

Calendar No. 1091

110TH CONGRESS }
2d Session }

SENATE

{ REPORT
110-508 }

NATIONAL SEA GRANT COLLEGE PROGRAM
AMENDMENTS ACT OF 2008

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3160



SEPTEMBER 25 (legislative day SEPTEMBER 17), 2008.—Ordered to be
printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2008

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008.—Ordered to be printed

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

REPORT

[To accompany S. 3160]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3160) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 3160, the National Sea Grant College Program Amendments Act of 2008, is to reauthorize the National Sea Grant College Program Act and strengthen the National Sea Grant Program to promote integrated research, education, training, and extension service activities related to ocean, coastal, and Great Lakes resources.

BACKGROUND AND NEEDS

The National Sea Grant College Program Act of 1966 created the National Sea Grant College Program (Sea Grant), modeled after the existing Land Grant College System. Sea Grant is a partnership between the National Oceanic and Atmospheric Administration (NOAA), universities, coastal and Great Lakes states, industry, and 300 partner institutions that addresses national, regional, and local coastal, ocean, and Great Lakes issues. Sea Grant produces a wide range of applied and basic scientific research and provides education, training, and technical assistance programs that promote the understanding and utilization of ocean, coastal, and

Great Lakes resources. The National Sea Grant College Program Act has been reauthorized nine times, most recently in 2002.

The National Sea Grant Office (NSGO) within NOAA provides oversight for the individual state programs, coordinates national competitions and initiatives, and directs regional collaboration between individual state programs. The NSGO has identified four national priorities affecting all coastal and Great Lakes areas. These national priorities are: (1) healthy coastal ecosystems; (2) sustainable coastal development; (3) safe and sustainable seafood supply; and (4) hazard resilience in coastal communities. Sea Grant aims to increase their partnerships throughout the NOAA and with other government and non-government agencies to address these issues. Regional collaboration is an important component of Sea Grant's efforts to address national priorities, which often extend beyond individual state borders.

The NSGO is responsible for the establishment of new Sea Grant programs. Establishing a Sea Grant College program is a sequential process that occurs over a period of time. The NSGO first provides funding for a specific project or series of projects. Programs that have demonstrated success in research and outreach over time through these projects are eligible to become Sea Grant Institutes. Once an Institute has developed solid partnerships with Federal, state, and local governments and other stakeholders and demonstrated the ability to obtain matching funds it can be elevated to the level of a Sea Grant College. Sea Grant Colleges have broad responsibilities for state, regional, and national activities and engage all of the institutions of higher learning in a state. Currently there are 32 university-based programs including Sea Grant Colleges and Sea Grant Institutes that represent every coastal and Great Lakes state, as well as the territory of Puerto Rico.

The NSGO benefits from the advisory services of the Sea Grant Review Panel. The Review Panel is an independent committee consisting of 15 members from academia and industry with expertise in the fields where Sea Grant works. The Review Panel was established by legislation in 1976 to review research directives of state programs and to advise the Secretary of Commerce and the Director of the NSGO regarding grant proposals, national priorities, and the designation and operation of Sea Grant programs.

The 2002 reauthorization of the National Sea Grant College Program Act called for a National Research Council (NRC) report on the process by which individual Sea Grant programs were being evaluated. The report, "Evaluation of the Sea Grant Program Review Process," was released in 2006. The NRC report recommended strengthening planning and coordination at the national and individual program level and improving the program evaluation process. The NRC report recommended that the NSGO evaluate programs based on their successes in meeting the objectives of individual, state specific strategic plans.

The National Sea Grant College Program Act Amendments of 2002 created a new system that ranked programs according to their relative performance and further required that a portion of the funding they receive be based on the programs' relative rankings. Programs are divided into five categories based on their performance with each category receiving a different level of merit funding. Currently, no more than 25 percent of the programs can

be placed within each of the two best performing categories, which receive the highest levels of merit funding. This ranking system had the unintended consequence of increasing competition and decreasing cooperation between programs.

