

105TH CONGRESS
1ST SESSION

H. R. 437

IN THE SENATE OF THE UNITED STATES

JUNE 19, 1997

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Sea Grant
3 College Program Reauthorization Act of 1997”.

4 **SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE**
5 **PROGRAM ACT.**

6 Except as otherwise expressly provided, whenever in
7 this Act an amendment or repeal is expressed in terms
8 of an amendment to, or repeal of, a section or other provi-
9 sion, the reference shall be considered to be made to a
10 section or other provision of the National Sea Grant Col-
11 lege Program Act (33 U.S.C. 1121 et seq.).

12 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

13 (a) SEA GRANT INSTITUTION.—Section 203 (33
14 U.S.C. 1122) is amended by adding at the end the follow-
15 ing new paragraph:

16 “(16) The term ‘sea grant institution’ means—

17 “(A) any sea grant college or sea grant re-
18 gional consortium, and

19 “(B) any institution of higher education,
20 institute, laboratory, or State or local agency
21 conducting a sea grant program with amounts
22 provided under this Act.”.

23 (b) FIELD RELATED TO OCEAN, COASTAL, AND
24 GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C.
25 1122(4)) is amended to read as follows:

1 “(4) The term ‘field related to ocean, coastal,
2 and Great Lakes resources’ means any discipline or
3 field, including marine affairs, resource manage-
4 ment, technology, education, or science, which is
5 concerned with or likely to improve the understand-
6 ing, assessment, development, utilization, or con-
7 servation of ocean, coastal, and Great Lakes re-
8 sources.”.

9 (c) SECRETARY.—

10 (1) IN GENERAL.—Section 203(13) (33 U.S.C.
11 1122(13)) is amended to read as follows:

12 “(13) The term ‘Secretary’ means the Secretary
13 of Commerce, acting through the Under Secretary of
14 Commerce for Oceans and Atmosphere.”.

15 (2) CONFORMING AMENDMENTS.—The Act is
16 amended—

17 (A) by striking section 203(15) (33 U.S.C.
18 1122(15));

19 (B) in section 209(b) (33 U.S.C. 1128(b)),
20 as amended by this Act, by striking “, the
21 Under Secretary,”; and

22 (C) by striking “Under Secretary” every
23 other place it appears and inserting “Sec-
24 retary”.

1 **SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLAN-**
2 **NING GUIDELINES AND PRIORITIES AND**
3 **EVALUATION.**

4 Section 204(a) (33 U.S.C. 1123(a)) is amended in
5 the last sentence by inserting after “The Secretary” the
6 following: “, in consultation with the sea grant institutions
7 and the panel established under section 209,”.

8 **SEC. 5. DUTIES OF DIRECTOR.**

9 Section 204(c) (33 U.S.C. 1123(c)) is amended to
10 read as follows:

11 “(c) DUTIES OF DIRECTOR.—

12 “(1) IN GENERAL.—The Director shall admin-
13 ister the National Sea Grant College Program sub-
14 ject to the supervision of the Secretary. In addition
15 to any other duty prescribed by law or assigned by
16 the Secretary, the Director shall—

17 “(A) advise the Secretary with respect to
18 the expertise and capabilities which are avail-
19 able within or through the National Sea Grant
20 College Program, and provide (as directed by
21 the Secretary) those which are or could be of
22 use to other offices and activities within the Ad-
23 ministration;

24 “(B) encourage other Federal depart-
25 ments, agencies, and instrumentalities to use
26 and take advantage of the expertise and capa-

1 bilities which are available through the National
2 Sea Grant College Program, on a cooperative or
3 other basis;

4 “(C) encourage cooperation and coordina-
5 tion with other Federal programs concerned
6 with ocean, coastal, and Great Lakes resources
7 conservation and usage;

8 “(D) advise the Secretary on the designa-
9 tion of sea grant institutions and, in appro-
10 prium cases, if any, on the termination or sus-
11 pension of any such designation;

12 “(E) encourage the formation and growth
13 of sea grant programs; and

14 “(F) oversee the operation of the National
15 Sea Grant Office established under subsection
16 (a).

