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MARINE RESOURCES REVITALIZATION ACT OF 1997

MARCH 12, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 437]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 437 is to reauthorize the National Sea Grant College Program and make changes to the program's management.

BACKGROUND AND NEED FOR LEGISLATION

The National Sea Grant College Program (Sea Grant) was established by the National Sea Grant College Act (33 U.S.C. 1121–1131) which was passed in 1966 to improve marine resource conservation, management, and utilization. The program is patterned after the Land Grant College Program, which was created in 1862. Though originally assigned to the National Science Foundation, Sea Grant has been located within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce since the agency was established in 1970. Currently, there are 29 Sea Grant College programs that represent a network of researchers, educators and marine advisory agents at over 300 academic institutions.

To be designated a Sea Grant College, the applicant must demonstrate a record of superior performance in marine resource programs for a minimum of three years. Designated programs receive

priority in obtaining Federal grants for up to two-thirds of the total cost of a project. At least one-third of the cost of projects must come from non-Federal matching funds. The Sea Grant "core" program provides assistance to Sea Grant Colleges for research, education, and advisory services in fields related to ocean, coastal and Great Lakes resources. Authorization for this assistance expired on September 30, 1995, although appropriations have continued.

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

In addition to the core program, the Act also established the Sea Grant Review Panel. This panel is made up of 15 members who have marine science backgrounds or have knowledge and experience in the fields in which Sea Grant works. The Panel advises the Secretary of Commerce on matters relating to Sea Grant. Since 1990, priority oyster disease research has been separately authorized under the Act. Authorization for that program expired on September 30, 1995. This program was funded by the National Marine Fisheries Service until Fiscal Year 1995 when it was transferred to Sea Grant. Funding for zebra mussel research has also been administered by Sea Grant under an authorization contained in a separate statute. Though the Committee has not included a specific separate authorization for priority oyster disease research, it believes that this work is very important and should be continued. The overall program authorization level assumes that this research will continue.

Sea Grant is funded at $54.3 million in Fiscal Year 1997. Of that funding, $2.7 million is for administration of the national program office. In addition to that base funding, oyster disease research was funded at $1.5 million and zebra mussel research at $2.3 million. Sea Grant received no significant increases in funding during the 1980s. If corrected for inflation, its funding would have to be substantially increased to restore the program's 1981 purchasing power.

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

The Committee has chosen not to restrict the use of national initiatives at this time. However, the use of these initiatives in a manner that diminishes the role of Sea Grant Colleges is a major concern, and significant oversight will be exercised in this area. The Committee is particularly concerned about the growth of national initiatives when the Administration proposed reductions in the Sea Grant budget. If the Administration finds worthwhile national initiatives, it should request adequate funding for these items above the base funding level of the program.

COMMITTEE ACTION

H.R. 437 was introduced on January 9, 1997, by Congressman Jim Saxton (R–NJ), Chairman, Subcommittee on Fisheries Conservation, Wildlife and Oceans; Congressman Don Young (R–AK), Chairman, Committee on Resources; Congressman Neil Abercrombie (D–HI), Ranking Minority Member, Subcommittee on Fisheries Conservation, Wildlife and Oceans; and Congressman Sam Farr (D–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On February 27, 1997, the Subcommittee held a hearing on H.R. 437, where testimony was heard from Dr. Ronald C. Baird, Executive Director, National Sea Grant College Program, Office of Oceanic and Atmospheric Research, NOAA; Dr. Ronald Dearborn, President, Sea Grant Association; Dr. Leonard Pietrafesa, Chairman, Board of Oceans and Atmosphere, National Association of State Universities and Land Grant Colleges; and Dr. John Toll, Chairman, Sea Grant Review Panel. On March 5, 1997, the Full Resources Committee met to consider H.R. 437. The Subcommittee on Fisheries Conservation, Wildlife and Oceans was discharged from further consideration of H.R. 437. The bill was then ordered favorably reported to the House of Representatives without amendment.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "Marine Resources Revitalization Act of 1997".

