

Union Calendar No. 262

116TH CONGRESS
1ST SESSION

H. R. 2405

[Report No. 116–323]

To reauthorize and amend the National Sea Grant College Program Act,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Mr. HUFFMAN (for himself, Mr. LOWENTHAL, Mr. KILMER, Mr. KATKO, Mr. BEYER, Mr. ZELDIN, Mr. SUOZZI, Mr. PANETTA, Ms. BONAMICI, Mr. RASKIN, Mr. DEFazio, Mr. COURTNEY, Mr. LANGEVIN, Mr. CASE, Ms. GABBARD, Mr. FITZPATRICK, Mr. SIRES, Mr. PAPPAS, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 5, 2019

Additional sponsors: Mrs. LURIA, Mr. HIGGINS of New York, Mrs. RADEWAGEN, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. PALLONE, Mr. HASTINGS, Ms. JAYAPAL, Ms. MOORE, Mr. SCHRADER, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. LAWSON of Florida, Mr. WELCH, Mr. GOLDEN, Mr. KENNEDY, Ms. PINGREE, Mr. POSEY, Mr. WITTMAN, Mr. MALINOWSKI, Mr. HECK, Mr. SARBANES, Mr. RUPPERSBERGER, Mr. CUNNINGHAM, Mr. LARSEN of Washington, Mr. BYRNE, Mr. TRONE, Ms. CASTOR of Florida, Mr. KIND, Mr. CICILLINE, Mrs. DINGELL, and Mr. STAUBER

DECEMBER 5, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 30, 2019]

A BILL

To reauthorize and amend the National Sea Grant College
Program Act, 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 “National Sea Grant Col-*
 5 *lege Program Amendments Act of 2019”.*

6 **SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COL-**
 7 **LEGE PROGRAM ACT.**

8 *Except as otherwise expressly provided, wherever in*
 9 *this Act an amendment or repeal is expressed in terms of*
 10 *an amendment to, or repeal of, a section or other provision,*
 11 *the reference shall be considered to be made to a section or*
 12 *other provision of the National Sea Grant College Program*
 13 *Act (33 U.S.C. 1121 et seq.).*

14 **SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE**
 15 **POLICY FELLOWSHIP.**

16 *(a) IN GENERAL.—Section 208(b) (33 U.S.C. 1127(b))*
 17 *is amended by striking “may” and inserting “shall”.*

18 *(b) PLACEMENTS IN CONGRESS.—Such section is fur-*
 19 *ther amended—*

20 *(1) in the first sentence, by striking “The Sec-*
 21 *retary” and inserting the following:*

22 *“(1) IN GENERAL.—The Secretary”; and*

23 *(2) in paragraph (1), as designated by para-*
 24 *graph (1) of this section, in the second sentence, by*
 25 *striking “A fellowship” and inserting the following:*

1 “(2) *PLACEMENT PRIORITIES.*—

2 “(A) *IN GENERAL.*—*In each year in which*
3 *the Secretary awards a legislative fellowship*
4 *under this subsection, when considering the*
5 *placement of fellows, the Secretary shall*
6 *prioritize placement of fellows in the following:*

7 “(i) *Positions in offices of committees*
8 *of Congress that have jurisdiction over the*
9 *National Oceanic and Atmospheric Admin-*
10 *istration.*

11 “(ii) *Positions in offices of Members of*
12 *Congress who are on such committees.*

13 “(iii) *Positions in offices of Members of*
14 *Congress that have a demonstrated interest*
15 *in ocean, coastal, or Great Lakes resources.*

16 “(B) *EQUITABLE DISTRIBUTION.*—

17 “(i) *FINDING AND RECOGNITION.*—
18 *Congress—*

19 “(I) *finds that both host offices*
20 *and fellows benefit when fellows have*
21 *the opportunity to choose from a range*
22 *of host offices from different States and*
23 *regions, both chambers of Congress,*
24 *and both political parties; and*

1 “(II) recognizes the steps taken by
 2 the National Sea Grant College Pro-
 3 gram to facilitate an equitable dis-
 4 tribution of fellows among the political
 5 parties.

