

NATIONAL SEA GRANT COLLEGE PROGRAM

JULY 11, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

together with

THE TRANSCRIPT FROM THE LEGISLATIVE MARKUP OF
THE SCIENCE COMMITTEE AND MINORITY VIEW

[To accompany H.R. 1175]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 1175) to amend Public Law 89-454 to provide for the reauthorization of appropriations, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:

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

SECTION 1. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1) Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

“(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—There are authorized to be appropriated to carry out sections 205 and 208, \$34,500,000 for fiscal year 1996.”

(2) Section 212(b)(1) of the National Sea Grant College Program Act (33 U.S.C. 1131(b)(1)) is amended by striking “an amount” and all that follows through “not to exceed \$2,900,000” and inserting in lieu thereof “\$1,500,000 for fiscal year 1996”.

(3) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4)) is amended by striking “discipline or field” and all that follows through “public administration)” and inserting in lieu thereof “field or discipline involving scientific research”.

(b) REPEAL OF SEA GRANT PROGRAMS.—

(1) REPEALS.—(A) Section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) is repealed.

(B) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

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

SEC. 2. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs for which funds are authorized by the amendments made by this Act.

SEC. 3. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress.

SEC. 4. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall exclude from consideration for awards of financial assistance made under the National Sea Grant College Program Act after fiscal year 1995 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1995, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

II. PURPOSE OF THE BILL

The purpose of H.R. 1175 is to reauthorize the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) for Fiscal Year 1996, to terminate low priority elements of the program, and make certain improvements to refocus the program on scientific research.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The National Sea Grant College Program Act (33 U.S.C. 1121-1131) was passed in 1966 to increase our understanding of marine resources in order to improve their management, utilization and conservation. The program was originally patterned on the Land Grant College Program and was run by the National Science Foundation (NSF). In 1970, Sea Grant was transferred from NSF to the newly created National Oceanic and Atmospheric Administration (NOAA).

Sea Grant is housed in NOAA's Oceanic and Atmospheric Research (OAR) program. OAR is responsible for the majority of NOAA's oceanic and atmospheric research. The National Sea Grant College Program is one of two extramural ocean research programs within OAR. Sea Grant accounts for roughly twenty percent of OAR's annual expenditure.

Currently, there are twenty-six Sea Grant Colleges, which include both single institutions and consortia of two or more institutions. The Sea Grant Program also includes three smaller institutional programs. The twenty-nine Sea Grant College and institutional programs manage a network of over three hundred universities and affiliated institutions. Federal funding for Sea Grant Colleges and institutional programs must be matched with at least one-third non-Federal funds.

The Sea Grant program includes three basic components, research, education, and outreach. These components form the nucleus or "core" of the Sea Grant program and are each geared to improve the understanding, utilization, and conservation of ocean and coastal resources.

Sea Grant research includes the study of fields of marine science, technology, resource management, economics, sociology, and law. The Sea Grant educational programs include training for marine scientists and technicians, marine sciences education for elementary through high school students, and a Congressional/Federal Agency fellowship program for graduate students in marine sciences and resource management.

Sea Grant's outreach programs include public awareness, education, technical assistance, instruction, dissemination of research, and local outreach in areas related to marine science, conservation, and utilization. Two other Sea Grant programs, the international program and the postdoctoral fellowship, are authorized but have never been funded. The law also authorizes a Sea Grant Review Panel to advise the Secretary of Commerce on the Sea Grant Program.

Authorized separately by the Act since 1990 is priority oyster disease research. Authorization for all sea grant programs including oyster disease research expires on September 30, 1995.

The core Sea Grant Program was funded at \$49,000,000 in Fiscal Year 1995. Of that total \$2,900,000 was used for administration of the national program. An additional \$1,500,000 was appropriated for oyster disease research and \$2,800,000 for zebra mussel research, which is authorized under a separate statute.

The Administration requested \$49,400,000 for the Sea Grant program in Fiscal Year 1996. The Administration recommended no

funding for the Sea Grant zebra mussel and oyster disease programs.

IV. SUMMARY OF HEARING

On February 21, 1995, the Subcommittee on Energy and Environment held a hearing on NOAA's Fiscal Year 1996 budget. The Administration's Fiscal Year 1996 budget request included \$49,400,000 for the National Sea Grant College Program. As indicated in the hearing briefing memo distributed to all Members of the Subcommittee, the Administration's request for Sea Grant represented almost a \$5 million decrease from Fiscal Year 1995. Testifying on NOAA's budget before the Subcommittee was Dr. James Baker, Under Secretary for Oceans and Atmosphere, Department of Commerce and Administrator of NOAA.

In his testimony, Dr. Baker outlined the priorities within NOAA's \$2,195,400,000 Fiscal Year 1996 budget request. Of these funds, approximately \$1.8 billion fall under the jurisdiction of the Energy and Environment Subcommittee of the Committee on Science. Within the Subcommittee's jurisdiction, the Fiscal Year 1996 request represents an increase of \$179 million over Fiscal Year 1995 appropriations.

Dr. Baker emphasized the importance of NOAA's strategic plan which creates the "vision" for the agency through the year 2005, enabling NOAA's environmental stewardship assessment and prediction programs to become "keystones to enhancing economic prosperity."

In his testimony, Dr. Baker stated that Sea Grant falls within NOAA's "Environmental Stewardship" strategic plan mission. He indicated that the Administration supports funding Sea Grant at \$49,400,000 for fiscal year 1996. The level represents a decrease from the appropriated totals in Fiscal Year 1995. The decrease contrasts with the requested increase of over \$10 million for OAR as a whole.

Dr. Baker went on to praise Sea Grant for providing an excellent working relationship between NOAA and "both the academic research community and the individuals that ensure the technology that exists is transferred to the user." Users in this case include the commercial fishing industry and other marine resource dependent industries. Dr. Baker, however, did not highlight Sea Grant as one of the agency's top priority programs. Instead, Dr. Baker noted that the National Weather Service Modernization program was NOAA's top priority in Fiscal Year 1996.

V. COMMITTEE ACTIONS

Representative Don Young (R-AK) introduced H.R. 1175 on March 8, 1995. It was referred to the Committee on Resources and reported, as amended, on May 16, 1995.

H.R. 1175 was referred to the Committee on Science on May 17, 1995 for a period ending no later than June 30, 1995, and extended for a period ending no later than July 11, 1995.

FULL COMMITTEE MARKUP

The full Science Committee held a mark-up of H.R. 1175 on June 28, 1995. Mr. Walker offered an amendment in the nature of a substitute to incorporate the Sea Grant related provisions of H.R. 1815, the National Oceanic and Atmospheric Administration Authorization Act of 1995, into H.R. 1175. The substitute authorizes appropriations of \$36,000,000 for Fiscal Year 1996 for the National Sea Grant College Program. It eliminates the Dean John Knauss Marine Policy Fellowship Program and the Sea Grant International Program. The substitute refocuses the Sea Grant program on scientific research by amending the definition of "fields related to ocean, coastal, and Great Lakes resources." The substitute also bans the use of Federal Sea Grant funds for lobbying activities, and restricts future funding for institutions which receive appropriations earmarks. The amendment in the nature of a substitute was adopted by voice vote.

H.R. 1175 was ordered reported, as amended, to the full House for consideration by voice vote.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill authorizes appropriations of \$36,000,000 for Fiscal Year 1996 for the National Sea Grant College Program. It eliminates the Dean John Knauss Marine Policy Fellowship Program and the Sea Grant International Program. The bill refocuses the Sea Grant program on scientific research by amending the definition of "fields related to ocean, coastal, and Great Lakes resources." The bill also bans the use of Federal Sea Grant funds for lobbying activities, and restricts future funding for institutions which receive appropriations earmarks.

