

NATIONAL SEA GRANT COLLEGE PROGRAM
AMENDMENTS ACT OF 2019

DECEMBER 5, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2405]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2405) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Amendments Act of 2019”.

SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

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

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

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

(1) in the first sentence, by striking “The Secretary” and inserting the following:

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

(2) in paragraph (1), as designated by paragraph (1) of this section, in the second sentence, by striking “A fellowship” and inserting the following:

“(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 committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.

“(ii) Positions in offices of Members of Congress who are on such committees.

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

“(B) EQUITABLE DISTRIBUTION.—

“(i) FINDING AND RECOGNITION.—Congress—

“(I) finds that both host offices and fellows benefit when fellows have the opportunity to choose from a range of host offices from different States and regions, both chambers of Congress, and both political parties; and

“(II) recognizes the steps taken by the National Sea Grant College Program to facilitate an equitable distribution of fellows among the political parties.

“(ii) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that fellows have the opportunity to choose from offices that are described in clauses (i), (ii), and (iii) of subparagraph (A) and that are equitably distributed among—

“(I) the political parties; and

“(II) the Senate and the House of Representatives.

“(iii) POLITICAL AND CAMERAL EQUITY.—The Secretary shall ensure that placements are equitably distributed between—

“(I) the political parties; and

“(II) the Senate and the House of Representatives.

“(3) DURATION.—A fellowship”.

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

(d) SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.—It is the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees—

(1) the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience; and

(2) Members and committees of Congress should consider opportunities for such awardees for such positions.

SEC. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

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

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

(b) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship’s placement of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under subsection (c) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

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

(2) submit to Congress a report on the recommendations developed under paragraph (1).

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

- (1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); or
- (2) appropriated under section 212 of that Act (33 U.S.C. 1131).

SEC. 5. REPEAL OF REQUIREMENT FOR REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.

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

SEC. 6. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

- (1) in the heading, by striking “BIENNIAL” and inserting “PERIODIC”; and
- (2) in the first sentence, by striking “The Board shall report to the Congress every two years” and inserting “Not less frequently than once every 4 years, the Board shall submit to Congress a report”.

SEC. 7. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter preceding paragraph (1), by inserting “for research, education, extension, training, technology transfer, public service,” after “financial assistance”.

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

(b) QUALIFIED CANDIDATE.—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

- (1) earned a graduate or post-graduate degree in a field related to ocean, coastal, or Great Lakes resources or policy from an institution of higher education accredited by an agency or association recognized by the Secretary of Education pursuant to section 496(a) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a));
- (2) received a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) within 5 years before the date the individual is appointed under this section; and
- (3) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

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

- (1) by amending paragraph (1) to read as follows:

“(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) \$106,380,000 for fiscal year 2024; and
- “(F) \$111,710,813 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.
- “(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 water-

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

“(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, 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 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.

SEC. 10. TECHNICAL CORRECTIONS.

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

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

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 6 of this Act, in the third sentence, by striking “The Secretary shall” and inserting the following:

“(3) **AVAILABILITY OF RESOURCES OF DEPARTMENT OF COMMERCE.**—The Secretary shall”.

PURPOSE OF THE BILL

The purpose of H.R. 2405 is to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Sea Grant College Program authorizes grants and contracts to initiate and support thirty-three state-level programs for research, education, and advisory services related to marine, coastal, and Great Lakes conservation and development. The Na-

tional Sea Grant College Program Act¹ (33 U.S.C. 1121 *et seq.*) was last reauthorized in 2008 and formally expired in 2014.²

Sea Grant sends nearly 95 percent of its appropriated funds to coastal states for competitive grants that enhance the practical use and conservation of coastal, marine, and Great Lakes resources. For every federal dollar appropriated, Sea Grant leverages nearly \$3 from partnerships among state universities, state and local governments, and coastal communities and businesses. For example, in 2017, the Sea Grant Program was appropriated \$63 million,³ and the National Oceanic and Atmospheric Administration (NOAA) estimates that in that year Sea Grant programs generated \$579 million in positive economic impacts; created or supported 12,500 jobs; assisted 462 communities to improve their resilience; restored or protected more than 700,000 acres of coastal ecosystems; and supported the education and training of more than 1,800 undergraduate and graduate students.⁴

H.R. 2405 reauthorizes and updates the National Sea Grant College Program, increasing the efficacy of Sea Grant's educational, research, and extension programs. Congress recognizes the role that fellowship programs play in developing a diverse marine and coastal science and policy workforce. This legislation therefore provides additional direction for fellowship placement and a new authority for the direct hire of Dean John A. Knauss Marine Policy fellows. Furthermore, Congress encourages the National Sea Grant College Program to promote diversity, equity, and inclusion throughout its fellowship programs and other activities.