6 “(ii) IN GENERAL.—The Secretary
 7 shall ensure, to the maximum extent prac-
 8 ticable, that fellows have the opportunity to
 9 choose from offices that are described in
 10 clauses (i), (ii), and (iii) of subparagraph
 11 (A) and that are equitably distributed
 12 among—

13 “(I) the political parties; and

14 “(II) the Senate and the House of
 15 Representatives.

16 “(iii) POLITICAL AND CAMERAL EQ-
 17 UNITY.—The Secretary shall ensure that
 18 placements are equitably distributed be-
 19 tween—

20 “(I) the political parties; and

21 “(II) the Senate and the House of
 22 Representatives.

23 “(3) DURATION.—A fellowship”.

24 (c) EFFECTIVE DATE.—The amendments made by sub-
 25 section (b) shall apply with respect to the first calendar

1 *year beginning after the date of the enactment of this Act*
 2 *and each fiscal year thereafter.*

3 *(d) SENSE OF CONGRESS CONCERNING FEDERAL HIR-*
 4 *ING OF FORMER FELLOWS.—It is the sense of Congress that*
 5 *in recognition of the competitive nature of the fellowship*
 6 *under section 208(b) of the National Sea Grant College Pro-*
 7 *gram Act (33 U.S.C. 1127(b)), and of the exceptional quali-*
 8 *fications of fellowship awardees—*

9 *(1) the Secretary of Commerce, acting through*
 10 *the Under Secretary of Commerce for Oceans and At-*
 11 *mosphere, should encourage participating Federal*
 12 *agencies to consider opportunities for fellowship*
 13 *awardees at the conclusion of their fellowships for*
 14 *workforce positions appropriate for their education*
 15 *and experience; and*

16 *(2) Members and committees of Congress should*
 17 *consider opportunities for such awardees for such po-*
 18 *sitions.*

19 **SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF**
 20 **COMMERCE TO ACCEPT DONATIONS FOR NA-**
 21 **TIONAL SEA GRANT COLLEGE PROGRAM.**

22 *(a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.*
 23 *1123(c)(4)(E)) is amended to read as follows:*

24 *“(E) accept donations of money and, not-*
 25 *withstanding section 1342 of title 31, United*

1 *States Code, of voluntary and uncompensated*
2 *services;”.*

3 **(b) PRIORITIES.**—*The Secretary of Commerce, acting*
4 *through the Under Secretary of Commerce for Oceans and*
5 *Atmosphere, shall establish priorities for the use of dona-*
6 *tions accepted under section 204(c)(4)(E) of the National*
7 *Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)),*
8 *and shall consider among those priorities the possibility of*
9 *expanding the Dean John A. Knauss Marine Policy Fellow-*
10 *ship’s placement of additional fellows in relevant legislative*
11 *offices under section 208(b) of that Act (33 U.S.C. 1127(b)),*
12 *in accordance with the recommendations under subsection*
13 *(c) of this section.*

14 **(c) REPORT.**—*Not later than 180 days after the date*
15 *of the enactment of this Act, the Director of the National*
16 *Sea Grant College Program, in consultation with the Na-*
17 *tional Sea Grant Advisory Board and the Sea Grant Asso-*
18 *ciation, shall—*

19 *(1) develop recommendations for the optimal use*
20 *of any donations accepted under section 204(c)(4)(E)*
21 *of the National Sea Grant College Program Act (33*
22 *U.S.C. 1123(c)(4)(E)); and*

23 *(2) submit to Congress a report on the rec-*
24 *ommendations developed under paragraph (1).*

1 (d) *CONSTRUCTION.*—*Nothing in this section shall be*
 2 *construed to limit or otherwise affect any other amounts*
 3 *available for marine policy fellowships under section 208(b)*
 4 *of the National Sea Grant College Program Act (33 U.S.C.*
 5 *1127(b)), including amounts—*

6 (1) *accepted under section 204(c)(4)(F) of that*
 7 *Act (33 U.S.C. 1123(c)(4)(F)); or*

8 (2) *appropriated under section 212 of that Act*
 9 *(33 U.S.C. 1131).*

10 **SEC. 5. REPEAL OF REQUIREMENT FOR REPORT ON CO-**
 11 **ORDINATION OF OCEANS AND COASTAL RE-**
 12 **SEARCH ACTIVITIES.**

