

NATIONAL SEA GRANT COLLEGE PROGRAM
AMENDMENTS ACT OF 2008

—————
JUNE 9, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 5618]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5618) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Amendments Act of 2008”.

SEC. 2. REFERENCES.

Except as otherwise expressly provided therein, 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. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—

(1) by amending paragraph (1)(D) to read as follows:

“(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;”;

(2) in paragraph (2) by striking “program of research, education,” and inserting “program of integrated research, education, extension;” and

(3) by striking paragraph (6) and inserting the following:

“(6) The National Ocean Research Priorities Plan and Implementation Strategy issued by the National Science and Technology Council’s Joint Subcommittee on Ocean Science and Technology on January 26, 2007, identifies research priorities for compelling areas of interaction between society and the ocean, and calls for the engagement of a broad array of ocean science sectors

(government, academia, industry, and non-government entities) to address the areas of greatest research need and opportunity.

“(7) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. 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, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.”

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking “to promote research, education, training, and advisory service activities” and inserting “to promote integrated research, education, training, and extension activities”.

SEC. 4. DEFINITIONS.

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

(1) in paragraph (11) by striking “advisory services” and inserting “extension services”;

(2) in each of paragraphs (12) and (13) by striking “(33 U.S.C. 1126)”; and

(3) by adding at the end the following:

“(17) The term ‘regional research and information plan’ means a plan developed by one or more sea grant colleges or sea grant institutes that identifies regional priorities to implement the National Ocean Research Priorities Plan and Implementation Strategy.

“(18) The term ‘National Ocean Research Priorities Plan and Implementation Strategy’ means such plan and strategy issued by the National Science and Technology Council’s Joint Subcommittee on Ocean Science and Technology on January 26, 2007.”

(b) REPEAL.—Section 307 of the Act entitled “An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary” (Public Law 102–251; 106 Stat. 66) is repealed.

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM, GENERALLY.

(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1123(b)) is amended—

(1) by amending in paragraph (1) to read as follows:

“(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;”;

(2) by amending paragraph (2) to read as follows:

“(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;”;

(3) by amending paragraph (4) to read as follows:

“(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the board and with the approval of the sea grant colleges and the sea grant institutes.”

(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking “Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the” and inserting “The”.

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking “long-range”;

(2) in paragraph (3)(A)—

(A) by striking “(A)(i) evaluate” and inserting “(A) evaluate and assess”;

(B) by striking “activities; and” and inserting “activities;”;

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

“(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);”;

(B) in clause (iii) (as so redesignated) by striking “encourage” and inserting “ensuring”.

SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

(a) EXEMPTION FROM LIMITATION ON COST SHARE.—Section 205(a) (33 U.S.C. 1124(a)) is amended in the matter following paragraph (2), by inserting “or that are appropriated under section 208(b)” before the period at the end.

(b) SPECIAL GRANTS; MAXIMUM AMOUNT.—Section 205(b) (33 U.S.C. 1124(b)) is amended by striking the matter following paragraph (3) and inserting the following: “The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.”

SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking “advisory services” and inserting “extension services”.

SEC. 8. TECHNICAL CORRECTION RELATING TO FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127(a)) is amended by striking “Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,” and inserting “Every 2 years.”

SEC. 9. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member’s term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

“SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

“(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.”

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

“(9) The term ‘Board’ means the National Sea Grant Advisory Board established under section 209.”;

(C) OTHER PROVISIONS.—The following provisions are each amended by striking “panel” each place it appears and inserting “Board”:

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

“(b) DUTIES.—

“(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

“(A) strategies for utilizing the sea grant college program to address the Nation’s highest priorities regarding the understanding, assessment, development, utilization, and conservation of ocean, coastal, and Great Lakes resources;

“(B) the designation of sea grant colleges and sea grant institutes; and

“(C) such other matters as the Secretary refers to the Board for review and advice.

“(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.”

(c) EXTENSION OF TERM.—Section 209(c)(2) (33 U.S.C. 1128(c)(2)) is amended by striking the second sentence and inserting the following: “The Director may extend the term of office of a voting member of the Board once by up to 1 year.”

(d) ESTABLISHMENT OF SUBCOMMITTEES.—Section 204(c) (33 U.S.C. 1123(c)) is amended by adding at the end the following:

“(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.”

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

“(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this title—

“(1) \$66,000,000 for fiscal year 2009;

“(2) \$72,800,000 for fiscal year 2010;

“(3) \$79,600,000 for fiscal year 2011;

“(4) \$86,400,000 for fiscal year 2012;

“(5) \$93,200,000 for fiscal year 2013; and

“(6) \$100,000,000 for fiscal year 2014.”

