

Calendar No. 287**105th Congress }
1st Session }****SENATE****{ REPORT
{ 105-150****OCEAN AND COASTAL RESEARCH
REVITALIZATION ACT OF 1997**

REPORT

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 927

NOVEMBER 8, 1997.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

NOVEMBER 8, 1997.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 927]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 927) “A Bill to reauthorize the Sea Grant Program”, having considered the same, reports favorably thereon without an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 927, as reported, would reauthorize the National Sea Grant College Program Act for five years, authorize funding levels for the program for those years, and make changes to improve the operation of the program.

BACKGROUND AND NEEDS

The National Sea Grant College Program (Sea Grant) was established by Congress in 1966. Originally placed in the National Science Foundation, Sea Grant was moved to the National Oceanic and Atmospheric Administration (NOAA) in 1970, where it is located within the Office of Oceanic and Atmospheric Research. Sea Grant is modeled after the successful cooperative agricultural research and extension efforts of the Land-Grant College Program and works to create partnerships among universities, industry, and other groups to promote cost-effective and sustainable use of the nation's ocean, coastal, and Great Lakes resources. Sea Grant encompasses scientific research, education, advisory programs, and extension services. Its emphasis on applied research allows the transfer of information and technologies from universities and government agencies to the private sector. Currently, there are 26 Sea

Grant colleges and three additional institutional programs, all of which direct their efforts toward addressing the specific needs and issues facing coastal communities in the particular state or region in which they are located.

The designation of Sea Grant colleges and institutional programs—done by the National Sea Grant Director with the aid of the Sea Grant Review Panel—is based in significant part on an institution's demonstrated record of performance in addressing concerns related to marine or Great Lakes issues, in addition to other criteria. Sea Grant colleges and institutional programs receive federal funds through the National Sea Grant Office within NOAA. Such funds may cover up to two-thirds of the cost of a project; at least one-third of the cost of a project must come from non-federal matching funds. The National Sea Grant Office administers the overall program, reviews proposals for grants and contracts, and manages the Dean John A. Knauss Marine Policy Fellowship Program which places graduate-level fellows in the legislative and executive branches. Over 90 percent of the funds appropriated for Sea Grant are distributed to Sea Grant colleges and institutional programs, with additional funds used primarily for administration and fellowships.

While the Sea Grant Program generally enjoys broad-based support within the academic community and marine industry groups, some suggestions have been made for improving its operations. One concern is that funding increases in recent years have been constrained to special purpose initiatives controlled by the National Sea Grant Office and that core funding for participating colleges and institutions has effectively remained level. Information provided by the National Sea Grant Office indicates that such national initiatives received about 21 percent of the total grant money available in FY 1997. This trend raises questions about the continued ability of Sea Grant to address marine issues at the regional, state, and local levels. In addition, the National Research Council review of Sea Grant, completed in 1994, recommended that—

- (1) Sea Grant be given a higher profile within NOAA;
- (2) the roles and responsibilities of the National Sea Grant Office, the state Sea Grant directors, and the Sea Grant Review Panel be clarified;
- (3) the processes for reviewing research proposals and evaluating programs be decoupled and streamlined; and
- (4) Sea Grant funding be increased.

LEGISLATIVE HISTORY

During the 104th Congress, Sea Grant reauthorization legislation was included in the NOAA reauthorization bill, S. 1142. This bill was reported by the Commerce Committee on August 10, 1995, but the full Senate did not have the opportunity to consider S. 1142 before the end of the session. In the 105th Congress, testimony in support of Sea Grant's reauthorization was presented by the Administration at a hearing on the NOAA Fiscal Year 1998 budget held on March 6, 1997, by the Commerce Committee's Subcommittee on Oceans and Fisheries and the Subcommittee on Science, Technology, and Space. The Committee also received testimony in

support of reauthorization from the Sea Grant Association and the National Association of State Universities and Land-Grant Colleges. On June 16, 1997, Senator Snowe introduced the Ocean and Coastal Resource Revitalization Act of 1997, S. 927. The bill is cosponsored by Senators Hollings, Gregg, Kerry, Breaux, Glenn, Reed, Stevens, Gorton, Abraham, Inouye, D'Amato, Collins, Moynihan, Graham, Warner, Murkowski, Cochran, Torricelli, Chafee, Robb, Murray, Akaka, Mack, Lautenberg, Thurmond, Lott, and Sarbanes. At its June 19, 1997, Executive Session, the Commerce Committee ordered S. 927 to be reported without objection.

