

116TH CONGRESS
1ST SESSION

S. 910

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

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mr. WICKER (for himself and Mr. SCHATZ) introduced the following bill; which
was read twice and referred to the Committee on Commerce, Science, and
Transportation

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
5 College 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
10 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
 2 section or other provision of the National Sea Grant Col-
 3 lege Program Act (33 U.S.C. 1121 et seq.).

4 **SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE**
 5 **POLICY FELLOWSHIP.**

6 (a) IN GENERAL.—Section 208(b) (33 U.S.C.
 7 1127(b)) is amended by striking “may” and inserting
 8 “shall”.

9 (b) PLACEMENTS IN CONGRESS.—Such section is
 10 further amended—

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

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

14 (2) in paragraph (1), as designated by para-
 15 graph (1), in the second sentence, by striking “A fel-
 16 lowship” and inserting the following:

17 “(2) PLACEMENT PRIORITIES.—

18 “(A) IN GENERAL.—In each year in which
 19 the Secretary awards a legislative fellowship
 20 under this subsection, when considering the
 21 placement of fellows, the Secretary shall
 22 prioritize placement of fellows in the following:

23 “(i) Positions in offices of, or with
 24 Members on, committees of Congress that

1 have jurisdiction over the National Oceanic
2 and Atmospheric Administration.

3 “(ii) Positions in offices of Members
4 of Congress that have a demonstrated in-
5 terest in ocean, coastal, or Great Lakes re-
6 sources.

7 “(B) EQUITABLE DISTRIBUTION.—In plac-
8 ing fellows in offices described in subparagraph
9 (A), the Secretary shall ensure that placements
10 are equitably distributed among the political
11 parties.

12 “(3) DURATION.—A fellowship”.

13 (c) ADMINISTRATIVE COSTS.—Section 208(c) (33
14 U.S.C. 1127(c)) is amended to read as follows:

15 “(c) RESTRICTION ON USE OF FUNDS.—

16 “(1) IN GENERAL.—Amounts available for fel-
17 lowships under this section, including amounts ac-
18 cepted under section 204(c)(4)(F) or appropriated
19 under section 212 to implement this section, shall be
20 used only for award of such fellowships and adminis-
21 trative costs of implementing this section.

22 “(2) LIMITATION ON ADMINISTRATIVE COSTS.—
23 Not more than 3 percent of amounts made available
24 for fellowships under subsection (b) may be used by
25 a sea grant college or sea grant institute for fringe

1 or other necessary costs of administering the fellow-
2 ships.

3 “(3) ALLOWABLE USES.—Amounts provided to
4 a fellow under subsection (b) may be used by the fel-
5 low for the costs of academic travel, including travel
6 costs relating to returning to the home institution of
7 higher education of the fellow to complete degree re-
8 quirements.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to the first calendar
11 year beginning after the date of the enactment of this Act.

12 (e) SENSE OF CONGRESS CONCERNING FEDERAL
13 HIRING OF FORMER FELLOWS.—It is the sense of Con-
14 gress that in recognition of the competitive nature of the
15 fellowship under section 208(b) of the National Sea Grant
16 College Program Act (33 U.S.C. 1127(b)), and of the ex-
17 ceptional qualifications of fellowship awardees, the Sec-
18 retary of Commerce, acting through the Under Secretary
19 of Commerce for Oceans and Atmosphere, should encour-
20 age participating Federal agencies to consider opportuni-
21 ties for fellowship awardees at the conclusion of their fel-
22 lowships for workforce positions appropriate for their edu-
23 cation and experience.

1 **SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF**
 2 **COMMERCE TO ACCEPT DONATIONS FOR NA-**
 3 **TIONAL SEA GRANT COLLEGE PROGRAM.**

4 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.
 5 1123(c)(4)(E)) is amended to read as follows:

6 “(E) accept donations of money and, not-
 7 withstanding section 1342 of title 31, United
 8 States Code, of voluntary and uncompensated
 9 services;”.

