

105TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 105-22
1st Session } { Part 2

NATIONAL SEA GRANT COLLEGE PROGRAM
REAUTHORIZATION ACT OF 1997

APRIL 21, 1997.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on Science,
submitted the following

R E P O R T

[To accompany H.R. 437]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

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

Except as otherwise expressly provided, 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. AMENDMENTS TO DEFINITIONS.

(a) SEA GRANT INSTITUTION.—Section 203(15) (33 U.S.C. 1122(15)) is amended to read as follows:

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

“(A) any sea grant college or sea grant regional consortium, and

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

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

“(4) The term ‘field related to ocean, coastal, and Great Lakes resources’ means any discipline or field, including marine research, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.”.

(c) SECRETARY.—

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

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

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

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

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

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATION.

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

SEC. 5. DUTIES OF DIRECTOR.

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

“(c) DUTIES OF DIRECTOR.—

“(1) IN GENERAL.—The Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

“(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

“(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis;

“(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

“(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

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

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

“(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

“(A) evaluate the programs of the institutions, using the guidelines and priorities established by the Secretary under subsection (a), to ensure that the objective set forth in section 202(b) is achieved;

“(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

“(i) promote healthy competition among those institutions,

“(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

“(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

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

SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.

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

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

“(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under subsection (a) of this section; and

“(2) conduct merit review of all applications for project grants or contracts to be awarded under section 205.”.

SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

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

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

SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.

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

“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

“(a) QUALIFICATIONS.—The Secretary may designate an institution of higher education as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—

“(1) is recognized for scientific excellence;

“(2) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

“(3) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

“(4) will act in accordance with such guidelines as are prescribed under subsection (b)(2); and

“(5) meets such other qualifications as the Secretary, in consultation with the panel established under section 209, considers necessary or appropriate.

“(b) REGULATIONS AND GUIDELINES.—

“(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(5).

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

“(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).”.

SEC. 9. REPEAL OF FELLOWSHIP PROGRAMS.

Section 208 (33 U.S.C. 1127) is repealed.

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

“(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act—

“(1) \$54,300,000 for fiscal year 1998;

“(2) \$55,400,000 for fiscal year 1999;

“(3) \$56,500,000 for fiscal year 2000;

“(4) \$56,500,000 for fiscal year 2001; and

“(5) \$56,500,000 for fiscal year 2002.

For each of the fiscal years referred to in paragraphs (1) through (5), \$2,800,000 of the amount authorized by that paragraph shall be available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel.”.

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

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

“(b) ADMINISTRATION.—

“(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), no more than 5 percent may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.”;

(2) in paragraph (2)—

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

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

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

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

SEC. 11. TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—

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

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

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

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

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

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

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

(A) by striking “five positions” and inserting in lieu thereof “one position”; and

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

(b) TECHNICAL AMENDMENT.—Section 209(c)(5)(A) (33 U.S.C. 1128(c)(5)(A)) is amended by striking “the daily rate for GS–18 of the General Schedule under section 5332” and inserting “a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376”.

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

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

(A) in subsection (b)(3) by striking “colleges and sea grant regional consortia” and inserting “institutions”; and

(B) in subsection (c)(1) in the last sentence in clause (A) by striking “college, sea grant regional consortium,” and inserting “institution”.

SEC. 12. SUNSET.

The National Sea Grant College Program Act is amended by adding at the end the following new section:

“SEC. 213. SUNSET.

“This Act is repealed, effective October 1, 2002.”.

SEC. 13. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by section 212(a), as amended by this Act, shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Secretary of Commerce for fiscal years 1998 through 2002 for the activities for which sums are authorized by section 212(a), as amended by this Act, unless such sums are specifically authorized to be appropriated by such section 212(a).

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Secretary of Commerce shall exclude from consideration for grant agreements made by that agency after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined

in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

SEC. 14. NOTICE.

(a) **NOTICE OF REPROGRAMMING.**—If any funds authorized by section 212(a), as amended by this Act, are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **NOTICE OF REORGANIZATION.**—The Secretary of Commerce shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

SEC. 15. BUY AMERICAN.

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

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

(c) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under section 212(a), as amended by this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

II. PURPOSE OF THE BILL

The purpose of H.R. 437 is to reauthorize the National Sea Grant College Program Act (33 U.S.C. 1121-1131) for Fiscal Years 1997 through 2002, to make changes to the program’s management, and to strengthen the role of peer review in the program.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The National Sea Grant College Act (33 U.S.C. 1121-1131), enacted in 1966, established the National Sea Grant College Program (Sea Grant) with the objective of increasing “the understanding, assessment, development, utilization, and conservation of the Nation’s ocean, coastal, and Great Lakes resources by providing assistance to promote a strong education base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques.” The program was patterned after the Land Grant College Program, and was first assigned to the National Science Foundation (NSF). In 1970, Sea Grant was transferred from the NSF to the newly created National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce.

Sea Grant is located within NOAA’s Office of Oceanic and Atmospheric Research (OAR), and is one of two extramural ocean research programs. In Fiscal Year 1997, Sea Grant’s appropriation of \$54.2 million accounts for 21.4 percent of OAR’s total appropriation of \$253.2 million.

