

Suspend the Rules and Pass the Bill, H.R. 886, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
1ST SESSION

H. R. 886

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 HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Ms. BONAMICI (for herself, Mrs. GONZÁLEZ-COLÓN, Ms. PINGREE, Mr. CASTEN, Mr. LIEU, Mr. HUFFMAN, and Mrs. PELTOLA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 PROGRAM**
5 **OF THE NATIONAL OCEANIC AND ATMOS-**
6 **PHERIC ADMINISTRATION.**

7 (a) IN GENERAL.—The Marine Debris Act (Public
8 Law 109–449) is amended by inserting before section 3
9 the following:

10 **“Subtitle A—NOAA And Coast**
11 **Guard Programs”.**

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

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

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

21 (3) in paragraph (2)—

22 (A) in subparagraph (B)—

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

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

1 (B) in subparagraph (C) in the matter pre-
2 ceding 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 Under Secretary may contribute on an in-
12 kind basis the portion of the costs of the project that
13 the Under Secretary determines represents the
14 amount of benefit the National Oceanic and Atmos-
15 pheric Administration derives from the project.”.

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

19 “(e) RECEIPT AND EXPENDITURE OF FUNDS.—In
20 order to accomplish the purpose set forth in section 2, the
21 Under Secretary, acting through the Program, may re-
22 ceive and, only to the extent provided in advance in appro-
23 priations Acts, expend funds made available by—

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

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

3 “(3) any Indian tribe;

4 “(4) any foreign government or international
5 organization;

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

7 “(6) any individual.

8 “(f) USE OF RESOURCES.—In order to accomplish
9 the purpose set forth in section 2, the Under Secretary,
10 acting through the Program, may use, with consent, with
11 reimbursement, and subject to the availability of appro-
12 priations, the land, services, equipment, personnel, and fa-
13 cilities of—

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

16 “(2) any State or local government (or any po-
17 litical subdivision thereof);

18 “(3) any Indian tribe;

19 “(4) any foreign government or international
20 organization;

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

22 “(6) any individual.”.

1 **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS FOUNDA-**
2 **TION.**

3 (a) IN GENERAL.—Subtitle B of title I of the Save
4 Our Seas 2.0 Act (Public Law 116–224) is transferred
5 to appear after section 6 of the Marine Debris Act (P.L.
6 109-449).

7 (b) STATUS OF FOUNDATION.—Section 111(a) of the
8 Marine Debris Act (Public Law 109–449), as transferred
9 by this Act, is amended, in the second sentence, by strik-
10 ing “organization” and inserting “corporation”.

11 (c) BOARD OF DIRECTORS.—

12 (1) APPOINTMENT, VACANCIES, AND RE-
13 MOVAL.—Section 112(b) of the Marine Debris Act
14 (Public Law 109–449), as transferred by this Act,
15 is amended—

16 (A) by redesignating paragraphs (1)
17 through (5) as paragraphs (2) through (6) re-
18 spectively;

19 (B) by inserting before paragraph (2), as
20 redesignated, the following:

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

1 (C) in paragraph (2), as redesignated, in
2 the matter preceding subparagraph (A)—

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

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

8 (D) in paragraph (4)(A), as redesignated,
9 by inserting “with the approval of the Secretary
10 of Commerce” after “the Board”;

11 (E) by amending paragraph (3), as reded-
12 igned, to read as follows:

13 “(3) TERMS.—Any Director appointed under
14 paragraph (2) shall be appointed for a term of 6
15 years.”; and

16 (F) in paragraph (6), as redesignated—

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

20 (ii) by inserting “and with the ap-
21 proval of the Secretary of Commerce” after
22 “EPA Administrator”.

23 (2) GENERAL POWERS.—Section 112(g) of the
24 Marine Debris Act (Public Law 109–449), as trans-
25 ferred by this Act, 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 the Marine Debris Act (Public Law 109–449), as
9 transferred by this Act, is amended by adding at the
10 end the following:

11 “(h) CHIEF EXECUTIVE OFFICER.—

12 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
13 Board may appoint, remove, and review the perform-
14 ance of the chief executive officer of the 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 (d) POWERS OF FOUNDATION.—Section 113(c)(1) of
20 the Marine Debris Act (Public Law 109–449), as trans-
21 ferred by this Act, is amended in the matter preceding
22 subparagraph (A)—

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

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

3 (e) PRINCIPAL OFFICE.—Section 113 of the Marine
4 Debris Act (Public Law 109–449), as transferred by this
5 Act, is amended by adding at the end the following:

6 “(g) PRINCIPAL OFFICE.—The Board shall locate the
7 principal office of the Foundation in the National Capital
8 Region, as such term is defined in section 2674(f)(2) of
9 title 10, United States Code, or a coastal shoreline com-
10 munity.”.

11 (f) BEST PRACTICES.—Section 113 of the Marine
12 Debris Act (Public Law 109–449), as transferred by this
13 Act and amended by subsection (e), is further amended
14 by adding at the end the following:

15 “(h) BEST PRACTICES.—

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

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

21 “(A) include a process to support technical
22 assistance and capacity building to improve out-
23 comes; and

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

1 (g) USE OF FUNDS.—Section 118 of the Marine De-
2bris Act (Public Law 109–449), as transferred by this Act,
3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by striking “2024”
6 and inserting “2025” and

7 (B) in paragraph (2) by striking “and
8 State and local government agencies” and in-
9serting “, State and local government agencies,
10 United States and international nongovern-
11mental organizations, regional organizations,
12 Indian Tribes, Tribal organizations, and foreign
13 government entities”; 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-
18gional organizations, Indian Tribes, Tribal organiza-
19tions, and foreign government entities”.