17 “(2) DUTIES WITH RESPECT TO SEA GRANT IN-
18 STITUTIONS.—With respect to the sea grant institu-
19 tions, the Director shall—

20 “(A) evaluate the programs of the institu-
21 tions, using the guidelines and priorities estab-
22 lished by the Secretary under subsection (a), to
23 ensure that the objective set forth in section
24 202(b) is achieved;

1 “(B) subject to the availability of appro-
 2 priations, allocate funding among the sea grant
 3 institutions so as to—

4 “(i) promote healthy competition
 5 among those institutions,

6 “(ii) promote successful implementa-
 7 tion of the programs developed by the in-
 8 stitutions under subsection (e), and

9 “(iii) to the maximum extent consist-
 10 ent with the other provisions of this sub-
 11 paragraph, provide a stable base of fund-
 12 ing for the institutions; and

13 “(C) ensure compliance by the institutions
 14 with the guidelines for merit review published
 15 pursuant to section 207(b)(2).”.

16 **SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

17 Section 204 (33 U.S.C. 1123) is amended by adding
 18 at the end the following new subsection:

19 “(e) DUTIES OF THE SEA GRANT INSTITUTIONS.—
 20 Subject to any regulations or guidelines promulgated by
 21 the Secretary, it shall be the responsibility of each sea
 22 grant institution to—

23 “(1) develop and implement, in consultation
 24 with the Secretary and the panel established under
 25 section 209, a program that is consistent with the

1 guidelines and priorities developed under section
2 204(a); and

3 “(2) conduct merit review of all applications for
4 project grants or contracts to be awarded under sec-
5 tion 205.”.

6 **SEC. 7. SEA GRANT INTERNATIONAL PROGRAM.**

7 (a) AMENDMENT.—Section 3(a) of the Sea Grant
8 Program Improvement Act of 1976 (33 U.S.C. 1124a(a))
9 is amended in paragraph (6), by striking “living marine
10 resources” and all that follows through the end of the
11 paragraph and inserting “living marine resources.”.

12 (b) PROGRAM SUNSET.—

13 (1) REPEAL.—Section 3 of the Sea Grant Pro-
14 gram Improvement Act of 1976 (33 U.S.C. 1124a)
15 is repealed.

16 (2) CONFORMING AMENDMENT.—Section
17 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by
18 striking “and section 3 of the Sea Grant Program
19 Improvement Act of 1976”.

20 (3) EFFECTIVE DATE.—This subsection shall
21 take effect October 1, 2000.

22 **SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

23 Section 207 (33 U.S.C. 1126) is amended to read as
24 follows:

1 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT RE-**
2 **GIONAL CONSORTIA.**

3 “(a) DESIGNATION.—The Secretary may designate
4 an institution of higher learning as a sea grant college,
5 and an association or alliance of two or more persons as
6 a sea grant regional consortium, if the institution, associa-
7 tion, or alliance—

8 “(1) is maintaining a balanced program of re-
9 search, education, training, and advisory services in
10 fields related to ocean, coastal, and Great Lakes re-
11 sources;

12 “(2) will cooperate with other sea grant institu-
13 tions and other persons to solve problems or meet
14 needs relating to ocean, coastal, and Great Lakes re-
15 sources;

16 “(3) will act in accordance with such guidelines
17 as are prescribed under subsection (b)(2);

18 “(4) meets such other qualifications as the Sec-
19 retary, in consultation with the sea grant review
20 panel established under section 209, considers nec-
21 essary or appropriate; and

22 “(5) is recognized for excellence in marine re-
23 sources development and science.

24 “(b) REGULATIONS AND GUIDELINES.—

1 “(1) IN GENERAL.—The Secretary shall by reg-
 2 ulation prescribe the qualifications required to be
 3 met under subsection (a)(4).