Currently, there are twenty-six designated Sea Grant College programs, which include both single institutions and regional con-

sortia of two or more institutions. Sea Grant also includes three institutional programs. These twenty-nine Sea Grant College and Institutional programs, encompassing coastal and Great Lakes States and Puerto Rico, are the heart of a nationwide network of some 300 participating institutions that each year draw on the talents of over 3,000 scientists, engineers, educators, students, and outreach specialists.

To be designated a Sea Grant College, an applicant must demonstrate a record of superior performance in marine resource programs for a minimum of 3 years. Designated programs receive priority in obtaining federal grants for up to two-thirds of the total cost of a project. At least one-third of the cost of projects must come from non-federal matching funds. The Sea Grant "core" program provides assistance to Sea Grant Colleges for research, education, and advisory services in fields related to ocean, coastal and Great Lakes resources. Authorization for this assistance expired on September 30, 1995, although appropriations have continued.

Research funding is devoted to the development of marine and freshwater resources and related technology and studies relevant to the understanding, assessment, development, utilization or conservation of ocean and coastal and Great Lakes resources. Education programs include the development and strengthening of training programs for marine scientists and technicians as well as education in aquatic sciences for secondary school students and teachers. Sea Grant Colleges also provide year-long fellowships to graduate students in marine-related disciplines to work with Congressional, federal agency or industry sponsors. Marine advisory staff provide informal education for the general public, technical advice and instruction in marine-related topics, dissemination of research findings to user groups, and identification and communication of local needs and problems to Sea Grant and other marine-related program managers and researchers.

In addition to the core program, the National Sea Grant College Program Act established the Sea Grant Review Panel, made up of 15 members who have marine-science backgrounds or have knowledge and experience in the fields in which Sea Grant works. The Panel advises the Secretary of Commerce on matters relating to Sea Grant.

Priority oyster disease research has been separately authorized under the Act since 1990, and authorization for that program expired on September 30, 1995. This program was funded by the National Marine Fisheries Service until Fiscal Year 1995 when it was transferred to Sea Grant. Funding for zebra mussel research has also been administered by Sea Grant under an authorization contained in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

Sea Grant is funded at \$54.3 million in Fiscal Year 1997, which includes \$2.7 million for administration of the national program office, \$1.5 million for oyster disease research, and \$2.3 million for zebra mussel research. NOAA's Fiscal Year 1998 budget request for Sea Grant is \$50.2 million, with no specific funding for the zebra mussel and priority oyster disease programs; however, NOAA has stated that within the total amount, it will support the best proposals for further work on oyster disease and the zebra mussel.

Finally, in 1994, the National Research Council's Ocean Studies Board conducted a review of the Sea Grant program at the request of NOAA. The Board's recommendations included defining better the roles of the National Sea Grant Office, the Sea Grant College programs, and the Sea Grant Review Panel and streamlining the proposal review and program evaluation processes. H.R. 437 addresses those recommendations.

IV. SUMMARY OF HEARINGS

The Subcommittee held a hearing on March 13, 1997, and heard testimony on H.R. 437 from the Honorable Dr. D. James Baker, Under Secretary for Oceans and Atmosphere, U.S. Department of Commerce and Administrator, NOAA. Dr. Baker was supportive of the National Sea Grant College Program, calling it "NOAA's principal partnership with the university community." He stated that H.R. 437 "as introduced should be changed to conform to the President's FY 1998 budget request of \$50.2 million," and "that the specific authorities of the International Program for grants and contracts, as contained in section 3 of the Sea Grant Program Improvement Act, should be retained . . . [to] allow Sea Grant to effectively address transboundary and coastal marine issues through outreach activities."

The Subcommittee also heard testimony on the bill during a hearing on April 9, 1997, from Dr. Christopher D'Elia, Director, Maryland Sea Grant College Program, University of Maryland, College Park, Maryland, and President-Elect of the Sea Grant Association, which represents all twenty-nine Sea Grant programs; and Dr. James J. Sullivan, Director, California Sea Grant College System, University of California, La Jolla, California. Dr. D'Elia expressed his support for H.R. 437, and urged the Committee to consider extending the period of authorization from 3 to 5 years. Dr. Sullivan also expressed his strong support for the bill.

V. COMMITTEE ACTIONS

Representative Jim Saxton (R-NJ) introduced H.R. 437 on January 9, 1997. The bill was referred to the Committee on Resources on January 9, 1997; and to the Resources Committee's Subcommittee on Fisheries Conservation, Wildlife and Oceans on February 11, 1997. On March 5, 1997, the Full Resources Committee met to consider H.R. 437. The Subcommittee on Fisheries Conservation, Wildlife and Oceans was discharged from further consideration of the bill, which was then ordered favorably reported to the House of Representatives without amendment by the Full Resources Committee.

H.R. 437 was referred to the Committee on Science on March 12, 1997, for a period ending not later than April 28, 1997; and to the Science Committee's Subcommittee on Energy and Environment on March 13, 1997. The Subcommittee held a hearing on March 13, 1997, and heard testimony on the bill from the Honorable D. James Baker, Under Secretary for Oceans and Atmosphere, U.S. Department of Commerce and Administrator, NOAA. The Subcommittee also heard testimony on the bill during a hearing on April 9, 1997, from Dr. Christopher D'Elia, Director, Maryland Sea Grant College

Program, University of Maryland, College Park, Maryland, and President-Elect of the Sea Grant Association, which represents all twenty-nine Sea Grant programs; and Dr. James J. Sullivan, Director, California Sea Grant College System, University of California, La Jolla, California. The Subcommittee discharged H.R. 437 from further consideration to the Full Science Committee on March 13, 1997.

