

Tom Sulli
S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. SULLIVAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Our Seas 2.0
5 Amendments Act”.

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

8 (a) DEFINITIONS.—Section 2 of the Save Our Seas
9 2.0 Act (33 U.S.C. 4201) is amended—

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

3 (2) by redesignating paragraph (11) as para-
4 graph (13); and

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

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

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

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

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

4 (d) BOARD OF DIRECTORS.—

5 (1) APPOINTMENT, VACANCIES, AND RE-
6 MOVAL.—Section 112(b) of such Act (33 U.S.C.
7 4212(b)) is amended—

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

10 (i) by striking “and considering” and
11 inserting “considering”;

12 (ii) by inserting “and with the ap-
13 proval of the Secretary of Commerce,”
14 after “by the Board,”; and

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

18 (B) in paragraph (3)(A), by inserting
19 “with the approval of the Secretary of Com-
20 merce” after “the Board”;

21 (C) in paragraph (5)—

22 (i) by inserting “the Administrator of
23 the United States Agency for International
24 Development,” after “Service,”; and

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

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

7 (E) by inserting after paragraph (1) the
8 following:

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

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

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

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

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

1 “(h) CHIEF EXECUTIVE OFFICER.—

2 “(1) APPOINTMENT; REMOVAL; REVIEW.—The
3 Board shall appoint and may remove and review the
4 performance of the chief executive officer of the
5 Foundation.

6 “(2) POWERS.—The chief executive officer of
7 the Foundation may appoint, remove, and review the
8 performance of any officer or employee of the Foun-
9 dation.”.

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

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

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

17 (f) PRINCIPAL OFFICE.—Section 113 of such Act (33
18 U.S.C. 4213) is amended by adding at the end the fol-
19 lowing:

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

24 (g) BEST PRACTICES; RULE OF CONSTRUCTION.—
25 Section 113 of such Act (33 U.S.C. 4213), as amended

1 by subsection (f), is further amended by adding at the end
2 the following:

3 “(h) BEST PRACTICES.—

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

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

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

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

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

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

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

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

23 (1) in subsection (a)—

24 (A) in paragraph (2), by striking “and
25 State and local government agencies” and in-

1 serting “, State and local government agencies,
2 regional organizations, Indian Tribes, and Trib-
3 al organizations”; and

4 (B) in paragraph (3)—

5 (i) in the paragraph heading, by strik-
6 ing “PROHIBITION” and inserting “LIMI-
7 TATION”; and

8 (ii) by striking subparagraph (B) and
9 inserting the following:

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

18 (2) in subsection (b)(2), by striking “and State
19 and local government agencies” and inserting “,
20 State and local government agencies, United States
21 and international nongovernmental organizations, re-
22 gional organizations, and foreign government enti-
23 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
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 Administrator may contribute on an in-
3 kind basis the portion of the costs of the project that
4 the Administrator determines represents the amount
5 of benefit the National Oceanic and Atmospheric
6 Administration derives from the project.”.