SECTION 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT

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

SECTION 3. AMENDMENTS TO DEFINITIONS

This section amends the National Sea Grant College Program Act to define the term "sea grant institution" to mean any sea grant college or consortium as well as any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with monies provided under the Act. The section also simplifies the definition of "fields related to ocean, coastal and Great Lakes resources" by removing specific references to marine science, marine technology, education, marine affairs and re-

source management, economics, sociology, communications, planning, law, international affairs and public administration. Finally, the section clarifies that, in reference to this Act and the National Sea Grant College Act, the Secretary of Commerce acts through the Under Secretary of Commerce for Oceans and Atmosphere.

SECTION 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATIONS

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

SECTION 5. DUTIES OF THE DIRECTOR

This section amends section 204 of the National Sea Grant College Program Act to clarify that the duties of the Director of the National Sea Grant Office are to:

Advise the Secretary of Commerce on expertise and capabilities of the Sea Grant Program and on the designation or termination of Sea Grant institutions;

Promote cooperation and coordination among Sea Grant and other Federal departments, agencies and instrumentalities and encourage the formation and growth of Sea Grant programs;

Evaluate Sea Grant institutions' programs, not review each specific state program grant; and

Attempt to provide a stable base of funding for each state program within the limitations of competition and appropriations.

SECTION 6. DUTIES OF SEA GRANT INSTITUTIONS

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

SECTION 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM

This section repeals the Sea Grant International Program. The program has never been funded.

SECTION 8. DESIGNATION OF SEA GRANT INSTITUTIONS

This section consolidates and clarifies the requirements for the designation of Sea Grant Colleges and regional consortia by amending section 207 of the Sea Grant College Program Act. It requires the Secretary, within six months of the date of enactment, to establish guidelines for the conduct of merit review by Sea Grant institutions. At a minimum, these guidelines and priorities shall provide for peer review of all applications for grants or contracts and require standardized documentation of all peer review.

SECTION 9. REPEAL OF POSTDOCTORAL FELLOWSHIP PROGRAM

This section repeals the Postdoctoral Fellowship Program. This program has never been funded.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS

This section amends the National Sea Grant College Program Act to reauthorize Sea Grant at $54.3 million for Fiscal Year 1998, $55.4 million in Fiscal Year 1999, and $56.5 million in Fiscal Year 2000. It also limits administrative spending to no more than five percent of the amount appropriated for each fiscal year, and repeals the separate authorization for oyster disease research.

SECTION 11. CLERICAL AND CONFORMING AMENDMENTS

This section makes five clerical corrections and two conforming amendments.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 437.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the advisory committee reauthorized in H.R. 437 are not currently being nor could they be performed by one or more agencies or by enlarging the mandate of another existing advisory committee.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 437. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 437 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 437 does authorize

additional discretionary spending, as described in the Congressional Budget Office report on the bill.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 437.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 437 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 10, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 437, the Marine Resources Revitalization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 437—Marine Resources Revitalization Act of 1997

Summary: H.R. 437 would reauthorize the National Sea Grant College Program Act and would authorize appropriations of $54.3 million in fiscal year 1998, $55.4 million in fiscal year 1999, and $56.5 million in fiscal year 2000 to carry out its contract, grant, fellowship, and administrative functions. The bill also would cap the program's administrative expenses at 5 percent of appropriations and repeal the sea grant international program and the postdoctoral fellowship program. (Those two programs did not receive any funding in 1997.)

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 437 would result in additional discretionary spending of $166 million over the 1998–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation also does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 437 is shown in the table on the following page. For the purposes of this estimate, CBO assumes that all amounts authorized in H.R. 437 would be appropriated by the start of each fiscal year and that outlays would follow the historical spending patterns for the sea grant program.