VII. SECTION-BY-SECTION ANALYSIS

SECTION 1—NATIONAL SEA GRANT COLLEGE PROGRAM

(a) Amends the National Sea Grant College Program Act to authorize \$36,000,000 to be appropriated in Fiscal Year 1996 for the National Sea Grant College Program of which (1) \$34,500,000 is authorized for Sea Grant core programs and (2) \$1,500,000 is authorized for NOAA's administration of the National Sea Grant Program. (3) Narrows the definition of "fields related to ocean, coastal, and Great Lakes resource" to fields or disciplines involving "scientific research."

(b) Repeals (1) the Dean John Knauss Marine Policy Fellowship and (2) the Sea Grant International Program.

SECTION 2—LIMITATION ON APPROPRIATIONS

Clarifies that no funds are authorized to be appropriated for Sea Grant programs after Fiscal Year 1996.

SECTION 3—PROHIBITION OF LOBBYING ACTIVITIES

Prohibits the use of funds authorized by the bill for lobbying Congress.

SECTION 4—ELIGIBILITY FOR AWARDS

(a) Prohibits from consideration for financial assistance by any National Sea Grant College Program any person who has received Federal funding which is not based on a merit-reviewed awards process. Beginning in Fiscal Year 1996, individuals receiving such earmarked funding will be excluded from consideration for National Sea Grant College Program funding for five years. (b) The funding restriction does not apply to persons who are members of a class specified by law for which assistance is awarded based on a formula established by law.

VIII. COMMITTEE VIEWS

SECTION 1—NATIONAL SEA GRANT COLLEGE PROGRAM

The National Sea Grant College Program is one of three largely extramural grant programs funded in NOAA's budget. The Committee feels that the funding level for Sea Grant should be viewed within the overall context of the NOAA budget. In justifying \$275 million in reductions to NOAA funding, the House-passed Concurrent Resolution on the Budget for Fiscal Year 1996, H. Con. Res. 67, referenced the fact that NOAA's growth "has been fueled by Congressional add-ons [and] regional grant program [Sea Grant]. . .". The Budget Resolution Conference Report "assumes the House reductions for NOAA."

The Committee has passed H.R. 1815, the National Oceanic and Atmospheric Administration Act of 1995, which authorizes all unauthorized NOAA programs within the Committee's jurisdiction for Fiscal Year 1996. H.R. 1815 holds NOAA's overall authorization to the totals included in the Budget Resolution Conference Report.

The Committee has incorporated the provisions from H.R. 1815 relevant to Sea Grant into this bill. The funding levels for NOAA as passed by the Committee are listed below:

AUTHORIZATION LEVELS FROM H.R. 1815, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1995 AS ADOPTED BY THE COMMITTEE ON SCIENCE, U.S. HOUSE OF REPRESENTATIVES

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SUMMARY

[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
National Ocean Service:					
Mapping, Charting, and Geodesy	49,816	53,513	49,076	- 740	- 4,437
Observation and Assessment	66,591	74,091	42,732	- 23,859	- 31,359
Ocean and Coastal Management	63,811	71,222	10,927	- 52,884	- 60,295
Total, National Ocean Service	180,218	198,826	102,735	- 77,483	- 96,091
Oceanic and Atmospheric Research:					
Climate and Air Quality Research	119,542	159,528	93,757	- 25,785	- 65,771
Atmospheric Programs	46,946	46,909	39,894	- 7,052	- 7,015
Ocean & Great Lakes Programs	92,091	64,384	49,763	- 42,328	- 14,621

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SUMMARY—Continued

[Fiscal years; in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Total, Oceanic and Atmospheric Research	258,579	270,821	183,414	-75,165	-87,407
National Weather Service:					
Operations and Research	513,269	487,289	472,338	-40,931	-14,951
Systems Acquisition	145,429	137,043	132,369	-13,060	-4,674
Total, National Weather Service	658,698	624,332	604,707	-53,991	-19,625
National Environmental Satellite, Data, and Information Service (NESDIS):					
Satellite Observing Systems	351,741	508,837	435,421	+83,680	-73,416
Environmental Data Management Systems ..	35,665	43,664	35,665	0	-7,999
Total, NESDIS	387,406	552,501	471,086	+83,680	-81,415
Program Support:					
Administration and Services	72,847	91,127	58,338	-14,509	-32,789
Marine Services	62,011	62,202	60,689	-1,322	-1,513
Aircraft Services	13,153	10,248	9,548	-3,605	-700
Total, Program Support	148,011	163,577	128,575	-19,436	-35,002
National Marine Fisheries Service (NMFS) ¹	268,650	315,828	210,651	-57,999	-105,177
General reduction to Operations, Research and Facilities			-8,698		
Total, Operations, Research and Facilities	1,901,562	2,125,885	1,692,470	-209,092	-433,415
Construction	97,254	52,299	32,731	-64,523	-19,568
NOAA fleet modernization	22,936	23,347	0	-22,936	-23,347
TOTAL, NOAA	2,021,752	2,201,531	1,725,201	-296,551	-476,330

¹ Illustrative. Not in Science Committee jurisdiction or bill.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, NATIONAL OCEAN SERVICE

[Fiscal years; in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Mapping, Charting, and Geodesy:					
Mapping and Charting	27,899	31,086	27,899	0	-3,187
Automated Nautical Charting System II	1,250	2,500	1,250	0	-1,250
Total, Mapping and Charting	29,149	33,586	29,149	0	-4,437
Geodesy:					
National Spatial Reference System (including LIS)	19,667	19,927	19,927	+260	0
South Carolina Cooperative Geodetic Survey	1,000	0	0	-1,000	0
Total, Geodesy	20,667	19,927	19,927	-740	0

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, NATIONAL OCEAN SERVICE—Continued

[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Total, Mapping, Charting, and Geodesy	49,816	53,513	49,076	+260	-4,437
Observation and Assessment:					
Observation and Prediction	12,358	12,899	11,279	-1,079	-1,620
Circulatory Survey Program	700	700	695	-5	-5
Chesapeake Bay Observation Buoys	400	0	0	-400	0
Ocean Services	4,418	4,451	4,231	-187	-220
Total, Observation and Prediction ...	17,876	18,050	16,205	-1,671	-1,845
Estuarine and Coastal Assessment	2,674	3,130	1,171	-1,503	-1,959
Ocean Assessment Program	24,528	21,925	8,401	-16,127	-13,524
Damage Assessment	1,200	4,500	585	-615	-3,915
Transfer from Damage Assessment Fund ¹	6,770	6,550	6,550	-220	0
Oil Pollution Act of 1990 ¹	1,300	1,395	662	-638	-733
Total, Estuarine and Coastal Assessment	36,472	37,500	17,369	-19,103	-20,131
Coastal Ocean Science:					
Coastal Ocean Program	10,943	18,541	9,158	-1,785	-9,383
Oil Spill Research	800	0	0	-800	0
National Institute of Environmental Renewal	500	0	0	-500	0
Total, Coastal Ocean Science	12,243	18,541	9,158	-3,085	-9,383
Total, Observation and Assessment	66,591	74,091	42,732	-23,859	-31,359
Ocean and Coastal Management ¹	63,811	71,222	10,927	-52,884	-60,295
Total, National Ocean Service	180,218	198,826	102,735	-77,483	-96,091

¹ Illustrative. Not in Science Committee jurisdiction or bill.

