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116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-216

NATIONAL SEA GRANT COLLEGE PROGRAM
AMENDMENTS ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 910



FEBRUARY 13, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2019

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 910]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 910) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 910 is to amend the National Sea Grant College Program Act¹ (Sea Grant Act) to reauthorize the National Sea Grant College Program (Sea Grant) through 2024 and to improve Sea Grant's ability to enhance the practical use and conservation of coastal, marine, and Great Lakes resources through research, extension, and education activities.

BACKGROUND AND NEEDS

The Sea Grant Act was first enacted in 1966 and has been amended 10 times, most recently in 2008. Sea Grant promotes research, education, and training to increase the understanding, development, management, utilization, and conservation of the Nation's coastal, marine, and Great Lakes resources. Sea Grant is a partnership between institutions of higher learning and the Na-

¹ 33 U.S.C. 1121 et seq.

tional Oceanic and Atmospheric Administration (NOAA), and works to build partnerships with State, local, and non-governmental organization (NGO) groups to address coastal and marine issues. For more than 50 years, Sea Grant has efficiently leveraged Federal funds to create and maintain a healthy coastal environment and economy in the United States.

The Sea Grant network has been expanded gradually over time, and now consists of 33 university-based programs covering all coastal States, major U.S. territories, Lake Champlain, and the Great Lakes. The network includes more than 4,000 scientists, engineers, educators, and students at more than 300 institutions. Sea Grant focuses on the crosscutting goals of performing quality research, generating an informed public, facilitating inclusive decision making with diverse stakeholders, and providing relevant, timely information on coastal hazards.

Sea Grant's current National Strategic Plan (2018–2021) includes four focus areas: (1) Sustainable Fisheries and Aquaculture; (2) Healthy Coastal Ecosystems; (3) Resilient Communities and Economies; and (4) Environmental Literacy and Workforce Management. Sea Grant is structured in three parts: (1) the National Sea Grant Office (NSGO), based in Silver Spring, MD; (2) the Sea Grant Association (SGA), which represents the network of State programs; and (3) the Sea Grant Advisory Board (SGAB), which is a group of independent expert advisors and evaluators.

In fiscal year (FY) 2016, with \$73 million in appropriations, Sea Grant supported an estimated \$611 million in economic benefit to the Nation, supported the creation or retention of 1,300 businesses, supported the creation or retention of 7,100 jobs, and supported 2,313 undergraduate and graduate students. For grant purposes under section 205(a) of the Sea Grant Act,² Sea Grant is able to leverage Federal funding by matching every \$2 of Federal funding with an additional \$1 of non-Federal funding from partners.

STRENGTHENING THE EDUCATION MANDATE AND FELLOWSHIP PLACEMENT PRIORITIES

Sea Grant has worked to integrate its three program elements: (1) research, (2) outreach, and (3) education. The currently authorized Sea Grant Act includes education as one of the primary purposes of Sea Grant³ and requires Sea Grant to support several fellowships,⁴ but the Dean John A. Knauss Marine Policy Fellowship (Knauss Fellowship), as written, is currently optional. For more than 30 years, the Knauss Fellowship has been a highly successful part of Sea Grant, and has brought more than 1,000 fellows to Washington, DC. Each year, 12 to 14 of the Knauss Fellows are placed in Member offices or with committees in the Senate or House of Representatives. This bill would strengthen the Sea Grant education component by requiring the educational component to be maintained.

² 33 U.S.C. 1124(a).

³ 33 U.S.C. 1121(c).

⁴ 33 U.S.C. 1123(b)(3).

DEVELOPING SEA GRANT'S REGIONAL LEADERSHIP AND EXPANDING
PRIORITY ACTIVITIES

Since its inception, Sea Grant has addressed national issues at a local level. Although Sea Grant has always had the capability of addressing intermediate-scale problems at a regional level, it has been difficult to encourage collaboration between State programs without a specific mandate. Sea Grant has taken a leadership role to address regional issues by developing partnerships with each of the eight NOAA regions, effectively bringing together academic institutions, Federal, State and local government agencies, and NGOs.

PROGRESSING SEA GRANT'S DIVERSITY, EQUITY, AND INCLUSION (DEI)
INITIATIVES

In 2016, the Sea Grant Community of Practice on Inclusion and Diversity was formed to do a systematic analysis and review of diversity, equity, and inclusion principles across the Sea Grant network. As a result, the working group developed a 10-year vision plan, including best practices for increasing diversity, equity, and inclusion throughout Sea Grant. The Committee applauds this effort and expects that Sea Grant continue its efforts.

