

105TH CONGRESS
2^D SESSION

S. 927

AMENDMENT

In the House of Representatives, U. S.,

February 11, 1998.

Resolved, That the bill from the Senate (S. 927) entitled “An Act to reauthorize the Sea Grant Program”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Sea Grant Col-*
3 *lege Program Reauthorization Act of 1998”.*

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 of*
8 *an amendment or repeal to, or repeal of, a section or other*
9 *provision, the reference shall be considered to be made to*
10 *a section or other provision of the National Sea Grant Col-*
11 *lege Program Act (33 U.S.C. 1121 et seq.).*

12 ***SEC. 3. FINDINGS.***

13 *(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is*
14 *amended—*

1 (1) by redesignating subparagraphs (D) and (E)
2 as subparagraphs (E) and (F), respectively; and

3 (2) by inserting after subparagraph (C) the fol-
4 lowing:

5 “(D) encourage the development of forecast
6 and analysis systems for coastal hazards;”.

7 (b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is
8 amended by striking the second sentence and inserting the
9 following: “The most cost-effective way to promote such ac-
10 tivities is through continued and increased Federal support
11 of the establishment, development, and operation of pro-
12 grams and projects by sea grant colleges, sea grant insti-
13 tutes, and other institutions.”.

14 **SEC. 4. DEFINITIONS.**

15 (a) Section 203 (33 U.S.C. 1122) is amended—

16 (1) in paragraph (3)—

17 (A) by striking “their university or” and
18 inserting “his or her”; and

19 (B) by striking “college, programs, or re-
20 gional consortium” and inserting “college or sea
21 grant institute”;

22 (2) by striking paragraph (4) and inserting the
23 following:

24 “(4) The term ‘field related to ocean, coastal, and
25 Great Lakes resources’ means any discipline or field,

1 *including marine affairs, resource management, tech-*
2 *nology, education, or science, which is concerned with*
3 *or likely to improve the understanding, assessment,*
4 *development, utilization, or conservation of ocean,*
5 *coastal, or Great Lakes resources.”;*

6 *(3) by redesignating paragraphs (5) through (15)*
7 *as paragraphs (7) through (17), respectively, and in-*
8 *serting after paragraph (4) the following:*

9 *“(5) The term ‘Great Lakes’ includes Lake*
10 *Champlain.*

11 *“(6) The term ‘institution’ means any public or*
12 *private institution of higher education, institute, lab-*
13 *oratory, or State or local agency.”;*

14 *(4) by striking “regional consortium, institution*
15 *of higher education, institute, or laboratory” in para-*
16 *graph (11) (as redesignated) and inserting “institute*
17 *or other institution”;* and

18 *(5) by striking paragraphs (12) through (17) (as*
19 *redesignated) and inserting after paragraph (11) the*
20 *following:*

21 *“(12) The term ‘project’ means any individually*
22 *described activity in a field related to ocean, coastal,*
23 *and Great Lakes resources involving research, edu-*
24 *cation, training, or advisory services administered by*
25 *a person with expertise in such a field.*

1 “(13) *The term ‘sea grant college’ means any in-*
2 *stitution, or any association or alliance of two or*
3 *more such institutions, designated as such by the Sec-*
4 *retary under section 207 (33 U.S.C. 1126) of this Act.*

5 “(14) *The term ‘sea grant institute’ means any*
6 *institution, or any association or alliance of two or*
7 *more such institutions, designated as such by the Sec-*
8 *retary under section 207 (33 U.S.C. 1126) of this Act.*

9 “(15) *The term ‘sea grant program’ means a*
10 *program of research and outreach which is adminis-*
11 *tered by one or more sea grant colleges or sea grant*
12 *institutes.*

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

16 “(17) *The term ‘State’ means any State of the*
17 *United States, the District of Columbia, the Common-*
18 *wealth of Puerto Rico, the Virgin Islands, Guam,*
19 *American Samoa, the Commonwealth of the Mariana*
20 *Islands, or any other territory or possession of the*
21 *United States.”.*

22 *(b) The Act is amended—*

23 *(1) in section 209(b) (33 U.S.C. 1128(b)), as*
24 *amended by this Act, by striking “, the Under Sec-*
25 *retary,”; and*

1 (2) by striking “Under Secretary” every other
2 place it appears and inserting “Secretary”.

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

4 Section 204 (33 U.S.C. 1123) is amended to read as
5 follows:

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

7 “(a) PROGRAM MAINTENANCE.—The Secretary shall
8 maintain within the Administration a program to be
9 known as the national sea grant college program. The na-
10 tional sea grant college program shall be administered by
11 a national sea grant office within the Administration.

