

**Calendar No. 161**

114TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
114-90

NATIONAL SEA GRANT COLLEGE PROGRAM  
AMENDMENTS ACT OF 2015

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 764



JULY 23, 2015.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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### NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

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

### R E P O R T

[To accompany S. 764]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 764) 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. 764, is to amend the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) (Sea Grant Act) to reauthorize the National Sea Grant College Program (Sea Grant) through 2021 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 ten 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 National Oceanic and Atmospheric Administration (NOAA), and also works to build partnerships with State, local, and non-governmental (NGO) groups to address coastal and marine issues. For more than 40 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 every coastal State, major territories, Lake Champlain, and the Great Lakes. The network includes over 3,000 scientists at over 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 (2014-2017) includes four focus areas: (1) healthy coastal ecosystems; (2) sustainable fisheries and aquaculture; (3) resilient communities and economies; and (4) environmental literacy and workforce development. 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) 2014, with \$62.5 million in appropriations, Sea Grant supported an estimated \$450 million in economic benefit to the Nation, supported the creation or retention of 6,500 businesses, supported the creation or retention of 17,500 jobs, generated 5 patents, and supported 760 undergraduate and 910 graduate students. For grant purposes under section 205(a) of the Sea Grant Act (33 U.S.C. 1124(a)), 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 – research, outreach, and education. However, recent proposals by the Obama administration regarding the consolidation of STEM education into the National Science Foundation (NSF) have raised the possibility that the core education function could be removed from Sea Grant, thus changing the fundamental nature of the program. The currently authorized Sea Grant Act includes education as one of the primary purposes of Sea Grant (33 U.S.C. 1121(c)) and requires Sea Grant to support several fellowships (33 U.S.C. 1123(b)(3)), but the Dean John A. Knauss Marine Policy Fellowship, as written, is currently optional. For more than 30 years, the Dean John A. Knauss Marine Policy Fellowship has been a highly successful part of Sea Grant, and has brought over 1,000 fellows to Washington, D.C. Each year, ten 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.

### **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 already taken a leadership role by developing regional research and information plans over the past few years.

### **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, over the past seven years the NSGO has lost one-third of its full-time employees, all four of its senior positions, and now has less than half the staff that it had in 1991. The SGAB has reviewed the functions and staffing of NOAA's NSGO twice in the last decade (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, and therefore 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 would provide an additional 0.5 percent in funding for the NSGO to ensure adequate program support while also providing robust State programs.

This bill 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 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 three years, in order to alleviate time constraints on the SGAB.

### **SUMMARY OF PROVISIONS**

The National Sea Grant College Program Amendments Act of 2015 would reauthorize Sea Grant from 2015 through 2021. The bill would also make a number of program adjustments and improvements, including:

- by creating a more equitable placement of Sea Grant Fellows in congressional offices;
- by reducing the authorization by over \$30 million in FY 2015 as compared to FY 2014, consistent with appropriations, with smaller increases thereafter;
- by including aquaculture as a priority activity; and
- by providing a modest (0.5 percent) increase in funding for the NSGO.

This bill would authorize appropriations of \$72 million for FY 2015, \$75.6 million for FY 2016, \$79.38 million for FY 2017, \$83.35 million for FY 2018, \$87.52 million for FY 2019, \$91.9 mil-

lion for FY 2020, and \$96.5 million for FY 2021, the same amounts authorized in the past for the same program. 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. This bill would decrease the authorization levels for Sea Grant by over \$30 million in FY 2015 compared to FY 2014.

LEGISLATIVE HISTORY

S. 764 was introduced by Senator Wicker on March 17, 2015. Senators Schatz, Sullivan, and Cantwell are cosponsors. On March 25, 2015, the Committee met in open Executive Session and, by a voice vote, ordered S. 764 to be reported favorably with an amendment. The Committee approved an amendment from Senator Schatz which would allow Federal direct hire authority for Knauss Fellows. A similar bill (S. 2030) was reported out of Committee last Congress.

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. 764—National Sea Grant College Program Amendments Act of 2015*

Summary: S. 764 would authorize appropriations totaling \$544 million over the 2016–2021 period for the National Oceanic and Atmospheric Administration (NOAA) to carry out the National Sea Grant College Program, which funds scientific research, education, and public outreach at certain universities related to marine issues. In addition, under the bill the program would provide funds for marine policy fellowships.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$397 million over the 2016–2020 period and \$147 million after 2020. Because enacting the legislation would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

S. 764 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 764 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Sea Grant Program:						
Authorization Level .....	76	79	83	88	92	418

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
Estimated Outlays .....	49	67	79	85	90	370
Sea Grant Priority Grants:						
Authorization Level .....	6	6	6	6	6	30
Estimated Outlays .....	4	5	6	6	6	27
Total Changes:						
Authorization Level .....	82	85	89	94	98	448
Estimated Outlays .....	53	72	85	91	96	397

Basis of estimate: For this estimate, CBO assumes that S. 764 will be enacted late in fiscal year 2015, that the authorized amounts will be appropriated for each year, and that outlays will follow historical spending patterns for similar NOAA activities.