(b) REPEAL OF DISTRIBUTION REQUIREMENT.—Section 212 (33 U.S.C. 1131) is amended by striking subsection (c), and by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

PURPOSE OF THE BILL

The purpose of H.R. 5618 is to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Sea Grant College Program originally was established in 1966 upon the enactment of the National Sea Grant College Act (33 U.S.C. 1121–1131) with its goal to improve marine resource conservation, management, and utilization. The Act was last reauthorized by the National Sea Grant College Program Act Amendments of 2002 (Public Law 107–299), and the authorization of appropriations expires at the end of Fiscal Year 2008.

The National Sea Grant College Program is patterned after the Land Grant College System, which was created in 1862. Though originally assigned to the National Science Foundation, the National Sea Grant Office (NSGO) is now housed within the National Oceanic and Atmospheric Administration (NOAA). Today, “Sea Grant,” as it is commonly called, reflects a nationwide network of over 30 Sea Grant College programs comprised of researchers, educators, and marine extension agents at some of the nation’s top academic institutions.

Sea Grant Colleges sponsor a wide range of applied and basic marine science research, education, training, and technical assistance programs promoting the understanding and utilization of ocean, coastal and Great Lakes resources. Sea Grant advisory and extension staff provide informal education for the general public, disseminate research findings to user groups, and communicate local needs and problems to Sea Grant and other marine-related program managers and researchers.

The system also supports education and training through its two fellowship programs, the John A. Knauss Marine Policy Fellowship and the Sea Grant/NOAA Fisheries Graduate Fellowship.

Sea Grant enjoys the input and support of the Sea Grant Review Panel (Review Panel). This panel is made up of 15 members with marine science backgrounds or knowledge and experience in the fields where Sea Grant works.

Sea Grant designation standards

To be designated a Sea Grant College, a candidate program must demonstrate the following:

- a record of superior performance in marine resource programs for a minimum of three years;

- well-developed relationships with the federal government, state agencies, local authorities, business and industry, and other educational institutions;
- a degree of productivity commensurate with the length of its Sea Grant operations and the level of funding under which it has worked; and an ability to obtain matching funds from non-federal sources, such as state legislatures and agencies, university management, and business and industry.

Once designated, a Sea Grant program may compete for federal grants for up to two-thirds of the total cost of a project. At least one-third of the cost of a project must come from non-federal matching funds.

Sea Grant Program development since 2002

The most significant developments over the past six years pertain to Sea Grant's strategic planning and program evaluation procedures. The National Sea Grant College Program Act Amendments of 2002 directed NOAA to contract with the National Research Council (NRC) to evaluate Sea Grant's process of reviewing individual programs and recommend ways to improve the overall effectiveness of the evaluation process to ensure fairness, consistency, and enhancement of performance. In its 2006 report, the NRC noted that "real improvements have occurred" in Sea Grant since changes were instituted after the last NRC evaluation in 1994. The 2006 report recommended:

- strengthening the strategic planning process for the individual programs;
- increasing the interaction between the NSGO and the individual programs; and
- improving the program rating and ranking process through annual assessments by the national office.

In addition, the report provided recommendations to improve the independent reviews that are conducted on a four-year cycle.

Sea Grant's response to the NRC report dovetailed with the Bush administration's efforts to carry out the recommendations of the U.S. Commission on Ocean Policy. The Administration's 2004 U.S. Ocean Action Plan called for the National Science and Technology Council's Joint Subcommittee on Ocean Science and Technology to prepare an Ocean Research Priorities Plan and Implementation Strategy (Strategy). Issued in 2007 after significant input from the ocean research community, the Strategy established priorities for ocean science and technology for the next decade. Using this new interagency priorities plan for ocean science, NSGO and the Sea Grant colleges nationwide have developed a new strategic plan that links Sea Grant's priorities with the larger interagency effort.

The realigned strategic planning effort, combined with the improvements in the review process recommended by the National Academy of Sciences, sets Sea Grant on a more strategic course for the future.

Program enhancements

H.R. 5618, the National Sea Grant College Program Act Amendments of 2008, would refine the Act to modestly expand and clarify the scope and purposes of the National Sea Grant College Program in accordance with this framework.