The House of Representatives passed its version of a Sea Grant reauthorization bill, H.R. 437, on June 18, 1997.

SUMMARY OF MAJOR PROVISIONS

Authorization of Appropriations.—S. 927 extends the authorization of appropriations for the National Sea Grant College Program Act through FY 2002 at the current appropriation levels with the addition of a two percent inflation factor each year. The bill also caps spending for program administration and small business innovation research activities at six percent of the total appropriations. This cap guarantees that Sea Grant funds will be used primarily to support the network of participating institutions.

Sea Grant Colleges and Institutes.—The reported bill amends existing definitions and designation requirements for Sea Grant colleges and institutes to conform with current policies and guidelines for the Sea Grant Program.

Strategic Plan and National Strategic Investments.—The reported bill would require the Secretary of Commerce (Secretary) to work with the Sea Grant network to develop and implement a long-range strategic plan and to identify national research priorities.

Peer Review and Standardization of Documentation.—Consistent with the recommendations of the National Research Council, the reported bill streamlines the proposal review process by giving primary responsibility for conducting peer reviews of research proposals to the Sea Grant colleges and institutes. The Secretary is required to establish guidelines for the peer review process and to standardize the documentation of all funding proposals.

Senior Executive Service (SES) Positions.—The bill would update administrative provisions of the existing law and reduce the authorized number of SES positions for the Sea Grant Program from five positions to one in addition to the Director. The Sea Grant Director is currently the only SES position occupied.

Repeal of the International Program and Post-Doctoral Fellowship Program.—As reported, S. 927 would repeal the authorization for the Sea Grant International Program, which has not been funded in recent years. However, the bill clarifies that Sea Grant colleges and institutes could continue international activities within their programs. The bill also would repeal the authority for post-doctoral fellows, but would not affect the authorization for the Dean John A. Knauss Marine Policy Fellowship Program.

ESTIMATED COSTS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 2, 1997.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 927, the Ocean and Coastal Resources Revitalization Act of 1997.

If you wish further details on its estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown (for federal costs), and Pepper Santalucia (for the state and local impact).

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, Director)

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 927—Ocean and Coastal Resources Revitalization Act of 1997

Summary: S. 927 would reauthorize the National Sea Grant College Program Act and would authorize appropriations of \$55.4 million in fiscal year 1998, \$56.5 million in fiscal year 1999, \$57.6 million in fiscal year 2000, \$58.8 million in fiscal year 2001, and \$59.9 million in fiscal year 2002 to carry out its contract, grant, fellowship, and administrative functions. The bill also would place limits on eligibility for sea grant funds, repeal the sea grant international program and the postdoctoral fellowship program (these two programs did not receive funding in 1997), and cap spending on small business innovation research and program administration at 6 percent of appropriations.

Assuming appropriation of the authorized amounts, CBO estimates that enacting S. 927 would result in additional discretionary spending of \$286 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: For the purposes of this estimate, CBO assumes that all amounts authorized in S. 927 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 institutions and programs that are eligible to receive sea grant funds and the cap on administrative and other expenses would not have a significant impact on the overall spending rate for the program. S. 927 would authorize appropriations for the National Sea Grant program in fiscal year 1998 that are \$1.1 million higher than the 1997 appropriation of \$54.3 million. The authorizations for subsequent years increase by an average of about \$1.1 million a year. The estimated budgetary impact of S. 927 is shown in the following table.

	By fiscal years, in millions of dollars—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	54	0	0	0	0	0
Estimated Outlays	54	2	0	0	0	0
Proposed Changes:						
Authorization Level	0	55	57	58	59	60
Estimated Outlays	0	53	56	58	59	60
Spending Under S. 927:						
Authorization Level ¹	54	55	57	58	59	60
Estimated Outlays	54	55	56	58	59	60

¹ The 1997 level is the amount appropriated for that year.

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

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: S. 927 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. Institutions that receive grant funds under this program are required to pay at least 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: On April 17, 1997, CBO provided an estimate for H.R. 437, the National Sea Grant College Program Reauthorization Act of 1997, as ordered reported by the House Committee on Science. On March 10, 1997, CBO provided an estimate for H.R. 437, the Marine Resources Revitalization Act of 1997, as ordered reported by the House Committee on Resources. S. 927 would authorize amounts similar to the authorizations contained in both versions of H.R. 437; S. 927 and the Science Committee's bill would authorize funding for the National Sea Grant program for five years, but the Resources Committee's bill includes authorized levels for only the next three years.