On April 16, 1997, the Full Science Committee met to consider H.R. 437, the Marine Resources Revitalization Act of 1997.

Amendment 1.—Mr. Sensenbrenner, Chairman of the Science Committee, offered an amendment in the nature of a substitute to H.R. 437, which was adopted by voice vote.

Amendment 2.—Mr. Calvert, Chairman of the Science Committee's Subcommittee on Energy and Environment, offered a manager's amendment making technical corrections to: (1) define that, with the exception of Cooperative Research and Development Agreements, grants awarded under this Act will be subject to merit-based review; and (2) specify that the sums authorized in the bill represent the total funds authorized for programs under this bill. The amendment was adopted by voice vote.

Amendment 3.—Mr. Hastings, on behalf of Mr. Traficant, offered an amendment to add a new Section 15 to the bill that requires any entity that is appropriated funds pursuant to this Act or amendments thereto, to comply with Sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"), and that recipients of funds pursuant to this Act shall be notified of subsection (a)'s requirement of compliance with the Buy American Act. The amendment was adopted by voice vote.

With a quorum present, Mr. Roemer moved that the Committee report the bill, H.R. 437, as amended, to the House and that the staff prepare the legislative report and make technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was approved by voice vote.

Mr. Sensenbrenner asked and received unanimous consent that Committee members have 2 subsequent calendar days in which to submit supplemental, minority or additional views on the measure, and that, pursuant to Clause 1 of Rule XX of the Rules of the House of Representatives, the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 437 or a similar Senate bill.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 437, the National Sea Grant College Program Reauthorization of 1997, amends the National Sea Grant College Program Act as follows:

- Adds or modifies various definitions, and clarifies that, in reference to this Act and National Sea Grant College Act, the Secretary of Commerce (Secretary) acts through the Under Secretary of Commerce for Oceans and Atmospheres.
- Clarifies the duties of the Program's Director.
- Sets forth the duties of Sea Grant Institutions (defined as Sea Grant Colleges, Sea Grant Regional Consortia, and certain

types of entities conducting a Sea Grant Program with amounts under the Act), which include merit-reviews of grant and contract applications.

- Repeals provisions relating to the Sea Grant International Program.
- Revises requirements for designating Sea Grant Colleges and Consortia by requiring the Secretary, in consultation with the Sea Grant Review Panel to establish guidelines for the conduct of merit review by Sea Grant institutions within 6 months of the date of enactment that provide for peer review of all applications for grants or contracts and require standardized documentation of all peer review.
- Provides that the Secretary may, for cause and after an opportunity for hearing, suspend or terminate any Sea Grant designation.
- Repeals provisions mandating fellowships.
- Authorizes appropriations for grants and contracts for Fiscal Years 1998-2002 (\$54.3 million for Fiscal Year 1998, \$55.4 million for Fiscal Year 1999, and \$56.5 million for each of Fiscal Years 2000-2002), including \$2.8 million each year for zebra mussel research; removes the separate authorization of appropriations for administration and limits administration expenditures to no more than 5 percent of funds appropriated for grants and contracts; and repeals provisions authorizing appropriations for priority oyster disease research.
- Clarifies that the maximum pay (within statutory compensation levels) for the Program's Director and for voting members of the Sea Grant Review Panel is determined by the Secretary.
- Sunsets the Act.
- Prohibits lobbying activities, limits appropriations for Fiscal Years 1998-2002, and excludes from consideration for grant agreements, for a period of 5 years, any person who received funding for a project not subject to a competitive, merit-based award process.
- Provides that if any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House and Senate, then notice of such action shall concurrently be provided to the House Committees on Science and Resources and to the Senate Committee on Commerce, Science, and Transportation. Also requires the Secretary to provide notice to the aforementioned House and Senate Committees, as well as the Appropriations Committees of each body, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

VII. SECTION-BY-SECTION ANALYSIS AND COMMITTEE VIEWS

Section 1. Short Title

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997."

Section 2. Amendment of National Sea Grant College Program Act

Amendments in this Act are to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

Section 3. Amendments to Definitions

Section 3 amends the National Sea Grant College Program Act to define the term “sea grant institution” to mean any sea grant college or consortium as well as any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with funds provided under the Act. The section also simplifies the definition of “field related to ocean, coastal and Great Lakes resources” to mean “any discipline or field, including marine research, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.” Finally, the section clarifies that, in reference to this Act and the National Sea Grant College Act, the Secretary of Commerce acts through the Under Secretary of Commerce for Oceans and Atmosphere.

Section 4. Consultations Regarding Long-Range Planning Guidelines and Priorities and Evaluations

Section 4 amends the National Sea Grant College Program Act to require the Secretary of Commerce to consult with the Sea Grant institutions and the Sea Grant Review Panel when setting long-range planning guidelines and priorities.

