

**Calendar No. 262**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.

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**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

DECEMBER 5, 2023

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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,*

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) **DEFINITION OF TRIBAL ORGANIZATION.**—Sec-  
7 tion 2 of the Save Our Seas 2.0 Act (33 U.S.C. 4201)  
8 is amended—

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

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

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

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

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

23 (c) **BOARD OF DIRECTORS.**—

24 (1) **APPOINTMENT, VACANCIES, AND RE-**  
25 **MOVAL.**—Section 112(b) of such Act (33 U.S.C.  
26 4212(b)) is amended—

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

3                 (i) by striking “and considering” and  
4                 inserting “considering”;

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

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

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

14           (C) in paragraph (5)—

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

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

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

24           (E) by inserting after paragraph (1) the  
25           following:

1           “(2) RECOMMENDATIONS OF BOARD REGARD-  
 2           ING APPOINTMENTS.—For appointments made  
 3           under paragraph (1) other than the initial appoint-  
 4           ments, the Board shall submit to the Under Sec-  
 5           retary recommendations on candidates for appoint-  
 6           ment.”.

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

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

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

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

18           “(h) CHIEF EXECUTIVE OFFICER.—

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

23           “(2) POWERS.—The chief executive officer of  
 24           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(e)(1) of  
 4 such Act (~~33 U.S.C. 4213(e)(1)~~) is amended, in the mat-  
 5 ter 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 such Act (~~33~~  
 11 ~~U.S.C. 4213~~) is amended by adding at the end the fol-  
 12 lowing:

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

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

20 “(h) BEST PRACTICES.—

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

24 “(2) REQUIREMENTS.—The best practices de-  
 25 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 sserting “, 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 (H) 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          (e) 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).”.

20          **SECTION 1. SHORT TITLE.**

21           *This Act may be cited as the “Save Our Seas 2.0*  
22           *Amendments Act”.*

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

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

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

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

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

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

21 “(12) *TRIBAL ORGANIZATION.*—The term ‘Tribal  
22 organization’ has the meaning given that term in sec-  
23 tion 4 of the Indian Self-Determination and Edu-  
24 cation Assistance Act (25 U.S.C. 5304).”.

1           (b) *STATUS OF FOUNDATION*.—Section 111(a) of such  
2 Act (33 U.S.C. 4211(a)) is amended, in the second sentence,  
3 by striking “organization” and inserting “corporation”.

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

7           (d) *BOARD OF DIRECTORS*.—

8                 (1) *APPOINTMENT, VACANCIES, AND REMOVAL*.—  
9 Section 112(b) of such Act (33 U.S.C. 4212(b)) is  
10 amended—

11                     (A) in paragraph (1), in the matter pre-  
12 ceding subparagraph (A)—

13                             (i) by striking “and considering” and  
14 inserting “considering”;

15                             (ii) by inserting “and with the ap-  
16 proval of the Secretary of Commerce,” after  
17 “by the Board,”; and

18                             (iii) by inserting “and such other cri-  
19 teria as the Under Secretary may establish”  
20 after “subsection (a)”;

21                     (B) in paragraph (3)(A), by inserting “with  
22 the approval of the Secretary of Commerce” after  
23 “the Board”;

24                     (C) in paragraph (5)—

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                   (D) by redesignating paragraphs (2)  
8                   through (5) as paragraphs (3) through (6), re-  
9                   spectively; and

10                  (E) by inserting after paragraph (1) the fol-  
11                  lowing:

12                  “(2) *RECOMMENDATIONS OF BOARD REGARDING*  
13                  *APPOINTMENTS.—For appointments made under*  
14                  *paragraph (1) other than the initial appointments,*  
15                  *the Board shall submit to the Under Secretary rec-*  
16                  *ommendations on candidates for appointment.”.*

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

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

22                         (B) in paragraph (2)(B)(i), by striking “its  
23                         chief operating officer” and inserting “the chief  
24                         executive officer of the Foundation”.

