

(4) Interagency Marine Debris Coordinating Committee

The term “Interagency Marine Debris Coordinating Committee” means the Interagency Marine Debris Coordinating Committee established under section 1954 of this title.

(5) Marine debris

The term “marine debris” has the meaning given that term in section 1956 of this title.

(6) Marine debris event

The term “marine debris event” means an event or related events that affects or may imminently affect the United States involving—

- (A) marine debris caused by a natural event, including a tsunami, flood, landslide, hurricane, or other natural source;
- (B) distinct, nonrecurring marine debris, including derelict vessel groundings and container spills, that have immediate or long-term impacts on habitats with high ecological, economic, or human-use values; or
- (C) marine debris caused by an intentional or grossly negligent act or acts that causes substantial economic or environmental harm.

(7) Non-Federal funds

The term “non-Federal funds” means funds provided by—

- (A) a State;
- (B) an Indian Tribe;
- (C) a territory of the United States;
- (D) one or more units of local governments or Tribal organizations (as defined in section 5304 of title 25);
- (E) a foreign government;
- (F) a private for-profit entity;
- (G) a nonprofit organization; or
- (H) a private individual.

(8) Nonprofit organization

The term “nonprofit organization” means an organization that is described in section 501(c) of title 26 and exempt from tax under section 501(a) of such title.

(9) Post-consumer materials management

The term “post-consumer materials management” means the systems, operation, supervision, and long-term management of processes and equipment used for post-use material (including packaging, goods, products, and other materials), including—

- (A) collection;
- (B) transport;
- (C) safe disposal of waste that cannot be recovered, reused, recycled, repaired, or refurbished; and
- (D) systems and processes related to post-use materials that can be recovered, reused, recycled, repaired, or refurbished.

(10) State

The term “State” means—

- (A) a State;
- (B) an Indian Tribe;
- (C) the District of Columbia;
- (D) a territory or possession of the United States; or
- (E) any political subdivision of an entity described in subparagraphs (A) through (D).

(11) Under Secretary

The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(Pub. L. 116–224, § 2, Dec. 18, 2020, 134 Stat. 1073.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 116–224, Dec. 18, 2020, 134 Stat. 1072, known as the Save Our Seas 2.0 Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–224, § 1(a), Dec. 18, 2020, 134 Stat. 1072, provided that: “This Act [enacting this chapter and section 1959 of this title and amending sections 1951 and 1958 of this title] may be cited as the ‘Save Our Seas 2.0 Act’.”

SUBCHAPTER I—COMBATING MARINE DEBRIS

PART A—MARINE DEBRIS FOUNDATION

§ 4211. Establishment and purposes of Foundation

(a) Establishment

There is established the Marine Debris Foundation (in this subchapter referred to as the “Foundation”). The Foundation is a charitable and nonprofit organization and is not an agency or establishment of the United States.

(b) Purposes

The purposes of the Foundation are—

- (1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the National Oceanic and Atmospheric Administration under the Marine Debris Program established under section 1952 of this title, and other relevant programs and agencies;
- (2) to undertake and conduct such other activities as will augment efforts of the National Oceanic and Atmospheric Administration to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety;
- (3) to participate with, and otherwise assist, State, local, and Tribal governments, foreign governments, entities, and individuals in undertaking and conducting activities to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris and its root causes on the economy of the United States, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety;
- (4) subject to an agreement with the Secretary of Commerce, administer the Genius

Prize for Save Our Seas Innovation as described in title II;¹ and

(5) to support other Federal actions to reduce marine debris.

(Pub. L. 116–224, title I, §111, Dec. 18, 2020, 134 Stat. 1075.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 116–224, Dec. 18, 2020, 134 Stat. 1074, which is classified principally to this subchapter. For complete classification of title I to the Code, see Tables.

Title II, referred to in subsec. (b)(4), means title II of Pub. L. 116–224, which is classified generally to subchapter II of this chapter, but probably should have been a reference to subtitle C of title I of Pub. L. 116–224, which is classified generally to part B of this subchapter and relates to the Genius Prize for Save Our Seas Innovations.

§ 4212. Board of Directors of the Foundation

(a) Establishment and membership

(1) In general

The Foundation shall have a governing Board of Directors (in this subchapter referred to as the “Board”), which shall consist of the Under Secretary and 12 additional Directors appointed in accordance with subsection (b) from among individuals who are United States citizens.

(2) Representation of diverse points of view

To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to the assessment, prevention, reduction, and removal of marine debris.

(3) Not Federal employees

Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) Appointment and terms

(1) Appointment

Subject to paragraph (2), after consulting with the EPA Administrator, the Director of the United States Fish and Wildlife Service, the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, and the Administrator of the United States Agency for International Development, and considering the recommendations submitted by the Board, the Under Secretary shall appoint 12 Directors who meet the criteria established by subsection (a), of whom—

(A) at least 4 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris, which may include an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduc-

tion, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(2) Terms

(A) In general

Any Director appointed after the initial appointments are made under subparagraph (B) (other than the Under Secretary), shall be appointed for a term of 6 years.

(B) Initial appointments to new member positions

Of the Directors appointed by the Under Secretary under paragraph (1), the Under Secretary shall appoint, not later than 180 days after December 18, 2020—

- (i) 4 Directors for a term of 6 years;
- (ii) 4 Directors for a term of 4 years; and
- (iii) 4 Directors for a term of 2 years.

(3) Vacancies

(A) In general

The Under Secretary shall fill a vacancy on the Board.

(B) Term of appointments to fill unexpired terms

An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

(4) Reappointment

An individual shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

(5) Consultation before removal

The Under Secretary may remove a Director from the Board only after consultation with the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, the Director of the United States Fish and Wildlife Service, and the EPA Administrator.

(c) Chairman

The Chairman shall be elected by the Board from its members for a 2-year term.

(d) Quorum

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) Reimbursement of expenses

Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

¹ See References in Text note below.