S. 5332 Cantwell_substitute (modified)

AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5332

To direct the National Oceanic and Atmospheric Administration to maintain the Cooperative Institute program.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cooperative Institute Act of 2026''.

SEC. 2. COOPERATIVE INSTITUTES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional com-

mittees'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Natural Resources and Science, Space, and Technology of the House of Representatives.

(3) COOPERATIVE INSTITUTE.—The term ''Cooperative Institute'' means an entity that is part of an Administration-supported eligible research institution, or an entity that is part of an association or alliance of 2 or more Administration-supported eligible research institutions, that is or has been established through a cooperative agreement under the authority of section 406 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1540) or title II of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 71; 15 U.S.C. 1540 note).

(4) ELIGIBLE RESEARCH INSTITUTION.—The term ''eligible research institution'' means a research institution that—

(A) is a non-Federal academic or nonprofit institution;

(B) has an established research program in one or more areas relevant to the Administration's mission; and

(C) promotes the involvement of students and postdoctoral scientists in research and education.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

(b) IN GENERAL.—

(1) PROGRAM GOALS.—The Under Secretary shall maintain within the Administration a Cooperative Institute program, which shall promote basic and applied research, education, training, and outreach that aligns with the Administration's mission, fund research capabilities that do not exist within the Administration, and expand research capacity in sciences that are related to the work of the Administration.

(2) COOPERATIVE INSTITUTE ACTIVITIES.—To achieve these goals, the Cooperative Institutes shall—

(A) conduct collaborative research relevant to the Administration's mission in one or more scientific disciplines of interest to the Administration, with substantial involvement between Administration scientists and those at eligible research institutions;

(B) leverage scientific, educational, and outreach expertise at eligible research institutions which, depending on the research needs determined by the Administration, may or may not be located near an Administration facility;

(C) support the participation of undergraduate and graduate students and postdoctoral scientists in Administration-related research studies; and

(D) strengthen or expand research capacity within the eligible research institutions in Administration-related research by providing funding to support administrative and scientific research activities.

(c) ESTABLISHMENT OF COOPERATIVE INSTITUTES.—

(1) IN GENERAL.—Pursuant to the authority provided under section 406 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1540) and title II of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 71; 15 U.S.C. 1540 note), the Secretary of Commerce, acting through the Under Secretary, may establish a Cooperative Institute by entering into a cooperative agreement

with an eligible research institution, or an association or alliance of 2 or more eligible research institutions.

(2) COMPETITION AND REVIEW.—The Under Secretary shall use an open competition and merit-based peer-review process for selecting eligible research institutions for each new Cooperative Institute. In selecting a Cooperative Institute under this paragraph, the Under Secretary shall consider the cost-effectiveness of the proposed Cooperative Institute, such as direct and indirect costs and administrative overhead, to ensure the best use of taxpayer dollars.

(3) CONSOLIDATION.—In cases where multiple eligible research institutions join to form a Cooperative Institute, the Administration shall encourage these eligible research institutions to consolidate management, administrative, and oversight activities under a lead eligible research institution, provided the benefit of consolidation outweighs the costs.

(4) COLLABORATION.—

(A) IN GENERAL.—To foster collaboration, the Administration is authorized to collocate Federal employees and staff from eligible re-

search institutions of Cooperative Institutes, which may involve—

(i) Cooperative Institute staff hosted at Federal facilities; and

(ii) Federal staff being assigned to a duty station at the eligible research institutions.

(B) CHOICE OF ARRANGEMENT.—The Administration may choose the arrangement described in this paragraph that aligns with the needs of the Administration and of the Cooperative Institute, provided that the benefits outweigh the costs.

(d) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The cooperative agreements described in subsection (c)(1) shall be carried out in accordance with section 6305 of title 31, United States Code, and may be facilitated by a 5-year Federal financial assistance award.

(2) SECOND AWARD.—The Under Secretary may award a second 5-year Federal financial assistance award after a Cooperative Institute successfully completes a scientific and administrative review in year 4 of the initial award described in paragraph (1). Such review—

(A) may be based on the outcome of an externally led peer review process that occurs at or about the beginning of the fourth year of the initial award;

(B) may be conducted with the help and support of the Science Advisory Board of the Administration;

(C) shall include a measurement of Cooperative Institute performance relative to well-established, mutually agreed-upon performance measures defined by the Administration and the research institutions; and

(D) may determine a level of funding commensurate with the final review rating.

(e) DISCONTINUANCE.—The Under Secretary may terminate an established Cooperative Institute that was established before, on, or after the date of enactment of this Act only if the following is submitted to the appropriate congressional committees not less than 60 days prior to termination of the Cooperative Institute cooperative agreement:

(1) A timeline for the planned termination of the Cooperative Institute.

(2) A detailed written report, including—

(A) the justification for termination of the Cooperative Institute;

(B) any failures of the Cooperative Institute to meet its stated objectives, including poor management, poor research quality, or poor fiscal management;

(C) measurements of the Cooperative Institute performance relative to the mutually agreed-upon performance measures defined by the Administration and the eligible research institutions;

(D) plans for reassignment of Administration staff assigned to the Cooperative Institute; and

(E) an explanation of how the research needs that are being met by the Cooperative Institute will be fulfilled by other entities within the Administration, or an explanation of why the research needs no longer exist.

(f) HANDBOOK.—The Under Secretary may maintain a Cooperative Institute Handbook that outlines how the Administration will manage the Cooperative Institutes. The Under Secretary shall consult the Directors of Cooperative Institutes when updating the Cooperative Institute Handbook.