COMMITTEE ACTION

H.R. 2405 was introduced on April 30, 2019, by Representative Jared Huffman (D-CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On May 8, 2019, the Subcommittee held a hearing on the bill. On September 18, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. A technical amendment offered by Chair Grijalva #1 was agreed to by voice vote. No additional amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 12 nays, as follows:

¹National Sea Grant College and Program Act of 1966, Pub. L. No. 89-688, 80 Stat. 998 (1966).

²See 33 U.S.C. § 1131 (Office of the Law Revision Counsel, current through Pub. L. No. 116-59, Sept. 27, 2019).

³See Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, § 4, 131 Stat. 135, 137 (2017); 163 CONG. REC. H3327, H3367 (daily ed. May 3, 2017) (Explanatory Statement Submitted by Mr. Frelinghuysen of N.J., Chairman of the H. Comm. on Appropriations, Regarding the H. Amendment to the S. Amendments on H.R. 244).

⁴NOAA SEA GRANT, A SMART INVESTMENT IN OUR COASTAL ECONOMY (Winter 2019), <https://seagrant.noaa.gov/Portals/0/Documents/Handouts/Seagrant-MainFactsheet-Nov2018-accessible.pdf>.

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 2405

Amendment:

Disposition: Final Passage: H.R. 2405, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 12 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV	X		
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO	X		
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA			
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA	X		
19	Mr. Young, AK	X		
	TOTALS	23	12	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 2405: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on May 8, 2019.

SECTION-BY-SECTION ANALYSIS

Section 3. Provides management instructions for the Dean John A. Knauss Marine Policy Fellowship, including requiring, to the maximum extent practicable, that legislative fellows are equitably distributed among political parties and chambers, and directs NOAA to encourage participating federal agencies, Members of Congress, and Committees of Congress to hire former fellows.

Section 4. Requires the National Sea Grant College Program to establish priorities for the use of donations and report them to Congress.

Section 5. Repeals the reporting requirement on coordination of oceans and coastal research activities.

Section 6. Reduces the frequency of reports from the National Sea Grant advisory board to Congress from two years to four years.

Section 7. Clarifies that financial assistance provided by the National Sea Grant College Program is for research, education, extension, training, technology transfer, and public service.

Section 8. Establishes direct hire authority for participants in the Dean John A. Knauss Marine Policy Fellowship for five years in any federal agency in which the fellow meets qualification standards.

Section 9. Authorizes \$87.52 million for FY 2020, increasing by approximately 5 percent annually through FY 2025. An additional \$6 million is authorized per year to support competitive grants for coastal resiliency and aquaculture projects, in addition to previously authorized grants for aquatic nonnative species, oyster restoration and disease, harmful algal blooms, and fisheries research and extension activities.

Section 10. Makes technical corrections.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 2019.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2405, the National Sea Grant College Program Amendments Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

MARK P. HADLEY
(For Phillip L. Swagel, Director).

Enclosure.

H.R. 2405, National Sea Grant College Program Amendments Act of 2019			
As ordered reported by the House Committee on Natural Resources on September 18, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	55	446	631
Statutory 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. H.R. 2405 would amend the program and would authorize appropriations totaling \$631 million over the 2020–2025 period for NOAA to implement that 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 streamline the process for federal agencies to hire former recipients of a Dean John A. Knauss Marine Policy Fellowship.

Based on historical spending patterns and assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$631 million over the 2020–2029 period. In 2019, NOAA allocated \$80 million to the program. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2405

	By fiscal year, millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020– 2024	2020– 2029	
Authorization	94	98	103	107	112	118	0	0	0	0	514	631	
Estimated Outlays	55	80	97	104	109	115	47	20	3	0	446	631	

Components may not sum to totals because of rounding.

On May 2, 2019, CBO transmitted a cost estimate for S. 910, the 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. The differences in CBO estimated costs for the two pieces of legislation reflect differences in the amounts each bill would authorize to be appropriated.

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

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill is to reauthorize and amend the National Sea Grant College Program Act.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The Sea Grant Support (CFDA No. 11.417) and other programs authorized by this bill are related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. 6104: U.S. Merchant Marine Academy (CFDA No. 20.807), Coastal Zone Management Estuarine Research Reserves (CFDA No. 11.420), Geosciences (CFDA No. 47.050), State Maritime Schools (CFDA No. 20.806), Coastal Zone Management Administration Awards (CFDA No. 11.419), Interjurisdictional Fisheries Act of 1986 (CFDA No. 11.407), Center for Sponsored Coastal Ocean Research Coastal Ocean Program (CFDA No. 11.478), Financial Assistance for National Centers for Coastal Ocean Science (CFDA No. 11.426), and Great Lakes Program (CFDA No. 66.469).