Additionally, the NRC report highlighted the lack of NSGO oversight and evaluation of the state programs and called for the NSGO and the Review Panel to carry out meaningful, ongoing assessments of the individual programs. The NRC report also called for increased strategic planning at the national and program level.

SUMMARY OF PROVISIONS

The National Sea Grant College Program Amendments Act of 2008 would reauthorize the National Sea Grant College Program Act through fiscal year (FY) 2014. The bill would place an increased emphasis on collaboration among state Sea Grant programs, specifically at the regional level.

The bill would replace the current rating system. Programs would be evaluated based on metrics related to their strategic plans that incorporate local, regional, and national priorities. Merit funding would be allocated according to the ability of each program to meet the objectives of its own strategic plan.

The bill would exempt five percent of grants from requiring a 33 and 1/3 percent match from external funds. Under current law, the NSGO can exempt one percent of Federal funding from this match requirement. This change would allow for increased cooperative efforts with other offices within the NOAA as well as with other Federal agencies. Additionally, the National Sea Grant College Program Amendments Act of 2008 would exempt Dean John A. Knauss Marine Policy Fellowships from this matching requirement. This fellowship places current and recent graduate students in fields related to ocean, coastal, and Great Lakes resources in positions throughout the legislative and executive branch of the government. Sea Grant does not have to provide matching funds for fellows placed in the executive branch because they are considered special grants that are already exempted from this requirement. However, the state Sea Grant programs do have to procure matching funds for fellows placed in the legislative branch, which diverts funds away from that state's programming. The exemption for legislative fellows will allow for both fellowship types to be viewed equally by the NSGO and the state programs.

The National Sea Grant College Program Amendments Act of 2008 would elevate the Review Panel to the status of an Advisory Board. This change in status would expand the responsibilities of the Review Panel allowing for increased oversight over the program to strengthen planning and coordination and ensure that efforts are consistent with national objectives.

Finally, the bill would authorize appropriations of \$100 million for FY 2009, \$105 million for FY 2010, \$110 million for FY 2011, \$115 million for FY 2012, \$120 million for FY 2013, and \$125 million for FY 2014. Increased appropriations would be used to increase regional and interagency coordination, provide for the growth of small and new programs, provide additional funding for the NSGO, and allow for the program as a whole to sustain ongoing research, education, and outreach efforts.

LEGISLATIVE HISTORY

S. 3160 was introduced in the Senate on June 19, 2008, by Senator Inouye and is co-sponsored by Senators Stevens, Cantwell, Snowe, and Kerry. The bill was referred to the Committee on Commerce, Science, and Transportation. On June 24, 2008, the Committee considered the bill in an open executive session. The Committee, without objection, ordered S. 3160 reported.

Staff assigned to this legislation are Kristen Sarri, Democratic Professional Staff, and Todd Bertosen, Republican Senior Counsel.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 2008.

Hon. DANIEL K. INOUE,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3160, the National Sea Grant College Program Amendments Act of 2008.

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

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

S. 3160—National Sea Grant College Program Amendments Act of 2008

Summary: S. 3160 would authorize funding for the national sea grant program, which is administered by the National Oceanic and Atmospheric Administration (NOAA). Assuming appropriation of the authorized amounts, CBO estimates that spending for the program from those appropriations would total \$445 million over the 2009–2013 period. An additional \$230 million would be spent after 2013, including \$125 million authorized to be appropriated for 2014. Enacting S. 3160 would not affect direct spending or revenues.

S. 3160 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 3160 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					2009– 2013
	2009	2010	2011	2012	2013	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	100	105	110	115	120	550

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
Estimated Outlays	30	82	106	111	116	445

Basis of estimate: S. 3160 would authorize the appropriation of \$675 million, including \$550 million over the 2009–2013 period and \$125 million for fiscal year 2014, for the national sea grant program. Those amounts would be used by NOAA for grants, fellowships, and related administrative functions under the program. For this estimate, CBO assumes that all amounts authorized by S. 3160 will be appropriated near the start of each fiscal year and that outlays will follow historical spending patterns for the sea grants program. In 2008, \$57 million was appropriated for this program.

