

Public Law 110–394  
110th Congress

An Act

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

Oct. 13, 2008  
[H.R. 5618]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Sea Grant College Program Amendments Act of 2008”.

National Sea  
Grant College  
Program  
Amendments Act  
of 2008.  
33 USC 1121  
note.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided therein, whenever 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. FINDINGS AND PURPOSE.**

- (a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—  
(1) by striking subparagraphs (D) and (E) of paragraph (1) and inserting the following:

“(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

“(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and”;

- (2) by striking “program of research, education,” in paragraph (2) and inserting “program of integrated research, education, extension,”; and

(3) by striking paragraph (6) and inserting the following:

“(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.”.

(b) **PURPOSE.**—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking “to promote research, education, training, and advisory service activities” and inserting “to promote integrated research, education, training, and extension services and activities”.

(c) **TERMINOLOGY.**—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by inserting “management,” after “development,” each place it appears.

**SEC. 4. DEFINITIONS.**

(a) **IN GENERAL.**—Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by inserting “management,” after “development,”;

(2) in paragraph (11) by striking “advisory services” and inserting “extension services”; and

(3) in each of paragraphs (12) and (13) by striking “(33 U.S.C. 1126)”.

(b) **REPEAL.**—Section 307 of the Act entitled “An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary” (Public Law 102-251; 106 Stat. 66) is repealed.

33 USC 1122.

**SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) **PROGRAM ELEMENTS.**—Section 204(b) (33 U.S.C. 1123(b)) is amended—

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

“(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) by amending paragraph (2) to read as follows:

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

(3) by amending paragraph (4) to read as follows:

“(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.”.

(b) **TECHNICAL CORRECTION.**—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking “Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the” and inserting “The”.

(c) **FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.**—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking “long range”;

(2) in paragraph (3)(A)—

(A) by striking “(A)(i) evaluate” and inserting “(A) evaluate and assess”;

(B) by striking “activities; and” and inserting “activities;”;

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

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

(B) in clause (iii) (as so redesignated) by striking “encourage” and inserting “ensure”;

(C) in clause (iv) (as so redesignated) by striking “and” after the semicolon;

(D) by inserting after clause (v) (as so redesignated) the following:

“(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”.

#### **SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.**

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking “204(c)(4)(F).” in subsection (a) and inserting “204(c)(4)(F) or that are appropriated under section 208(b).”; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

“The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.”.

#### **SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.**

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking “advisory services” and inserting “extension services”.

#### **SEC. 8. FELLOWSHIPS.**

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking “Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,” in subsection (a) and inserting “Every 2 years,”; and

(2) by adding at the end the following:

“(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. 9. NATIONAL SEA GRANT ADVISORY BOARD.**

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member’s term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such

33 USC 1128  
note.

sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

**“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) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

“(9) The term ‘Board’ means the National Sea Grant Advisory Board established under section 209.”;

(C) OTHER PROVISIONS.—The following provisions are each amended by striking “panel” each place it appears and inserting “Board”:

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

“(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 REPORT.—The Board shall report to the Congress every two years 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 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.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting “coastal management,” after “resource management,”; and

(2) by inserting “management,” after “development,”.

(d) EXTENSION OF TERM.—Section 209(c)(3) (33 U.S.C. 1128(c)(3)) is amended by striking the second sentence and inserting the following: “The Director may extend the term of office of a voting member of the Board once by up to 1 year.”.

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

“(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.”.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“

“(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) in subsection (a)(2)—

(A) by striking “fiscal years 2003 through 2008—” and inserting “fiscal years 2009 through 2014—”;

(B) by striking “biology and control of zebra mussels and other important aquatic” in subparagraph (A) and inserting “biology, prevention, and control of aquatic”; and

(C) by striking “blooms, including *Pfiesteria piscicida*; and” in subparagraph (C) and inserting “blooms; and”;

(3) in subsection (c)(1) by striking “rating under section 204(d)(3)(A)” and inserting “performance assessments”; and

(4) by striking subsection (c)(2) and inserting the following:

“(2) regional or national strategic investments authorized under section 204(b)(4);”.

Approved October 13, 2008.

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**LEGISLATIVE HISTORY—H.R. 5618 (S. 3160):**

HOUSE REPORTS: No. 110-701, Pt. 1 (Comm. on Natural Resources) and Pt. 2 (Comm. on Science and Technology).

SENATE REPORTS: No. 110-508 accompanying S. 3160 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 154 (2008):

July 14, considered and passed House.

Sept. 26, considered and passed Senate, amended.

Sept. 29, House concurred in Senate amendment.

