

115TH CONGRESS  
1ST SESSION

# S. 129

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Sea Grant  
3 College Program Amendments Act of 2017”.

4 **SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COL-**  
5 **LEGE PROGRAM ACT.**

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

12 **SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE**  
13 **POLICY FELLOWSHIP.**

14       (a) IN GENERAL.—Section 208(b) (33 U.S.C.  
15 1127(b)) is amended by striking “may” and inserting  
16 “shall”.

17       (b) PLACEMENTS IN CONGRESS.—Such section is  
18 further amended—

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

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

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

25               “(2) PLACEMENT PRIORITIES.—

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

6                   “(i) Positions in offices of, or with  
7                   Members on, committees of Congress that  
8                   have jurisdiction over the National Oceanic  
9                   and Atmospheric Administration.

10                   “(ii) Positions in offices of Members  
11                   of Congress that have a demonstrated in-  
12                   terest in ocean, coastal, or Great Lakes re-  
13                   sources.

14           “(B) EQUITABLE DISTRIBUTION.—In plac-  
15           ing fellows in offices described in subparagraph  
16           (A), the Secretary shall ensure that placements  
17           are equitably distributed among the political  
18           parties.

19           “(3) DURATION.—A fellowship”.

20           (c) EFFECTIVE DATE.—The amendments made by  
21           subsection (b) shall apply with respect to the first calendar  
22           year beginning after the date of the enactment of this Act.

23           (d) SENSE OF CONGRESS CONCERNING FEDERAL  
24           HIRING OF FORMER FELLOWS.—It is the sense of Con-  
25           gress that in recognition of the competitive nature of the

1 fellowship under section 208(b) of the National Sea Grant  
 2 College Program Act (33 U.S.C. 1127(b)), and of the ex-  
 3 ceptional qualifications of fellowship awardees, the Sec-  
 4 retary of Commerce, acting through the Under Secretary  
 5 of Commerce for Oceans and Atmosphere, should encour-  
 6 age participating Federal agencies to consider opportuni-  
 7 ties for fellowship awardees at the conclusion of their fel-  
 8 lowships for workforce positions appropriate for their edu-  
 9 cation and experience.

10 **SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF**  
 11 **COMMERCE TO ACCEPT DONATIONS FOR NA-**  
 12 **TIONAL SEA GRANT COLLEGE PROGRAM.**

13 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.  
 14 1123(c)(4)(E)) is amended to read as follows:

15 “(E) accept donations of money and, not-  
 16 withstanding section 1342 of title 31, United  
 17 States Code, of voluntary and uncompensated  
 18 services;”.

19 (b) PRIORITIES.—The Secretary of Commerce, acting  
 20 through the Under Secretary of Commerce for Oceans and  
 21 Atmosphere, shall establish priorities for the use of dona-  
 22 tions accepted under section 204(c)(4)(E) of the National  
 23 Sea Grant College Program Act (33 U.S.C.  
 24 1123(c)(4)(E)), and shall consider among those priorities  
 25 the possibility of expanding the Dean John A. Knauss Ma-

1 rine Policy Fellowship’s placement of additional fellows in  
 2 relevant legislative offices under section 208(b) of that Act  
 3 (33 U.S.C. 1127(b)), in accordance with the recommenda-  
 4 tions under subsection (c) of this section.

5 (c) REPORT.—Not later than 180 days after the date  
 6 of the enactment of this Act, the Director of the National  
 7 Sea Grant College Program, in consultation with the Na-  
 8 tional Sea Grant Advisory Board and the Sea Grant Asso-  
 9 ciation, shall—

10 (1) develop recommendations for the optimal  
 11 use of any donations accepted under section  
 12 204(c)(4)(E) of the National Sea Grant College Pro-  
 13 gram Act (33 U.S.C. 1123(c)(4)(E)); and

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

16 (d) CONSTRUCTION.—Nothing in this section shall be  
 17 construed to limit or otherwise affect any other amounts  
 18 available for marine policy fellowships under section  
 19 208(b) of the National Sea Grant College Program Act  
 20 (33 U.S.C. 1127(b)), including amounts—

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

23 (2) appropriated pursuant to the authorization  
 24 of appropriations under section 212 of that Act (33  
 25 U.S.C. 1131).

1 **SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NA-**  
 2 **TIONAL SEA GRANT ADVISORY BOARD RE-**  
 3 **PORT.**

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

6 (1) in the heading, by striking “BIENNIAL” and  
 7 inserting “PERIODIC”;

8 (2) by striking the first sentence and inserting  
 9 the following: “The Board shall report to Congress  
 10 at least once every four years on the state of the na-  
 11 tional sea grant college program and shall notify  
 12 Congress of any significant changes to the state of  
 13 the program not later than two years after the sub-  
 14 mission of such a report.”; and

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

18 **SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA**  
 19 **GRANT COLLEGE PROGRAM.**

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

24 **SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COL-**  
 25 **LEGES AND SEA GRANT INSTITUTES.**

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

(1) in the subsection heading, by striking “EXISTING DESIGNEES” and inserting “ADDITIONAL DESIGNATIONS”; and

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

“(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

“(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”.