INCREASING RESOURCES FOR THE NSGO

Currently, the Sea Grant Act mandates a 5 percent cap on administrative spending in the NSGO. With this cap, approximately 95 percent of the Federal funding provided to Sea Grant goes directly to the State programs, where it is used to conduct research, carry out extension and outreach activities, and deliver direct community services. With relatively flat funding and the administrative spending cap set at 5 percent, the NSGO has struggled to retain adequate staff. The SGAB reviewed the functions and staffing of NOAA's NSGO in 2002 and 2008. In addition, in 2006, the National Research Council reviewed the role of the NSGO in program evaluation and administration.

Each of these reviews concluded that the staffing level of the NSGO was not adequate to accomplish the duties required. Therefore, the National Research Council and SGAB recommended to NOAA and the Department of Commerce that additional resources be allocated to the NSGO. However, the SGA expressed concern that a reallocation of funding to the NSGO would detract from their own funding in the States, and would impair their ability to do research and outreach in communities. This bill attempts to address their concerns by providing an additional 0.5 percent in funding for the NSGO to ensure adequate program support while also providing robust funding to State programs.

This bill also would remove a required report to Congress that is no longer useful. The Sea Grant Act calls for a coordination report regarding a decade-old proposal to transfer Sea Grant from NOAA to the NSF. However, as that restructuring is no longer planned, the need for annual reporting on coordination no longer exists. This bill also would alter the reporting requirements for the "State of Sea Grant" report from biennial to every 4 years, in order to alleviate time constraints on the SGAB.

SUMMARY OF PROVISIONS

S. 910, the National Sea Grant College Program Amendments Act, would do the following:

- Reauthorize Sea Grant from 2020 through 2024.
- Make a number of program adjustments and improvements, including:
 - creating a more equitable placement of Sea Grant Fellows in congressional offices;
 - giving the head of any Federal agency direct hiring authority to hire a Knauss fellow, who successfully fulfilled the requirements of their fellowship, for up to 2 years after completion of their fellowship;
 - adding aquaculture as a priority activity; and
 - providing a modest 0.5 percent increase in funding for the NSGO.
- Authorize appropriations of \$87.5 million for FY 2020; \$91.9 million for FY 2021; \$96.5 million for FY 2022; \$101.3 million for FY 2023; and \$105.7 million for FY 2024. An additional \$6 million, \$12 million less than the level authorized in the last reauthorization, would be authorized for competitive grants for specific priority activities, including non-native species, oyster restoration and research, harmful algal blooms, regional or national priority issues, aquaculture, and fisheries. Regional projects would be a new addition to the scope of priority activities. The Sea Grant Program authorization expired at the end of FY 2014.

LEGISLATIVE HISTORY

S. 910 was introduced on March 27, 2019, by Senator Wicker (for himself and Senator Schatz) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Cantwell, Sullivan, and Murkowski are additional cosponsors. On April 3, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 910 reported favorably with an amendment (in the nature of a substitute).

In the 115th Congress, S. 129, a bill similar to S. 910, was introduced on January 12, 2017, by Senator Wicker (for himself and Senators Schatz, Cantwell, and Sullivan) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Murkowski and Nelson were additional cosponsors. On January 24, 2017, the Committee met in open Executive Session and, by voice vote, ordered S. 129 reported favorably without amendment. S. 129 passed the Senate by unanimous consent on September 14, 2017, and was referred to the Committee on Natural Resources of the House of Representatives on September 18, 2017.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 910, National Sea Grant College Program Amendments Act of 2019			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 3, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	446	513
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The National Sea Grant College Program is a partnership between the National Oceanic and Atmospheric Administration (NOAA) and 33 university-based programs that focuses on studying, conserving, and effectively using U.S. coastal resources. S. 910 would amend the program and would authorize appropriations of about \$513 million over the 2020–2024 period for NOAA to implement the program. The bill would restrict the use of funds allocated to the program’s policy fellowship, reduce the frequency of reports to the Congress, and update the process for designating new institutions to be a part of the program.

Based on historical spending patterns and assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$445 million over the 2020–2024 period and \$68 million after 2024. In 2019, NOAA allocated \$80 million to the program. The costs, as detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 910

	By fiscal year, millions of dollars—						
	2019	2020	2021	2022	2023	2024	2019–2024
Authorization	0	94	98	102	107	112	513
Estimated Outlays	0	55	80	97	104	109	445

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 910, as reported, would not create any new programs or impose any new regulatory requirements, and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

Enactment of S. 910, as reported, is not expected to have any significant adverse impacts on the Nation's economy.

PRIVACY

S. 910, as reported, would not impact the personal privacy of individuals.

PAPERWORK

S. 910, as reported, would add a new reporting requirement, mandating that Sea Grant, in consultation with the SGAB and the SGA, report to Congress, not later than 180 days after the date of enactment of this Act, its recommendations for optimal use of any monetary donations received by Sea Grant. However, this bill would likely decrease overall paperwork by eliminating a report that is no longer necessary, the Report on the Coordination of Oceans and Coastal Research Activities. It would decrease a currently authorized report to Congress from the SGAB entitled "The State of Sea Grant," from a biennial submission to once every 4 years.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the bill may be cited as the "National Sea Grant College Program Amendments Act of 2019".