S. 764 would amend and reauthorize the National Sea Grant College Program Act. The bill would authorize appropriations totaling \$514 million over the 2016–2021 period to fund activities at a network of 33 Sea Grant programs located at universities in every coastal and Great Lakes state, Vermont, Puerto Rico, and Guam. Those funds also would be used to provide fellowships that support the placement of graduate students studying ocean, coastal, and Great Lakes resources within the executive and legislative branches of the federal government. In 2015, NOAA received appropriations totaling \$67 million to carry out similar activities. Assuming appropriation of the authorized amounts, CBO estimates that implementing those provisions would cost \$370 million over the 2016–2020 period and \$144 million after 2020.

The bill also would authorize the appropriation of \$6 million a year to fund competitive grants that would fund high-priority research activities at universities. Those activities would include preventing and controlling nonnative aquatic species, developing sustainable aquaculture techniques, and preventing and forecasting harmful algal blooms. Assuming appropriation of the authorized amounts, CBO estimates that implementing these provisions would cost \$27 million over the 2016–2020 period and \$3 million after 2020.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: S. 764 contains no intergovernmental or private-sector mandates as defined in UMRA, and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the National Sea Grant College Program, which provides grants to improve marine resource conservation, management, and utilization. Any costs incurred by state, local, or tribal governments, including matching funds, would result from complying with a voluntary federal program.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Assistant Director for Budget Analysis.

## REGULATORY IMPACT

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. 764, 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 this legislation is not expected to have any significant adverse impacts on the Nation's economy.

## PRIVACY

The bill would not impact the personal privacy of individuals.

## PAPERWORK

This bill would add a new reporting requirement, mandating that Sea Grant, in consultation with the SGAB and the SGA, report to Congress within 180 days of the date of enactment of this Act their 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 regarding "The State of Sea Grant," from a biennial submission to once every three 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 the short title of the bill, National Sea Grant College Program Amendments Act of 2015.

*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 (33 U.S.C. 1121 et seq.).

*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 in-



terest in ocean, coastal, or Great Lake resources. It also would require the Secretary, to the maximum degree practicable, 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 imbalances in legislative fellow placement. The Committee has worked to resolve these concerns administratively, but at this point believes legislative change is required. The Committee urges the NSGO to implement these changes as swiftly as possible, and no later than 30 days after the date of enactment of this Act.

*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.

*Section 5. Repeal of requirement for Report on Coordination of Oceans and Coastal Research Activities.*

This section would remove a required report to Congress on the coordination of activities between Sea Grant and the NSF in response to a decade-old proposal to incorporate Sea Grant into the NSF. However, this proposal is no longer being considered, and therefore this report is not necessary.

*Section 6. Reduction in frequency required for National Sea Grant Advisory Board Report.*

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

*Section 7. Modification of elements of National Sea Grant College Program.*

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

*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 Dean John A. Knauss Marine Policy Fellowship within the last two years.

*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 Sea Grant Act, at \$72 million for FY 2015, \$75.6 million for FY 2016, \$79.38 million for FY 2017, and \$83.35 million for FY 2018, \$87.52 million for

FY 2019, \$91.9 million for FY 2020, and \$96.5 million for FY 2021.

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 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. This bill would decrease the authorization levels for Sea Grant by over \$30 million dollars in FY 2015 compared to FY 2014.

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 (42 U.S.C. 4701 et seq.). The cost of the Intergovernmental Personnel Act detailees would not count towards the NSGO administrative spending cap, but rather would be paid for by the home office of the detail. This increase in administrative cap and authority for the use of detailees would balance the needs of the NSGO and the goal of retaining Sea Grant's focus on its State-based programs.

*Section 10. 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

[33 U.S.C. 1121 et seq.]

**SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.**

[33 U.S.C. 1123]

(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, and 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.**

[33 U.S.C. 1127]

(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 postgraduate 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.

(b) **DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**—[The Secretary](3)

(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, to the maximum degree practicable, 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.<sup>1</sup>*

(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

<sup>1</sup>The amendments made to subsection (b) would apply with respect to the first calendar year beginning after the date of enactment of the Act.

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.**

[33 U.S.C. 1128]

\* \* \* \* \*

(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 3 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.*

\* \* \* \* \*

**SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

[33 U.S.C. 1131]

(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**【.】**;
- (G) \$72,000,000 for fiscal year 2015;
- (H) \$75,600,000 for fiscal year 2016;
- (I) \$79,380,000 for fiscal year 2017;
- (J) \$83,350,000 for fiscal year 2018;
- (K) \$87,520,000 for fiscal year 2019;
- (L) \$91,900,000 for fiscal year 2020; and
- (M) \$96,500,000 for fiscal year 2021.

(2) **PRIORITY ACTIVITIES FOR FISCAL YEARS 2009 THROUGH 2014.**—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.

(3) *PRIORITY ACTIVITIES FOR FISCAL YEARS 2015 THROUGH 2020.*—*In addition to the amounts authorized under paragraph (1), there is authorized to be appropriated \$6,000,000 for each of fiscal years 2015 through 2020 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 U.S. working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).*

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

(F) *Fishery 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 in 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.

(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.

## NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

[116 Stat. 2345]

### **[(SEC. 9. REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.**

[33 U.S.C. 857-20]

**[(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.】

