

Calendar No. 462

107th Congress }
2d Session }

SENATE

{ REPORT
{ 107-187

NATIONAL SEA GRANT COLLEGE PROGRAM
ACT AMENDMENTS

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2428



JUNE 27, 2002.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

99-010

WASHINGTON : 2002

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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(II)

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JUNE 27, 2002.—Ordered to be printed

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

R E P O R T

[To accompany S. 2428]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2428) to amend the National Sea Grant College Program Act, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2428, as reported, would reauthorize the National Sea Grant College Program Act within the National Oceanic and Atmospheric Administration, authorize funding levels for the program for Fiscal Years 2004 through 2008, and make modifications to improve the operation of the program.

BACKGROUND AND NEEDS

The National Sea Grant College Program (Sea Grant) was established by Congress in 1966. Originally placed in the National Science Foundation, Sea Grant was moved to the National Oceanic and Atmospheric Administration (NOAA) upon its establishment in 1970, where it is located within the Office of Oceanic and Atmospheric Research. Sea Grant is modeled after the successful cooperative agricultural research and extension efforts of the Land-Grant College Program and works to create partnerships among universities, industry, and other groups to promote cost-effective and sustainable use of the nation's ocean, coastal and Great Lakes resources. Sea Grant encompasses scientific research, education, advisory programs, and extension services. Its emphasis on applied

research allows the transfer of information and technologies from universities and government agencies to the private sector. Currently, there are 31 Sea Grant programs, located in coastal and Great Lakes States and Puerto Rico, that serve as the core of a national network of over 300 participating institutions involving more than 3,000 scientists, engineers, educators, students, and outreach experts.

The designation of Sea Grant colleges and institutional programs—made by the National Sea Grant Director with the aid of the Sea Grant Review Panel—is based in large part on an institution’s demonstrated record of performance in addressing concerns related to marine or Great Lakes issues, in addition to other criteria. Sea Grant colleges and institutional programs receive federal funds through the National Sea Grant Office within NOAA. Such funds may cover up to two-thirds of the cost of a project; at least one-third of the cost of a project must come from non-federal matching funds. The National Sea Grant Office administers the overall program, reviews proposals for grants and contracts, and manages the Dean John A. Knauss Marine Policy Fellowship Program which places graduate-level fellows in the legislative and executive branches. Over 90 percent of the funds appropriated for the Sea Grant program are distributed to Sea Grant colleges and institutional programs, with additional funds used primarily for administration and fellowships.

While the Sea Grant Program enjoys broad-based support within the academic community and marine industry groups, the Administration’s Fiscal Year 2003 (FY) budget proposes to transfer and modify NOAA Sea Grant program to the National Science Foundation in order “to promote rigorous, merit-based competition among researchers.” The Committee strongly disagrees with the Administration’s assessment that there is a need to transfer the program and opposes the Administration’s proposal. The Administration has not provided any information to the Committee that would lend support to the need for a transfer to promote merit-based competition. Moreover, the Administration’s FY 2003 budget proposal is contrary to law and to Congressional intent. Existing law authorizes the Sea Grant program in NOAA through the end of FY 2003. Further, transferring of the program to the National Science Foundation would result in the elimination of the Sea Grant extension services, a unique and important component of the Sea Grant Program.

Sea Grant has a rigorous, merit-based grant process, which has been greatly improved by amendments provided in the previous reauthorization, in response to recommendations of the National Research Council (NRC). Programmatic and administrative changes have also been made to respond to the recommendations of the Mandate to Engage Coastal Users: A Review of the National Sea Grant College Extension Program. Information provided by the National Sea Grant Office indicates that during the 2000/2001 biennium, 2,249 proposals were submitted to Sea Grant competitions, of which 520 projects were selected for funding (an approval rate of 22 percent). Of the 435 awards to principal investigators for Sea Grant research projects in FY 2001, only 135 were also principal investigators in FY 1998, representing an award rate turnover of 70 percent.

There is substantial support for the extension program. Approximately 34 percent of the funds awarded by Sea Grant in FY 2001 were used for proposal-based and peer-reviewed Extension, Communication, and Education programs necessary to meet the Congressional mandate of the program, many of which would not be possible under the National Science Foundation.

Concerns have been raised that core funding for participating colleges and institutions has remained level due to funding constraints on increases for special purpose initiatives controlled by the National Sea Grant Office. One identified result of this funding limitation has been the loss through attrition of approximately one-third of the field extension officers within the Sea Grant colleges and institutions.