13 *Section 9 of the National Sea Grant College Program*
 14 *Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.*

15 **SEC. 6. REDUCTION IN FREQUENCY REQUIRED FOR NA-**
 16 **TIONAL SEA GRANT ADVISORY BOARD RE-**
 17 **PORT.**

18 *Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amend-*
 19 *ed—*

20 (1) *in the heading, by striking “BIENNIAL” and*
 21 *inserting “PERIODIC”; and*

22 (2) *in the first sentence, by striking “The Board*
 23 *shall report to the Congress every two years” and in-*
 24 *serting “Not less frequently than once every 4 years,*
 25 *the Board shall submit to Congress a report”.*

1 **SEC. 7. MODIFICATION OF ELEMENTS OF NATIONAL SEA**
 2 **GRANT COLLEGE PROGRAM.**

3 *Section 204(b) (33 U.S.C. 1123(b)) is amended, in the*
 4 *matter preceding paragraph (1), by inserting “for research,*
 5 *education, extension, training, technology transfer, public*
 6 *service,” after “financial assistance”.*

7 **SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS**
 8 **MARINE POLICY FELLOWSHIP.**

9 *(a) IN GENERAL.—During fiscal year 2019 and any*
 10 *fiscal year thereafter, the head of any Federal agency may*
 11 *appoint, without regard to the provisions of subchapter I*
 12 *of chapter 33 of title 5, United States Code, other than sec-*
 13 *tions 3303 and 3328 of that title, a qualified candidate de-*
 14 *scribed in subsection (b) directly to a position with the Fed-*
 15 *eral agency for which the candidate meets Office of Per-*
 16 *sonnel Management qualification standards.*

17 *(b) QUALIFIED CANDIDATE.—Subsection (a) applies*
 18 *with respect to a former recipient of a Dean John A.*
 19 *Knauss Marine Policy Fellowship under section 208(b) of*
 20 *the National Sea Grant College Program Act (33 U.S.C.*
 21 *1127(b)) who—*

22 *(1) earned a graduate or post-graduate degree in*
 23 *a field related to ocean, coastal, or Great Lakes re-*
 24 *sources or policy from an institution of higher edu-*
 25 *cation accredited by an agency or association recog-*
 26 *nized by the Secretary of Education pursuant to sec-*

1 *tion 496(a) of the Higher Education Act of 1965 (20*
 2 *U.S.C. 1099b(a));*

3 *(2) received a Dean John A. Knauss Marine Pol-*
 4 *icy Fellowship under section 208(b) of the National*
 5 *Sea Grant College Program Act (33 U.S.C. 1127(b))*
 6 *within 5 years before the date the individual is ap-*
 7 *pointed under this section; and*

8 *(3) successfully fulfilled the requirements of the*
 9 *fellowship within the executive or legislative branch of*
 10 *the United States Government.*

11 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
 12 **TIONAL SEA GRANT COLLEGE PROGRAM.**

13 *(a) IN GENERAL.—Section 212(a) (33 U.S.C. 1131(a))*
 14 *is amended—*

15 *(1) by amending paragraph (1) to read as fol-*
 16 *lows:*

17 *“(1) IN GENERAL.—There are authorized to be*
 18 *appropriated to the Secretary to carry out this title—*

19 *“(A) \$87,520,000 for fiscal year 2020;*

20 *“(B) \$91,900,000 for fiscal year 2021;*

21 *“(C) \$96,500,000 for fiscal year 2022;*

22 *“(D) \$101,325,000 for fiscal year 2023;*

23 *“(E) \$106,380,000 for fiscal year 2024; and*

24 *“(F) \$111,710,813 for fiscal year 2025.”;*

25 *and*

1 (2) *by amending paragraph (2) to read as fol-*
2 *lows:*

3 “(2) *PRIORITY ACTIVITIES FOR FISCAL YEARS*
4 *2020 THROUGH 2025.—In addition to the amounts au-*
5 *thorized to be appropriated under paragraph (1),*
6 *there are authorized to be appropriated \$6,000,000 for*
7 *each of fiscal years 2020 through 2025 for competitive*
8 *grants for the following:*

