

Calendar No. 26

115TH CONGRESS
1ST SESSION

S. 129

[Report No. 115–15]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

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

MARCH 30, 2017

Reported by Mr. THUNE, without amendment

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 2017”.

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

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

9 **SEC. 3. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE**
 10 **POLICY FELLOWSHIP.**

11 (a) IN GENERAL.—Section 208(b) (33 U.S.C.
 12 1127(b)) is amended by striking “may” and inserting
 13 “shall”.

14 (b) PLACEMENTS IN CONGRESS.—Such section is
 15 further amended—

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

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

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

22 “(2) PLACEMENT PRIORITIES.—

23 “(A) IN GENERAL.—In each year in which
 24 the Secretary awards a legislative fellowship
 25 under this subsection, when considering the

1 placement of fellows, the Secretary shall
 2 prioritize placement of fellows in the following:

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

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

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

16 “(3) DURATION.—A fellowship”.

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

20 (d) SENSE OF CONGRESS CONCERNING FEDERAL
 21 HIRING OF FORMER FELLOWS.—It is the sense of Con-
 22 gress that in recognition of the competitive nature of the
 23 fellowship under section 208(b) of the National Sea Grant
 24 College Program Act (33 U.S.C. 1127(b)), and of the ex-
 25 ceptional qualifications of fellowship awardees, the Sec-

1 retary of Commerce, acting through the Under Secretary
 2 of Commerce for Oceans and Atmosphere, should encour-
 3 age participating Federal agencies to consider opportuni-
 4 ties for fellowship awardees at the conclusion of their fel-
 5 lowships for workforce positions appropriate for their edu-
 6 cation and experience.

7 **SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF**
 8 **COMMERCE TO ACCEPT DONATIONS FOR NA-**
 9 **TIONAL SEA GRANT COLLEGE PROGRAM.**

10 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.
 11 1123(c)(4)(E)) is amended to read as follows:

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

16 (b) PRIORITIES.—The Secretary of Commerce, acting
 17 through the Under Secretary of Commerce for Oceans and
 18 Atmosphere, shall establish priorities for the use of dona-
 19 tions accepted under section 204(c)(4)(E) of the National
 20 Sea Grant College Program Act (33 U.S.C.
 21 1123(c)(4)(E)), and shall consider among those priorities
 22 the possibility of expanding the Dean John A. Knauss Ma-
 23 rine Policy Fellowship’s placement of additional fellows in
 24 relevant legislative offices under section 208(b) of that Act

1 (33 U.S.C. 1127(b)), in accordance with the recommenda-
2 tions under subsection (c) of this section.

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

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

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

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

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

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

1 **SEC. 5. REPEAL OF REQUIREMENT FOR REPORT ON CO-**
 2 **ORDINATION OF OCEANS AND COASTAL RE-**
 3 **SEARCH ACTIVITIES.**

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

6 **SEC. 6. REDUCTION IN FREQUENCY REQUIRED FOR NA-**
 7 **TIONAL SEA GRANT ADVISORY BOARD RE-**
 8 **PORT.**

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

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

13 (2) in the first sentence, by striking “The
 14 Board shall report to the Congress every two years”
 15 and inserting “Not less frequently than once every
 16 3 years, the Board shall submit to Congress a re-
 17 port”.

18 **SEC. 7. 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”.

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 on sustainable
19 aquaculture techniques and technologies.

20 “(F) Fishery extension activities conducted
21 by sea grant colleges or sea grant institutes to
22 enhance, and not supplant, existing core pro-
23 gram 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 to meet any critical staffing requirement
20 while carrying out the activities authorized
21 under this title.

22 “(ii) EXCEPTION FROM CAP.—For
23 purposes of subparagraph (A), any costs
24 incurred as a result of an exercise of au-
25 thority as described in clause (i) shall not

1 be considered an amount used for adminis-
 2 tration of programs under this title in a
 3 fiscal year.”.

4 (c) ALLOCATION OF FUNDING.—

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

7 (A) in the matter preceding subparagraph
 8 (A), by striking “With respect to sea grant col-
 9 leges and sea grant institutes” and inserting
 10 “With respect to sea grant colleges, sea grant
 11 institutes, sea grant programs, and sea grant
 12 projects”; and

13 (B) in subparagraph (B), in the matter
 14 preceding clause (i), by striking “funding
 15 among sea grant colleges and sea grant insti-
 16 tutes” and inserting “funding among sea grant
 17 colleges, sea grant institutes, sea grant pro-
 18 grams, and sea grant projects”.

19 (2) REPEAL OF REQUIREMENTS CONCERNING
 20 DISTRIBUTION OF EXCESS AMOUNTS.—Section 212
 21 (33 U.S.C. 1131) is amended—

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

23 (B) by redesignating subsections (d) and
 24 (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”.

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