LEGISLATIVE HISTORY

The National Sea Grant College Program Act was last amended and reauthorized in the 105th Congress (P.L. 105–160). The program is currently authorized through FY 2003 within NOAA. On April 30, 2002, Senator Kerry introduced S. 2428, the National Sea Grant College Program Act Amendments of 2002. The bill is co-sponsored by Senators Snowe, Hollings, Stevens, Breaux, Murkowski, Sarbanes, Reed, Feingold, Wyden, Gordon Smith, Akaka, Cochran, Warner, Gregg, Chafee, Collins, DeWine, Landrieu, Mikulski, Torricelli, and Corzine. On May 1, 2002, the Senate Committee on Commerce, Science, and Transportation held a hearing on the FY 2003 budget and programs of NOAA. The Committee received testimony from Vice Admiral Conrad C. Lautenbacher (ret.) USN, NOAA Administrator & Under Secretary of Commerce for Oceans and Atmosphere, regarding the Administration's proposal to transfer the Sea Grant Program to the National Science Foundation. At its May 16, 2002, executive session, the Commerce Committee ordered S. 2428 to be reported without amendment.

The House of Representatives has introduced a similar bill (H.R. 3389), which has been favorably reported by the House Resources Committee and the House Science Committee, although some discrepancies between the two versions have not been resolved.

SUMMARY OF MAJOR PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

S. 2428 would reauthorize the National Sea Grant College Program Act and provides increased funding authorization levels for FY 2004 through FY 2008. The bill would authorize \$75 million for FY 2004, \$77.5 million for FY 2005, \$80 million for FY 2006, \$82.5 million for FY 2007, and \$85 million for FY 2008. The \$75 million authorization for FY 2004 represents a 25 percent increase over the FY 2003 authorization level of \$60 million. This increase is intended to address concerns of insufficient funding in recent years and reinvigorate core program support, as well as facilitate new program development.

The bill would also extend the authorization of \$5 million in each of the fiscal years 2004 through 2008 for priority research in each of the following three areas: biology and control of zebra mussels and other important non-native species as identified in the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990;

oyster diseases, oyster restoration, and oyster-related human health risks; and the biology, prevention, and forecasting of harmful algal blooms.

S. 2428 would also authorize an additional \$3 million to enhance the fisheries extension program. The Committee intends that this additional authorization level will provide the funding necessary for Sea Grant colleges and institutions to properly address extension and outreach workforce needs through the deployment of additional fisheries extension agents.

The bill would reassure that no more than 5 percent of funds may be used for administration of the program. This cap is intended to guarantee that Sea Grant funds will be used primarily to support the network of participating institutions.

DISTRIBUTION OF FUNDS

S. 2428 also contains provisions that would recognize achievements of individual programs through the awarding, on a competitive basis, of additional funds. The bill would provide that in any fiscal year in which appropriations exceed the amounts appropriated for FY 2003, the additional amounts (except amounts used for administration of programs) are to be distributed to State programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs, and to support national strategic initiatives. The Committee believes that increasing Sea Grant's reliance on competitive, merit review procedures for both the State programs and the national strategic competitions will improve the quality of the program.

This provision was also included to address concerns raised that no set formula or transparent process exists by which current funding allocation decisions are made, and to ensure the equitable distribution of future funding among the States is based upon individual program merits instead of historical trends. The National Sea Grant College Program Act does not specify how federal funding should be allocated among State Sea Grant colleges and institutions. It is the view of the Committee that amounts appropriated in excess of FY 2003 levels should be allocated, with due consideration, to the following priorities:

- (1) Adjust base funding for existing State Sea Grant Programs to address funding inequities that exist due to historical trends;
- (2) Provide funds to State Sea Grant Programs to restore their capabilities and program activities lost through erosion of spending power, including the loss of Sea Grant extension program personnel;
- (3) Provide significant funding to State Sea Grant Programs to reward them for demonstrated excellence in performance and results; and
- (4) Provide funding for use in nurturing the development of new Sea Grant College Programs.

PUBLIC/PRIVATE COLLABORATION AND COORDINATION

S. 2428 would amend existing findings to recognize the cost effectiveness of, and to promote strong collaborations between, Administration scientists and scientists at academic institutions. The bill

further would instruct the Director of the National Sea Grant College Program to encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions.