Intergovernmental and private-sector impact: S. 3160 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the national sea grant college program, which provides grants to improve marine resource conservation, management, and utilization. Any costs state, local, or tribal governments might incur, including matching funds, would result from complying with conditions of aid.

Previous estimate: On May 6, 2008, CBO transmitted a cost estimate for H.R. 5618, the National Sea Grant College Program Amendments Act of 2008 as ordered reported by the House Committee on Natural Resources on April 30, 2008. On June 27, 2008, CBO transmitted a cost estimate for H.R. 5618 as ordered reported by the House Committee on Science and Technology on June 25, 2008. Both of those versions of the bill would authorize the appropriation of \$389 million over the 2009–2013 period and \$100 million, in 2004, while S. 3160 would authorize the appropriation of \$550 million and \$125 million respectively over the same periods.

Estimate prepared by: Federal Cost: Tyler Kruzith; Impact on State, Local, and Tribal Governments: Neil Hood; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

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

NUMBER OF PERSONS COVERED

The reported bill would not authorize any new regulations and therefore will not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

The bill, as reported, is expected to have a positive impact on the nation's economy by benefitting public universities and improving marine resource conservation, management, and utilization.

PRIVACY

The reported bill would not have any adverse impact on the personal privacy of individuals.

PAPERWORK

The reported bill would not increase paperwork requirements for the private sector. The bill would require the National Sea Grant Advisory Panel to produce a biennial report on the state of the National Sea Grant College Program.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that the bill does not contain any congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would title the Act as the “National Sea Grant College Program Amendments Act of 2008.”

Section 2. References

This section would clarify that amendments and repeals in this Act are made to the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

Section 3. Findings and purposes

This section would amend the findings and purposes section of the National Sea Grant College Program Act to address the importance of preparing for, mitigating, responding to, and recovering from coastal hazards and understanding global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; to highlight the importance of investing in a program that provides integrated research and extension services; to increase focus on the need to manage ocean, coastal, and Great Lakes resources; and to encourage work with both research and outreach personnel at academic institutions.

Section 4. Definitions

This section would amend the National Sea Grant College Program Act to define the term “regional research and information plans” as plans developed by one or more Sea Grant Colleges or Sea Grant Institutes that identify regional priorities. This section also would amend the National Sea Grant College Program Act to replace the term “advisory services” with “extension services” within the definition of “project.”

Section 5. National Sea Grant College Program

This section would direct the Secretary of Commerce to provide support for national and regional projects, bringing increased focus to regional efforts. This section would remove the need for approval of these projects by the Review Panel and require that the Advisory Board be consulted. This section would require the Director of the National Sea Grant College Program (Director) to evaluate and as-

sess the performance of Sea Grant Colleges and Institutes and replace the system that required ranking the programs under strict guidelines with a merit-based evaluation process. This section also would require the Director to encourage collaboration among Sea Grant Colleges and Institutes and ensure successful implementation of Sea Grant programs.

Section 6. Program or project grants and contracts

This section would exempt 5 percent of grants, rather than 1 percent under current law, from requiring a 33 and $\frac{1}{3}$ percent match from external funds. Dean John A. Knauss Marine Policy Fellowships would be excluded from this requirement.

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

This section would replace the term “advisory services” with “extension services” in section 207(a) of the National Sea Grant College Program Act regarding designation of Sea Grant Colleges and Institutes.

Section 8. Technical correction relating to fellowships

This section would clarify that Dean John A. Knauss Marine Policy Fellowships would be excluded from requiring a 33 and $\frac{1}{3}$ percent match from external funds.

