

105TH CONGRESS
1ST SESSION

S. 927

AN ACT

To reauthorize the Sea Grant Program.

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

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the “National Sea Grant
5 College Program Reauthorization Act of 1997”.

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

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment or repeal to, or repeal of, a section or
6 other provision, the reference shall be considered to be
7 made to a section or other provision of the National Sea
8 Grant College Program Act (33 U.S.C. 1121 et seq.).

9 **SEC. 3. FINDINGS.**

10 (a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is
11 amended—

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

14 (2) by inserting after subparagraph (C) the fol-
15 lowing:

16 “(D) encourage the development of fore-
17 cast and analysis systems for coastal hazards;”.

18 (b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is
19 amended by striking the second sentence and inserting the
20 following: “The most cost-effective way to promote such
21 activities is through continued and increased Federal sup-
22 port of the establishment, development, and operation of
23 programs and projects by sea grant colleges, sea grant in-
24 stitutes, and other institutions.”.

25 **SEC. 4. DEFINITIONS.**

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

1 (1) in paragraph (3)—

2 (A) by striking “their university or” and
3 inserting “his or her”; and

4 (B) by striking “college, programs, or re-
5 gional consortium” and inserting “college or sea
6 grant institute”;

7 (2) by striking paragraph (4) and inserting the
8 following:

9 “(4) The term ‘field related to ocean, coastal,
10 and Great Lakes resources’ means any discipline or
11 field, including marine affairs, resource manage-
12 ment, technology, education, or science, which is
13 concerned with or likely to improve the understand-
14 ing, assessment, development, utilization, or con-
15 servation of ocean, coastal, or Great Lakes re-
16 sources.”;

17 (3) by redesignating paragraphs (5) through
18 (16) as paragraphs (7) through (17), respectively,
19 and inserting after paragraph (4) the following:

20 “(5) The term ‘Great Lakes’ includes Lake
21 Champlain.

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

1 (4) by striking “regional consortium, institution
2 of higher education, institute, or laboratory” in
3 paragraph (11) (as redesignated) and inserting “in-
4 stitute or other institution”;

5 (5) by striking paragraphs (12) through (17)
6 (as redesignated) and inserting after paragraph (11)
7 the following:

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

13 “(13) The term ‘sea grant college’ means any
14 institution, or any association or alliance of two or
15 more such institutions, designated as such by the
16 Secretary under section 207 (33 U.S.C. 1126) of
17 this Act.

18 “(14) The term ‘sea grant institute’ means any
19 institution, or any association or alliance of two or
20 more such institutions, designated as such by the
21 Secretary under section 207 (33 U.S.C. 1126) of
22 this Act.

23 “(15) The term ‘sea grant program’ means a
24 program of research and outreach which is adminis-

1 tered by one or more sea grant colleges or sea grant
2 institutes.

3 “(16) The term ‘Secretary’ means the Secretary
4 of Commerce, acting through the Under Secretary of
5 Commerce for Oceans and Atmosphere.

6 “(17) The term ‘State’ means any State of the
7 United States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, the Virgin Islands,
9 Guam, American Samoa, the Commonwealth of the
10 Mariana Islands, or any other territory or possession
11 of the United States.”.

12 (b) The Act is amended—

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

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

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

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

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

22 “(a) PROGRAM MAINTENANCE.—The Secretary shall
23 maintain within the Administration, a program to be
24 known as the national sea grant college program. The na-

1 tional sea grant college program shall be administered by
2 a national sea grant office within the Administration.

3 “(b) PROGRAM ELEMENTS.—The national sea grant
4 college program shall consist of the financial assistance
5 and other activities authorized in this subchapter, and
6 shall provide support for the following elements—

7 “(1) sea grant programs which comprise a na-
8 tional sea grant college program network, including
9 international projects conducted within such pro-
10 grams;

11 “(2) administration of the national sea grant
12 college program and this Act by the national sea
13 grant office, the Administration, and the panel;

14 “(3) the fellowship program under section 208;
15 and

16 “(4) any national strategic investments in fields
17 relating to ocean, coastal, and Great Lakes re-
18 sources developed with the approval of the panel, the
19 sea grant colleges, and the sea grant institutes.