Section 5. Duties of the Director

Section 5 amends section 204 of the National Sea Grant College Program Act to clarify that the duties of the Director of the National Sea Grant Office include the following:

- Advise the Secretary of Commerce on: (1) the expertise and capabilities available within or through the National Sea Grant College Program; and (2) on the designation, termination or suspension of sea grant institutions.
- Provide, as directed by the Secretary, National Sea Grant College Program expertise and capabilities which are or could be of use to other offices and activities within NOAA.
- Encourage: (1) other federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis; (2) cooperation and coordination with other federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage; and (3) the formation and growth of Sea Grant programs.
- Oversee the operation of the National Sea Grant Office.
- Evaluate Sea Grant institutions’ programs, not review each specific state program grant.
- Allocate funding, within available appropriations, among the Sea Grant institutions to: (1) promote healthy competition and successful implementation of programs; and (2) provide a stable base of funding.

- Ensure compliance by the institutions with the merit guidelines to be established by the Secretary of Commerce within 6 months after the date of enactment of the Act.

Section 6. Duties of Sea Grant Institutions

Section 6 amends the National Sea Grant College Program Act to clarify that Sea Grant institutions are subject to any regulations or guidelines promulgated by the Secretary of Commerce. It specifies that it is the responsibility of each Sea Grant institution to consult with the Secretary and the Sea Grant Review Panel in developing and implementing a program that is consistent with the long-range planning guidelines for the National Sea Grant College Program. Finally, the section establishes merit review (including peer review) as the responsibility of the Sea Grant institutions.

Committee View

The Committee supports vigorous oversight of all taxpayer-funded programs and has a long-standing position that awards should be made on a competitive, merit-based process that ensures taxpayers' dollars are spent in the most cost-effective and productive manner.

Section 7. Repeal of Sea Grant International Program

Section 7 repeals the Sea Grant International Program, which has never been funded.

Committee View

The Committee supports deletion of obsolete provisions of current law.

Section 8. Designation of Sea Grant Institutions

Section 8 consolidates and clarifies the requirements for the designation of Sea Grant Institutions by amending section 207 of the Sea Grant College Program Act. The Secretary may designate an institution of higher learning as a Sea Grant College, and an association or alliance of two or more persons as a Sea Grant Regional Consortium, if the institution, association, or alliance: (1) is recognized for scientific excellence; (2) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources; (3) will cooperate with other Sea Grant Institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources; (4) will act in accordance with established guidelines of merit review (including, at a minimum, peer review); and (5) meets such other qualifications as the Secretary, in consultation with the Sea Grant Review Panel considers necessary or appropriate.

This section also requires the Secretary, within 6 months of the date of enactment, to establish guidelines for the conduct of merit review by Sea Grant institutions. At a minimum, these guidelines and priorities shall provide for peer review of all applications for grants or contracts and require standardized documentation of all peer review.

Finally, consistent with current law, Section 8 provides that the Secretary may, for cause and after an opportunity for hearing, suspend or terminate any Sea Grant designation.

Committee View

The Committee believes that the most important criterion for the designation of Sea Grant Institutions is scientific excellence and has a long-standing position that awards should be made on a competitive, merit-based process that ensures that taxpayers' dollars are spent in the most cost-effective and productive manner. The Committee also believes that the Secretary should retain the authority to suspend or terminate any Sea Grant designation for cause and after an opportunity for hearing.

Section 9. Repeal of Fellowship Programs

This section repeals the Fellowship Programs.

Committee View

The Fellowship Programs are funded by Sea Grant, but under current law are administered and awarded by the Under Secretary for Oceans and Atmospheres. The Committee believes that, with the exception of a small percentage devoted to the program's administration, Sea Grant funds should go directly to the Sea Grant Institutions to further marine research and other activities authorized under the Act.

Section 10. Authorization of Appropriations

Section 10 amends the National Sea Grant College Program Act to: (1) reauthorize Sea Grant at \$54.3 million for Fiscal Year 1998, \$55.4 million in Fiscal Year 1999, and \$56.5 million in each of Fiscal Year 2000, Fiscal Year 2001 and Fiscal Year 2002; (2) limit administrative spending to no more than 5 percent of the amount appropriated for each fiscal year; (3) repeal the separate authorization for oyster disease research; and (4) authorize, within the total amount authorized for each fiscal year, \$2.8 million for competitive grants for university research on the zebra mussel as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

Committee View

The Committee supports the current level of Sea Grant funding as well as a modest increase in the out-years. The Committee also recognizes the very important and vital zebra mussel research conducted under the Program, and has provided specific funding for its continuation.

Section 11. Clerical and Conforming Amendments

Section 11 makes six clerical amendments, one technical amendment (clarifying that, within statutory compensation levels, the Secretary establishes the pay rate for the Program's Director and for the members of the Sea Grant Review Panel), and two conforming amendments.

Committee View

The Committee believes that the establishment of the pay rate (within statutory compensation levels) for the Program's Director and for the members of the Sea Grant Review Panel is the prerogative of the Secretary and should not be mandated by statute.

Section 12. Sunset

Section 12 repeals the National Sea Grant Program Act, effective October 1, 2001.