The bill would invigorate oversight and accountability by expanding the responsibilities of the Review Panel, renaming this panel the “National Sea Grant Advisory Board” to more appropriately reflect a broader and ongoing responsibility on behalf of Sea Grant. The Board would be charged with providing advice to the Secretary of Commerce to ensure Sea Grant activities are consistent with and supportive of national objectives.

In addition, the bill would increase the percentage of funds exempt from the non-federal match requirement from the current 1% to 5%. Many Sea Grant programs address issues of local as well as national concern. In the case of local Sea Grant projects within states, the general match requirement is appropriate. However, the match requirement makes it difficult for Sea Grant to participate in joint competitive programs with other NOAA offices or other federal agencies because of the fact that incoming proposals for Sea Grant funding require a match, while proposals from the other agencies often do not.

As indicated, the bill would amend Sea Grant program performance review standards. While intended to improve competition, the ranking system review requirements adopted as part of the 2002 amendments have created a disincentive for programs to work cooperatively or form partnerships. Implementation of new, NRC-recommended measures for program review, combined with planning to achieve continuous program improvement, should ensure effective program assessments.

As the needs of our coastal communities have increased, funding for the Sea Grant program to support these needs has not kept pace. With the costs of research and education rising, the near flat-funding of Sea Grant during the last few years has forced programs to reduce a number of education and outreach activities, leaving numerous high-quality research and outreach projects unsupported. These growing needs juxtaposed with the current budgetary landscape underpin the reasonable and justifiable increases in authorized appropriations reflected in H.R. 5618. Authorized funding levels would increase incrementally from \$66 million to \$100 million for the period between Fiscal Year 2009 through Fiscal Year 2014.

The National Sea Grant College Program has established an impressive record over the course of its 42-year history. H.R. 5618 builds on the experience of the Sea Grant Association, the Review Panel, NSGO, and Sea Grant’s national network of stakeholders to strengthen this important extramural marine science and outreach program.

COMMITTEE ACTION

H.R. 5618 was introduced on March 13, 2008 by Subcommittee on Fisheries, Wildlife and Oceans Chairwoman Madeleine Z. Bordallo (D-GU). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. The Subcommittee on Fisheries, Wildlife and Oceans heard the bill on April 3, 2008. Supportive testimony was received by all witnesses including the Administration.

The Subcommittee on Fisheries, Wildlife and Oceans met to consider H.R. 5618 on April 23rd. It was recommended to the Full Committee by unanimous consent with an en bloc amendment, offered by Chairwoman Bordallo, which made three technical

changes to H.R. 5618. The amendment corrected two drafting errors and clarified that only the Dean John A. Knauss Marine Policy Fellowship Program would be exempted from the statute's matching requirement.

On April 30, 2008, the Natural Resources Committee met to consider the committee print of the bill as forwarded by the Fisheries, Wildlife and Oceans Subcommittee. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites this Act as the "National Sea Grant College Program Amendments Act of 2008."

Section 2. References

Section 2 clarifies that all amendment references in the legislation are to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

Section 3. Findings and purposes

Section 3 amplifies the extension aspects of the Sea Grant program and cites the relevance of the National Ocean Research Priorities Plan and Implementation Strategy to the Sea Grant Program.

Section 4. Definitions

Section 4 defines key terms included within the text of the proposed legislation, including "regional research and information plan" and "National Ocean Research Priorities Plan and Implementation Strategy" where they appear in the bill.

Section 5. National Sea Grant College Program, generally

Section 5 makes minor amendments to the Sea Grant program and augments the functions of the Director of the National Sea Grant College Program to include encouraging collaborations among Sea Grant colleges and institutions. Section 5 also amends the Sea Grant program performance review standards. Adopted as part of the 2002 amendments, the review requirements have had the unintended consequence of creating a disincentive for programs to work cooperatively or form partnerships. Implementation of new measures for program review combined with policies aimed at advancing "continuous program improvement" should ensure effective program assessments.

Section 6. Program or project grants and contracts

Section 6 exempts the Dean John A. Knauss Marine Policy Fellowship Program from having to match grant awards in order to achieve parity between fellows placed in Congressional offices with those fellows placed in federal agencies.

This section also increases the percentage of funds exempt from the non-federal match requirement from the current 1% to 5%.

Section 7. Extension services by Sea Grant Colleges and Sea Grant Institutes

Section 7 clarifies that one of the requirements for designation includes an extension program (as opposed to an “advisory service”).

Section 8. Technical correction relating to fellowships

This section updates the statutory language requiring a report every two years on efforts to include minority and economically disadvantaged students.

