

117TH CONGRESS
2D SESSION

S. 4321

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

10 (b) 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)”;

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

1 (C) in paragraph (5)—

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

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

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

11 (E) by inserting after paragraph (1) the
12 following:

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

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

21 (A) in paragraph (1)(A), by striking “offi-
22 cers and employees” and inserting “the initial
23 officers and employees of the Board”; and

1 (B) in paragraph (2)(B)(i), by striking
2 “chief operating officer” and inserting “chief
3 executive officer”.

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

7 “(h) CHIEF EXECUTIVE OFFICER.—

8 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
9 Board shall appoint and may remove and review the
10 performance of the chief executive officer of the
11 Board.

12 “(2) POWERS.—The chief executive officer of
13 the Board may appoint, remove, and review the per-
14 formance of any officer or employee of the Founda-
15 tion.”.

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

19 (1) by inserting “nonprofit” before “corpora-
20 tion”; and

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

23 (d) PRINCIPAL OFFICE.—Section 113 of such Act
24 (33 U.S.C. 4213) is amended by adding at the end the
25 following:

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

5 (e) BEST PRACTICES.—Section 113 of such Act (33
6 U.S.C. 4213), as amended by subsection (d), is further
7 amended by adding at the end the following:

8 “(h) BEST PRACTICES.—

9 “(1) TRIBAL GOVERNMENT.—In this para-
10 graph, the term ‘Tribal government’ means the rec-
11 ognized governing body of any Indian or Alaska Na-
12 tive tribe, band, nation, pueblo, village, community,
13 component band, or component reservation individ-
14 ually identified (including parenthetically) in the list
15 published most recently as of the date of enactment
16 of the Save Our Seas 2.0 Amendments Act pursuant
17 to section 104 of the Federally Recognized Indian
18 Tribe List Act of 1994 (25 U.S.C. 5131).

19 “(2) BEST PRACTICES.—The Foundation shall
20 develop and implement best practices for conducting
21 outreach to Tribal governments and Indian Tribes.

22 “(3) REQUIREMENTS.—The best practices de-
23 veloped under paragraph (2) 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 (f) 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 and foreign government entities”; and

15 (B) in paragraph (3)—

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

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

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

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

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

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

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

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

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

22 (3) in paragraph (2)—

23 (A) in subparagraph (B)—

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

1 (ii) by inserting “or (C)” after “sub-
2 paragraph (A)”;

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

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

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

18 (b) RECEIPT AND EXPENDITURE OF FUNDS; USE OF
19 RESOURCES.—Section 3 of the Marine Debris Act (33
20 U.S.C. 1952) is amended by adding at the end the fol-
21 lowing:

22 “(e) RECEIPT AND EXPENDITURE OF FUNDS.—In
23 order to accomplish the purpose set forth in section 2, the
24 Administrator, acting through the Program, may, only to

1 the extent provided in advance in appropriations Acts, re-
2 ceive and expend funds made available by—

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

5 “(2) any State, local, or tribal government (or
6 any political subdivision thereof);

7 “(3) any foreign government or international
8 organization;

9 “(4) any public or private organization; or

10 “(5) any individual.

11 “(f) USE OF RESOURCES.—In order to accomplish
12 the purpose set forth in section 2, the Administrator, act-
13 ing through the Program, may use, with consent, with re-
14 imbursement, and subject to the availability of appropria-
15 tions, the land, services, equipment, personnel, and facili-
16 ties of—

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

19 “(2) any State, local, or tribal government (or
20 any political subdivision thereof);

21 “(3) any foreign government or international
22 organization;

23 “(4) any public or private organization; or

1 “(5) any individual.”

Passed the Senate December 22, 2022.

Attest:

Secretary.

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