National Ocean Service (NOS): - \$96,091,000 to FY 1996 request

- \$4,437,000 from Mapping, Charting and Geodesy, including - \$3,187,000 from Mapping and Charting, and - \$1,250,000 from Automated Nautical Charting System II.

- \$31,359,000 from Observation and Assessment, including - \$1,845,000 from Observation and Prediction, - \$20,131,000 from Estuarine and Coastal Assessment, - \$31,359,000 from the Ocean Assessment Program, - \$3,915,000 from Damage Assessment, - \$733,000 from the Oil Pollution Act of 1990, and - \$9,383,000 from Coastal Ocean Program to fund at the FY 1994 levels for each.

- \$60,295,000 from Ocean and Coastal Management.¹

¹ Illustrative. Not in Science Committee jurisdiction or bill.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, OCEANIC
AND ATMOSPHERIC RESEARCH

[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Climate and Air Quality Research:					
Interannual & Seasonal Climate Research ...	7,933	8,284	59,883	- 396	- 747
Long-Term Climate and Air Quality Research	27,272	39,144	25,874	- 1,398	- 13,270
High Performance Computing	6,500	15,558	1,000	- 5,500	- 14,558
Climate and Global Change	70,837	89,542	(¹)	- 18,491	- 37,196
GLOBE	7,000	7,000	7,000	0	0
Total, Climate and Air Quality Research ..	119,542	159,528	93,757	- 25,785	- 65,771
Atmospheric Programs:					
Weather Research	33,613	34,720	30,325	- 3,288	- 4,395
Wind Profiler	4,350	4,350	4,350	0	0
Federal/State Weather Modification Grants	3,100	0	0	- 3,100	0
Southeastern Storm Research	400	0	0	- 400	0
Total, Weather Research	41,463	39,070	34,675	- 6,788	- 4,395
Solar-Terrestrial Services and Research	5,483	7,839	5,219	- 264	- 2,620
Total, Atmospheric Programs	46,946	46,909	39,894	- 7,052	- 7,015
Ocean and Great Lakes Programs:					
Marine Prediction Research	15,175	14,984	13,763	- 1,412	- 1,221
VENTS	2,496	0	0	- 2,496	0
Southeast Fisheries Oceanographic Co- ordinated Investigations	450	0	0	- 450	0
Lake Champlain Study	150	0	0	- 150	0
Pacific Island Technical Assistance	190	0	0	- 190	0
Total, Marine Prediction Research ...	18,461	14,984	13,763	- 4,698	- 1,221
Sea Grant:					
Sea Grant College Program	51,698	49,400	36,000	- 15,698	- 13,400
Sea Grant-Oyster Disease	1,500	0	0	- 1,500	0
National Coastal R&D Institute	1,000	0	0	- 1,000	0
Total, Sea Grant	54,198	49,400	36,000	- 18,198	- 13,400
Undersea Research Program:					
NOAA Undersea Research Program (NURP) ..	17,932	0	0	- 17,932	0
Maine Marine Research Center	1,500	0	0	- 1,500	0
Total, Undersea Research Program	19,432	0	0	- 19,432	0
Total, Ocean and Great Lakes Pro- grams	92,091	64,384	49,763	- 42,328	- 14,621
Total, Oceanic and Atmospheric Re- search	258,579	270,821	183,414	- 75,165	- 87,407

¹ See above.

***Oceanic and Atmospheric Research (OAR): - \$75,165,000 to FY
1996 request***

**- \$65,771,000 from Climate and Air Quality Research, including
- \$747,000 from Interannual & Seasonal Climate Research,
- \$13,270,000 from Long-Term Climate and Air Quality Research,
and - \$14,558,000 from the High Performance Computing Account
to fund at the FY 1994 levels for each.**

–\$37,196,000 from the Climate and Global Change account which has been rolled into the Interannual & Seasonal Climate Research line to ensure research is relevant to near- to mid-term climatic events such as El Nino, including –\$1,407,000 from Economic and Human Interactions research to fund at the FY 1994 level, and –\$2,496,000 from eliminating monies for the study of underseas vents and their impact on global climate change.

–\$7,015,000 from the Atmospheric Programs, including –\$4,395,000 from the Weather Research Account to fund at the 1994 level, and –\$2,620,000 from Solar-Terrestrial Services and Research.

–\$14,621,000 from the Ocean and Great Lakes Programs, including –\$1,221,000 from Marine Prediction Research which is funded at the FY 1994 level. The National Sea Grant College Program is reduced by –\$13,400,000, including –\$1,589,000 from increased outreach, –\$4,881,000 from education (fellowship programs, etc.) and reductions to administrative funding. The SE US/ Caribbean FOCI program, the Lake Champlain study, and Pacific Island technical assistance are all eliminated in keeping with the Administration's FY 1996 request. VENTS is moved to Global Climate Change in the Administration's FY 1996 budget request.

The National Undersea Research Program (NURP) is eliminated, including the Maine Marine Research Center, in keeping with the Administration's FY 1996 request.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, NATIONAL WEATHER SERVICE (NWS)

[Fiscal years; in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Operations and Research:					
Local Warnings and Forecasts	323,579	418,567	405,689	- 34,417	- 12,878
Modernization and Restructuring Demonstration and Implementation (MARDI)	115,946	(¹)	(¹)		
Agricultural & Fruit Frost Program	2,316	0	0	- 2,316	0
Fire Weather Services	449	0	0	- 449	0
Aviation Forecasts	35,596	35,596	35,596	0	0
Samoa	100	0	0	- 100	0
Regional Climate Centers	3,200	0	0	- 3,200	0
Total, Local Warnings and Forecasts	481,767	454,163	441,285	- 40,482	- 12,878
Central Forecast Guidance	29,015	30,457	29,015	0	- 1,382
Atmospheric and Hydrological Research	2,487	2,669	2,038	- 449	- 631
Total, Operations and Research	513,269	487,289	472,338	- 40,931	- 14,951
Systems Acquisition:					
Public Warning and Forecast Systems:					
Next Generation Weather Radar (NEXRAD)	82,982	55,249	53,335	- 29,647	- 1,914
Automated Surface Observing System (ASOS)	17,515	16,952	16,952	- 563	0
Advanced Weather Interactive Processing System (AWIPS)/NOAA Port	34,947	52,097	52,097	+17,150	0
Computer Facility Upgrades	9,985	12,745	9,985	0	- 2,760

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, NATIONAL WEATHER SERVICE (NWS)—Continued

[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Total, Systems Acquisition	145,429	137,043	132,369	- 13,060	- 4,674
Total, National Weather Service ..	658,698	624,332	604,707	- 53,991	- 19,625

¹ See above.

National Weather Service (NWS): - \$19,625,000 to FY 1996 request

- \$14,951,000 from NWS Operations and Research, including - \$12,878,000 (or 3% below the Administration's request) from the Local Warnings and Forecast account (since MARDI is basically complete, the account has been rolled into this line) savings will be generated for reduced administrative costs and closure of duplicative or unneeded non-modernized weather offices; Agricultural Fruit Frost, Fire Weather Services, Samoa, and Regional Climate Centers are all eliminated in keeping with the Administration's FY 1996 request; also Central Forecast Guidance is funded at FY 1995 level, and - \$631,000 from Atmospheric and Hydrological Research is funded at the FY 1994 level.