Section 2. References to the National Sea Grant College Program Act

This section would state that an amendment or repeal of a section or other provision should be considered to be made to the National Sea Grant College Program Act.⁵

Section 3. Modification of Dean John A. Knauss Marine Policy Fellowship

This section would require that the Knauss Fellowship remain within Sea Grant. It would give fellow placement preference to offices of, or with members on, committees of Congress that have jurisdiction over NOAA and members that have a demonstrated interest in ocean, coastal, or Great Lake resources. It also would require the Secretary of Commerce (Secretary) to ensure placements are equitably distributed among the political parties. It would express the sense of Congress that participating Federal agencies consider workforce positions for fellows at the conclusion of their fellowships. This section is in direct response to concerns about im-

⁵ 33 U.S.C. 1121 et seq.

balances in legislative fellow placement. The Committee has worked with the National Sea Grant College Program Office since 2014 to ensure the placement of classes would be more equitably distributed among Members of Congress from different political parties. The Committee appreciates the work the National Sea Grant College Program Office has done to ensure more equitable placements and will continue to closely follow the issue.

Section 4. Modification of authority of Secretary of Commerce to accept donations for National Sea Grant College Program

This section would allow Sea Grant to accept and develop priorities for the use of private donations. It requires the Director of Sea Grant to submit to Congress a report not later than 180 days after the date of enactment of the Act on the optimal use of any donations accepted under this section.

Section 5. Reduction in frequency required for National Sea Grant Advisory Board Report

This section would require a report to Congress from the Sea Grant Advisory Board entitled “The State of Sea Grant” every 4 years, rather than biennially, to allow more time for report recommendations to be acted upon.

Section 6. Modification of elements of National Sea Grant College Program

This section would codify existing findings and clarify that Sea Grant is authorized to provide financial assistance for research, education, extension, training, technology transfer, and public service.

Section 7. Designation of new national sea grant colleges and sea grant institutes

This section would require NOAA to notify Congress before designating any new sea grant college or institute. NOAA would be prohibited from designating such new sea grant college or institute if Congress issues a joint resolution disapproving of the designation.

Section 8. Direct hire authority; Dean John A. Knauss Marine Policy Fellowship

This section would give Federal agencies the authority to directly 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 who has completed a Knauss Fellowship within the last 2 years after the date that the candidate completed his/her fellowship.

Section 9. Authorization of appropriations for National Sea Grant College Program

This section would set the authorized appropriations to the Secretary of Commerce to implement the Act at \$87.52 million for FY 2020; \$91.9 million for FY 2021; \$96.5 million for FY 2022; \$101.33 million for FY 2023; and \$105.7 million for FY 2024.

An additional \$6 million, \$12 million less than the amount authorized for these programs under the last reauthorization, would be authorized for funding competitive grants for specific priority ac-

tivities, including non-native species, oyster restoration and research, harmful algal blooms, regional or national priority issues, aquaculture, and fisheries. Regional projects would be a new addition to the scope of priority activities.

This section also would limit spending on the administration of the program by the NSGO to 5.5 percent, an increase of 0.5 percent over the current levels. Additionally, in this section, critical staffing requirements for the NSGO would be authorized to be met through the use of the Intergovernmental Personnel Act of 1970.⁶ The cost of the Intergovernmental Personnel Act detailees would not count toward the NSGO administrative spending cap, but rather would be paid for by the home office of the detail.

Section 10. Repeal of requirement for report on coordination of oceans and coastal research activities

This section would repeal a report to Congress on the coordination of activities between the Sea Grant and the NSF in response to a decade-old proposal to incorporate the Sea Grant into the NSF.

Section 11. Technical corrections

This section would make technical corrections to the Sea Grant Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

[Public Law 89-688, Approved Oct. 15, 1966, 80 Stat. 998; amended through Public Law 110-394, enacted October 13, 2008]

* * * * *

[33 U.S.C. 1123]

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) * * *

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance *for research, education, extension, training, technology transfer, and public service* and other activities authorized in this title, and shall provide support for the following elements—

(1) * * *

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) * * *

(4) To carry out the provisions of this title, the Secretary may—

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

⁶ 42 U.S.C. 4701 et seq.

(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

[(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;]

(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;

(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

(G) promulgate such rules and regulations as may be necessary and appropriate.