Estimate prepared by: Federal Costs: Gary Brown. Impact on State, Local, and Tribal Governments: Pepper Santalucia.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

NUMBER OF PERSONS COVERED

Sea Grant is a scientific research and extension program and does not regulate the activities of private citizens or businesses. Institutions receiving grants or contracts through Sea Grant must meet requirements specified in law and by regulation for grant and contract recipients, but these requirements are only imposed as a condition of receiving federal funding. S. 927 simply reauthorizes Sea Grant and, therefore, will not subject any private citizens or

businesses not participating in the program to additional regulation.

ECONOMIC IMPACT

Section 10 of the bill authorizes appropriations for Sea Grant of \$55.4 million in Fiscal Year (FY) 1998, \$56.5 million in FY 99, \$57.6 million in FY 2000, \$58.8 million in FY 2001, and \$59.9 million in FY 2002. The authorization levels are based on the FY 1997 appropriations for Sea Grant (\$54.3 million), plus a two percent annual inflation adjustment for each year. These funding levels are modest, and are not expected to have an inflationary impact on the Nation's economy.

PRIVACY

This legislation will not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

S. 927 will not impose any new paperwork requirements on private citizens or businesses that do not choose to participate in Sea Grant; entities choosing to participate in the program may be subject to some changes in the paperwork requirements of the program. However, the bill's streamlining of the merit review process should reduce the total amount of paperwork required and the costs associated with that paperwork for both the National Sea Grant Office and participating colleges and institutes.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section of the reported bill states the short title of the bill as the "Ocean and Coastal Research Revitalization Act of 1997".

Section 2. Amendment of National Sea Grant College Program Act

This section of the reported bill clarifies that, except as otherwise expressly provided, amendments or repeals of provisions of existing law contained in S. 927 apply to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

Section 3. Findings

This section of the reported bill makes several changes to the findings in Section 202 of the National Sea Grant College Program Act (the Act). Of these, the most significant is the addition of language stating that the national interest requires a strategy to, among other things, encourage the development of forecast and analysis systems for coastal hazards.

Section 4. Definitions

This section of the reported bill amends Section 203 of the Act by modifying several of the existing definitions, and by creating several new ones. Among the more significant changes, the new term "institution" is defined as "any public or private institution of higher education, institute, laboratory or State or local agency". The term "sea grant institute" is created, referring to any institu-

tion, or any association or alliance of two or more institutions, which is designated as a Sea Grant institute by the Secretary in accordance with Section 7 of the reported bill. This new definition provides a statutory classification for those institutions which comprise the other major component of Sea Grant in addition to the Sea Grant colleges; currently, NOAA regulations classify such entities as institutional programs. The term “sea grant college” is amended to refer to any institution, or association or alliance of institutions, designated as a Sea Grant college by the Secretary. This change broadens the definition in existing law which refers only to institutions of higher education. S. 927 also defines the term “project” as “any individually described activity” in the fields identified in the Act involving research, education, training, or advisory services. This term (which is used in the existing statute but is undefined) would apply, for example, to a singular research project on a specific subject or a specific educational project, as opposed to an overall program involving a number of such projects. The Act’s existing definition of “sea grant program” is simplified to mean a program of research and outreach which is administered by one or more Sea Grant colleges or Sea Grant institutes. This section also clarifies that the term “Secretary” refers to the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

These changes, in conjunction with others in the bill, are intended to help clarify the meaning of the statute and the operation of Sea Grant.

Section 5. National Sea Grant college program

This section of the reported bill reorganizes, updates, and revises Section 204 of the Act. It retains the language under current law which directs the Secretary to maintain Sea Grant within NOAA. It also delineates the four basic elements of the national program—

- (1) Sea Grant programs at the state or regional levels which comprise a national network;
- (2) the administration of Sea Grant and the Act by the national office;
- (3) the fellowship program; and
- (4) any national strategic investments.