- \$4,674,000 from System Acquisition, including - \$2,760,000 from Computer Facility Upgrades to fund at the FY 1995 level; and - \$1,914,000 from elimination of Planned Product Improvements for NEXRAD.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE (NESDIS)

[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or -)	
				1995 adjusted	1996 request
Satellite Observing Systems:					
Polar Spacecraft and Launching	146,228	198,824	184,425	+ 38,197	- 14,399
Polar Convergence/Joint Program Office	16,000	54,000	39,500	+23,500	- 14,500
Geostationary Spacecraft and Launching	132,242	186,501	162,273	+30,031	-24,228
Ocean Remote Sensing	6,000	1,600	0	- 6,000	- 1,600
Environmental Observing Services	51,271	55,912	49,223	- 2,048	- 6,689
LandSat Operations	0	12,000	0	0	- 12,000
Total, Satellite Observing Systems	351,741	508,837	435,421	+83,680	- 73,416
Environmental Data Management Systems:					
Data and Information Services	24,365	28,564	24,365	0	- 4,199
Environmental Services Data and Information Management (ESDIM)	11,300	15,100	11,300	0	- 3,800
Total, Environmental Data Management Systems	35,665	43,664	35,665	0	- 7,999
Total, NESDIS	387,406	552,501	471,086	+83,680	- 81,415

*National Environmental Satellite, Data, and Information Service:
– \$81,415,000 to FY 1996 request*

– \$73,416,000 from Satellite Observing Systems, including – \$24,228,000 from GOES (construction of three GOES Next satellites, GOES I–M funding reduced by 5%), elimination of Ocean Remote Sensing, and – \$6,689,000 from Environmental Observing Systems to fund at the FY 1994 level. No LandSat 7 funding (– \$12,000,000). – \$14,500,000 from Polar Convergence is reduced by requiring a 50/50 split with the Department of Defense.

Environmental Data Management Systems (EDMS) is funded at the FY 1995 level. Data and Information Service is funded at FY 1995 level.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OPERATIONS, RESEARCH, AND FACILITIES, PROGRAM SUPPORT

[Fiscal years, in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or –)	
				1995 adjusted	1996 request
Administration and Services:					
Executive Direction and Administration	27,288	28,489	20,632	– 6,656	– 7,857
Central Administrative Support	37,853	54,749	30,000	– 4,104	– 24,749
Retired Pay Commissioned Officers	7,706	7,889	7,706	0	– 183
Total, Administration and Services	72,847	91,127	58,338	– 14,509	– 32,789
Marine Services	62,011	62,202	60,689	– 1,322	– 1,513
Aircraft Services:					
Aircraft Services	9,153	9,853	9,153	0	– 700
Critical Safety & Instrumentation	4,000	395	395	– 3,605	0
Total, Aircraft Services	13,153	10,248	9,548	– 3,605	– 700
Total, Program Support	148,011	163,577	128,575	– 19,436	– 35,002
National Marine Fisheries Service (NMFS) ¹	268,650	315,828	210,651	– 57,999	– 105,177
General Reductions to Operations, Research and Facilities					
Facilities			– 8,698		
Total, Operations, Research and Facilities	1,901,562	2,125,885	1,692,470	– 209,092	– 433,415

¹ Illustrative. Not in Science Committee jurisdiction or bill.

Program Support: – \$35,002,000 to FY 1996 request

– \$32,789,000 from Administration and Services, including – \$7,857,000 from Executive Direction and Administration, and – \$24,749,000 from Central Administrative Support.

– \$183,000 from Retired Pay Commissioned Officers funded at the FY 1995 level.

– \$1,513,000 from Marine Services to fund at the FY 1994 level and the Navigational Data Products and Services item is eliminated in keeping with the Administration's FY 1996 request.

– \$700,000 from Aircraft Services to fund at FY 1994 level.

National Marine Fisheries Service (NMFS): – \$105,177,000 to FY 1996 request

– \$105,177,000 from NMFS Total to fund at the FY 1994 level, including elimination of all FY 1994 Congressional add-ons.²

General Reductions: – \$8,698,000 from NOAA travel budget.

Reduce to \$20,000,000 for agency. This represents a reduction of \$8,698,000 from FY 1995 or \$11,069,000 from FY 1996.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
[Fiscal years: in thousands of dollars]

	1995 adjusted	1996 request	1996 mark	Mark compared with (+ or –)	
				1995 adjusted	1996 request
Construction:					
NWS Modernization & WFO Maintenance	20,226	20,628	20,628	+402	0
Facilities Repairs & Renovations	7,374	11,207	7,374	0	– 3,833
Environmental Compliance ¹	5,979	16,024	4,729	– 1,250	– 11,295
New Construction	63,675	4,440	0	– 63,675	– 4,400
Total, Construction	97,254	52,299	32,731	– 64,523	– 19,568
NOAA FLEET MOD.	22,936	23,347	0	– 22,936	– 23,347
NOAA TOTAL	2,021,752	2,201,531	1,725,201	– 296,551	– 476,330

¹ Illustrative. Not in Science Committee jurisdiction or bill.

Other Accounts: – \$42,915,000 to FY 1996 request

The NOAA fleet modernization account is eliminated.

– \$19,568,000 from the Construction account, including eliminating New Construction (– \$4,400,000), reducing Environmental Compliance (– \$11,295,000, FY 1995 funding less reprogramming request) and Facility Repairs and Renovations (– \$3,833,000) to FY 1995 levels.

The Committee believes that viewing Sea Grant outside the context of an overall NOAA authorization bill may lead to an injudicious allocation of resources. The Committee notes that inevitably money authorized for Sea Grant above the levels outlined in H.R. 1815 will have to be drawn from other NOAA programs.

The Committee further notes that under the provisions of H.R. 1815, OAR's authorization has been reduced by thirty-two percent from the Administration's request. Proportionally, H.R. 1815 and this bill reduce the Sea Grant funding level less than the funding level for the rest of OAR.

The Committee believes that the National Sea Grant College Program's strongest component is the pursuit of scientific knowledge of the marine environment. The Committee supports making scientific research the primary focus of the National Sea Grant College Program. The Committee recommends maintaining funding for Sea Grant marine research while reducing funding for Sea Grant education, outreach and national program administration.

The Committee supports termination of both the Dean John A. Knauss Marine Policy Fellowship and the Sea Grant International Program.

² Illustrative. Not in Science Committee jurisdiction or bill.

SECTION 2—LIMITATION ON APPROPRIATIONS

Due to the uncertainty about the future of both NOAA and the Department of Commerce, it is the Committee's view that this bill should not authorize the National Sea Grant College Program beyond Fiscal Year 1996.

SECTION 3—PROHIBITION ON LOBBYING ACTIVITY

The Committee believes that no Federal funding should be used to lobby Congress.

SECTION 4—ELIGIBILITY FOR AWARDS

The Committee only supports Federal research grants awarded through a competitive merit-based process.

IX. PROGRAM CRITERIA

The Committee states that the activities authorized by this Act are consistent with the criteria listed below and intends they be implemented accordingly.

All research programs should be relevant and tightly focused to the agency's stated mission; those that are not should be terminated. All research programs should disseminate the results of the programs to potential users.

X. CONGRESSIONAL BUDGET OFFICE ANALYSIS AND COST ESTIMATES

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 1995.

Hon. ROBERT S. WALKER,
*Chairman, Committee on Science,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1175, a bill to amend Public Law 89-454 to provide for the reauthorization of appropriations.

Enactment of H.R. 1175 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1175.
2. Bill title: A bill to amend Public Law 89-454 to provide for the reauthorization of appropriations.
3. Bill status: As ordered reported by the House Committee on Science on June 28, 1995.
4. Bill purpose: The bill would authorized a fiscal year 1996 appropriation of \$36 million for grants, contracts, fellowships, and

program administration for the National Sea Grant College Program.