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

4           “(h) *CHIEF EXECUTIVE OFFICER.*—

5           “(1) *APPOINTMENT; REMOVAL; REVIEW.*—The  
6           Board shall appoint and may remove and review the  
7           performance of the chief executive officer of the Foun-  
8           dation.

9           “(2) *POWERS.*—The chief executive officer of the  
10          Foundation may appoint, remove, and review the  
11          performance of any officer or employee of the Founda-  
12          tion.”.

13          (e) *POWERS OF FOUNDATION.*—Section 113(c)(1) of  
14          such Act (33 U.S.C. 4213(c)(1)) is amended, in the matter  
15          preceding subparagraph (A)—

16                 (1) by inserting “nonprofit” before “corpora-  
17                 tion”; and

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

20          (f) *PRINCIPAL OFFICE.*—Section 113 of such Act (33  
21          U.S.C. 4213) is amended by adding at the end the following:

22                 “(g) *PRINCIPAL OFFICE.*—The Board may locate the  
23                 principal office of the Foundation outside the District of  
24                 Columbia and is encouraged to locate that office in a coastal  
25                 State.”.

1       (g) *BEST PRACTICES; RULE OF CONSTRUCTION.*—Sec-  
2       tion 113 of such Act (33 U.S.C. 4213), as amended by sub-  
3       section (f), is further amended by adding at the end the  
4       following:

5       “(h) *BEST PRACTICES.*—

6               “(1) *IN GENERAL.*—The Foundation shall de-  
7       velop and implement best practices for conducting  
8       outreach to Indian Tribes and Tribal governments.

9               “(2) *REQUIREMENTS.*—The best practices devel-  
10      oped under paragraph (1) shall—

11                   “(A) include a process to support technical  
12                   assistance and capacity building to improve out-  
13                   comes; and

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

16      “(i) *RULE OF CONSTRUCTION.*—Nothing in this Act  
17      may be construed—

18                   “(1) to satisfy any requirement for government-  
19                   to-government consultation with Tribal governments;  
20                   or

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

23      (h) *USE OF FUNDS.*—Section 118 of such Act (33  
24      U.S.C. 4218) is amended—

25                   (1) in subsection (a)—

1           (A) in paragraph (2), by striking “and  
2           State and local government agencies” and insert-  
3           ing “; State and local government agencies, re-  
4           gional organizations, Indian Tribes, and Tribal  
5           organizations”; and

6           (B) in paragraph (3)—

7                 (i) in the paragraph heading, by strik-  
8                 ing “PROHIBITION” and inserting “LIMITA-  
9                 TION”; and

10                (ii) by striking subparagraph (B) and  
11                inserting the following:

12                “(B) SALARIES.—The Foundation may use  
13                Federal funds described in subparagraph (A) to  
14                pay for salaries only during the 24-month period  
15                beginning on the date of the enactment of the  
16                Save Our Seas 2.0 Amendments Act. The Sec-  
17                retary shall not require reimbursement from the  
18                Foundation for any such Federal funds used to  
19                pay for such salaries.”; and

20           (2) in subsection (b)(2), by striking “and State  
21           and local government agencies” and inserting “; State  
22           and local government agencies, United States and  
23           international nongovernmental organizations, re-  
24           gional organizations, and foreign government enti-  
25           ties”.

1 **SEC. 3. 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 OTHER*  
8 *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)”;* and

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

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

23 *“(7) IN-KIND CONTRIBUTIONS.—With respect to*  
24 *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 grant,*  
2        *the Administrator may contribute on an in-kind basis*  
3        *the portion of the costs of the project that the Admin-*  
4        *istrator determines represents the amount of benefit*  
5        *the National Oceanic and Atmospheric Administra-*  
6        *tion derives from the project.”.*



**Calendar No. 262**

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 318**

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**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.

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DECEMBER 5, 2023

Reported with an amendment