APPLICABILITY TO LEGISLATIVE BRANCH

Section 3 of the bill, as reported, does not apply to the legislative branch because the section explicitly relates to the placement authority of the Secretary of Commerce only. Section 8 of the bill, as reported, does not apply to the legislative branch because the section explicitly relates to hiring by heads of federal agencies only. The Committee finds that the legislation does not otherwise relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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 matter is printed in italic, and existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

* * * * *

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

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

(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;

(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;

(3) the fellowship program under section 208; and

(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

(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;

(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) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated,

without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) facilitate and coordinate the development of a strategic plan under subsection (c)(1);

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

(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

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

* * * * *

SEC. 208. FELLOWSHIPS.

(a) **IN GENERAL.**—To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Secretary. The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Every 2 years, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.

(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 committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration.*

(ii) *Positions in offices of Members of Congress who are on such committees.*

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

(B) **EQUITABLE DISTRIBUTION.**—

(i) **FINDING AND RECOGNITION.**—*Congress—*

(I) finds that both host offices and fellows benefit when fellows have the opportunity to choose from a range of host offices from different States and regions, both chambers of Congress, and both political parties; and

(II) recognizes the steps taken by the National Sea Grant College Program to facilitate an equitable distribution of fellows among the political parties.

(ii) **IN GENERAL.**—*The Secretary shall ensure, to the maximum extent practicable, that fellows have the opportunity to choose from offices that are described in clauses (i), (ii), and (iii) of subparagraph (A) and that are equitably distributed among—*

(I) the political parties; and

(II) *the Senate and the House of Representatives.*
 (iii) *POLITICAL AND CAMERAL EQUITY.*—*The Secretary shall ensure that placements are equitably distributed between—*

(I) *the political parties; and*

(II) *the Senate and the House of Representatives.*

(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.*

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】** *Not less frequently than once every 4 years, the Board shall submit to Congress a report on the state of the national sea grant college program. 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). 【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) *MEMBERSHIP, TERMS, AND POWERS.*—(1) *The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as non-voting members of the Board. Not less than 8 of the voting members of the Board shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, coastal management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, management, utilization, or conservation of*

ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the Board if the individual is (A) the director of a sea grant college or sea grant institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer of employee of the United States.

(2) The term of office of a voting member of the Board shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the Board appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Board.

(3) Any individual appointed to a partial or full term may be reappointed for one addition full term. The Director may extend the term of office of a voting member of the Board once by up to 1 year.

(4) The Board shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(5) Voting members of the Board shall—

(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such Board; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The Board shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The Board may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.

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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.

[(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.】

(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) \$106,380,000 for fiscal year 2024; and

(F) \$111,710,813 for fiscal year 2025.

(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.

(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.*】

(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, 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 described in clause (i) shall not be considered an amount used for administration of programs under this title in a 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.

[(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 (except 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**

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[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.]

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DISSENTING VIEWS

The funding authority for the National Sea Grant College Program expired in fiscal year (FY) 2014. This inconvenient truth has not affected the program as it continues to receive funding from Congress. In FY 2019, it was appropriated \$72 million despite being eliminated in the National Oceanic and Atmospheric Administration's FY 2019 budget justification. H.R. 2405 would reauthorize the program at \$87.5M for FY 2020 and would increase the authorization by 5% annually through FY 2025.

As members of the authorizing committee, we have the responsibility to review programs such as the National Sea Grant College Program to ensure the program is still necessary and if it is working as intended. Instead of holding an oversight hearing to discuss the merits of program, the Democratic-majority skipped this process entirely and chose to blindly reauthorize the program. H.R. 2405 not only would reauthorize the Sea Grant program at much higher levels without any justification, but the bill goes beyond a simple reauthorization and adds several Democrat-priorities to a program that already heavily benefits Democrat offices through the Congressional fellowship program, which supplies free college-level fellows (usually graduate students) to Congressional personal offices and to a lesser extent, Committee offices.

One of these "priorities" is giving Sea Grant fellows preferential access to federal jobs. The bill allows the direct hire of fellows to a position in any federal agency, regardless if there are better qualified candidates. Fellows already receive a unique educational and professional experience that provide advancement opportunities others in the same field may not have. Yet, we are now being asked to reduce competition in the federal work force to help the select few in this program; that is unacceptable. For these reasons we oppose this legislation.

ROB BISHOP (UT).
JODY HICE.
KEVIN HERN.

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