H.R. 1175 also would revise several sections of the National Sea Grant College Program Act. These changes include modifications in funding guidelines and a prohibition on the use of appropriated funds for the purpose of lobbying the Congress. The bill would eliminate the Sea Grant International Program and the John A. Knauss Marine Policy Fellowship.

5. Estimated cost to the Federal Government: The bill would authorize appropriations of \$36 million for fiscal year 1996 and prescribe appropriations for any fiscal year thereafter. Other provisions in the bill would have no budgetary impact. The following table assumes that the full amount authorized for fiscal year 1996 would be appropriated. Outlays are based on the historical spending pattern for this program.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Spending under current law:						
Budget authority ¹	54.3	.....	.....	.....	.....	.....
Estimated outlays	51.1	20.6	6.6	3.3	.....	.....
Proposed changes:						
Authorization level .....	.....	36.0	.....	.....	.....	.....
Estimated outlays .....	.....	21.6	9.7	2.5	2.2	.....
Spending under H.R. 1175:						
Authorization level ¹	54.3	36.0	.....	.....	.....	.....
Estimated outlays	51.1	42.2	16.3	5.8	2.2	.....

¹ The 1995 level is the amount actually appropriated for that year.

6. Pay-as-you-go considerations: None.

7. Estimated cost to state and local governments: None.

8. Estimate Comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Gary Brown.

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

XI. EFFECT OF LEGISLATION ON INFLATION

In accordance with rule XI, clause 2(l)(4) of the Rules of the House of Representatives, this legislation is assumed to have no inflationary effect on prices and costs in the operation of the national economy.

XII. OVERSIGHT FINDINGS AND RECOMMENDATIONS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The committee has no oversight findings.

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

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

findings or recommendations from the Committee on Government Reform and Oversight.

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

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in 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. 201. SHORT TITLE.

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

* * * * *

SEC. 203. DEFINITIONS.

As used in this title—

(1) * * *

(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)] *field or discipline involving scientific research* which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.

* * * * *

SEC. 208. FELLOWSHIPS.

(a) * * *

[(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.]

* * * * *

SEC. 209. SEA GRANT REVIEW PANEL.

(a) * * *

The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—

(1) applications or proposals for, and performance under, grants and contracts awarded under section 205 [and section 3 of the Sea Grant Program Improvement Act of 1976];

* * * * *

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

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

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

(a) *GRANTS AND CONTRACTS; FELLOWSHIPS.*—*There are authorized to be appropriated to carry out sections 205 and 208, \$34,500,000 for fiscal year 1996.*

(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]

\$1,500,000 for fiscal year 1996.

(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.

* * * * *

**SECTION 3 OF THE SEA GRANT PROGRAM
IMPROVEMENT ACT OF 1976**

[SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.

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

- [(1) enhance cooperative international research and educational activities on ocean, coastal and Great Lakes resources;
- [(2) promote shared marine activities with universities in countries with which the United States has sustained mutual interest in ocean, coastal, and Great Lakes resources;
- [(3) encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources in other countries and in the United States;
- [(4) promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources;
- [(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and

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

[(A) the Caribbean and Latin American regions;

[(B) the Pacific Islands region;

[(C) the Arctic and Antarctic regions;

[(D) the Atlantic and Pacific Oceans; and

[(E) the Great Lakes.

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

XV. COMMITTEE RECOMMENDATIONS

On June 28, 1995, a quorum being present, the Committee on Science favorably reported H.R. 1175, the National Sea Grant College Program Act, and recommends its enactment.

XVI. REPORTS TO CONGRESS

If enacted, this bill would not require the National Sea Grant College Program to submit additional reports to Congress.

XVII. MINORITY VIEWS

The process used to bring H.R. 1175 before the Committee is a prime example of a misguided attempt to bypass the oversight process in favor of expedited and ill-informed decision-making. This bill addresses policy and funding changes for the Sea Grant program, which is in the shared jurisdiction of the Science Committee and the Resources Committee.

There were no public hearings to support the amendments to H.R. 1175 adopted by the Science Committee. It is true, as the Chairman noted at the markup, that the Committee held a hearing on NOAA programs on February 21. However, neither the hearing charter nor a hearing briefing memo prepared for Members indicated that Sea Grant was an issue to be addressed in that hearing. Further, the transcript of that hearing reveals no discussion of the Sea Grant program—neither in the testimony of witnesses nor in questions from Members. Finally, although H.R. 1175 was referred to the Committee on May 16, no hearings were held during the following month before markup and no backup or explanatory materials were requested of the Administration. In sum, oversight of this program constitutes an empty set.

During the markup of H.R. 1175, the Chair defended this lack of an oversight record by indicating that since the Sea Grant program was a part of the President's request, the hearing on February 21—three months before the bill was referred to the Committee—provided an adequate opportunity for any Member to anticipate that the Committee might make a decision about this program and hence to ask specific questions about the Sea Grant program. This logic places an unreasonable burden on all Committee Members to anticipate an infinite range of potential decisions in order to develop an adequate understanding of the issues.

It is far more appropriate for the Chair to identify the specific issues that will be addressed in legislation and ensure that an adequate hearing record exists to support Committee action. The practical effect of proceeding in the manner chosen for H.R. 1175 is to deny Members on both sides of the aisle any real role in the legislative and oversight process, and to leave the Committee open to the charge of acting in an arbitrary and capricious manner.

Committee Members have received ample correspondence related to the Sea grant program and the decisions made at the Committee markup. It is doubtful that any Member of the Committee has a sufficient understanding of what was done and why it was done to respond to these public inquiries.

HON. LLOYD DOGGETT.
HON. GEORGE E. BROWN, Jr.
HON. JOHN W. OLVER.
HON. LYNN N. RIVERS.

XVIII. PROCEEDING FROM FULL COMMITTEE MARKUP
**FULL COMMITTEE MARKUP—H.R. 1175, THE
MARINE RESOURCES REVITALIZATION ACT
OF 1995**

WEDNESDAY, JUNE 28, 1995

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC.

The Committee met at 12:10 p.m. in Room 2318 of the Rayburn House Office Building, the Honorable Robert S. Walker, Chairman of the Committee, presiding.

The CHAIRMAN. Good afternoon.

We will now consider the measure HR 1175, the Marine Resources Revitalization Act of 1995.

[The bill follows:]

104TH CONGRESS
1ST SESSION

H. R. 1175

[Report No. 104-123, Part I]

To amend Public Law 89-454 to provide for the reauthorization of appropriations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

MAY 16, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 17, 1995

The Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Science for a period ending not later than June 30, 1995, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Science pursuant to clause 1(n), rule X

A BILL

To amend Public Law 89-454 to provide for the reauthorization of appropriations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Marine Resources Re-
3 vitalization Act of 1995".

4 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 212(a) of Public Law 89-454 is amended to
6 read as follows:

7 "~~(a)~~ IN GENERAL.—There is authorized to be appro-
8 priated to carry out sections 205 and 208 of this title such
9 sums as may be necessary for each of fiscal years 1996
10 through 2000."