Section 9. National Sea Grant Advisory Board

This section would redesignate the Sea Grant Review Panel as an Advisory Board and require the Board to advise the Secretary of Commerce and the Director of the National Sea Grant College Program regarding national priorities and the designation of Sea Grant Colleges and Institutes, and to provide the Congress with a report on the status of the program every two years. Current membership would not be affected by the transformation of the Review Panel to an Advisory Board. This section also would allow for one year extensions of the terms of Board members. This section would allow experts in coastal management to be considered for positions on the Board. This section would authorize the formation of subcommittees, which could include individuals who are not Board members. Finally, this section would define the term “Board” to be the National Sea Grant Advisory Board established under this section.

Section 10. Authorization of appropriations

This section would authorize appropriations of \$100 million for FY 2009, \$105 million for FY 2010, \$110 million for FY 2011, \$115 million for FY 2012, \$120 million for FY 2013, and \$125 million for FY 2014. This section also would require that funds that exceed amounts appropriated in FY 2003 be used to provide additional funding to programs according to their performance assessments, for regional and national strategic investments, for the designation of new Sea Grant Colleges and Institutes, and for the building up of recently designated programs.

Section 11. Repeal of annual coordination report requirement

This section would repeal the requirement for a joint report by the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

SEC. 202. CONGRESSIONAL DECLARATION OF POLICY.

[33 U.S.C. 1121]

- (a) FINDINGS.—The Congress finds and declares the following:
- (1) The national interest requires a strategy to—
 - (A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;
 - (B) foster economic competitiveness;
 - (C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;
 - [(D) encourage the development of forecast and analysis systems for coastal hazards;
 - [(E) understand global environmental processes; and]
 - (D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;*
 - (E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and*
 - (F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.
 - (2) Investment in a strong [program of research, education,] *program of integrated research, education, extension, training, technology transfer, and public service* is essential for this strategy.
 - (3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.
 - (4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, [utilization] *management*, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human health, the quality of the environment, national security, and the enhancement of commerce.
 - (5) The understanding, assessment, development, [utilization] *management*, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, or-

ganizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

[(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and scientists at academic institutions.]

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.

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

(c) PURPOSE.—It is the purpose of the Congress to achieve the objective of this title by extending and strengthening the national sea grant program, initially established in 1966, [to promote research, education, training, and advisory service activities] *to promote integrated research, education, training, and extension services and activities* in fields related to ocean, coastal, and Great Lakes resources.

SEC. 203. DEFINITIONS.

[33 U.S.C. 1122]

As used in this title—

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

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

(3) the term “director of a sea grant college” means a person designated by his or her institution to direct a sea grant college or sea grant institute.

(4) The term “field related to ocean, coastal, and Great Lakes resources” means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the under-

standing, assessment, development, [utilization,] *management*, or conservation of ocean, coastal, or Great Lakes resources.

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

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

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

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

(B) the Great Lakes;

(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);

(D) the territorial sea;

(E) the exclusive economic zone;

(F) the Outer Continental Shelf;

(G) the high seas.

(8) The term “resource” means—

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

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

(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

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

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

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

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

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

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

(13) The term “sea grant institute” means any institution, or any association or alliance of two or more such institutions,

designated as such by the Secretary under section 207 [(33 U.S.C. 1126)] of this Act.

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

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

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

(17) *The term “regional research and information plan” means a plan developed by one or more sea grant colleges or sea grant institutes that identifies regional priorities.*

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

[33 U.S.C. 1123]

(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

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

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

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

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

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

(3) the fellowship program under section 208; and

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

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

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) The Secretary, in consultation with the [panel] Board, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national

needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) [Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the] *The* Secretary, in consultation with the [panel] *Board*, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

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

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

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

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

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

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

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

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

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

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

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

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addi-

tion to any other duty prescribed by law or assigned by the Secretary, the Director shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 205. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

[33 U.S.C. 1124]

(a) AUTHORIZATION; PURPOSES; LIMITATION ON AMOUNT.—The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

- (1) implement the objective set forth in section 202(b); and
- (2) be responsive to the needs or problems of individual **States or regions.** *States, regions, or the Nation.*

The total amount paid pursuant to any such grant or contract may equal 66 2/3 percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 204(c)(4)(F).