Section 9. National Sea Grant Advisory Board

Section 9 expands the responsibilities of the National Sea Grant Review Panel, renaming the panel as the “National Sea Grant Advisory Board” to more appropriately and accurately describe its purpose and function.

Section 10. Authorization of appropriations

Section 10 authorizes funding levels from \$66 million to \$100 million for the period between Fiscal Year 2009 through Fiscal Year 2014.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize and amend the National Sea Grant College Program Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5618—National Sea Grant College Program Amendments Act of 2008

Summary: H.R. 5618 would authorize funding for the national sea grant program, which is administered by the National Oceanic and Atmospheric Administration (NOAA). Assuming appropriation of the authorized amounts, CBO estimates that spending for the program from those appropriations would total \$316 million over the 2009–2013 period, in addition to \$51 million from funding provided in previous years. An additional \$182 million would be spent after 2013, including \$100 million authorized to be appropriated for 2014. Enacting H.R. 5618 would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5618 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2008	2009	2010	2011	2012	2013
Spending for Sea Grants Under Current Law:						
Budget Authority ¹	57	0	0	0	0	0
Estimated Outlays	55	40	11	0	0	0
Proposed Changes:						
Authorization Level	0	66	73	80	86	93
Estimated Outlays	0	20	55	74	80	87
Spending for Sea Grants Under H.R. 5618:						
Authorization Level ¹	57	66	73	80	86	93
Estimated Outlays	55	60	66	74	80	87

¹The 2008 level is the amount appropriated for that year for the sea grants program.

Basis of estimate: H.R. 5618 would authorize the appropriation of \$498 million, including \$398 million over the 2009–2013 period and \$100 million for fiscal year 2014, for the national sea grant program. Those amounts are used by NOAA for grants, fellowships, and related administrative functions under the program. For this estimate, CBO assumes that all amounts authorized by H.R. 5618 will be appropriated by the start of each fiscal year and that outlays will follow historical spending patterns for the sea grants program.

Intergovernmental and private-sector impact: H.R. 5618 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the national sea grant program, which provides grants to institutions of higher education. Any costs that state, local, or tribal governments might incur, including providing matching funds, would result from complying with conditions of aid.

Estimate prepared by: Federal cost: Deborah Reis; Impact on state, local, and tribal governments: Neil Hood; Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 5618 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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 italic, 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. 202. DECLARATION OF POLICY.

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

(1) The national interest requires a strategy to—

(A) * * *

* * * * *

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

(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

* * * * *

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

* * * * *

[(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. 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, including strong collaborations between

Administration scientists and scientists at academic institutions.]

(6) *The National Ocean Research Priorities Plan and Implementation Strategy issued by the National Science and Technology Council's Joint Subcommittee on Ocean Science and Technology on January 26, 2007, identifies research priorities for compelling areas of interaction between society and the ocean, and calls for the engagement of a broad array of ocean science sectors (government, academia, industry, and non-government entities) to address the areas of greatest research need and opportunity.*

(7) *The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. 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, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.*

* * * * *

(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] *to promote integrated research, education, training, and extension activities* in fields related to ocean, coastal, and Great Lakes resources.

SEC. 203. DEFINITIONS.

As used in this title—

(1) * * *

* * * * *

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

(9) *The term “Board” means the National Sea Grant Advisory Board established under section 209.*

* * * * *

(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] *extension 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.

* * * * *

(17) *The term “regional research and information plan” means a plan developed by one or more sea grant colleges or sea grant institutes that identifies regional priorities to implement the National Ocean Research Priorities Plan and Implementation Strategy.*

(18) *The term “National Ocean Research Priorities Plan and Implementation Strategy” means such plan and strategy issued by the National Science and Technology Council’s Joint Subcommittee on Ocean Science and Technology on January 26, 2007.*

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) * * *

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

【(1) sea grant 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 title by the national sea grant office, the Administration, and the panel;】

(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;

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

* * * * *

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

(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the board and with the approval of the sea grant colleges and the sea grant institutes.

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

(1) The Secretary, in consultation with the 【panel】 *Board*, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) 【Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the】 *The Secretary*, in consultation with the 【panel】 *Board*, 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.

* * * * *

(8) *The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.*

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

(1) * * *

(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);

* * * * *

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

(A) [(i) evaluate] *evaluate and assess* the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training [activities; and] *activities*;

[(ii) rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;]

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

(i) * * *

(ii) *encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);*

[(ii) encourage] (iii) *ensuring* successful implementation of sea grant programs;

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

[(iv)] (v) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and

* * * * *

SEC. 205. CONTRACTS AND GRANTS.