20 (i) AUTHORIZATION.—Section 9(a) of the Marine De-
21bris Act (33 U.S.C. 1958) is amended by striking “fiscal
22 year 2023” and inserting “each of fiscal years 2024 and
23 2025”.

1 **SEC. 4. TRANSFERS.**

2 (a) SAVE OUR SEAS 2.0 ACT.—Subtitle C of title I
3 of the Save Our Seas 2.0 Act (Public Law 116–224) is
4 transferred to appear after section 119 of the Marine De-
5bris Act (Public Law 109–449) as transferred and redес-
6ignated by this Act.

7 (b) MARINE DEBRIS ACT.—The Marine Debris Act
8 (Public Law 109–449) is amended—

9 (1) by transferring sections 7, 8, and 9 to ap-
10pear after section 127, as transferred by this Act,
11and redesignated as sections 131, 132, and 133, re-
12spectively; and

13 (2) by inserting before section 131, as so trans-
14ferred and redesignated, the following:

15 **“Subtitle D—Administration”.**

16 **SEC. 5. DEFINITIONS.**

17 (a) IN GENERAL.—Section 131 of the Marine Debris
18 Act (Public Law 109–449), as transferred and redесig-
19nated by this Act, is amended—

20 (1) by striking paragraph (1);

21 (2) by redesignating paragraphs (2), (3), (4),
22 (5), (6), and (7) as paragraphs (5), (6), (7), (11),
23 (12), and (13), respectively;

24 (3) by inserting after paragraph (1) the fol-
25 lowing:

1 “(1) CIRCULAR ECONOMY.—The term ‘circular
2 economy’ has the meaning given such term in sec-
3 tion 2 of the Save Our Seas 2.0 Act (Public Law
4 116–224).

5 “(2) COASTAL SHORELINE COMMUNITY.—The
6 term ‘coastal shoreline community’ means a city or
7 county directly adjacent to the open ocean, major es-
8 tuaries, or the Great Lakes.

9 “(3) EPA ADMINISTRATOR.—The term ‘EPA
10 Administrator’ has the meaning given such term in
11 section 2 of the Save Our Seas 2.0 Act (Public Law
12 116–224).

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

17 (4) by inserting after paragraph (8), as so re-
18 designated, the following:

19 “(9) NONPROFIT ORGANIZATION.—The term
20 ‘nonprofit organization’ has the meaning given such
21 term in section 2 of the Save Our Seas 2.0 Act
22 (Public Law 116–224).

23 “(10) POST CONSUMER MATERIALS MANAGE-
24 MENT.—The term ‘post-consumer materials manage-
25 ment’ has the meaning given such term in section 2

1 of the Save Our Seas 2.0 Act (Public Law 116–
2 224).”;

3 (5) by inserting after paragraph (13), as so re-
4 designated, the following:

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

9 “(15) UNDER SECRETARY.—The term ‘Under
10 Secretary’ has the meaning given such term in sec-
11 tion 2 of the Save Our Seas 2.0 Act (Public Law
12 116–224).”; and

13 (6) in paragraph (13), as so redesignated—

14 (A) by redesignating subparagraphs (B),
15 (C), and (D) as subparagraphs (C), (D), and
16 (E); and

17 (B) by inserting after subparagraph (A)
18 the following:

19 “(B) Indian Tribe;”.

20 (b) TRANSFER.—

21 (1) IN GENERAL.—Section 2(7) of the Save Our
22 Seas 2.0 Act (Public Law 116–224) is transferred to
23 section 131 of the Marine Debris Act (Public Law
24 109–449), inserted after paragraph (8) (as redesign-
25 nated), and redesignated as paragraph (8).

1 (2) REDESIGNATION.—Section 2 of the Save
2 Our Seas 2.0 Act (Public Law 116–224) is amended
3 by redesignating paragraphs (8) through (11) as
4 paragraphs (7) through (10), respectively.

5 (c) NON-FEDERAL FUNDS.—Paragraph (8)(D) of
6 section 131 of the Marine Debris Act (Public Law 109–
7 449), as transferred and redesignated by this Act, is
8 amended by striking “(as defined in section 4 of the In-
9 dian Self-Determination and Education Assistance Act
10 (25 U.S.C. 5304))”.

11 **SEC. 6. CONFORMING AMENDMENTS.**

12 (a) IN GENERAL.—In sections 1, 2, 3, 4, 6 of the
13 Marine Debris Act, and section 133 of the Marine Debris
14 Act as transferred and so redesignated by this Act, strike
15 “Administrator” and insert “Under Secretary”.

16 (b) SECTION 5.—In section 5 of the Marine Debris
17 Act strike—

18 (1) “Administrator of the National Oceanic and
19 Atmospheric Administration” and insert “Under
20 Secretary”; and

21 (2) “Administrator of the Environmental Pro-
22 tection Agency” and insert “EPA Administrator”.

23 (c) SECTION 123.—In section 123, as transferred
24 and so redesignated by this Act, strike “title I” and insert
25 “subtitle B”.

1 (d) SECTION 131.—Paragraph (8)(D) of section 131
2 of the Marine Debris Act (Public Law 109–449), as trans-
3 ferred and redesignated by this Act, is amended by strik-
4 ing “(as defined in section 4 of the Indian Self-Determina-
5 tion and Education Assistance Act (25 U.S.C. 5304))”.

6 (e) SECTION 134.—Section 134 of the Marine Debris
7 Act, as transferred and so redesignated by this Act, strike
8 “Administrator of the Environmental Protection Agency”
9 and insert “EPA Administrator”.