4 “(2) MERIT REVIEW.—Within 6 months after
 5 the date of enactment of the National Sea Grant
 6 College Program Reauthorization Act of 1997, the
 7 Secretary, after consultation with the sea grant in-
 8 stitutions, shall establish guidelines for the conduct
 9 of merit review by the sea grant institutions of
 10 project proposals for grants and contracts to be
 11 awarded under section 205. The guidelines shall, at
 12 a minimum, provide for peer review of all research
 13 projects and require standardized documentation of
 14 all peer review.

15 “(c) SUSPENSION OR TERMINATION OF DESIGNA-
 16 TION.—The Secretary may, for cause and after an oppor-
 17 tunity for hearing, suspend or terminate any designation
 18 under subsection (a).”.

19 **SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.**

20 (a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Sec-
 21 tion 212(a) (33 U.S.C. 1131(a)) is amended to read as
 22 follows:

23 “(a) AUTHORIZATION.—

24 “(1) IN GENERAL.—There is authorized to be
 25 appropriated to carry out this Act—

1 “(A) \$55,300,000 for fiscal year 1998;

2 “(B) \$56,400,000 for fiscal year 1999; and

3 “(C) \$57,500,000 for fiscal year 2000.

4 “(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—

5 Of the amount authorized for a fiscal year under
6 paragraph (1)—

7 “(A) up to \$2,800,000 of the amount may
8 be made available as provided in section
9 1301(b)(4)(A) of the Nonindigenous Aquatic
10 Nuisance Prevention and Control Act of 1990
11 (16 U.S.C. 4741(b)(4)(A)) for competitive
12 grants for university research on the zebra
13 mussel; and

14 “(B) up to \$3,000,000 of the amount may
15 be made available for competitive grants for
16 university research on oyster diseases and oys-
17 ter-related human health risks.”.

18 (b) ADMINISTRATION.—Section 212(b) (33 U.S.C.
19 1131(b)) is amended—

20 (1) by striking so much as precedes paragraph
21 (2) and inserting the following:

22 “(b) ADMINISTRATION.—

23 “(1) LIMITATION.—Of the amount appropriated
24 for each fiscal year under subsection (a), an amount,
25 not exceeding 5 percent of the lesser of the amount

1 authorized under subsection (a) for the fiscal year or
2 the amount appropriated under subsection (a) for
3 the fiscal year, may be used for the administration
4 of this Act, including section 209, by the National
5 Sea Grant Office and the Administration.”;

6 (2) in paragraph (2)—

7 (A) by striking “subsections (a) and (c)”
8 and inserting “subsection (a)”; and

9 (B) by striking “(2)” and inserting “(2)
10 LIMITATION ON USE OF OTHER AMOUNTS.—”;
11 and

12 (3) by moving paragraph (2) 2 ems to the
13 right, so that the left margin of paragraph (2) is
14 aligned with the left margin of paragraph (1), as
15 amended by paragraph (1) of this subsection.

16 (c) REPEAL.—Section 212 (33 U.S.C. 1131) is
17 amended by repealing subsection (c) and redesignating
18 subsections (d) and (e) in order as subsections (c) and
19 (d).

20 (d) PROHIBITION ON LOBBYING; NOTICE OF RE-
21 PROGRAMMING OR REORGANIZATION.—Section 212 (33
22 U.S.C. 1131), as amended by subsection (c) of this sec-
23 tion, is further amended by adding at the end the follow-
24 ing:

1 “(e) PROHIBITION OF LOBBYING ACTIVITIES.—None
2 of the funds authorized by this section shall be available
3 for any activity whose purpose is to influence legislation
4 pending before the Congress, except that this subsection
5 shall not prevent officers or employees of the United
6 States or of its departments or agencies from communicat-
7 ing to Members of Congress on the request of any Member
8 or to Congress, through the proper channels, requests for
9 legislation or appropriations which they deem necessary
10 for the efficient conduct of the public business.