12 “(b) PROGRAM ELEMENTS.—The national sea grant
13 college program shall consist of the financial assistance and
14 other activities authorized in this title, and shall provide
15 support for the following elements—

16 “(1) sea grant programs which comprise a na-
17 tional sea grant college program network, including
18 international projects conducted within such pro-
19 grams;

20 “(2) administration of the national sea grant
21 college program and this title by the national sea
22 grant office, the Administration, and the panel;

23 “(3) the fellowship program under section 208;
24 and

1 “(4) any national strategic investments in fields
2 relating to ocean, coastal, and Great Lakes resources
3 developed with the approval of the panel, the sea
4 grant colleges, and the sea grant institutes.

5 “(c) RESPONSIBILITIES OF THE SECRETARY.—

6 “(1) The Secretary, in consultation with the
7 panel, sea grant colleges, and sea grant institutes,
8 shall develop a long-range strategic plan which estab-
9 lishes priorities for the national sea grant college pro-
10 gram and which provides an appropriately balanced
11 response to local, regional, and national needs.

12 “(2) Within 6 months of the date of enactment
13 of the National Sea Grant College Program Reauthor-
14 ization Act of 1998, the Secretary, in consultation
15 with the panel, sea grant colleges, and sea grant insti-
16 tutes, shall establish guidelines related to the activities
17 and responsibilities of sea grant colleges and sea
18 grant institutes. Such guidelines shall include re-
19 quirements for the conduct of merit review by the sea
20 grant colleges and sea grant institutes of proposals for
21 grants and contracts to be awarded under section 205,
22 providing, at a minimum, for standardized docu-
23 mentation of such proposals and peer review of all re-
24 search projects.

1 “(3) *The Secretary shall by regulation prescribe*
2 *the qualifications required for designation of sea*
3 *grant colleges and sea grant institutes under section*
4 *207.*

5 “(4) *To carry out the provisions of this title, the*
6 *Secretary may—*

7 “(A) *appoint, assign the duties, transfer,*
8 *and fix the compensation of such personnel as*
9 *may be necessary, in accordance with civil serv-*
10 *ice laws;*

11 “(B) *make appointments with respect to*
12 *temporary and intermittent services to the extent*
13 *authorized by section 3109 of title 5, United*
14 *States Code;*

15 “(C) *publish or arrange for the publication*
16 *of, and otherwise disseminate, in cooperation*
17 *with other offices and programs in the Adminis-*
18 *tration and without regard to section 501 of title*
19 *44, United States Code, any information of re-*
20 *search, educational, training or other value in*
21 *fields related to ocean, coastal, or Great Lakes*
22 *resources;*

23 “(D) *enter into contracts, cooperative agree-*
24 *ments, and other transactions without regard to*
25 *section 5 of title 41, United States Code;*

1 “(E) notwithstanding section 1342 of title
2 31, United States Code, accept donations and
3 voluntary and uncompensated services;

4 “(F) accept funds from other Federal de-
5 partments and agencies, including agencies with-
6 in the Administration, to pay for and add to
7 grants made and contracts entered into by the
8 Secretary; and

9 “(G) promulgate such rules and regulations
10 as may be necessary and appropriate.

11 “(d) *DIRECTOR OF THE NATIONAL SEA GRANT COL-*
12 *LEGE PROGRAM.—*

13 “(1) The Secretary shall appoint, as the Director
14 of the National Sea Grant College Program, a quali-
15 fied individual who has appropriate administrative
16 experience and knowledge or expertise in fields related
17 to ocean, coastal, and Great Lakes resources. The Di-
18 rector shall be appointed and compensated, without
19 regard to the provisions of title 5, United States Code,
20 governing appointments in the competitive service, at
21 a rate payable under section 5376 of title 5, United
22 States Code.

