B),  
2 (C), and (D) as subparagraphs (C), (D), and  
3 (E), respectively; and

4 (B) by inserting after subparagraph (A)  
5 the following:

6 “(B) Indian Tribe;”; and

7 (5) by adding after paragraph (12), as so redesi-  
8 gnated, the following:

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

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

23 “(15) UNDER SECRETARY.—The term ‘Under  
24 Secretary’ means the Under Secretary of Commerce  
25 for Oceans and Atmosphere and Administrator of

1 the National Oceanic and Atmospheric Administra-  
2 tion.”.

3 **SEC. 6. CONFORMING AMENDMENTS.**

4 (a) MARINE DEBRIS ACT.—The Marine Debris Act  
5 (33 U.S.C. 1951 et seq.), as amended by this Act, is fur-  
6 ther amended—

7 (1) in section 103, as redesignated by section  
8 4(a)(2)—

9 (A) in subsection (d), in the matter pre-  
10 ceding paragraph (1)—

11 (i) by striking “Administrator of the  
12 National Oceanic and Atmospheric Admin-  
13 istration” and inserting “Under Sec-  
14 retary”; and

15 (ii) by striking “Administrator of the  
16 Environmental Protection Agency” and in-  
17 sert “EPA Administrator”; and

18 (B) in subsection (e)(3), by striking “sec-  
19 tion 3” and inserting “section 101”;

20 (2) in subsection (b)(4) of section 111, as  
21 transferred by section 4(b), by striking “title III”  
22 and inserting “subtitle C”;

23 (3) in subsection (a) of section 123, as trans-  
24 ferred by section 4(c), by striking “title I” and in-  
25 serting “subtitle B”;

1           (4) in section 134, as redesignated by section  
2           4(a)(3), by striking “Administrator of the Environ-  
3           mental Protection Agency” and inserting “EPA Ad-  
4           ministrator”; and

5           (5) by striking “Administrator” each place it  
6           appears (other than in section 103(d)), 131, or 134,  
7           as redesignated by section 4(a)) and inserting  
8           “Under Secretary”.

9           (b) SAVE OUR SEAS 2.0 ACT.—Section 2 of the Save  
10          Our Seas 2.0 Act (Public Law 116–224; 33 U.S.C. 4201  
11          note) is amended—

12           (1) by striking paragraph (7); and

13           (2) by redesignating paragraphs (8) through  
14          (11) as paragraphs (7) through (10), respectively.

○