11 **SECTION 1. SHORT TITLE.**

12 This Act may be cited as the "Marine Resources Revi-
13 talization Act of 1995".

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

16 *Except as otherwise expressly provided, whenever in*
17 *this Act an amendment or repeal is expressed in terms of*
18 *an amendment to, or repeal of, a section or other provision,*
19 *the reference shall be considered to be made to a section or*
20 *other provision of the National Sea Grant College Program*
21 *Act (33 U.S.C. 1121 et seq.).*

22 **SEC. 3. AMENDMENTS TO DEFINITIONS.**

23 (a) **FIELD RELATED TO OCEAN, COASTAL, AND GREAT**
24 **LAKES RESOURCES.**—Section 203(4) (33 U.S.C. 1122(4))
25 is amended—

1 (1) by inserting "marine biotechnology," after
2 "marine technology,"; and

3 (2) by inserting "shellfish disease studies," after
4 "marine affairs and resource management,".

5 (b) **SEA GRANT INSTITUTION.**—Section 203 (33 U.S.C.
6 1122) is amended by adding at the end the following new
7 paragraph:

8 “(16) The term ‘sea grant institution’ means a
9 sea grant college or a sea grant regional consortium.”.

10 **SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLAN-**
11 **NING GUIDELINES AND PRIORITIES AND**
12 **EVALUATION.**

13 Section 204(a) (33 U.S.C. 1123(a)) is amended in the
14 last sentence by inserting after "The Secretary" the follow-
15 ing: "; in consultation with the sea grant institutions and
16 the panel established under section 209,".

17 **SEC. 5. DUTIES OF DIRECTOR.**

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

20 “(c) **DUTIES OF DIRECTOR.**—

21 “(1) **IN GENERAL.**—The Director shall admin-
22 ister the National Sea Grant College Program subject
23 to the supervision of the Secretary and the Under Sec-
24 retary. In addition to any other duty prescribed by
25 law or assigned by the Secretary, the Director shall—

1 “(A) advise the Under Secretary with re-
2 spect to the expertise and capabilities which are
3 available within or through the National Sea
4 Grant College Program, and provide (as directed
5 by the Under Secretary) those which are or could
6 be of use to other offices and activities within the
7 Administration;

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

13 “(C) encourage cooperation and coordina-
14 tion with other Federal programs concerned with
15 ocean, coastal, and Great Lakes resources con-
16 servation and usage;

17 “(D) advise the Secretary on the designa-
18 tion of sea grant institutions and, in appro-
19 priate cases, if any, on the termination or sus-
20 pension of any such designation;

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

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

1 **SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

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

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

8 *“(1) develop, in consultation with the Secretary*
9 *and the panel established under section 209, goals for*
10 *its program that are consistent with the guidelines*
11 *and priorities developed under section 204(a);*

12 *“(2) conduct merit review of all applications for*
13 *project grants or contracts to be awarded under sec-*
14 *tion 205; and*

15 *“(3) demonstrate significant progress toward the*
16 *goals established under this section.”.*

17 **SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.**

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

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

23 **SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

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

1 “(1) *IN GENERAL.*—*The Secretary shall by regu-*
2 *lation prescribe the qualifications required to be met*
3 *under subsection (a)(4).*”

4 “(2) *MERIT REVIEW.*—*Within 6 months of the*
5 *date of enactment of the Marine Resources Revitaliza-*
6 *tion Act of 1995, the Secretary, after consultation*
7 *with the sea grant institutions, shall publish in the*
8 *Federal Register guidelines for the conduct of merit*
9 *review by the sea grant institutions of applications*
10 *for project grants and contracts to be awarded under*
11 *section 205. The guidelines shall, at a minimum, pro-*
12 *vide for mail review of all applications for grants or*
13 *contracts and require standardized documentation of*
14 *all peer review.*”

15 **SEC. 9. REPEAL OF POSTDOCTORAL FELLOWSHIP PRO-**
16 **GRAM.**

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

18 **SEC. 10. AMENDMENTS RELATING TO SEA GRANT REVIEW**
19 **PANEL.**

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

21 *(1) in subsection (a) by striking the second sen-*
22 *tence; and*

23 *(2) in subsection (c)(6) by striking “a biannual”*
24 *and inserting “an annual”.*

1 **SEC. 11. AUTHORIZATIONS OF APPROPRIATIONS.**

2 (a) *GRANTS, CONTRACTS, AND FELLOWSHIPS.*—Sec-
3 tion 212(a) (33 U.S.C. 1131(a)) is amended to read as fol-
4 lows:

5 “(a) *GRANTS, CONTRACTS, AND FELLOWSHIPS.*—There
6 is authorized to be appropriated to carry out sections 205
7 and 208—

8 “(1) \$50,600,000 for fiscal year 1996;

9 “(2) \$52,500,000 for fiscal year 1997; and

10 “(3) \$54,500,000 for fiscal year 1998.”

11 (b) *ADMINISTRATION.*—Section 212(b) (33 U.S.C.
12 1131(b)) is amended—

13 (1) by striking so much as precedes paragraph

14 (2) and inserting the following:

15 “(b) *ADMINISTRATION.*—

16 “(1) *AUTHORIZATION.*—There is authorized to be
17 appropriated for administration of this Act, includ-
18 ing section 209, by the National Sea Grant Office and
19 the Administration—

20 “(A) \$2,700,000 for fiscal year 1996;

21 “(B) \$2,000,000 for fiscal year 1997; and

22 “(C) \$1,500,000 for fiscal year 1998.”;

23 (2) in paragraph (2)—

24 (A) by striking “subsections (a) and (c)”

25 and inserting “subsection (a)”; and

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

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

8 (c) REPEAL.—Section 212 (33 U.S.C. 1131) is amend-
9 ed by repealing subsection (c) and redesignating subsections
10 (d) and (e) in order as subsections (c) and (d).

11 **SEC. 12. CLERICAL AND CONFORMING AMENDMENTS.**

12 (a) CLERICAL AMENDMENT.—Section 209, as amended
13 by section 10(1) of this Act (33 U.S.C. 1128(b)), is amended
14 by striking all of the matter that follows the first full sen-
15 tence through “shall advise”, and inserting “(b) DUTIES.—
16 The panel shall advise”.

17 (b) CONFORMING AMENDMENTS.—

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

23 (2) Section 209(c)(5)(A) (33 U.S.C.
24 1128(c)(5)(A)) is amended by striking “the daily rate
25 for GS-18 of the General Schedule under section 5332

1 *of title 5, United States Code” and inserting “the*
2 *maximum daily rate payable under section 5376 of*
3 *title 5, United States Code”.*

4 *(3) Section 209 (33 U.S.C. 1128) is amended—*

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

8 *(B) in subsection (c)(1) in the last sentence*
9 *in clause (A) by striking “college, sea grant re-*
10 *gional consortium,” and inserting “institution”.*

**SECTION-BY-SECTION
H.R. 1175
MARINE RESOURCES REVITALIZATION ACT OF 1995**

Section 1. Short Title

Cites the Act as the "Marine Resources Revitalization Act of 1995."

Section 2. Amendment of National Sea Grant College Program Act

Clarifies that all amendments or repeals contained within the bill, unless expressly provided, are considered to be made to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

Section 3. Amendments to Definitions

(a) Amends section 203(4) (33 U.S.C. 1122(4)) by adding "marine biotechnology" and "shellfish disease studies" to the definition of fields related to ocean, coastal and Great Lakes resources.

(b) Amends section 203 (33 U.S.C. 1122) by adding the following new paragraph at the end: "(16) The term 'sea grant institution' means a sea grant college or a sea grant regional consortium."

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

Amends section 204(a) (33 U.S.C. 1123(a)) to require the Secretary of Commerce to consult with the sea grant institutions and the Sea Grant Review Panel when establishing long-range planning guidelines and priorities for the administration of the program.