Committee View

In this era of limited resources, taxpayers' dollars must be used in the most effective manner possible, and the taxpayers must be convinced they are getting value from federally-funded R&D if such funding is to be continued. The Committee believes that the National Sea Grant College Program, as defined by this Act, will provide such value for the next 5 years. However, strong and aggressive Congressional oversight is key to ensuring that value will continue to be received. The establishment of a sunset provision will force Congress to conduct an in-depth review of the program, and to determine whether or not it is in the best interest of the taxpayer that it be continued.

*Section 13. Limitations**Subsection 13(a). Prohibition of Lobbying Activities*

Subsection 13(a) forbids the use of funds authorized by this Act for any activity whose purpose is to influence legislation pending before Congress. However, this subsection does not prevent employees of the departments or agencies from communicating with Members of Congress to conduct public business.

Committee View

The Committee is committed to ensuring that awards for research are used solely for that purpose. Funds should not be used for any purpose, other than that specified in the award. The Committee, however, does not exclude appropriate communications between the Executive Branch and the Congress.

Subsection 13(b). Limitation on Appropriations

Subsection 13(b) provides that no sums are authorized to be appropriated that are not specifically authorized to be appropriated by this Act for Fiscal Years 1998, 1999, 2000, 2001 and 2002, or by an Act of Congress in succeeding fiscal years.

Committee View

The Committee emphasizes that the only funds authorized to be appropriated for the National Sea Grant College are made available under this Act. It is the Committee's position that annual authorizations designating specific sums are required for appropriations of such sums to be authorized.

Subsection 13(c). Eligibility for Awards

Subsection 13(c) requires the head of each federal agency for which funds are authorized under this Act to exclude from consideration for grant agreements, for a period of 5 years, any person who received funds for a project not subject to competitive, merit-based review process after Fiscal Year 1997. The subsection is not applicable to awards to long-standing Cooperative Research and Development Agreement program nor awards to persons who are members of a class specified by law for which assistance is awarded according to formula provided by law.

Committee View

The Committee has a long-standing position that awards should be made on a competitive, merit-based process that ensures that taxpayers' dollars are spent in the most cost-effective and productive manner.

Section 14. Notice

If any funds of this Act, or amendments made by this Act, are subject to reprogramming which requires notice to be given to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be concurrently provided to the Committees on Science and Commerce of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate.

If any program, project, or activity of the National Sea Grant College Program is preparing to undergo any major reorganization, the Secretary of the Department of Commerce shall notify the Committees on Science, Commerce, and Appropriations of the House of Representatives and the Committees on Science, Commerce, and Transportation and Appropriations of the Senate no later than 15 days prior to such reorganization.

Committee View

The Committee believes that such notice must be given if it is to carry out its oversight responsibilities under the Rules of the House.

Section 15. Buy American

Section 15 requires any entity that is appropriated funds pursuant to this Act or amendments thereto, to comply with Sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"); and that recipients of funds pursuant to this Act shall be notified of subsection (a)'s requirement of compliance with the Buy American Act.

Committee View

It is the Committee's position that the Federal Government buy goods manufactured in the United States when feasible, and where cost-effective and practicable.

VIII. COMMITTEE COST ESTIMATE

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires each committee report accompanying each bill or joint resolution of a public character to contain: (1) an estimate, made by such Committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported, and in each of the 5 fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than 5 years); (2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such Committee with an estimate of such costs made by any government agency and submitted to such Committee; and (3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law. However, clause 7(d) of that rule provides that this requirement does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report pursuant to clause 2(1)(3)(C) of rule XI. A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of this report and included in Section IX of this report pursuant to clause 2(1)(3)(C) of rule XI.

Clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives requires each committee report that accompanies a measure providing new budget authority (other than continuing appropriations), new spending authority, or new credit authority, or changes in revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law. H.R. 437 does not contain any new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 437 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section IX of this report.

IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, DC. 20515
JUNE E. O'NEILL, DIRECTOR

April 17, 1997

Honorable F. James Sensenbrenner, Jr.,
*Chairman, Committee on Science,
U.S. House of Representatives,
Washington, DC. 20515*

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 437, the National Sea Grant College Program Reauthorization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown, who can be reached at 226-2860.
Sincerely,

JUNE E. O'NEILL, *Director*

Enclosure

cc: Honorable George E. Brown, Jr., Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

APRIL 17, 1997

H.R. 437

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

As ordered reported by the House Committee on Science on April 16, 1997

SUMMARY

H.R. 437 would reauthorize the National Sea Grant College Program Act and would authorize appropriations of \$54.3 million in Fiscal Year 1998, \$55.4 million in Fiscal Year 1999, and \$56.5 million in each of Fiscal Years 2000 through 2002 to carry out its contract, grant, fellowship, and administrative functions. The bill also would cap the program's administrative expenses at 5 percent of appropriations, repeal the sea grant international program and the graduate and postdoctoral fellowship programs, authorize grants for university research on the zebra mussel, and place certain limits on eligibility for sea grant funds.

