

114TH CONGRESS  
1ST SESSION

# S. 2328

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2015

Mr. WICKER (for himself, Mr. SCHATZ, Mr. SULLIVAN, and Ms. CANTWELL)  
introduced the following bill; which was read twice, considered, read the  
third time, and passed

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## 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 2015”.

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, to the max-  
10          imum degree practicable, that placements are  
11          equitably distributed among the political par-  
12          ties.

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

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

17          (d) SENSE OF CONGRESS CONCERNING FEDERAL  
18          HIRING OF FORMER FELLOWS.—It is the sense of Con-  
19          gress that in recognition of the competitive nature of the  
20          fellowship under section 208(b) of the National Sea Grant  
21          College Program Act (33 U.S.C. 1127(b)), and of the ex-  
22          ceptional qualifications of fellowship awardees, the Sec-  
23          retary of Commerce, acting through the Under Secretary  
24          of Commerce for Oceans and Atmosphere, should encour-  
25          age participating Federal agencies to consider opportuni-

1 ties for fellowship awardees at the conclusion of their fel-  
2 lowship for workforce positions appropriate for their edu-  
3 cation and experience.

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

7 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.  
8 1123(c)(4)(E)) is amended to read as follows:

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

13 (b) PRIORITIES.—The Secretary of Commerce, acting  
14 through the Under Secretary of Commerce for Oceans and  
15 Atmosphere, shall establish priorities for the use of dona-  
16 tions accepted under section 204(c)(4)(E) of the National  
17 Sea Grant College Program Act (33 U.S.C.  
18 1123(c)(4)(E)), and shall consider among those priorities  
19 the possibility of expanding the Dean John A. Knauss Ma-  
20 rine Policy Fellowship’s placement of additional fellows in  
21 relevant legislative offices under section 208(b) of that Act  
22 (33 U.S.C. 1127(b)), in accordance with the recommenda-  
23 tions under subsection (c) of this section.

24 (c) REPORT.—Not later than 180 days after the date  
25 of the enactment of this Act, the Director of the National

1 Sea Grant College Program, in consultation with the Na-  
2 tional Sea Grant Advisory Board and the Sea Grant Asso-  
3 ciation, shall—

4 (1) develop recommendations for the optimal  
5 use of any donations accepted under section  
6 204(c)(4)(E) of the National Sea Grant College Pro-  
7 gram Act (33 U.S.C. 1123(c)(4)(E)); and

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

10 (d) CONSTRUCTION.—Nothing in this section shall be  
11 construed to limit or otherwise affect any other amounts  
12 available for marine policy fellowships under section  
13 208(b) of the National Sea Grant College Program Act  
14 (33 U.S.C. 1127(b)), including amounts—

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

17 (2) appropriated under section 212 of that Act  
18 (33 U.S.C. 1131).

19 **SEC. 5. 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. 6. 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”; and

8 (2) in the first sentence, by striking “The  
9 Board shall report to the Congress every two years”  
10 and inserting “Not less frequently than once every  
11 3 years, the Board shall submit to Congress a re-  
12 port”.

13 **SEC. 7. MODIFICATION OF ELEMENTS OF NATIONAL SEA**  
14 **GRANT COLLEGE PROGRAM.**

15 Section 204(b) (33 U.S.C. 1123(b)) is amended, in  
16 the matter before paragraph (1), by inserting “for re-  
17 search, education, extension, training, technology transfer,  
18 and public service” after “financial assistance”.

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

21 (a) IN GENERAL.—During fiscal year 2016 and  
22 thereafter, the head of any Federal agency may appoint,  
23 without regard to the provisions of subchapter I of chapter  
24 33 of title 5, United States Code, other than sections 3303  
25 and 3328 of that title, a qualified candidate described in  
26 subsection (b) directly to a position with the Federal agen-

1 cy for which the candidate meets Office of Personnel Man-  
2 agement 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.

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

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

23 (1) in paragraph (1)—

24 (A) in subparagraph (E), by striking

25 “and” at the end;

1 (B) in subparagraph (F), by striking the  
2 period at the end and inserting “;”;

3 (C) by adding at the end the following:

4 “(G) \$72,000,000 for fiscal year 2015;

5 “(H) \$75,600,000 for fiscal year 2016;

6 “(I) \$79,380,000 for fiscal year 2017;

7 “(J) \$83,350,000 for fiscal year 2018;

8 “(K) \$87,520,000 for fiscal year 2019;

9 “(L) \$91,900,000 for fiscal year 2020; and

10 “(M) \$96,500,000 for fiscal year 2021.”;

11 (2) in the heading for paragraph (2), by insert-  
12 ing “FOR FISCAL YEARS 2009 THROUGH 2014” after  
13 “PRIORITY ACTIVITIES”; and

14 (3) by adding at the end the following:

15 “(3) PRIORITY ACTIVITIES FOR FISCAL YEARS  
16 2015 THROUGH 2020.—In addition to the amounts  
17 authorized under paragraph (1), there is authorized  
18 to be appropriated \$6,000,000 for each of fiscal  
19 years 2015 through 2020 for competitive grants for  
20 the following:

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



1           “(B) University research on oyster dis-  
2           eases, oyster restoration, and oyster-related  
3           human health risks.

4           “(C) University research on the biology,  
5           prevention, and forecasting of harmful algal  
6           blooms.

7           “(D) University research, education, train-  
8           ing, and extension services and activities fo-  
9           cused on coastal resilience and U.S. working  
10          waterfronts and other regional or national pri-  
11          ority issues identified in the strategic plan  
12          under section 204(c)(1).

13          “(E) University research on sustainable  
14          aquaculture techniques and technologies.

15          “(F) Fishery extension activities conducted  
16          by sea grant colleges or sea grant institutes to  
17          enhance, and not supplant, existing core pro-  
18          gram funding.”.

19          (b) MODIFICATION OF LIMITATIONS ON AMOUNTS  
20          FOR ADMINISTRATION.—Paragraph (1) of section 212(b)  
21          (33 U.S.C. 1131(b)) is amended to read as follows:

22                 “(1) ADMINISTRATION.—

23                         “(A) IN GENERAL.—There may not be  
24                         used for administration of programs under this

1 title in a fiscal year more than 5.5 percent of  
2 the lesser of—

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

6 “(ii) the amount appropriated under  
7 this title for the fiscal year.

8 “(B) CRITICAL STAFFING REQUIRE-  
9 MENTS.—

10 “(i) IN GENERAL.—The Director shall  
11 use the authority under subchapter VI of  
12 chapter 33 of title 5, United States Code,  
13 to meet any critical staffing requirement  
14 while carrying out the activities authorized  
15 in this title.

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

23 (c) ALLOCATION OF FUNDING.—

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

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

7 (B) in subparagraph (B), in the matter be-  
8 fore clause (i), by striking “funding among sea  
9 grant colleges and sea grant institutes” and in-  
10 sserting “funding among sea grant colleges, sea  
11 grant institutes, sea grant programs, and sea  
12 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. TECHNICAL CORRECTIONS.**

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

22 (1) in section 204(d)(3)(B) (33 U.S.C.  
23 1123(d)(3)(B)), by moving clause (vi) two ems to  
24 the right; and

1           (2) in section 209(b)(2) (33 U.S.C.  
2           1128(b)(2)), as amended by section 6, in the third  
3           sentence, by striking “The Secretary shall” and in-  
4           serting the following:

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

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