(a) IN GENERAL.—The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

(1) * * *

* * * * *

The total amount paid pursuant to any such grant or contract may equal 66²/₃ percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 204(c)(4)(F) or that are appropriated under section 208(b).

(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) * * *

* * * * *

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

【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.】

The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.

* * * * *

SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

(a) DESIGNATION.—

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

(A) * * *

* * * * *

(F) meet such other qualifications as the Secretary, in consultation with the 【panel】 *Board*, 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) * * *

(B) maintains a program of research, 【advisory services】 *extension 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) * * *

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

* * * * *

(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] Board, a program that is consistent with the guidelines and priorities established under section 204(c); and

* * * * *

SEC. 208. FELLOWSHIPS.

(a) IN GENERAL.—To carry out the educational and training objectives of this Act, the 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 Secretary. The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. [Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,] *Every 2 years*, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.

* * * * *

[SEC. 209. SEA GRANT REVIEW PANEL.

[(a) ESTABLISHMENT.—There shall be established an independent committee to be known as the sea grant review panel.

[(b) DUTIES.—The Panel shall advise the Secretary and the Director concerning—

- [(1) applications or proposals for, and performance under, grants and contracts awarded under section 205 ;
- [(2) the sea grant fellowship program;
- [(3) the designation and operation of sea grant colleges and sea grant 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.]

SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

(a) ESTABLISHMENT.—*There shall be an independent committee to be known as the National Sea Grant Advisory Board.*

(b) DUTIES.—

(1) IN GENERAL.—*The Board shall advise the Secretary and the Director concerning—*

- (A) *strategies for utilizing the sea grant college program to address the Nation’s highest priorities regarding the understanding, assessment, development, utilization, and conservation of ocean, coastal, and Great Lakes resources;*
- (B) *the designation of sea grant colleges and sea grant institutes; and*

(C) *such other matters as the Secretary refers to the Board for review and advice.*

(2) *BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.*

(c) **MEMBERSHIP, TERMS, AND POWERS.—**(1) The **[panel] Board** 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] Board**. Not less than 8 of the voting members of the **[panel] Board** 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, 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] Board** if the individual is (A) the director of a sea grant 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] Board** shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the **[panel] Board** appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the **[panel] Board**.

(3) Any individual appointed to a partial or full term may be reappointed for one addition 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.]** *The Director may extend the term of office of a voting member of the Board once by up to 1 year.*

(4) The **[panel] Board** 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] Board** shall—

(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]** *Board*; and

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

(6) The **[panel]** *Board* 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]** *Board* may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

* * * * *

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION.—

[(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

[(A) \$60,000,000 for fiscal year 2003;

[(B) \$75,000,000 for fiscal year 2004;

[(C) \$77,500,000 for fiscal year 2005;

[(D) \$80,000,000 for fiscal year 2006;

[(E) \$82,500,000 for fiscal year 2007; and

[(F) \$85,000,000 for fiscal year 2008.

[(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2003 through 2008—

[(A) \$5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

[(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

[(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*; and

[(D) \$3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.]

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this title—

(1) \$66,000,000 for fiscal year 2009;

(2) \$72,800,000 for fiscal year 2010;

(3) \$79,600,000 for fiscal year 2011;

(4) \$86,400,000 for fiscal year 2012;

(5) \$93,200,000 for fiscal year 2013; and

(6) \$100,000,000 for fiscal year 2014.

* * * * *

[(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

[(1) sea grant programs, according to their rating under section 204(d)(3)(A);

[(2) national strategic investments authorized under section 204(b)(4);

[(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; and

[(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).]

[(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.

SECTION 307 OF THE ACT OF MARCH 9, 1992

(Public Law 102–251)

AN ACT to provide for the designation of the Flower Garden Banks National Marine Sanctuary.

[NATIONAL SEA GRANT COLLEGE PROGRAM

[SEC. 307. (a) DEFINITIONS.—Section 203(6) of the National Sea Grant College Program Act (33 U.S.C. 1122(6)) is amended—

[(1) by striking “and” at the end of subparagraph (E);

[(2) by redesignating subparagraph (F) as subparagraph (G); and

[(3) by inserting immediately after subparagraph (E) the following new subparagraph:

[(“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”].

[(b) INTERNATIONAL PROGRAM.—Section 3(a)(6) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(a)(6)) is amended by inserting “and special areas” immediately after “exclusive economic zone”.]