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 437 would result in additional discretionary spending of \$278 million over the 1998-2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA), and would not impose any costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 437 is shown in the table on the following page. For the purposes of this estimate, CBO assumes that all amounts authorized in H.R. 437 would be appropriated by the start of each fiscal year and that outlays would follow the historical spending patterns for the sea grant program. CBO estimates that provisions regarding the programs and individuals that are eligible to receive sea grant funds would not have a significant impact on the overall spending rate for the program.

H.R. 437 would authorize appropriations for the National Sea Grant program at levels that are at or above the 1997 appropriation of \$54.3 million. The bill's authorization for 1998 is equal to the 1997 appropriation, while the authorized level for 1999 is \$1.1 million above current funding and the authorized levels for each of Fiscal Years 2000 through 2002 are \$2.2 million above current funding.

	By Fiscal Year, in Millions of Dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION:						
Spending Under Current Law						
Budget Authority [†]	54	0	0	0	0	0
Estimated Outlays	54	2	0	0	0	0
Proposed Changes						
Authorization Level	0	54	55	57	57	57
Estimated Outlays	0	52	55	57	57	57
Spending Under H.R. 437						
Authorization Level [†]	54	54	55	57	57	57
Estimated Outlays	54	54	55	57	57	57

[†]The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 300 (natural resources and environment).

PAY-AS-YOU-GO CONSIDERATIONS: None.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 437 contains no mandates as defined in UMRA, and would not impose any costs on state, local, or tribal governments. Some of the institutions that would receive funds as a result of this bill's enactment are public agencies and universities. Under current law, institutions that receive grant funds under this program are required to pay one-third of the total costs of funded projects.

ESTIMATED IMPACT ON THE PRIVATE-SECTOR

This bill would impose no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE:

CBO prepared an estimate on March 10, 1997, for H.R. 437, the Marine Resources Revitalization Act of 1997, as ordered reported by the House Committee on Resources on March 5, 1997. The estimated costs of the Science Committee's version of H.R. 437 over the 1998-2002 period are greater because it authorizes the sea grant program for 2 additional years. Other aspects of the two bills are similar; hence, the only difference in the estimates is attributable to the difference in the number of years covered by the authorization.

ESTIMATE PREPARED BY:

Federal Cost: Gary Brown (326-2860)

Impact on State, Local, and Tribal Governments: Pepper Santalucia (225-3220)

Impact on the Private Sector: Lesley Frymier (226-2940)

ESTIMATE APPROVED BY:

Robert A. Sunshine

Deputy Assistant Director for Budget Analysis

X. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 437 contains no unfunded mandates.

XI. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives requires each committee report to include oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no oversight findings.

XII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives requires each committee report to contain a summary of the oversight findings and recommendations made by the House Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings and recommendations have been submitted to the Committee in a timely fashion. The Committee on Science has received no such findings or recommendations from the Committee on Government Reform and Oversight.

XIII. CONSTITUTIONAL AUTHORITY STATEMENT

Clause 2(1)(4) of rule XI of the Rules of the House of Representatives requires each report of a Committee on a bill or joint resolution of a public character to include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of

the Constitution of the United States grants Congress the authority to enact H.R. 437.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

This legislation does not establish or authorize the establishment of a new advisory committee. The functions of the advisory committee—the Sea Grant Review Panel—reauthorized in H.R. 437 are not currently being, nor could they be, performed by one or more agencies or by enlarging the mandate of another existing advisory committee.

XV. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 437 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the “National Sea Grant College Program Act”.

* * * * *

SEC. 203. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

(3) **[the]** *The* term “director of a sea grant college” means a person designated by their university or institution to direct a sea grant college, programs, or regional consortium.

[(4) The term “field related to ocean, coastal, and Great Lakes resources” means any discipline or field (including marine science (and the physical, natural, and biological sciences, and engineering, included therein), marine technology, education, marine affairs and resource management, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.]

(4) *The term “field related to ocean, coastal, and Great Lakes resources” means any discipline or field, including marine research, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.*

* * * * *

(6) The term “ocean, coastal, and Great Lakes resources” means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

(A) * * *

* * * * *

(F) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured; and

* * * * *

[(13) The term “Secretary” means the Secretary of Commerce.]

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

(14) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.

[(15) The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.]

(15) *The term “sea grant institution” means—*

(A) *any sea grant college or sea grant regional consortium, and*

(B) *any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with amounts provided under this Act.*

[SEC. 204. NATIONAL SEA GRANT PROGRAM.]

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) The Secretary shall maintain, within the Administration, a program to be known as the National Sea Grant College Program. The National Sea Grant College Program shall consist of the financial assistance and other activities provided for in this Act, and shall be administered by a National Sea Grant Office within the Administration. The Secretary, *in consultation with the sea grant institutions and the panel established under section 209*, shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.

(b) DIRECTOR.—(1) The Secretary shall appoint a Director of the national sea grant college program who shall be a qualified individual who has—

(A) knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources; and

(B) appropriate administrative experience.