10 (b) PRIORITIES.—The Secretary of Commerce, acting
 11 through the Under Secretary of Commerce for Oceans and
 12 Atmosphere, shall establish priorities for the use of dona-
 13 tions accepted under section 204(c)(4)(E) of the National
 14 Sea Grant College Program Act (33 U.S.C.
 15 1123(c)(4)(E)), and shall consider among those priorities
 16 the possibility of expanding the Dean John A. Knauss Ma-
 17 rine Policy Fellowship’s placement of additional fellows in
 18 relevant legislative offices under section 208(b) of that Act
 19 (33 U.S.C. 1127(b)), in accordance with the recommenda-
 20 tions under subsection (c) of this section.

21 (c) REPORT.—Not later than 180 days after the date
 22 of the enactment of this Act, the Director of the National
 23 Sea Grant College Program, in consultation with the Na-
 24 tional Sea Grant Advisory Board and the Sea Grant Asso-
 25 ciation, shall—

1 (1) develop recommendations for the optimal
 2 use of any donations accepted under section
 3 204(c)(4)(E) of the National Sea Grant College Pro-
 4 gram Act (33 U.S.C. 1123(c)(4)(E)); and

5 (2) submit to Congress a report on the rec-
 6 ommendations developed under paragraph (1).

7 (d) CONSTRUCTION.—Nothing in this section shall be
 8 construed to limit or otherwise affect any other amounts
 9 available for marine policy fellowships under section
 10 208(b) of the National Sea Grant College Program Act
 11 (33 U.S.C. 1127(b)), including amounts—

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

14 (2) appropriated pursuant to the authorization
 15 of appropriations under section 212 of that Act (33
 16 U.S.C. 1131).

17 **SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NA-**
 18 **TIONAL SEA GRANT ADVISORY BOARD RE-**
 19 **PORT.**

20 Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amend-
 21 ed—

22 (1) in the paragraph heading, by striking “BI-
 23 ENNIAL” and inserting “PERIODIC”;

24 (2) by striking the first sentence and inserting
 25 the following: “The Board shall report to Congress

1 at least once every four years on the state of the na-
 2 tional sea grant college program and shall notify
 3 Congress of any significant changes to the state of
 4 the program not later than two years after the sub-
 5 mission of such a report.”; and

6 (3) in the second sentence, by adding before the
 7 end period the following: “and provide a summary of
 8 research conducted under the program”.

9 **SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA**
 10 **GRANT COLLEGE PROGRAM.**

11 Section 204(b) (33 U.S.C. 1123(b)) is amended, in
 12 the matter preceding paragraph (1), by inserting “for re-
 13 search, education, extension, training, technology transfer,
 14 and public service” after “financial assistance”.

15 **SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COL-**
 16 **LEGES AND SEA GRANT INSTITUTES.**

17 Section 207(b) (33 U.S.C. 1126(b)) is amended—

18 (1) in the subsection heading, by striking “EX-
 19 ISTING DESIGNEES” and inserting “ADDITIONAL
 20 DESIGNATIONS”; and

21 (2) by striking “Any institution” and inserting
 22 the following:

23 “(1) NOTIFICATION TO CONGRESS OF DESIGNA-
 24 TIONS.—

“(A) IN GENERAL.—Not less than 30 days before designating an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

“(B) EFFECT OF JOINT RESOLUTION OF DISAPPROVAL.—The Secretary may not designate an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a) if, before the end of the 30-day period described in subparagraph (A), a joint resolution disapproving the designation is enacted.

“(2) EXISTING DESIGNEES.—Any institution”.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS

MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—During fiscal year 2019 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the

1 Federal agency for which the candidate meets Office of
2 Personnel Management qualification standards.

3 (b) DEAN JOHN A. KNAUSS MARINE POLICY FEL-
4 LOWSHIP.—Subsection (a) applies with respect to a
5 former recipient of a Dean John A. Knauss Marine Policy
6 Fellowship under section 208(b) of the National Sea
7 Grant College Program Act (33 U.S.C. 1127(b)) who—

8 (1) earned a graduate or post-graduate degree
9 in a field related to ocean, coastal, and Great Lakes
10 resources or policy from an accredited institution of
11 higher education; and

12 (2) successfully fulfilled the requirements of the
13 fellowship within the executive or legislative branch
14 of the United States Government.

15 (c) LIMITATION.—The direct hire authority under
16 this section shall be exercised with respect to a specific
17 qualified candidate not later than 2 years after the date
18 that the candidate completed the fellowship described in
19 subsection (b).