20 “(c) RESPONSIBILITIES OF THE SECRETARY.—

21 “(1) The Secretary, in consultation with the
22 panel, sea grant colleges, and sea grant institutes,
23 shall develop a long-range strategic plan which es-
24 tablishes priorities for the national sea grant college

1 program and which provides an appropriately bal-
2 anced response to local, regional, and national needs.

3 “(2) Within 6 months of the date of enactment
4 of the Ocean and Coastal Research Revitalization
5 Act of 1997, the Secretary, in consultation with the
6 panel, sea grant colleges, and sea grant institutes,
7 shall establish guidelines related to the activities and
8 responsibilities of sea grant colleges and sea grant
9 institutes. Such guidelines shall include requirements
10 for the conduct of merit review by the sea grant col-
11 leges and sea grant institutes of proposals for grants
12 and contracts to be awarded under section 205, pro-
13 viding, at a minimum, for standardized documenta-
14 tion of such proposals and peer review of all re-
15 search projects.

16 “(3) The Secretary shall by regulation prescribe
17 the qualifications required for designation of sea
18 grant colleges and sea grant institutes under section
19 207.

20 “(4) To carry out the provisions of this sub-
21 chapter, the Secretary may—

22 “(A) appoint, assign the duties, transfer,
23 and fix the compensation of such personnel as
24 may be necessary, in accordance with civil serv-
25 ice laws;

1 “(B) make appointments with respect to
2 temporary and intermittent services to the ex-
3 tent authorized by section 3109 of title 5, Unit-
4 ed States Code;

5 “(C) publish or arrange for the publication
6 of, and otherwise disseminate, in cooperation
7 with other offices and programs in the Adminis-
8 tration and without regard to section 501 of
9 title 44, any information of research, edu-
10 cational, training or other value in fields related
11 to ocean, coastal, or Great Lakes resources;

12 “(D) enter into contracts, cooperative
13 agreements, and other transactions without re-
14 gard to section 5 of title 41, United States
15 Code;

16 “(E) notwithstanding section 1342 of title
17 31, United States Code, accept donations and
18 voluntary and uncompensated services;

19 “(F) accept funds from other Federal de-
20 partments and agencies, including agencies
21 within the Administration, to pay for and add
22 to grants made and contracts entered into by
23 the Secretary;

24 “(G) promulgate such rules and regula-
25 tions as may be necessary and appropriate.

1 “(d) DIRECTOR OF THE NATIONAL SEA GRANT COL-
2 LEGE PROGRAM.—

3 “(1) The Secretary shall appoint, as the Direc-
4 tor of the National Sea Grant College Program, a
5 qualified individual who has appropriate administra-
6 tive experience and knowledge or expertise in fields
7 related to ocean, coastal, and Great Lakes resources.
8 The Director shall be appointed and compensated,
9 without regard to the provisions of title 5 governing
10 appointments in the competitive service, at a rate
11 payable under section 5376 of title 5, United States
12 Code.

13 “(2) Subject to the supervision of the Sec-
14 retary, the Director shall administer the national sea
15 grant college program and oversee the operation of
16 the national sea grant office. In addition to any
17 other duty prescribed by law or assigned by the Sec-
18 retary, the Director shall—

19 “(A) facilitate and coordinate the develop-
20 ment of a long-range strategic plan under sub-
21 section (c)(1);

22 “(B) advise the Secretary with respect to
23 the expertise and capabilities which are avail-
24 able within or through the national sea grant
25 college program and encourage the use of such

1 expertise and capabilities, on a cooperative or
2 other basis, by other offices and activities with-
3 in the Administration, and other Federal de-
4 partments and agencies;

5 “(C) advise the Secretary on the designa-
6 tion of sea grant colleges and sea grant insti-
7 tutes, and, if appropriate, on the termination or
8 suspension of any such designation; and

9 “(D) encourage the establishment and
10 growth of sea grant programs, and cooperation
11 and coordination with other Federal activities in
12 fields related to ocean, coastal, and Great
13 Lakes resources.