National strategic investments are initiatives developed through the national office that are intended to address a specific problem, issue, or need of national scope and interest. Section 5 of the bill stipulates that these national strategic investments must receive the approval of the Sea Grant Review Panel and the Sea Grant colleges and institutes before they can be implemented. In recent years, funding has been available to support national strategic investments. One of these initiatives on which Sea Grant has focused successfully relates to the nationwide problem of non-indigenous species. This research is authorized by the National Invasive Species Act of 1996 (Public Law 104–332) and it has addressed a variety of aspects of the problem rather than focusing on one specific species. Nothing in the reported bill is intended to supersede any authority established by that law.

This section requires the Secretary, in consultation with the Sea Grant Review Panel, the Sea Grant colleges, and the Sea Grant in-

stitutes, to develop a long-range strategic plan which establishes priorities for Sea Grant, and which provides for an appropriately balanced response to state, regional, and national needs. Given Sea Grant's longstanding mission of focusing on local and regional concerns, the Committee intends that the strategic plan's "appropriately balanced response" will continue to strongly emphasize local and regional issues and needs.

Also, in consultation with the Sea Grant Review Panel and the Sea Grant colleges and institutes, the Secretary is required, within 6 months of the date of enactment of S. 927, to establish guidelines related to the activities and responsibilities of Sea Grant colleges and institutes, including the conduct of merit review by the colleges and institutes of proposals for grants and contracts under Sea Grant. At a minimum, the guidelines must provide for the standardized documentation of such proposals and for the peer review of all research projects. This language is intended to eliminate redundancy in the proposal review process between the state and national levels by giving the Sea Grant institutions primary responsibility for the merit review of proposals for grants and contracts.

Finally, this section adds language that clarifies the requirements and responsibilities of the Director of the National Sea Grant Program. Among these clarifications is a requirement that the Director allocate funding among Sea Grant colleges and institutes, subject to the availability of appropriations, so as to: (1) promote healthy competition among Sea Grant colleges and institutes; (2) encourage successful program implementation; and (3) to the maximum extent consistent with the other provisions of the Act, provide a stable base of funding for Sea Grant colleges and institutes.

This third criterion is intended to ensure that Sea Grant colleges and institutes receive priority consideration in the allocation of appropriations provided for Sea Grant. However, this language does not preclude NOAA from funding or continuing to fund relevant individual projects by qualified institutions that are not designated as Sea Grant colleges or institutes. The Committee recognizes the contribution of such projects to the overall program.

The conservation and sustainable use of the nation's marine and Great Lakes resources ultimately depends on the existence of a broad base of institutions, organizations, and citizens dedicated to research, education, and extension in support of these principles. The Committee encourages NOAA to carefully consider applications from historically black colleges and universities and other minority institutions for projects and for designation as a Sea Grant college or institute.

Section 6. Repeal of Sea Grant International Program

This section of the reported bill repeals Section 3 of the Sea Grant Program Improvement Act which authorized the Sea Grant International Program. The program has not been funded in recent years. However, the Committee does recognize that some Sea Grant colleges and institutes have found that joint projects with international partners can enhance their activities, and this repeal does not preclude a Sea Grant college or institute from developing

projects with international partners in the future, or from using federal Sea Grant Program funds for such projects.

Section 7. Sea Grant colleges and Sea Grant institutes

This section of the reported bill amends section 207 of the existing Act to establish criteria that applicants must meet in order to qualify for designation as a Sea Grant college or a Sea Grant institute. The existing authority to designate Sea Grant regional consortia is repealed. No formally designated regional consortia currently exist, nor is such a designation necessary because alliances or associations of institutions may apply for designation as a Sea Grant college or institute under this section. The new authority for designation as a Sea Grant institute is based on the “institutional program” classification established by NOAA in its regulations. This section requires that all Sea Grant colleges and institutes—

- have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;
- make a long-term commitment to the objective of the Sea Grant Program in Section 202(b) of the Act, as determined by the Secretary;
- cooperate with other Sea Grant colleges and institutes, and other persons, to solve problems or meet needs related to ocean, coastal, and Great Lakes resources;
- have received financial assistance under section 205 of the Act; and
- meet any other qualifications the Secretary deems necessary or appropriate.

In addition to these qualifications, this section specifies that an applicant for a Sea Grant college designation must maintain a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources. An applicant for a Sea Grant institute designation must, in addition to meeting the general qualifications, maintain a program of research and advisory services, at a minimum.