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) * * *

(3) [With respect to sea grant colleges and sea grant institutes] *With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects, the Director shall—*

(A) evaluate and assess the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities;

(B) subject to the availability of appropriations, allocate [funding among sea grant colleges and sea grant institutes] *funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects* so as to—

(i) promote healthy competition among sea grant colleges and institutes;

(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);

(iii) ensure successful implementation of sea grant programs;

(iv) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes;

(v) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and

[(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and]

(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and

(C) ensure compliance with the guidelines for merit review under subsection (c)(2).

SEC. 205.* * *

[33 U.S.C. 1126]

SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

(a) DESIGNATION.—(1) A sea grant college or sea grant institute shall meet the following qualifications—

(b) [EXISTING DESIGNEES] ADDITIONAL DESIGNATIONS.—[Any institution]

(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, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).*

[33 U.S.C. 1127]

SEC. 208. FELLOWSHIPS.

(a) * * *

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—[The Secretary]

(1) IN GENERAL.—*The Secretary [may] shall award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. [A fellowship]*

(2) *PLACEMENT PRIORITIES.*—

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

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

(ii) *Positions in offices of Members of Congress that have a demonstrated interest in ocean, coastal, or Great Lakes resources.*

(B) *EQUITABLE DISTRIBUTION.*—*In placing fellows in offices described in subparagraph (A), the Secretary shall ensure that placements are equitably distributed among the political parties.*

(3) *DURATION.*—*A fellowship awarded under this subsection shall be for a period of not more than 1 year.*

[(c) *RESTRICTION ON USE OF FUNDS.*—*Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.*]

(c) *RESTRICTION ON USE OF FUNDS.*—

(1) *IN GENERAL.*—*Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.*

(2) *LIMITATION ON ADMINISTRATIVE COSTS.*—*Not more than 3 percent of amounts made available for fellowships under subsection (b) may be used by a sea grant college or sea grant institute for fringe or other necessary costs of administering the fellowships.*

(3) *ALLOWABLE USES.*—*Amounts provided to a fellow under subsection (b) may be used by the fellow for the costs of academic travel, including travel costs relating to returning to the home institution of higher education of the fellow to complete degree requirements.*

[33 U.S.C. 1128]

SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

(a) *ESTABLISHMENT.*—*There shall be an independent committee to be known as the National Sea Grant Advisory Board.*

(b) *DUTIES.*—

(1) *IN GENERAL.*—*The Board shall advise the Secretary and the Director concerning—*

(A) *strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;*

(B) *the designation of sea grant colleges and sea grant institutes; and*

(C) *such other matters as the Secretary refers to the Board for review and advice.*

(2) **【BIENNIAL】 PERIODIC REPORT.**—**【The Board shall report to the Congress every two years on the state of the national sea grant college program.】** *The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.* The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c) and provide a summary of research conducted under the program. **【The Secretary shall】**

(3) **AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.**—*The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.*

(c) * * *

[33 U.S.C. 1131]

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**

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

- 【(A) \$72,000,000 for fiscal year 2009;**
- 【(B) \$75,600,000 for fiscal year 2010;**
- 【(C) \$79,380,000 for fiscal year 2011;**
- 【(D) \$83,350,000 for fiscal year 2012;**
- 【(E) \$87,520,000 for fiscal year 2013; and**
- 【(F) \$91,900,000 for fiscal year 2014.】**

(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; and*
- (E) \$105,700,000 for fiscal year 2024.*

【(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2009 through 2014—

【(A) \$5,000,000 for competitive grants for university research on the biology, prevention, and control of aquatic nonnative species;

【(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

【(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms; and

【(D) \$3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.】

(2) PRIORITY ACTIVITIES FOR FISCAL YEARS 2020 THROUGH 2024.—*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 2024 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.

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

(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

(E) University research and extension on sustainable aquaculture techniques and technologies.

(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

(b) LIMITATIONS.—

[(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

[(A) the amount authorized to be appropriated under this title for the fiscal year; or

[(B) the amount appropriated under this title for the fiscal year.

[(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.]

(1) ADMINISTRATION.—

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

(i) the amount authorized to be appropriated under this title for the fiscal year; or

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

(B) CRITICAL STAFFING REQUIREMENTS.—

(i) IN GENERAL.—The Director shall use the authority under subchapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this title.

(ii) EXCEPTION FROM CAP.—For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.

[(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (ex-

cept amounts used for the administration of the sea grant program) to any combination of the following:

[(1) sea grant programs, according to their performance assessments;

[(2) regional or national strategic investments authorized under section 204(b)(4);

[(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; and

[(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).]

[(d)](c) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

[(e)](d) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

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**NATIONAL SEA GRANT COLLEGE PROGRAM ACT
AMENDMENTS OF 2002**

[Pub. L. 107-299; 116 Stat. 2348; 33 U.S.C. 857-20]

[SEC. 9. COORDINATION.

[Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.]