11 “(f) NOTICE OF REPROGRAMMING.—If any funds au-
12 thorized by this section are subject to a reprogramming
13 action that requires notice to be provided to the Appro-
14 priations Committees of the House of Representatives and
15 the Senate, notice of such action shall concurrently be pro-
16 vided to the Committees on Science and Resources of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate.

19 “(g) NOTICE OF REORGANIZATION.—The Secretary
20 shall provide notice to the Committees on Science, Re-
21 sources, and Appropriations of the House of Representa-
22 tives, and the Committees on Commerce, Science, and
23 Transportation and Appropriations of the Senate, not
24 later than 15 days before any major reorganization of any

1 program, project, or activity of the National Sea Grant
2 College Program.”.

3 **SEC. 10. CLERICAL, CONFORMING, AND TECHNICAL**
4 **AMENDMENTS.**

5 (a) CLERICAL AMENDMENTS.—

6 (1) Section 203(3) (33 U.S.C. 1122(3)) is
7 amended by striking “the term” and inserting “The
8 term”.

9 (2) Section 203(6) (33 U.S.C. 1122(6)) is
10 amended by moving subparagraph (F) 2 ems to the
11 right, so that the left margin of subparagraph (F)
12 is aligned with the left margin of subparagraph (E).

13 (3) The heading for section 204 (33 U.S.C.
14 1124) is amended to read as follows:

15 **“SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.”.**

16 (4) Section 209 (33 U.S.C. 1128) is amended
17 by striking all of the matter that follows the first
18 full sentence through “shall advise”, and inserting
19 “(b) DUTIES.—The panel shall advise”.

20 (5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is
21 amended by striking “or section 206”.

22 (6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is
23 amended—

24 (A) by striking “five positions” and insert-
25 ing “one position”; and

1 (B) by striking “the maximum rate for
2 GS–18 of the General Schedule under section
3 5332” and inserting “a rate established by the
4 Secretary, not to exceed the maximum daily
5 rate payable under section 5376”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is
8 amended by striking “maximum rate for GS–18”
9 and all that follows through the end of the sentence
10 and inserting “maximum rate payable under section
11 5376 of title 5, United States Code.”.

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

13 (A) in subsection (b)(3) by striking “col-
14 leges and sea grant regional consortia” and in-
15 serting “institutions”; and

16 (B) in subsection (c)(1) in the last sen-
17 tence in clause (A) by striking “college, sea
18 grant regional consortium,” and inserting “in-
19 stitution”.

20 (c) TECHNICAL AMENDMENT.—Section 209(c)(5)(A)
21 (33 U.S.C. 1128(c)(5)(A)) is amended by striking “the
22 daily rate for GS–18 of the General Schedule under sec-
23 tion 5332 of title 5, United States Code” and inserting
24 “a rate established by the Secretary, not to exceed the

1 maximum daily rate payable under section 5376 of title
2 5, United States Code”.

3 **SEC. 11. BUY AMERICAN.**

4 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
5 funds appropriated pursuant to section 212(a), as amend-
6 ed by this Act, may be expended by an entity unless the
7 entity agrees that in expending the assistance the entity
8 will comply with sections 2 through 4 of the Act of March
9 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy
10 American Act”).

11 (b) SENSE OF CONGRESS.—In the case of any equip-
12 ment or products that may be authorized to be purchased
13 with financial assistance provided under section 212(a),
14 as amended by this Act, it is the sense of Congress that
15 entities receiving such assistance should, in expending the
16 assistance, purchase only American-made equipment and
17 products.

18 (c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
19 providing financial assistance under section 212(a), as
20 amended by this Act, the Secretary of Commerce shall

- 1 provide to each recipient of the assistance a notice describ-
- 2 ing the statement made in subsection (a) by the Congress.

Passed the House of Representatives June 18, 1997.

Attest:

ROBIN H. CARLE,
Clerk.

By RAY STRONG,
Assistant to the Clerk.