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
21 **TIONAL SEA GRANT COLLEGE PROGRAM.**

22 (a) IN GENERAL.—Section 212(a) (33 U.S.C.
23 1131(a)) is amended—

24 (1) by amending paragraph (1) to read as fol-
25 lows:

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

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

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

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

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

“(E) \$111,710,813 for fiscal year 2024;

and

“(F) \$117,296,353 for fiscal year 2025.”;

and

(2) by amending paragraph (2) to read as follows:

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

“(A) University research on the biology, prevention, and control of aquatic nonnative species.

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

1 “(C) University research on the biology,
2 prevention, and forecasting of harmful algal
3 blooms.

4 “(D) University research, education, train-
5 ing, and extension services and activities fo-
6 cused on coastal resilience and United States
7 working waterfronts and other regional or na-
8 tional priority issues identified in the strategic
9 plan under section 204(c)(1).

10 “(E) University research and extension on
11 sustainable aquaculture techniques and tech-
12 nologies.

13 “(F) Fishery research and extension activi-
14 ties conducted by sea grant colleges or sea
15 grant institutes to enhance, and not supplant,
16 existing core program funding.”.

17 (b) MODIFICATION OF LIMITATIONS ON AMOUNTS
18 FOR ADMINISTRATION.—Paragraph (1) of section 212(b)
19 (33 U.S.C. 1131(b)) is amended to read as follows:

20 “(1) ADMINISTRATION.—

21 “(A) IN GENERAL.—There may not be
22 used for administration of programs under this
23 title in a fiscal year more than 5.5 percent of
24 the lesser of—

1 “(i) the amount authorized to be ap-
 2 propriated under this title for the fiscal
 3 year; or

4 “(ii) the amount appropriated under
 5 this title for the fiscal year.

6 “(B) CRITICAL STAFFING REQUIRE-
 7 MENTS.—

8 “(i) IN GENERAL.—The Director shall
 9 use the authority under subchapter VI of
 10 chapter 33 of title 5, United States Code,
 11 and under section 210 of this title, to meet
 12 any critical staffing requirement while car-
 13 rying out the activities authorized under
 14 this title.

15 “(ii) EXCEPTION FROM CAP.—For
 16 purposes of subparagraph (A), any costs
 17 incurred as a result of an exercise of au-
 18 thority as described in clause (i) shall not
 19 be considered an amount used for adminis-
 20 tration of programs under this title in a
 21 fiscal year.”.

22 (c) ALLOCATION OF FUNDING.—

23 (1) IN GENERAL.—Section 204(d)(3) (33
 24 U.S.C. 1123(d)(3)) is amended—

1 (A) in the matter preceding subparagraph
 2 (A), by striking “With respect to sea grant col-
 3 leges and sea grant institutes” and inserting
 4 “With respect to sea grant colleges, sea grant
 5 institutes, sea grant programs, and sea grant
 6 projects”; and

7 (B) in subparagraph (B), in the matter
 8 preceding clause (i), by striking “funding
 9 among sea grant colleges and sea grant insti-
 10 tutes” and inserting “funding among sea grant
 11 colleges, sea grant institutes, sea grant pro-
 12 grams, and sea grant projects”.

13 (2) REPEAL OF REQUIREMENTS CONCERNING
 14 DISTRIBUTION OF EXCESS AMOUNTS.—Section 212
 15 (33 U.S.C. 1131) is amended—

16 (A) by striking subsection (c); and

17 (B) by redesignating subsections (d) and
 18 (e) as subsections (c) and (d), respectively.

19 **SEC. 10. REPEAL OF REQUIREMENT FOR REPORT ON CO-**
 20 **ORDINATION OF OCEANS AND COASTAL RE-**
 21 **SEARCH ACTIVITIES.**

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

1 **SEC. 11. TECHNICAL CORRECTIONS.**

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

4 (1) in section 204(d)(3)(B) (33 U.S.C.
5 1123(d)(3)(B)), by moving clause (vi) 2 ems to the
6 right; and

7 (2) in section 209(b)(2) (33 U.S.C.
8 1128(b)(2)), as amended by section 5, in the third
9 sentence, by striking “The Secretary shall” and in-
10 serting the following:

11 “(3) AVAILABILITY OF RESOURCES OF DEPART-
12 MENT OF COMMERCE.—The Secretary shall”.

○