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

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Spending under current law:						
Budget authority [1]	54	0	0	0	0	0
Estimated outlays	54	2	0	0	0	0
Proposed changes:						
Authorization level	0	54	55	57	0	0
Estimated outlays	0	52	55	57	3	0
Spending under H.R. 437:						
Authorization level [1]	54	54	55	57	0	0
Estimated outlays	54	54	55	57	3	0

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

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

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 437 contains no mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and would impose no costs on State, local, or tribal governments. Some of the institutions that would receive funds as a result of this bill's enactment are public agencies and universities. Under current law, institutions that receive grant funds under this program would be required to pay one-third of the total costs of funded projects.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104–4.

Estimate prepared by—Federal cost: Gary Brown; impact on State, local, and tribal governments: Teri Gullo; impact on the private sector: Lesley Frymier.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 437 contains no unfunded mandates.

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) * * *

* * * * * * *

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

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

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

* * * * * * *

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

(A) * * *

* * * * * * *

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

* * * * * * *

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

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

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

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

(16) The term "sea grant institution" means—

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

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

[SEC. 204. NATIONAL SEA GRANT PROGRAM.]

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

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

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

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

(B) appropriate administrative experience.

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

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

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

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

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

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

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

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

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

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

(c) DUTIES OF DIRECTOR.—

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

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

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

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

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

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

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

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

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

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

(i) promote healthy competition among those institutions,

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

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

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

* * * * * * *

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

(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under section 204(a); and

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

SEC. 205. CONTRACTS AND GRANTS.

(a) * * *

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

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

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

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

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

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

[(a) DESIGNATION.—(1) The Secretary may designate—

[(A) any institution of higher education as a sea grant college; and

[(B) any association or other alliance of two or more persons (other than individuals) as a sea grant regional consortium.

[(2) No institution of higher education may be designated as a sea grant college unless the Secretary finds that such institution—

[(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources and has received financial assistance under section 205 of this title or under section 204(c) of the National Sea Grant College and Program Act of 1966;

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

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

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

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

[(A) is established for the purpose of sharing expertise, research, educational facilities, or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services, in any field related to ocean, coastal, and Great lakes resources;

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

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

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

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

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

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

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

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

(a) DESIGNATION.—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 of this Act or under section 204(c) of the National Sea Grant College and Program Act of 1966;

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

(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 necessary or appropriate.

(b) REGULATIONS AND GUIDELINES.—

(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

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

SEC. 208. FELLOWSHIPS.

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

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

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

[(1) shall be for 2 years;

[(2) may be renewed once for not more than 2 years;

[(3) shall be awarded on a nationally competitive basis;

[(4) may be used at any institution of post-secondary education involved in the national sea grant college program;

[(5) shall be for up to 100 percent of the total cost of the fellowship; and

[(6) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.]

SEC. 209. SEA GRANT REVIEW PANEL.

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

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

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

(2) the sea grant fellowship program;

(3) the designation and operation of sea grant [colleges and sea grant regional consortia] *institutions*, and the operation of sea grant programs;

* * * * * * *

(c) MEMBERSHIP, TERMS, AND POWERS.—(1) The panel shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel. Not less than 8 of the voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the panel if the individual is (A) the director of a sea grant [college, sea grant regional consortium,] *institution* or sea grant program; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer of employee of the United States.

* * * * * * *

(5) Voting members of the panel shall—

(A) receive compensation at [the daily rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code] *the maximum daily rate payable under section 5376 of title 5, United States Code*, when actually engaged in the performance of duties for such panel; and

* * * * * * *

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

(3) $56,500,000 for fiscal year 2000.

(b) ADMINISTRATION.—

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

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

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

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

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

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

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

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

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

SECTION 3 OF THE SEA GRANT PROGRAM IMPROVEMENT ACT OF 1976

[SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.

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

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

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

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

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

[(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose

purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and

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

[(A) the Caribbean and Latin American regions;
[(B) the Pacific Islands region;
[(C) the Arctic and Antartic 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.]

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