(2) The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate not in excess of the [maximum rate for GS-18 of the General Schedule under section 5332 of such title.] *maximum rate payable under section 5376 of title 5, United States Code.*

[(c) DUTIES.—The Director shall administer the national sea grant college program subject to the supervision of the Secretary and the Under Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

[(1) apply the long-range planning guidelines and the priorities established by the Secretary under subsection (a);

[(2) advise the Under Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program, and provide (as directed by the Under Secretary) those which are or could be of use to other offices and activities within the Administration;

[(3) evaluate activities conducted under grants and contracts awarded pursuant to section 205 to assure that the objective set forth in section 202(b) is implemented;

[(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national sea grant college program, on a cooperative or other basis;

[(5) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

[(6) advise the Secretary on the designation of sea grant colleges and sea grant regional consortia and, in appropriate cases, if any, on the termination or suspension of any such designation;

[(7) encourage the formation and growth of sea grant programs; and

[(8) oversee the operation of the National Sea Grant Office established under subsection (a) of this section.]

(c) DUTIES OF DIRECTOR.—

(1) *IN GENERAL.—The Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—*

(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise

and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis;

(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

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

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

(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

(A) evaluate the programs of the institutions, using the guidelines and priorities established by the Secretary under subsection (a), to ensure that the objective set forth in section 202(b) is achieved;

(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

(i) promote healthy competition among those institutions,

(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

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

(d) POWERS.—To carry out the provisions of this title, the Secretary may—

(1) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with the civil service laws; except that **five positions** *one position* may be established without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but the pay rates for such positions may not exceed **the maximum rate for GS-18 of the General Schedule under section 5332** *a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376* of such title;

* * * * *

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

(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under subsection (a) of this section; and

(2) conduct merit review of all applications for project grants or contracts to be awarded under section 205.

SEC. 205. CONTRACTS AND GRANTS.

(a) * * *

(b) **SPECIAL GRANTS.**—The Secretary may make special grants under this subsection to implement the objective set forth in section 202(b). The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection unless the Secretary finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a);

(2) the probable benefit of such project outweighs the public interest in such matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) **[or section 206]**.

The total amount which may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 1 percent of the total funds appropriated for such year pursuant to section 212.

* * * * *

[SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.**[(a) DESIGNATION.**—(1) The Secretary may designate—**[(A)** any institution of higher education as a sea grant college; and**[(B)** any association or other alliance of two or more persons (other than individuals) as a sea grant regional consortium.**[(2)** No institution of higher education may be designated as a sea grant college unless the Secretary finds that such institution—**[(A)** is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources and has received financial assistance under section 205 of this title or under section 204(c) of the National Sea Grant College and Program Act of 1966;**[(B)** will act in accordance with such guidelines as are prescribed under subsection (b)(2); and**[(C)** meets such other qualifications as the Secretary deems necessary or appropriate.

The designation of any institution as a sea grant college under the authority of such Act of 1966 shall, if such designation is in effect on the day before the date of the enactment of the Sea Grant Program Improvement Act of 1976, be considered to be a designation made under paragraph (1) so long as such institution complies with subparagraphs (B) and (C).

[(3) No association or other alliance of two or more persons may be designated as a sea grant regional consortium unless the Secretary finds that such association or alliance—

[(A) is established for the purpose of sharing expertise, research, educational facilities, or training facilities, and other

capabilities in order to facilitate research, education, training, and advisory services, in any field related to ocean, coastal, and Great lakes resources;

[(B) will encourage and follow a regional approach to solving problems or meeting needs relating to ocean, coastal, and Great Lakes resources, in cooperation with appropriate sea grant colleges, sea grant programs, and other persons in the region;

[(C) will act in accordance with such guidelines as are prescribed under subsection (b)(2); and

[(D) meets such other qualifications as the Secretary deems necessary or appropriate.

[(b) REGULATIONS.—The Secretary shall by regulation prescribe—

[(1) the qualifications required to be met under paragraphs (2)(C) and (3)(D) of subsection (a); and

[(2) guidelines relating to the activities and responsibilities of sea grant colleges and sea grant regional consortia.

[(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).]

SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

(a) *QUALIFICATIONS.—The Secretary may designate an institution of higher education as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—*

(1) is recognized for scientific excellence;

(2) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

(3) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

(4) will act in accordance with such guidelines as are prescribed under subsection (b)(2); and

(5) meets such other qualifications as the Secretary, in consultation with the panel established under section 209, considers necessary or appropriate.

(b) *REGULATIONS AND GUIDELINES.—*

(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(5).

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

(c) *SUSPENSION OR TERMINATION OF DESIGNATION.*—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

[SEC. 208. FELLOWSHIPS.

[(a) *IN GENERAL.*—To carry out the educational and training objectives of this Act, the Under Secretary shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Under Secretary.

[(b) *DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.*—The Under Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

[(c) *POSTDOCTORAL FELLOWSHIPS.*—The Under Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

- [(1) shall be for 2 years;
- [(2) may be renewed once for not more than 2 years;
- [(3) shall be awarded on a nationally competitive basis;
- [(4) may be used at any institution of post-secondary education involved in the national sea grant college program;
- [(5) shall be for up to 100 percent of the total cost of the fellowship; and
- [(6) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.]

SEC. 209. SEA GRANT REVIEW PANEL.

(a) *ESTABLISHMENT.*—There shall be established an independent committee to be known as the sea grant review panel. [The panel shall, on the 60th day after the date of the enactment of the Sea Grant Program Improvement Act of 1976, supersede the sea grant advisory panel in existence before such date of enactment.

