

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,*

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 FOUNDA-**
2 **TION.**

3 (a) DEFINITION OF TRIBAL ORGANIZATION.—Sec-
4 tion 2 of the Save Our Seas 2.0 Act (33 U.S.C. 4201)
5 is amended—

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

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

10 “(10A) TRIBAL ORGANIZATION.—The term
11 ‘Tribal organization’ has the meaning given the term
12 in section 4 of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 5304).”.

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

18 (c) BOARD OF DIRECTORS.—

19 (1) APPOINTMENT, VACANCIES, AND RE-
20 MOVAL.—Section 112(b) of such Act (33 U.S.C.
21 4212(b)) is amended—

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

24 (i) by striking “and considering” and
25 inserting “considering”;

1 (ii) by inserting “and with the ap-
2 proval of the Secretary of Commerce,”
3 after “by the Board,”; and

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

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

10 (C) in paragraph (5)—

11 (i) by inserting “the Administrator of
12 the United States Agency for International
13 Development,” after “Service,”; and

14 (ii) by inserting “and with the ap-
15 proval of the Secretary of Commerce” after
16 “EPA Administrator”;

17 (D) by redesignating paragraphs (2)
18 through (5) as paragraphs (3) through (6), re-
19 spectively; and

20 (E) by inserting after paragraph (1) the
21 following:

22 “(2) RECOMMENDATIONS OF BOARD REGARD-
23 ING APPOINTMENTS.—For appointments made
24 under paragraph (1) other than the initial appoint-
25 ments, the Board shall submit to the Under Sec-

1 retary recommendations on candidates for appoint-
2 ment.”.

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

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

8 (B) in paragraph (2)(B)(i), by striking “its
9 chief operating officer” and inserting “the chief
10 executive officer of the Foundation”.

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

14 “(h) CHIEF EXECUTIVE OFFICER.—

15 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
16 Board shall appoint and may remove and review the
17 performance of the chief executive officer of the
18 Foundation.

19 “(2) POWERS.—The chief executive officer of
20 the Foundation may appoint, remove, and review the
21 performance of any officer or employee of the Foun-
22 dation.”.

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

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

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

5 (e) PRINCIPAL OFFICE.—Section 113 of such Act (33
6 U.S.C. 4213) is amended by adding at the end the fol-
7 lowing:

8 “(g) PRINCIPAL OFFICE.—The Board may locate the
9 principal office of the Foundation outside the District of
10 Columbia and is encouraged to locate that office in a
11 coastal State.”.

12 (f) BEST PRACTICES.—Section 113 of such Act (33
13 U.S.C. 4213), as amended by subsection (e), is further
14 amended 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 such Act (33
2 U.S.C. 4218) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (2), by striking “and
5 State and local government agencies” and in-
6 serting “, State and local government agencies,
7 United States and international nongovern-
8 mental organizations, regional organizations,
9 Indian tribes, Tribal organizations, and foreign
10 government entities”; and

11 (B) in paragraph (3)—

12 (i) in the paragraph heading, by strik-
13 ing “PROHIBITION” and inserting “LIMI-
14 TATION”;

15 (ii) in subparagraph (A)—

16 (I) by striking “Except as pro-
17 vided in subparagraph (B), no” and
18 inserting “Not more than 12 percent
19 of”; and

20 (II) by striking “for administra-
21 tive” and inserting “to offset the ad-
22 ministrative”; and

23 (iii) by striking subparagraph (B) and
24 inserting the following:

1 “(B) SALARIES.—The Foundation may use
2 Federal funds described in subparagraph (A) to
3 pay for salaries only during the 24-month pe-
4 riod beginning on the date of the enactment of
5 the Save Our Seas 2.0 Amendments Act. The
6 Secretary shall not require reimbursement from
7 the Foundation for any such Federal funds
8 used to pay for such salaries.”; and

9 (2) in subsection (b)(2), by striking “and State
10 and local government agencies” and inserting “,
11 State and local government agencies, United States
12 and international nongovernmental organizations, re-
13 gional organizations, and foreign government enti-
14 ties”.

15 **SEC. 3. MODIFICATIONS TO THE MARINE DEBRIS PROGRAM**
16 **OF THE NATIONAL OCEANIC AND ATMOS-**
17 **PHERIC ADMINISTRATION.**

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

21 (1) in the subsection heading, by striking “AND
22 CONTRACTS” and inserting “CONTRACTS, AND
23 OTHER AGREEMENTS”;

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

4 (3) in paragraph (2)—

5 (A) in subparagraph (B)—

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

8 (ii) by inserting “or (C)” after “sub-
9 paragraph (A)”;

10 (B) in subparagraph (C), in the matter
11 preceding clause (i), by inserting “and except as
12 provided in subparagraph (B)” after “subpara-
13 graph (A)”;

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

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

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

4 “(e) RECEIPT AND EXPENDITURE OF FUNDS.—In
5 order to accomplish the purpose set forth in section 2, the
6 Administrator, acting through the Program, may receive
7 and, only to the extent provided in advance in appropria-
8 tions Acts, expend funds made available by—

9 (1) any department, agency, or instrumen-
10 tality of the United States;

11 (2) any State or local government (or any po-
12 litical subdivision thereof);

13 (3) any Indian tribe;

14 (4) any foreign government or international
15 organization;

16 (5) any public or private organization; or

17 (6) any individual.

18 “(f) USE OF RESOURCES.—In order to accomplish
19 the purpose set forth in section 2, the Administrator, act-
20 ing through the Program, may use, with consent, with re-
21 imbursement, and subject to the availability of appropria-
22 tions, the land, services, equipment, personnel, and facili-
23 ties of—

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 (c) DEFINITION OF INDIAN TRIBE.—Section 7 of
9 such Act (33 U.S.C. 1956) is amended by inserting after
10 paragraph (1) the following:

11 “(1A) INDIAN TRIBE.—The term ‘Indian tribe’
12 has the meaning given that term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 5304).”.

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