14 “(3) With respect to sea grant colleges and sea
15 grant institutes, the Director shall—

16 “(A) evaluate the programs of sea grant
17 colleges and sea grant institutes, using the pri-
18 orities, guidelines, and qualifications established
19 by the Secretary;

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

23 “(i) promote healthy competition
24 among sea grant colleges and institutes;

1 “(ii) encourage successful implementa-
2 tion of sea grant programs; and

3 “(iii) to the maximum extent consist-
4 ent with other provisions of this Act, pro-
5 vide a stable base of funding for sea grant
6 colleges and institutes; and

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

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

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

12 **SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTI-
13 TUTES.**

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

16 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTI-
17 TUTES.**

18 “(a) DESIGNATION.—

19 “(1) A sea grant college or sea grant institute
20 shall meet the following qualifications—

21 “(A) have an existing broad base of com-
22 petence in fields related to ocean, coastal, and
23 Great Lakes resources;

1 “(B) make a long-term commitment to the
2 objective in section 202(b), as determined by
3 the Secretary;

4 “(C) cooperate with other sea grant col-
5 leges and institutes and other persons to solve
6 problems or meet needs relating to ocean, coast-
7 al, and Great Lakes resources;

8 “(D) have received financial assistance
9 under section 205 of this title (33 U.S.C.
10 1124);

11 “(E) be recognized for excellence in fields
12 related to ocean, coastal, and Great Lakes re-
13 sources (including marine resources manage-
14 ment and science), as determined by the Sec-
15 retary; and

16 “(F) meet such other qualifications as the
17 Secretary, in consultation with the panel, con-
18 siders necessary or appropriate.

19 “(2) The Secretary may designate an institu-
20 tion, or an association or alliance of two or more
21 such institutions, as a sea grant college if the insti-
22 tution, association, or alliance—

23 “(A) meets the qualifications in paragraph
24 (1); and

1 “(B) maintains a program of research, ad-
2 visory services, training, and education in fields
3 related to ocean, coastal, and Great Lakes re-
4 sources.

5 “(3) The Secretary may designate an institu-
6 tion, or an association or alliance of two or more
7 such institutions, as a sea grant institute if the in-
8 stitution, association, or alliance—

9 “(A) meets the qualifications in paragraph
10 (1); and

11 “(B) maintains a program which includes,
12 at a minimum, research and advisory services.

13 “(b) EXISTING DESIGNEES.—Any institution, or as-
14 sociation or alliance of two or more such institutions, des-
15 ignated as a sea grant college or awarded institutional pro-
16 gram status by the Director prior to the date of enactment
17 of this Act, shall not have to reapply for designation as
18 a sea grant college or sea grant institute, respectively,
19 after the date of enactment of this act, if the Director
20 determines that the institution, or association or alliance
21 of institutions, meets the qualifications in subsection (a).

22 “(c) SUSPENSION OR TERMINATION OF DESIGNA-
23 TION.—The Secretary may, for cause and after an oppor-
24 tunity for hearing, suspend or terminate any designation
25 under subsection (a).

1 “(d) DUTIES.—Subject to any regulations prescribed
2 or guidelines established by the Secretary, it shall be the
3 responsibility of each sea grant college and sea grant insti-
4 tute—

5 “(1) to develop and implement, in consultation
6 with the Secretary and the panel, a program that is
7 consistent with the guidelines and priorities estab-
8 lished under section 204(c); and

9 “(2) to conduct a merit review of all proposals
10 for grants and contracts to be awarded under sec-
11 tion 205.”.