[The Panel shall advise] (b) *DUTIES.*—The panel shall advise the Secretary[, the Under Secretary,] and the Director concerning—

- (1) applications or proposals for, and performance under, grants and contracts awarded under section 205 [and section 3 of the Sea Grant Program Improvement Act of 1976];
- (2) the sea grant fellowship program;
- (3) the designation and operation of sea grant [colleges and sea grant regional consortia] *institutions*, and the operation of sea grant programs;

* * * * *

(c) *MEMBERSHIP, TERMS, AND POWERS.*—(1) The panel shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel. Not less than 8 of the voting members of the panel shall be individuals who, by reason of knowl-

edge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the panel if the individual is (A) the director of a sea grant [college, sea grant regional consortium,] *institution* or sea grant program; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer or employee of the United States.

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- (5) Voting members of the panel shall—
- (A) receive compensation at [the daily rate for GS-18 of the General Schedule under section 5332] *a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376* of title 5, United States Code, when actually engaged in the performance of duties for such panel; and
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SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[(a) There is authorized to be appropriated to carry out the provisions of sections 205 and 208 of this Act, and section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a), an amount—

- [(1) for fiscal year 1991, not to exceed \$44,398,000;
- [(2) for fiscal year 1992, not to exceed \$46,014,000;
- [(3) for fiscal year 1993, not to exceed \$47,695,000;
- [(4) for fiscal year 1994, not to exceed \$49,443,000; and
- [(5) for fiscal year 1995, not to exceed \$51,261,000.

[(b)(1) There is authorized to be appropriated for administration of this Act, including section 209, by the National Sea Grant Office and the Administration, an amount—

- [(A) for fiscal year 1991, not to exceed \$2,500,000;
- [(B) for fiscal year 1992, not to exceed \$2,600,000;
- [(C) for fiscal year 1993, not to exceed \$2,700,000;
- [(D) for fiscal year 1994, not to exceed \$2,800,000; and
- [(E) for fiscal year 1995, not to exceed \$2,900,000.]

(a) *AUTHORIZATION.—There is authorized to be appropriated to carry out this Act—*

- (1) \$54,300,000 for fiscal year 1998;
- (2) \$55,400,000 for fiscal year 1999;
- (3) \$56,500,000 for fiscal year 2000;
- (4) \$56,500,000 for fiscal year 2001; and
- (5) \$56,500,000 for fiscal year 2002.

For each of the fiscal years referred to in paragraphs (1) through (5), \$2,800,000 of the amount authorized by that paragraph shall be available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16

U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel.

(b) ADMINISTRATION.—

(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), no more than 5 percent may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.

[(2)] (2) LIMITATION ON USE OF OTHER AMOUNTS.—Sums appropriated under the authority of [subsections (a) and (c)] subsection (a) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

[(c)] In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act, an amount—

[(1)] for fiscal year 1992, not to exceed \$1,400,000;

[(2)] for fiscal year 1993, not to exceed \$3,000,000;

[(3)] for fiscal year 1994, not to exceed \$3,000,000; and

[(4)] for fiscal year 1995, not to exceed \$3,000,000.]

[(d)] (c) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

[(e)] (d) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

SEC. 213. SUNSET.

This Act is repealed, effective October 1, 2002.

SECTION 3 OF THE SEA GRANT PROGRAM IMPROVEMENT ACT OF 1976

[SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.

[(a)] IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere may enter into contracts and make grants under this section to—

[(1)] enhance cooperative international research and educational activities on ocean, coastal and Great Lakes resources;

[(2)] promote shared marine activities with universities in countries with which the United States has sustained mutual interest in ocean, coastal, and Great Lakes resources;

[(3)] encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources in other countries and in the United States;

[(4)] promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources;

[(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and

[(6) enhance regional collaboration between foreign nations and the United States with respect to marine scientific research, including activities which improve understanding of global oceanic and atmospheric processes, undersea minerals resources within the exclusive economic zone and special areas, and productivity and enhancement of living marine resources in—

- [(A) the Caribbean and Latin American regions;
- [(B) the Pacific Islands region;
- [(C) the Arctic and Antarctic regions;
- [(D) the Atlantic and Pacific Oceans; and
- [(E) the Great Lakes.

[(b) ELIGIBILITY, PROCEDURES, AND REQUIREMENTS.—Any sea grant college, sea grant program, or sea grant regional consortium, and any institution of higher education, laboratory, or institute (if the institution, laboratory, or institute is located within a State, as defined in section 203(14) of the National Sea Grant College Program Act (33 U.S.C. 1122(14)), may apply for and receive financial assistance under this section. The Under Secretary shall prescribe rules and regulations, in consultation with the Secretary of State, to carry out this section. Before approving an application for a grant or contract under this section, the Under Secretary shall consult with the Secretary of State. A grant made, or contract entered into, under this section is subject to section 205(d) (2) and (4) of the National Sea Grant College Program Act (33 U.S.C. 1124(d) (2) and (4)) and to any other requirements that the Under Secretary considers necessary and appropriate.】

XVII. COMMITTEE RECOMMENDATIONS

On April 16, 1997, a quorum being present, the Committee favorably reported the National Sea Grant College Program Reauthorization Act of 1997, by a voice vote, and recommended its enactment.