9 “(A) *University research on the biology,*
10 *prevention, and control of aquatic nonnative spe-*
11 *cies.*

12 “(B) *University research on oyster diseases,*
13 *oyster restoration, and oyster-related human*
14 *health risks.*

15 “(C) *University research on the biology,*
16 *prevention, and forecasting of harmful algal*
17 *blooms.*

18 “(D) *University research, education, train-*
19 *ing, and extension services and activities focused*
20 *on coastal resilience and United States working*
21 *waterfronts and other regional or national pri-*
22 *ority issues identified in the strategic plan under*
23 *section 204(c)(1).*

1 “(E) *University research and extension on*
 2 *sustainable aquaculture techniques and tech-*
 3 *nologies.*

4 “(F) *Fishery research and extension activi-*
 5 *ties conducted by sea grant colleges or sea grant*
 6 *institutes to enhance, and not supplant, existing*
 7 *core program funding.*”.

8 (b) *MODIFICATION OF LIMITATIONS ON AMOUNTS FOR*
 9 *ADMINISTRATION.—Paragraph (1) of section 212(b) (33*
 10 *U.S.C. 1131(b)) is amended to read as follows:*

11 “(1) *ADMINISTRATION.—*

12 “(A) *IN GENERAL.—There may not be used*
 13 *for administration of programs under this title*
 14 *in a fiscal year more than 5.5 percent of the less-*
 15 *er of—*

16 “(i) *the amount authorized to be ap-*
 17 *propriated under this title for the fiscal*
 18 *year; or*

19 “(ii) *the amount appropriated under*
 20 *this title for the fiscal year.*

21 “(B) *CRITICAL STAFFING REQUIREMENTS.—*

22 “(i) *IN GENERAL.—The Director shall*
 23 *use the authority under subchapter VI of*
 24 *chapter 33 of title 5, United States Code, to*
 25 *meet any critical staffing requirement while*

1 *carrying out the activities authorized under*
 2 *this title.*

3 “(ii) *EXCEPTION FROM CAP.*—*For pur-*
 4 *poses of subparagraph (A), any costs in-*
 5 *curring as a result of an exercise of authority*
 6 *described in clause (i) shall not be consid-*
 7 *ered an amount used for administration of*
 8 *programs under this title in a fiscal year.”.*

9 (c) *ALLOCATION OF FUNDING.*—

10 (1) *IN GENERAL.*—*Section 204(d)(3) (33 U.S.C.*
 11 *1123(d)(3)) is amended—*

12 (A) *in the matter preceding subparagraph*
 13 (A), *by striking “With respect to sea grant col-*
 14 *leges and sea grant institutes” and inserting*
 15 *“With respect to sea grant colleges, sea grant in-*
 16 *stitutes, sea grant programs, and sea grant*
 17 *projects”;* and

18 (B) *in subparagraph (B), in the matter pre-*
 19 *ceding clause (i), by striking “funding among*
 20 *sea grant colleges and sea grant institutes” and*
 21 *inserting “funding among sea grant colleges, sea*
 22 *grant institutes, sea grant programs, and sea*
 23 *grant projects”.*

1 (2) *REPEAL OF REQUIREMENTS CONCERNING*
 2 *DISTRIBUTION OF EXCESS AMOUNTS.—Section 212*
 3 *(33 U.S.C. 1131) is amended—*

4 *(A) by striking subsection (c); and*
 5 *(B) by redesignating subsections (d) and (e)*
 6 *as subsections (c) and (d), respectively.*

7 **SEC. 10. TECHNICAL CORRECTIONS.**

8 *The National Sea Grant College Program Act (33*
 9 *U.S.C. 1121 et seq.) is amended—*

10 *(1) in section 204(d)(3)(B) (33 U.S.C.*
 11 *1123(d)(3)(B)), by moving clause (vi) 2 ems to the*
 12 *right; and*

13 *(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)),*
 14 *as amended by section 6 of this Act, in the third sen-*
 15 *tence, by striking “The Secretary shall” and inserting*
 16 *the following:*

17 *“(3) AVAILABILITY OF RESOURCES OF DEPART-*
 18 *MENT OF COMMERCE.—The Secretary shall”.*

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