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

13 (a) Section 209(a) (33 U.S.C. 1128(a)) is amended—

14 (1) by striking “; commencement date”; and

15 (2) by striking the second sentence.

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

17 (1) by striking “The Panel” and inserting “The
18 panel”;

19 (2) by striking “and section 3 of the Sea Grant
20 College Program Improvement Act of 1976” in
21 paragraph (1); and

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

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

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

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

6 “(A) receive compensation at a rate estab-
7 lished by the Secretary, not to exceed the maxi-
8 mum daily rate payable under section 5376 of
9 title 5, United States Code, when actually en-
10 gaged in the performance of duties for such
11 panel; and”.

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

16 “(a) AUTHORIZATION.—

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

19 “(A) \$55,400,000 for fiscal year 1998;

20 “(B) \$56,500,000 for fiscal year 1999;

21 “(C) \$57,600,000 for fiscal year 2000;

22 “(D) \$58,800,000 for fiscal year 2001;

23 and

24 “(E) \$59,900,000 for fiscal year 2002.

1 “(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—
2 In addition to the amount authorized for each fiscal
3 year under paragraph (1)—

4 “(A) up to \$2,800,000 may be made avail-
5 able as provided in section 1301(b)(4)(A) of the
6 Nonindigenous Aquatic Nuisance Prevention
7 and Control Act of 1990 (16 U.S.C.
8 4741(b)(4)(A)) for competitive grants for uni-
9 versity research on the zebra mussel;

10 “(B) up to \$3,000,000 may be made avail-
11 able for competitive grants for university re-
12 search on oyster diseases and oyster-related
13 human health risks; and

14 “(C) up to \$5,000,000 may be made avail-
15 able for competitive grants for university re-
16 search on *Pfiesteria piscicida* and other harmful
17 algal blooms.

18 (b) LIMITATION ON CERTAIN FUNDING.—Section
19 212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as
20 follows:

21 “(b) PROGRAM ELEMENTS.—

22 “(1) LIMITATION.—No more than 5 percent of
23 the lesser of—

24 “(A) the amount authorized to be appro-
25 priated; or

1 “(B) the amount appropriated,
2 for each fiscal year under subsection (a) may be
3 used to fund the program element contained in sec-
4 tion 204(b)(2).

5 “(c) NOTICE OF REPROGRAMMING.—If any funds au-
6 thorized by this section are subject to a reprogramming
7 action that requires notice to be provided to the Appro-
8 priations Committees of the House of Representatives and
9 the Senate, notice of such action shall concurrently be pro-
10 vided to the Committees on Science and Resources of the
11 House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate.

13 “(d) NOTICE OF REORGANIZATION.—The Secretary
14 shall provide notice to the Committees on Science, Re-
15 sources, and Appropriations of the House of Representa-
16 tives and the Committees on Commerce, Science, and
17 Transportation and Appropriations of the Senate, not
18 later than 45 days before any major reorganization of any
19 program, project, or activity of the National Sea Grant
20 College Program.”.

21 **SEC. 10. ADMINISTRATIVE LAW JUDGES.**

22 Notwithstanding section 559 of title 5, United States
23 Code, with respect to any marine resource conservation
24 law or regulation administered by the Secretary of Com-
25 merce acting through the National Oceanic and Atmos-

1 pheric Administration, all adjudicatory functions which
2 are required by chapter 5 of title 5 of such Code to be
3 performed by an Administrative Law Judge may be per-
4 formed by the United States Coast Guard on a reimburs-
5 able basis. Should the United States Coast Guard require
6 the detail of an Administrative Law Judge to perform any
7 of these functions, it may request such temporary or occa-
8 sional assistance from the Office of Personnel Manage-
9 ment pursuant to section 3344 of title 5, United States
10 Code.

Passed the Senate November 13, 1997.

Attest:

Secretary.

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