Section 7 of the reported bill also clarifies that institutions, or associations or alliances of institutions, which have already received Sea Grant college designations or institutional program status prior to the enactment of S. 927 do not have to reapply for this designation or status after the enactment of S. 927, provided that they meet the qualifications established by law and regulation. This section states that it is the responsibility of each Sea Grant college and institute to develop programs consistent with the guidelines and priorities established by the Secretary for the Sea Grant Program in section 204(c) and to conduct merit reviews of all proposals for grants and contracts to be awarded under section 205. One goal of these revisions is to eliminate duplication in the proposal review process. Finally, this section authorizes the Secretary to suspend or terminate any Sea Grant designation if there has been an opportunity for a hearing and cause for suspension or termination has been found.

Section 8. Repeal of postdoctoral fellowship program

This section of the reported bill repeals Section 208(c) of the Act, which authorized the postdoctoral fellowship program. The program has never been funded.

Section 9. Sea Grant Review Panel

This section of the reported bill amends Section 209 of the existing Act to adjust the rate payable to members of the Sea Grant Review Panel to a level established by the Secretary that does not exceed the maximum daily rate under the Senior Executive Service schedule (5 U.S.C. 5376) when such members are engaged in the performance of duties for the panel. This section also includes conforming and technical amendments.

Section 10. Authorization of appropriations

Section 10 of the reported bill reauthorizes appropriations for Sea Grant for five years at \$55.4 million for FY 1998, \$56.5 million for FY 1999, \$57.6 million for FY 2000, \$58.8 million for FY 2001, and \$59.9 million for FY 2002. These funding levels are based on the FY 1997 appropriated level for the Sea Grant Program, plus a two percent annual adjustment for inflation beginning in FY 1998. In addition, this section limits spending for both administration of Sea Grant by the National Sea Grant Office and small business innovation research monies to no more than six percent of the total amount appropriated in each fiscal year.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, 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 material is printed in *italic*, existing law in which no change is proposed is shown in *roman*)¹:

TITLE 33. NAVIGATION AND NAVIGABLE WATERS

CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT

NATIONAL SEA GRANT COLLEGE PROGRAM

§ 1121. Congressional declaration of policy

(a) FINDINGS.—The Congress finds and declares the following:

(1) The national interest requires a strategy to—

- (A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;
- (B) foster economic competitiveness;
- (C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

¹The National Sea Grant College Program Act is classified as sections 1121 et seq. of title 33, United States Code. Title 33, United States Code, has not been enacted into positive law, but the changes in existing law are shown as they appear in that title for ease of reference.

(D) encourage the development of forecast and analysis systems for coastal hazards;

[(D)] (E) understand global environmental processes; and

[(E)] (F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of research, education, training, technology transfer, and public service is essential for this strategy.

(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.

(4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, utilization, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human health, the quality of the environment, national security, and the enhancement of commerce.

(5) The understanding, assessment, development, utilization, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, organizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. [Continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.] *The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.*

(b) OBJECTIVE.—The objective of this title is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.

(c) PURPOSE.—It is the purpose of the Congress to achieve the objective of this title by extending and strengthening the national sea grant program, initially established in 1966, to promote research,

education, training, and advisory service activities in fields related to ocean, coastal, and Great Lakes resources.

§ 1122. Definitions

As used in this title—

(1) The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) The term “Director” means the Director of the national sea grant college program, appointed pursuant to section 204(b).

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

[(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 affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.

(5) The term “includes” and variants thereof should be read as if the phrase “but is not limited to” were also set forth.

(6) The term “institution” means any public or private institution of higher education, institute, laboratory, or State or local agency.

[(6)] (7) 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) the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));

(B) the Great Lakes;

(C) the territorial sea;

(D) the exclusive economic zone;

(E) the Outer Continental Shelf; and

(F) the high seas.

[(7)] (8) The term “resource” means—

(A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);

(B) nonliving resources (including energy sources, minerals, and chemical substances);

(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing)

recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

(D) man-made, tangible, intangible, actual, or potential resources.

[(8)] (9) The term “panel” means the sea grant review panel established under section 209.

[(9)] (10) The term “person” means any individual; any public or private corporation, partnership, or other association or entity (including any sea grant college, sea grant [regional consortium, institution of higher education, institute, or laboratory] *institute or other institution*); or any State, political subdivision of a State, or agency or officer thereof.

[(10)] The term “sea grant college” means any public or private institution of higher education which is designated as such by the Secretary under section 207.