(b) **SPECIAL GRANTS; MAXIMUM AMOUNT; PREREQUISITES.**—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).

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

The total amount that may be provided for grants under this subsection and subsection 208(b) during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.

(c) **ELIGIBILITY AND PROCEDURE.**—Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe. The Secretary shall act upon each such application within 6 months after the date on which all required information is received.

(d) **TERMS AND CONDITIONS.**—

- (1) Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2), (3), and (4) and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate. Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.

- (2) No payment under any grant or contract under this section may be applied to—

- (A) the purchase or rental of any land; or

- (B) the purchase, rental, construction, preservation, or repair of any building, dock, or vessel; except that payment under any such grant or contract may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and may, if approved by the Secretary, be applied to the purchase, rental, construction, preservation, or re-

pair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any sea grant program or project.

(3) The total amount which may be obligated for payment pursuant to grants made to, and contracts entered into with, persons under this section within any one State in any fiscal year shall not exceed an amount equal to 15 percent of the total funds appropriated for such year pursuant to section 212.

(4) Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to such grants and contracts.

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

[33 U.S.C. 1126]

(a) DESIGNATION.—

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

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

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

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

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

(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

(F) meet such other qualifications as the Secretary, in consultation with the [panel] *Board*, considers necessary or appropriate.

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

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

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

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

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

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

(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

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

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

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

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

(e) ANNUAL REPORT ON PROGRESS.—

(1) REPORT REQUIREMENT.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

(2) TERRITORIES AND FREELY ASSOCIATED STATES.—The report shall include description of—

(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).

SEC. 208. FELLOWSHIPS.

[33 U.S.C. 1127]

(a) IN GENERAL.—To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellow-

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

(b) **DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.**—The 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 *and is not subject to Federal cost share requirements.*

SEC. 209. SEA GRANT REVIEW PANEL.

[33 U.S.C. 1128]

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

SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

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

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

[(1) applications or proposals for, and performance under, grants and contracts awarded under section 205;

[(2) the sea grant fellowship program;

[(3) the designation and operation of sea grant colleges and sea grant institutes, and the operation of sea grant programs;

[(4) the formulation and application of the planning guidelines and priorities under section 204(a) and (c)(1); and

[(5) such other matters as the Secretary refers to the [panel] Board for review and advice.

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

(b) DUTIES.—

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

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

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

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

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

(c) MEMBERSHIP, TERMS, AND POWERS.—

(1) The [panel] Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the [panel] Board. Not less than 8 of the voting members of the [panel] Board shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, *coastal 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,] *management*, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the [panel] Board if the individual is (A) the director of a sea grant college or sea grant institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer or employee of the United States.

[(2) The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.]

(2) *The term of office of a voting member of the Board shall be 4 years. The Director may extend the term of office of a voting member of the Board once by up to 1 year.*

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

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

(5) Voting members of the [panel] Board shall—

(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such **[panel]** *Board*; and

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

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

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

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

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[33 U.S.C. 1131]

(a) AUTHORIZATION.—

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

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

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

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

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

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

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

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

(A) \$100,000,000 for fiscal year 2009;

(B) \$105,000,000 for fiscal year 2010;

(C) \$110,000,000 for fiscal year 2011;

(D) \$115,000,000 for fiscal year 2012;

(E) \$120,000,000 for fiscal year 2013; and

(F) \$125,000,000 for fiscal year 2014.

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

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

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

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

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

(b) LIMITATIONS.—

(1) Administration. There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

(A) the amount authorized to be appropriated under this title for the fiscal year; or

(B) the amount appropriated under this title for the fiscal year.

(2) Use for other offices or programs. Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

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

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

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

(2) *regional or national strategic investments authorized under section 204(b)(4)*;

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

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

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

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

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

[(SEC. 9. REPORT ON COORDINATION OF OCEANS AND COASTAL RESEARCH ACTIVITIES.

[[33 U.S.C. 857–20]

[Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College

Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.】