Section 5. Duties of the Director

Defines the duties of the Director of the National Sea Grant Program as follows;

(1) In general the Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary and the Under Secretary.

Additionally, the Director shall

(a) advise the Under Secretary with respect to the expertise and capabilities 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;

(b) encourage other Federal departments, agencies, and instrumentalities to use the expertise and capabilities available through the National Sea Grant College Program, on a cooperative or other basis;

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

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

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

(f) oversee the operation of the National Sea Grant Office.

(2) The Director shall (a) evaluate Sea Grant institution programs using the guidelines and priorities established under subsection (a); (b) allocate funding among the sea grant institutions to promote competition, achievement of goals established under subsection (a), and provide a stable base of funding for the institutions, and (c) ensure compliance with guidelines for merit review pursuant to section 207(b)(2).

Section 6. Duties of Sea Grant Institutions

Each sea grant institution shall develop goals for its program consistent with the guidelines and priorities developed under section 204(a); conduct merit review of all applications for project grants or contracts to be awarded under section (205); and demonstrate progress toward the goals.

Section 7. Repeal of Sea Grant International Program.

Repeals the Sea Grant International Program, section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a).

Conforms section 209(b)(1) accordingly.

Section 8. Designation of Sea Grant Institutions

Amends section 207, Sea Grant Colleges and Sea Grant Consortia (33 U.S.C. 1126) to do the following:

(a) The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association or alliance--

(1) is 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 or 204(c) of the National Sea Grant College and Program Act of 1966;

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

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

(4) meets such other qualifications as the Secretary considers appropriate.

(b)(1) The Secretary shall prescribe by regulation qualifications required under subsection (a)(4).

(2) Requires the Secretary, within 6 months of the date of enactment, to publish guidelines in the Federal Register for the conduct of merit review of applications for project grants and contracts and requires standardized documentation of all peer review.

Section 9. Repeal of the Postdoctoral Fellowship Program

Repeals section 208(c), the Sea Grant Postdoctoral Fellowship Program (33 U.S.C. 1127(c)).

Section 10. Amendments Relating to the Sea Grant Review Panel

Amends section 209, the Sea Grant Review Panel (33 U.S.C. 1128), by striking the second sentence in subsection (a) and by amending subsection (c)(6) requiring the panel to meet on an "annual" rather than a "biannual" basis.

Section 11. Authorizations of Appropriations

(a) Grants, Contracts, and Fellowships are authorized to be appropriated at \$50,600,000 for fiscal year 1996; \$52,500,000 for fiscal year 1997; and \$54,500,000 for fiscal year 1998.

(b) Administration of this Act including section 209 is authorized to be appropriated at \$2,700,000 for fiscal year 1996; \$2,000,000 for fiscal year 1997; and \$1,500,000 for fiscal year 1998.

(c) repeals section 212(c), Priority Oyster Disease Research (33 U.S.C. 1131), and redesignates subsections (d) and (e) accordingly.

Section 12. Clerical and Conforming Amendments

Conforms the act to the above changes.

COMMITTEE ON SCIENCE
FULL COMMITTEE MARKUP: JUNE 20, 1995

AMENDMENT ROSTER

H.R. 1175, the Marine Resources Revitalization Act of 1995.

No.	Sponsor	Description	Results
1.	Mr. Walker	Amendment in the Nature of a Substitute - containing the Sea Grant provisions in H.R. 1815, the National Oceanic and Atmospheric Administration Act of 1995, as passed by the Committee on Science, to H.R. 1175	

The CHAIRMAN. I ask unanimous consent the bill be considered as read and open to amendment at any point.

And the Chair will begin with an opening statement and then we'll recognize the gentleman from California.

The Committee will now consider the Bill HR 1175. This Act funds the National Sea Grant College Program, which is formed to promote research, education, training and advisory service activities in the fields related to the ocean, coastal, and Great Lakes resources.

I will offer an amendment in the nature of a substitute to the bill, containing the relevant provisions of HR 1815, the National Oceanic and Atmospheric Administration Authorization Act of 1995.

HR 1815 authorizes \$36 million for Sea Grant as a part of the overall NOAA Authorization Act. The funding level in my substitute is in keeping with the budget resolution and the Science Committee's spending caps.

Currently, HR 1175 is over budget. It authorizes a Sea Grant at \$52.7 million in fiscal 1996. The funding level is over the President's request and above the level in the Brown substitute to HR 1815.

HR 1175 refocuses NOAA's Sea Grant program to place more concentration on scientific research and less on social and economic policy. The bill reduces Sea Grant's overhead costs and terminates the Sea Grant International Program and the NOAA's fellowship program.

The NOAA's fellowship program finances fellows to work on Capitol Hill and within other Government agencies. There is no reason NOAA should supply staff for the Hill and for other Federal bureaucracies.

This substitute bill reflects the provisions of HR 1815 and is consistent with the Committee's spending caps for NOAA. I urge my colleagues to vote in favor of the substitute.

I would now recognize Mr. Brown for his opening statement.

Mr. BROWN. Mr. Chairman, I respectfully disagree with a number of the assumptions contained in your statement that this authorization breaks any spending caps.

But this is a matter which I have already pursued to no avail, and I will not belabor it at this particular time.

I do not intend to support this legislation because of the defects that I've seen in it, but I do not also plan to ask for a roll call vote on it.

The CHAIRMAN. I thank the gentleman.

I ask that members would proceed with amendments in the order on the roster.

The amendment on the roster is the Chairman's substitute amendment. And I would state that that's the amendment that I just described. That is in the members' package.

And is there further discussion on the substitute?

[The amendment in the nature of a substitute offered by Mr. Walker follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1175
OFFERED BY MR. WALKER**

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

1 **SECTION 1. NATIONAL SEA GRANT COLLEGE PROGRAM.**

2 (a) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1)
3 Section 212(a) of the National Sea Grant College Pro-
4 gram Act (33 U.S.C. 1131(a)) is amended to read as fol-
5 lows:

6 “(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—
7 There are authorized to be appropriated to carry out sec-
8 tions 205 and 208, \$34,500,000 for fiscal year 1996.”.

9 (2) Section 212(b) of the National Sea Grant College
10 Program Act (33 U.S.C. 1131(b)) is amended by striking
11 “an amount” and all that follows through “not to exceed
12 \$2,900,000” and inserting in lieu thereof “\$1,500,000 for
13 fiscal year 1996”.

14 (3) Section 203(4) of the National Sea Grant College
15 Program Act (33 U.S.C. 1122(4)) is amended by striking
16 “discipline or field” and all that follows through “public
17 administration)” and inserting in lieu thereof “field or dis-
18 cipline involving scientific research”.

19 (b) REPEAL OF SEA GRANT PROGRAMS.—

1 (1) REPEALS.—(A) Section 208(b) of the Na-
2 tional Sea Grant College Program Act (33 U.S.C.
3 1127(b)) is repealed.

4 (B) Section 3 of the Sea Grant Program Im-
5 provement Act of 1976 (33 U.S.C. 1124a) is re-
6 pealed.

7 (2) CONFORMING AMENDMENT.—Section
8 209(b)(1) of the National Sea Grant College Pro-
9 gram Act (33 U.S.C. 1128(b)(1)) is amended by
10 striking “and section 3 of the Sea Grant Improve-
11 ment Act of 1976”.

12 **SEC. 2. LIMITATION ON APPROPRIATIONS.**

13 Notwithstanding any other provision of law, no funds
14 are authorized to be appropriated for any fiscal year after
15 fiscal year 1996 for carrying out the programs for which
16 funds are authorized by the amendments made by this
17 Act.