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

3 (a) IN GENERAL.—During fiscal year 2017 and any  
4 fiscal year thereafter, the head of any Federal agency may  
5 appoint, without regard to the provisions of subchapter I  
6 of chapter 33 of title 5, United States Code, other than  
7 sections 3303 and 3328 of that title, a qualified candidate  
8 described in subsection (b) directly to a position with the  
9 Federal agency for which the candidate meets Office of  
10 Personnel Management qualification standards.

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

16 (1) earned a graduate or post-graduate degree  
17 in a field related to ocean, coastal, and Great Lakes  
18 resources or policy from an accredited institution of  
19 higher education; and

20 (2) successfully fulfilled the requirements of the  
21 fellowship within the executive or legislative branch  
22 of the United States Government.

23 (c) LIMITATION.—The direct hire authority under  
24 this section shall be exercised with respect to a specific  
25 qualified candidate not later than 2 years after the date



1 that the candidate completed the fellowship described in  
 2 subsection (b).

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
 4 **TIONAL SEA GRANT COLLEGE PROGRAM.**

5 (a) IN GENERAL.—Section 212(a) (33 U.S.C.  
 6 1131(a)) is amended—

7 (1) by amending paragraph (1) to read as fol-  
 8 lows:

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

12 “(A) \$75,600,000 for fiscal year 2017;

13 “(B) \$79,380,000 for fiscal year 2018;

14 “(C) \$83,350,000 for fiscal year 2019;

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

16 “(E) \$91,900,000 for fiscal year 2021; and

17 “(F) \$96,500,000 for fiscal year 2022.”;

18 and

19 (2) by amending paragraph (2) to read as fol-  
 20 lows:

21 “(2) PRIORITY ACTIVITIES FOR FISCAL YEARS  
 22 2017 THROUGH 2022.—In addition to the amounts  
 23 authorized to be appropriated under paragraph (1),  
 24 there are authorized to be appropriated \$6,000,000

1 for each of fiscal years 2017 through 2022 for com-  
2 petitive grants for the following:

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

6 “(B) University research on oyster dis-  
7 eases, oyster restoration, and oyster-related  
8 human health risks.

9 “(C) University research on the biology,  
10 prevention, and forecasting of harmful algal  
11 blooms.

12 “(D) University research, education, train-  
13 ing, and extension services and activities fo-  
14 cused on coastal resilience and United States  
15 working waterfronts and other regional or na-  
16 tional priority issues identified in the strategic  
17 plan under section 204(c)(1).

18 “(E) University research and extension on  
19 sustainable aquaculture techniques and tech-  
20 nologies.

21 “(F) Fishery research and extension activi-  
22 ties conducted by sea grant colleges or sea  
23 grant institutes to enhance, and not supplant,  
24 existing core program funding.”.

1 (b) MODIFICATION OF LIMITATIONS ON AMOUNTS  
2 FOR ADMINISTRATION.—Paragraph (1) of section 212(b)  
3 (33 U.S.C. 1131(b)) is amended to read as follows:

4 “(1) ADMINISTRATION.—

5 “(A) IN GENERAL.—There may not be  
6 used for administration of programs under this  
7 title in a fiscal year more than 5.5 percent of  
8 the lesser of—

9 “(i) the amount authorized to be ap-  
10 propriated under this title for the fiscal  
11 year; or

12 “(ii) the amount appropriated under  
13 this title for the fiscal year.

14 “(B) CRITICAL STAFFING REQUIRE-  
15 MENTS.—

16 “(i) IN GENERAL.—The Director shall  
17 use the authority under subchapter VI of  
18 chapter 33 of title 5, United States Code,  
19 and under section 210 of this title, to meet  
20 any critical staffing requirement while car-  
21 rying out the activities authorized under  
22 this title.

23 “(ii) EXCEPTION FROM CAP.—For  
24 purposes of subparagraph (A), any costs  
25 incurred as a result of an exercise of au-

thority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.”.

(c) ALLOCATION OF FUNDING.—

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

(A) in the matter preceding subparagraph (A), by striking “With respect to sea grant colleges and sea grant institutes” and inserting “With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “funding among sea grant colleges and sea grant institutes” and inserting “funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects”.

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

(A) by striking subsection (c); and

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

1 **SEC. 10. 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 6, 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”.

Passed the Senate September 14, 2017.

Attest:

*Secretary.*

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1ST SESSION

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College Program Act, and for other purposes.