23 “(2) Subject to the supervision of the Secretary,
24 the Director shall administer the national sea grant
25 college program and oversee the operation of the na-

1 *tional sea grant office. In addition to any other duty*
2 *prescribed by law or assigned by the Secretary, the*
3 *Director shall—*

4 *“(A) facilitate and coordinate the develop-*
5 *ment of a long-range strategic plan under sub-*
6 *section (c)(1);*

7 *“(B) advise the Secretary with respect to*
8 *the expertise and capabilities which are available*
9 *within or through the national sea grant college*
10 *program and encourage the use of such expertise*
11 *and capabilities, on a cooperative or other basis,*
12 *by other offices and activities within the Admin-*
13 *istration, and other Federal departments and*
14 *agencies;*

15 *“(C) advise the Secretary on the designation*
16 *of sea grant colleges and sea grant institutes,*
17 *and, if appropriate, on the termination or sus-*
18 *pension of any such designation; and*

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

24 *“(3) With respect to sea grant colleges and sea*
25 *grant institutes, the Director shall—*

1 “(A) evaluate the programs of sea grant col-
2 leges and sea grant institutes, using the prior-
3 ities, guidelines, and qualifications established
4 by the Secretary;

5 “(B) subject to the availability of appro-
6 priations, allocate funding among sea grant col-
7 leges and sea grant institutes so as to—

8 “(i) promote healthy competition
9 among sea grant colleges and institutes;

10 “(ii) encourage successful implementa-
11 tion of sea grant programs; and

12 “(iii) to the maximum extent consist-
13 ent with other provisions of this Act, pro-
14 vide a stable base of funding for sea grant
15 colleges and institutes; and

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

18 **SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.**

19 Section 3 of the Sea Grant Program Improvement Act
20 of 1976 (33 U.S.C. 1124a) is repealed.

21 **SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTI-
22 TUTES.**

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

1 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTI-**
2 **TUTES.**

3 “(a) *DESIGNATION.*—

4 “(1) *A sea grant college or sea grant institute*
5 *shall meet the following qualifications—*

6 “(A) *have an existing broad base of com-*
7 *petence in fields related to ocean, coastal, and*
8 *Great Lakes resources;*

9 “(B) *make a long-term commitment to the*
10 *objective in section 202(b), as determined by the*
11 *Secretary;*

12 “(C) *cooperate with other sea grant colleges*
13 *and institutes and other persons to solve prob-*
14 *lems or meet needs relating to ocean, coastal, and*
15 *Great Lakes resources;*

16 “(D) *have received financial assistance*
17 *under section 205 of this title (33 U.S.C. 1124);*

18 “(E) *be recognized for excellence in fields re-*
19 *lated to ocean, coastal, and Great Lakes re-*
20 *sources (including marine resources management*
21 *and science), as determined by the Secretary;*
22 *and*

23 “(F) *meet such other qualifications as the*
24 *Secretary, in consultation with the panel, con-*
25 *siders necessary or appropriate.*

1 “(2) *The Secretary may designate an institution,*
2 *or an association or alliance of two or more such in-*
3 *stitutions, as a sea grant college if the institution, as-*
4 *sociation, or alliance—*

5 “(A) *meets the qualifications in paragraph*
6 *(1); and*

7 “(B) *maintains a program of research, ad-*
8 *visory services, training, and education in fields*
9 *related to ocean, coastal, and Great Lakes re-*
10 *sources.*

11 “(3) *The Secretary may designate an institution,*
12 *or an association or alliance of two or more such in-*
13 *stitutions, as a sea grant institute if the institution,*
14 *association, or alliance—*

15 “(A) *meets the qualifications in paragraph*
16 *(1); and*

17 “(B) *maintains a program which includes,*
18 *at a minimum, research and advisory services.*

19 “(b) *EXISTING DESIGNEES.—Any institution, or asso-*
20 *ciation or alliance of two or more such institutions, des-*
21 *ignated as a sea grant college or awarded institutional pro-*
22 *gram status by the Director prior to the date of enactment*
23 *of the National Sea Grant College Program Reauthorization*
24 *Act of 1998, shall not have to reapply for designation as*
25 *a sea grant college or sea grant institute, respectively, after*

1 *the date of enactment of the National Sea Grant College*
 2 *Program Reauthorization Act of 1998, if the Director deter-*
 3 *mines that the institution, or association or alliance of in-*
 4 *stitutions, meets the qualifications in subsection (a).*

5 “(c) *SUSPENSION OR TERMINATION OF DESIGNA-*
 6 *TION.—The Secretary may, for cause and after an oppor-*
 7 *tunity for hearing, suspend or terminate any designation*
 8 *under subsection (a).*

9 “(d) *DUTIES.—Subject to any regulations prescribed*
 10 *or guidelines established by the Secretary, it shall be the*
 11 *responsibility of each sea grant college and sea grant insti-*
 12 *tute—*

13 “(1) *to develop and implement, in consultation*
 14 *with the Secretary and the panel, a program that is*
 15 *consistent with the guidelines and priorities estab-*
 16 *lished under section 204(c); and*

17 “(2) *to conduct a merit review of all proposals*
 18 *for grants and contracts to be awarded under section*
 19 *205.”.*

20 **SEC. 8. SEA GRANT REVIEW PANEL.**

21 (a) *Section 209(a) (33 U.S.C. 1128(a)) is amended by*
 22 *striking the second sentence.*

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

24 (1) *by striking “The Panel” and inserting “(b)*
 25 *DUTIES.—The panel”;*

1 (2) by striking “and section 3 of the Sea Grant
2 College Program Improvement Act of 1976” in para-
3 graph (1); and

4 (3) by striking “regional consortia” in para-
5 graph (3) and inserting “institutes”.

