

Calendar No. 287

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 927**

[Report No. 105-150]

---

---

**A BILL**

To reauthorize the Sea Grant Program.

---

---

NOVEMBER 8, 1997

Reported without amendment

# Calendar No. 287

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 927

[Report No. 105-150]

To reauthorize the Sea Grant Program.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 17, 1997

Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. GLENN, Mr. D'AMATO, Mr. STEVENS, Mr. GORTON, Mr. ABRAHAM, Mr. INOUE, Mr. MOYNIHAN, Mrs. COLLINS, Mr. GRAHAM, Mr. WARNER, Mr. MURKOWSKI, Mr. COCHRAN, Mr. TORRICELLI, Mr. CHAFEE, Mr. ROBB, Mrs. MURRAY, Mr. AKAKA, Mr. MACK, Mr. LAUTENBERG, Mr. THURMOND, Mr. LOTT, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 8, 1997

Reported by Mr. MCCAIN, without amendment

---

## A BILL

To reauthorize the Sea Grant Program.

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

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the “Ocean and Coastal Re-  
5 search Revitalization Act of 1997”.

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

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

9 **SEC. 3. FINDINGS.**

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

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

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

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

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

25 **SEC. 4. DEFINITIONS.**

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

1 (1) in paragraph (3)—

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

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

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

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

17 (3) by redesignating paragraphs (6) through  
18 (15) as paragraphs (7) through (16), respectively,  
19 and inserting after paragraph (5) the following:

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

23 (4) by striking “regional consortium, institution  
24 of higher education, institute, or laboratory” in

1 paragraph (10) (as redesignated) and inserting “in-  
2 stitute or other institution”;

3 (5) by striking paragraphs (11) through (16)  
4 (as redesignated) and inserting after paragraph (10)  
5 the following:

6 “(11) The term “project” means any individ-  
7 ually described activity in a field related to ocean,  
8 coastal, and Great Lakes resources involving re-  
9 search, education, training, or advisory services ad-  
10 ministered by a person with expertise in such a field.

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

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

21 “(14) The term “sea grant program” means a  
22 program of research and outreach which is adminis-  
23 tered by one or more sea grant colleges or sea grant  
24 institutes.

1           “(15) The term “Secretary” means the Sec-  
2           retary of Commerce, acting through the Under Sec-  
3           retary of Commerce for Oceans and Atmosphere.

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

10          (b) The Act is amended—

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

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

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

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

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

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

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

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

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

12           “(3) the fellowship program under section 208;  
13 and

14           “(4) any national strategic investments devel-  
15 oped with the approval of the panel, the sea grant  
16 colleges, and the sea grant institutes.

17       “(c) RESPONSIBILITIES OF THE SECRETARY.—

18           “(1) The Secretary, in consultation with the  
19 panel, sea grant colleges, and sea grant institutes,  
20 shall develop a long-range strategic plan which es-  
21 tablishes priorities for the national sea grant college  
22 program and which provides an appropriately bal-  
23 anced response to local, regional, and national needs.

24           “(2) Within 6 months of the date of enactment  
25 of the Ocean and Coastal Research Revitalization

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

12 “(3) The Secretary shall by regulation prescribe  
13 the qualifications required for designation of sea  
14 grant colleges and sea grant institutes under section  
15 207.

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

18 “(A) appoint, assign the duties, transfer,  
19 and fix the compensation of such personnel as  
20 may be necessary, in accordance with civil serv-  
21 ice laws; except that one position in addition to  
22 the Director may be established without regard  
23 to the provisions of Title 5 governing appoint-  
24 ments to the competitive service, at a rate pay-

1           able under section 5376 of title 5, United  
2           States Code;

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

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

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

18          “(E) notwithstanding section 1342 of title  
19          31, United States Code, accept donations and  
20          voluntary and uncompensated services;

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

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

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

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

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

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

24                  “(B) advise the Secretary with respect to  
25                  the expertise and capabilities which are avail-

1           able within or through the national sea grant  
2           college program and encourage the use of such  
3           expertise and capabilities, on a cooperative or  
4           other basis, by other offices and activities with-  
5           in the Administration, and other Federal de-  
6           partments and agencies;

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

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

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

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

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

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

3                   “(ii) encourage successful implementa-  
4                   tion of sea grant programs; and

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

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

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

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

14 **SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTI-  
15                   TUTES.**

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

18 **“SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTI-  
19                   TUTES.**

20                  “(a) DESIGNATION.—

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

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

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

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

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

11          “(E) meet such other qualifications as the  
12          Secretary, in consultation with the panel, con-  
13          siders necessary or appropriate.

14          “(2) The Secretary may designate an institu-  
15          tion, or an association or alliance of two or more  
16          such institutions, as a sea grant college if the insti-  
17          tution, association, or alliance—

18                 “(A) meets the qualifications in paragraph  
19                 (1); and

20                 “(B) maintains a program of research, ad-  
21                 visory services, training, and education in fields  
22                 related to ocean, coastal, and Great Lakes re-  
23                 sources.

24          “(3) The Secretary may designate an institu-  
25          tion, or an association or alliance of two or more

1 such institutions, as a sea grant institute if the in-  
2 stitution, association, or alliance—

3 “(A) meets the qualifications in paragraph  
4 (1); and

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

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

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

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

24 “(1) to develop and implement, in consultation  
25 with the Secretary and the panel, a program that is

1 consistent with the guidelines and priorities estab-  
2 lished under section 204(c); and

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

6 **SEC. 8. REPEAL OF POSTDOCTORAL FELLOWSHIP PRO-**  
7 **GRAM.**

8 Section 208(c) (33 U.S.C. 208(c)) is repealed.

9 **SEC. 9. SEA GRANT REVIEW PANEL.**

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

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

12 (2) by striking the second sentence.

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

14 (1) by striking “The Panel” and inserting “The  
15 panel”;

16 (2) by striking “and section 3 of the Sea Grant  
17 College Program Improvement Act of 1976” in  
18 paragraph (1); and

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

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

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

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

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

9   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

13                   “(a) AUTHORIZATION.—There is authorized to be ap-  
14                   propriated to carry out this Act—

15                           “(1) \$55,400,000 for fiscal year 1998;

16                           “(2) \$56,500,000 for fiscal year 1999;

17                           “(3) \$57,600,000 for fiscal year 2000;

18                           “(4) \$58,800,000 for fiscal year 2001; and

19                           “(5) \$59,900,000 for fiscal year 2002.”.

20           (b) LIMITATION ON CERTAIN FUNDING.—Section  
21           212(b)(1) (33 U.S.C. 1131(b)(1)) is amended to read as  
22           follows:

23                   “(b) PROGRAM ELEMENTS.—

24                           “(1) LIMITATION.—Of the amount appropriated  
25                   for each fiscal year under subsection (a), no more

1       than 6 percent may be used to fund both the pro-  
2       gram element contained in section 204(b)(2) and  
3       any small business innovation research.”.