18 **SEC. 3. PROHIBITION OF LOBBYING ACTIVITIES.**

19 None of the funds authorized by the amendments
20 made by this Act shall be available for any activity whose
21 purpose is to influence legislation pending before the Con-
22 gress.

23 **SEC. 4. ELIGIBILITY FOR AWARDS.**

24 (a) IN GENERAL.—The Administrator of the Na-
25 tional Oceanic and Atmospheric Administration shall ex-

1 clude from consideration for awards of financial assistance
2 made under the National Sea Grant College Program Act
3 after fiscal year 1995 any person who received funds,
4 other than those described in subsection (b), appropriated
5 for a fiscal year after fiscal year 1995, from any Federal
6 funding source for a project that was not subjected to a
7 competitive, merit-based award process. Any exclusion
8 from consideration pursuant to this section shall be effec-
9 tive for a period of 5 years after the person receives such
10 Federal funds.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 awards to persons who are members of a class specified
13 by law for which assistance is awarded to members of the
14 class according to a formula provided by law.

Mrs. MORELLA. Mr. Chairman?

The CHAIRMAN. The gentlelady from Maryland.

Mrs. MORELLA. Does it need to be distributed?

The CHAIRMAN. I'm sorry, I thought it was in the members' packet.

The Clerk will distribute the amendment.

[Pause.]

And then I will recognize the gentlelady from Maryland, after we've had a chance to have the Members get the substitute.

The gentlelady from Maryland is recognized.

Mrs. MORELLA. Thank you, Mr. Chairman.

I'm a supporter of the Sea Grant program. It helps Maryland, it helps a lot of the coastal states, and as a matter of fact, Mr. Chairman, I'm a cosponsor of the bill that's 1175, which would give \$53.3 million and fully fund the Sea Grant program.

I notice in your amendment, it's \$34.5 million.

Now, I certainly would hope that maybe the Appropriations Committee, during the course of events, that we would be able to fully fund Sea Grant.

But in a brief discussion I had with you, and maybe you'd like to reiterate it, you indicated, as I recall, that frankly the budget assumption had zero for Sea Grant and in order to keep with the budget cap that this Committee has, that the best you could do, the Subcommittee could do, was to put it at that particular amount.

Is that correct?

The CHAIRMAN. I would say to the gentlelady that the underlying assumption on which the number is based in the budget was a zero for the Sea Grant program. That number was not reflected specifically zeroing out the program, but it was a part of the underlying assumptions in the budget.

We have since had a number of people come to us and suggest that there were, that that would in fact create a problem and so we made adjustments within 1815, within the overall bill. And we're simply taking the action that we just completed on 1815 and transferring it into this Act which we share jurisdiction with on the Resources Committee.

That's what we're doing.

But indeed, the underlying assumption on the budget was at a zero level, and so this is an attempt to assure that we do have moneys available in this program.

Mrs. MORELLA. And the program is so valuable that maybe if more moneys are available, more could be done before it finally becomes law.

Would you agree that's a possibility?

The CHAIRMAN. There's a possibility of what?

Mrs. MORELLA. Possibility of more funding as it goes through the various stages?

The CHAIRMAN. Well, I think that that may be the case. I mean, there's no doubt the Natural Resources Committee is somewhat higher than we are, but I will simply say to you that one of the things that we're doing is trying to adjust to things that the Budget Committee had recognized were problems.

The expansion, according to this, has been fueled by Congressional add-ons, regional grant programs, and inefficient weather

service office restructuring according to the material that was in the Budget Resolution.

We are attempting to take some of those add-on programs and some of the things that we think have gone wrong, and lowered the amount by that much.

And you know, there may be a different accommodation.

Mrs. MORELLA. Well, I respect the fact that you cared enough about the program to make sure that it has that kind of funding in the program, and yet this Committee, it does not want to relinquish jurisdiction which we justly have over this.

So I just wanted to point out my support for the Sea Grant program, and my recognition of why you offered the amendment.

Thank you.

The CHAIRMAN. I thank the gentlelady.

Are there other members that wish to be recognized on the substitute?

[No response.]

The CHAIRMAN. If not, the Chair will put the question on the substitute.

Those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair, the ayes have it. The ayes have it, and the substitute is agreed to.

Are there further amendments?

[No response.]

The CHAIRMAN. If not, the Chair will, hearing none, the question is on the Bill HR 1175, the Marine Resources Revitalization Act of 1995.

Those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair, the ayes have it.

Mr. SENSENBRENNER. Mr. Chairman?

The CHAIRMAN. Mr. Sensenbrenner?

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee report the Bill HR 1175 as amended. Furthermore, I move to instruct the staff to prepare the legislative report to make technical and conforming amendments and that the Chairman take all necessary steps to bring the bill before the House for consideration.

And I also ask for three days for anybody to put whatever additional views they want to in the Committee report.

The CHAIRMAN. The Committee has heard the motion.

Those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it.

I recognize Mr. Ehlers for a motion.

Mr. EHLERS. Thank you, Mr. Chairman.

I move, pursuant to Clause 1 of Rule 20 of the Rules of the House of Representatives, that the Committee authorize the Chair-

man to offer such motions as may be necessary in the House to go to conference with the Senate on the Bill HR 1175, or a similar Senate bill.

The CHAIRMAN. The Committee has heard the motion.

The Chair will put the question.

Those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it.

That concludes the markup on our measure——

Mr. HAYES. Mr. Chairman, I had waited to the conclusion of this markup. Would it be appropriate at this time to enter into a short colloquy concerning this bill, but not as part of the text or amendment to it, with Mr. Rohrabacher.

The CHAIRMAN. The gentleman is recognized.

Mr. HAYES. Thank you.

Mr. Rohrabacher, it's my understanding that our staffs have discussed the concerns over the impact that proposed reductions to the National Sea Grant program would have on critical marine research done in places, including coastal Louisiana.

And given that the House Committee on Resources reported, under their jurisdiction, HR 1175, with an authorization of close to \$55 million, I would merely like to have an informal agreement for discussion with you to work on reconciling that level with the Chairman's mark, and within the appropriate Subcommittee caps as assigned by Chairman Walker before the floor consideration.

Mr. ROHRBACHER. As the esteemed Ranking Member knows, we will have to enter into negotiations with the Resources Committee on this issue, and I would be pleased to work to reconcile the Science Committee's number with that of the Resource Committee, obviously staying within the budget cap.

Mr. HAYES. Thank you very much.

I appreciate both the Chair and Subcommittee Chair's views.

The CHAIRMAN. That concludes the markup on the measure HR 1175, Marine Resources Revitalization Act of 1995.

That also concludes the bills that were reported from the Subcommittee of Chairman Rohrabacher of California and Mr. Hayes. I want to congratulate those two gentlemen on the good work that they did. They managed to move those four bills in one day. It took this Committee four days to move those bills.

And I am particularly impressed by the work they did, given the situation we had here.

[Additional material follows:]

COMMITTEE ON SCIENCE

FULL COMMITTEE MARKUP: JUNE 28, 1995AMENDMENT ROSTER

H.R. 1175, the Marine Resources Revitalization Act of 1995.

-Motion to adopt the Amendment in the Nature of a Substitute: Adopted by a voice vote
-Motion to report the bill, as amended: Adopted by a voice vote

No.	Sponsor	Description	Results
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10 Federal funds.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 awards to persons who are members of a class specified
13 by law for which assistance is awarded to members of the
14 class according to a formula provided by law.