6 (c) Section 209(c) (33 U.S.C. 1128(c)) is amended—

7 (1) in paragraph (1) by striking “college, sea
8 grant regional consortium, or sea grant program”
9 and inserting “college or sea grant institute”; and

10 (2) by striking paragraph (5)(A) and inserting
11 the following:

12 “(A) receive compensation at a rate estab-
13 lished by the Secretary, not to exceed the maxi-
14 mum daily rate payable under section 5376 of
15 title 5, United States Code, when actually en-
16 gaged in the performance of duties for such
17 panel; and”.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

22 “(a) AUTHORIZATION.—

23 “(1) IN GENERAL.—There is authorized to be ap-
24 propriated to carry out this Act—

25 “(A) \$56,000,000 for fiscal year 1999;

1 “(B) \$57,000,000 for fiscal year 2000;

2 “(C) \$58,000,000 for fiscal year 2001;

3 “(D) \$59,000,000 for fiscal year 2002; and

4 “(E) \$60,000,000 for fiscal year 2003.

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

6 *In addition to the amount authorized for each fiscal*

7 *year under paragraph (1)—*

8 “(A) up to \$2,800,000 may be made avail-

9 *able as provided in section 1301(b)(4)(A) of the*

10 *Nonindigenous Aquatic Nuisance Prevention and*

11 *Control Act of 1990 (16 U.S.C. 4741(b)(4)(A))*

12 *for competitive grants for university research on*

13 *the zebra mussel;*

14 “(B) up to \$3,000,000 may be made avail-

15 *able for competitive grants for university re-*

16 *search on oyster diseases and oyster-related*

17 *human health risks; and*

18 “(C) up to \$3,000,000 may be made avail-

19 *able for competitive grants for university re-*

20 *search on Pfiesteria piscicida and other harmful*

21 *algal blooms.”.*

22 (b) LIMITATION ON CERTAIN FUNDING.—Section

23 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as fol-

24 *lows:*

25 “(b) PROGRAM ELEMENTS.—

1 “(1) *LIMITATION.*—No more than 5 percent of
2 the lesser of—

3 “(A) the amount authorized to be appro-
4 priated; or

5 “(B) the amount appropriated,
6 for each fiscal year under subsection (a) may be used
7 to fund the program element contained in section
8 204(b)(2).

9 “(c) *NOTICE OF REPROGRAMMING.*—If any funds au-
10 thorized by this section are subject to a reprogramming ac-
11 tion that requires notice to be provided to the Appropria-
12 tions Committees of the House of Representatives and the
13 Senate, notice of such action shall concurrently be provided
14 to the Committees on Science and Resources of the House
15 of Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate.

17 “(d) *NOTICE OF REORGANIZATION.*—The Secretary
18 shall provide notice to the Committees on Science, Re-
19 sources, and Appropriations of the House of Representatives
20 and the Committees on Commerce, Science, and Transpor-
21 tation and Appropriations of the Senate, not later than 45
22 days before any major reorganization of any program,
23 project, or activity of the National Sea Grant College Pro-
24 gram.”.

1 **SEC. 10. ADMINISTRATIVE LAW JUDGES.**

2 *Notwithstanding section 559 of title 5, United States*
3 *Code, with respect to any marine resource conservation law*
4 *or regulation administered by the Secretary of Commerce*
5 *acting through the National Oceanic and Atmospheric Ad-*
6 *ministration, all adjudicatory functions which are required*
7 *by chapter 5 of title 5 of such Code to be performed by an*
8 *Administrative Law Judge may be performed by the United*
9 *States Coast Guard on a reimbursable basis. Should the*
10 *United States Coast Guard require the detail of an Admin-*
11 *istrative Law Judge to perform any of these functions, it*
12 *may request such temporary or occasional assistance from*
13 *the Office of Personnel Management pursuant to section*
14 *3344 of title 5, United States Code.*

Attest:

Clerk.