[(11)] The term “sea grant program” means any program which—

[(A)] is administered by any sea grant college, sea grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

[(B)] includes two or more projects involving one or more of the following activities in fields related to ocean, coastal, and Great Lakes resources:

- [(i)] research,
- [(ii)] education,
- [(iii)] training, or
- [(iv)] advisory services.

[(12)] The term “sea grant regional consortium” means any association or other alliance which is designated as such by the Secretary under section 207.

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

[(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.]

(11) The term “project” means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

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

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

(14) The term “sea grant program” means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

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

(16) *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.*

[§ 1123. Establishment and administration of program

[(a) MAINTENANCE WITHIN ADMINISTRATION; COMPONENT ELEMENTS.—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 shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.

[(b) APPOINTMENT AND COMPENSATION OF 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.

[(c) DUTIES OF DIRECTOR.—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 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.

[(d) POWERS OF SECRETARY.—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 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 of such title;

[(2) make appointments with respect to temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code;

[(3) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other services, offices, and programs in the Administration, any information of research, educational, training, and other value in fields related to ocean, coastal, and Great Lakes resources and with respect to ocean, coastal, and Great Lakes resources, without regard to section 501 of title 44, United States Code;

[(4) enter into contracts, cooperative agreements, and other transactions without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5);

[(5) accept donations and voluntary and uncompensated services, notwithstanding section 3679 of the Revised Statutes of the United States (31 U.S.C. 665(b));

[(6) accept funds from other Federal departments, agencies (including agencies within the Administration), and instrumentalities to pay for and add to grants made, and contracts entered into by the Secretary; and

[(7) issue such rules and regulations as may be necessary and appropriate.]

§ 1123. National sea grant college program.

(a) *PROGRAM MAINTENANCE.*—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 be administered by a national sea grant office within the Administration.

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

(1) *sea grant sea programs which comprise a national sea grant college program network, including international projects conducted within such programs;*

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

(3) the fellowship program under section 208; and

(4) any national strategic investments developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

(c) **RESPONSIBILITIES OF THE SECRETARY.**—

(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

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

(4) To carry out the provisions of this subchapter, the Secretary may—

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws; except that one position in addition to the Director may be established without regard to the provisions of Title 5 governing appointments to the competitive service, at a rate payable under section 5376 of title 5, United States Code;

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

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

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

(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to

pay for and add to grants made and contracts entered into by the Secretary;

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

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

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

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

(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

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

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

(ii) encourage successful implementation of sea grant programs; and

(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

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

§ 1124a. 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 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, seagrant 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.]

§ 1126. Designation of sea grant colleges and sea grant regional consortia

[(a) AUTHORIZATION; PREREQUISITES.—

[(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; PROCEDURES APPLICABLE.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).]

§ 1126. Sea grant colleges and sea grant institutes

(a) DESIGNATION.—

(1) A sea grant college or sea grant institute shall meet the following qualifications:

(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

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

(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

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

(E) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

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

(b) **EXISTING DESIGNEES.**—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this act, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

(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).

(d) **DUTIES.**—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.

§ 1127. 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 postgraduate 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.]]

§ 1128. Sea grant review panel

(a) ESTABLISHMENT[; COMMENCEMENT DATE].—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.]

(b) DUTIES.—The [Panel] *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] *institutes*, and the operation of sea grant programs;
- (4) the formulation and application of the planning guidelines and priorities under section 204(a) and (c)(1); and
- (5) such other matters as the Secretary refers to the panel for review and advice.

The Secretary shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(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 knowledge, 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, ex-

perience, 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, or sea grant program] *college or sea grant institute*; (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.

(2) The term of office of a voting member of the panel shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.

(3) Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(4) The panel shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(5) Voting members of the panel shall—

[(A) receive compensation at the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and]

(A) receive compensation at 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

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The panel may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

§ 1131. 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.]

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

- (1) \$55,400,000 for fiscal year 1998;
- (2) \$56,500,000 for fiscal year 1999;
- (3) \$57,600,000 for fiscal year 2000;
- (4) \$58,800,000 for fiscal year 2001; and
- (5) \$59,900,000 for fiscal year 2002.

[(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.]]

(b) PROGRAM ELEMENTS.—

(1) LIMITATION.—*Of the amount appropriated for each fiscal year under subsection (a), no more than 6 percent may be used to fund both the program element contained in section 204(b)(2) and any small business innovation research.*

(2) Sums appropriated under the authority of subsections (a) and (c) 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) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

(e) 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.