QUADRENNIAL STRATEGIC PLAN

S. 2428 would require the Secretary of Commerce to develop, at least on a quadrennial basis, a strategic plan for the National Sea Grant College Program reflecting an appropriately balanced response to local, regional, and national needs, reflective of integration with the strategic plans of the Department of Commerce and of NOAA. The last reauthorization of the National Sea Grant College Program Act in 1997 required the Secretary to develop a long-range strategic plan that establishes priorities for the program. However, no mechanism for regular review of the strategic plan or its consistency with the missions and activities of the Department and NOAA currently exists. It is the Committee's view that such regular review of the strategic plan and priorities of the National Sea Grant College Program is necessary to avoid duplication of efforts, to ensure that research areas are covered adequately, and to balance local, regional, and national needs.

ENSURING EQUAL ACCESS

S. 2428 would require that equal access for minority and economically disadvantaged students be provided under the graduate and post-graduate level fellowship programs.

SEA GRANT REVIEW PANEL

S. 2428 would adjust the term of office for a voting member of the Sea Grant review panel to 4 years for appointed or reappointed members.

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, May 22, 2002.

Hon. ERNEST F. HOLLINGS,
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. 2428, the National Sea Grant College Program Act Amendments of 2002.

If you wish further details on this estimate, we will be pleased to provided them. The CBO staff contact is Deborah Reis.

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosure.

S. 2428—National Sea Grant College Program Act Amendments of 2002

Summary: S. 2428 would authorize funding for the national sea grant college program through fiscal year 2008. Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$297 million over the 2003–2007 period to carry out these activities. (An additional \$193 million would be spent after 2007, including \$103 million authorized to be appropriated for 2008.) The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

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

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2428 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

The bill would authorize the appropriation of \$490 million, including \$387 million over the 2003–2007 and \$103 million for fiscal year 2008, for the national sea grant program. These funds would be used to carry out the National Oceanic and Atmospheric Administration's (NOAA) contract, grant, fellowship, and administrative functions under this program. For this estimate, CBO assumes that all amounts authorized by S. 2428 will be appropriated by the start of each fiscal year and that outlays will follow historical spending patterns for the sea grants program.

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Spending Under Current Law:						
Authorization Level ¹	62	69	0	0	0	0
Estimated Outlays	55	62	47	14	0	0
Proposed Changes:						
Authorization Level	0	0	93	96	98	101
Estimated Outlays	0	0	28	75	96	98
Spending Under S. 2428:						
Authorization Level	62	69	93	96	98	101
Estimated Outlays	55	62	75	89	96	98

¹The 2002 level is the amount appropriated for that year for a sea grants and related grant programs authorized by S. 2428. The 2003 level is the amount authorized for such appropriations.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: S. 2428 contains no intergovernmental 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 for programs to improve marine resource conservation, management, and utilization. Any costs incurred by public universities to participate in this program would be voluntary. In addition, the bill could benefit state governments that have implemented state sea grant programs by authorizing NOAA to distribute any excess amounts appropriated above the 2002 level to state sea grant programs (using a competitive, merit-based review). Any costs incurred by states would be voluntary.

Estimated impact on the private sector: S. 2428 would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On March 5, 2002, CBO transmitted a cost estimate for H.R. 3389, the National Sea Grant College Program Act Amendments of 2002, as ordered reported by the House Committee on Resources on February 27, 2002. The cost of the Senate bill is lower than the House Resources Committee version because it does not authorize funding for NOAA's ocean coastal research program or for the one-year grant to certain Pacific islands as the Resources Committee version did.

On April 4, 2002, CBO transmitted an estimate for H.R. 3389 as ordered reported by the House Committee on Science on March 20, 2002. The House Science Committee version of the legislation includes authorizations for fiscal year 2003, which the Senate bill does not.

In addition to these differences, the Senate bill includes an annual authorization of \$3 million in appropriations for fisheries extension grants. Neither House version of the legislation contained this provision.

Estimate prepared by: Federal Cost: Deborah Reis; Impact on State, Local, and Tribal Governments: Elyse Goldman; and Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, 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:

Because S. 2428 does not create any new programs, the legislation would have no additional regulatory impact, and would result in no additional reporting requirements for businesses or individuals.

NUMBER OF PERSONS COVERED

Sea Grant is a scientific research and extension program and does not regulate the activities of private citizens or businesses. Institutions receiving grants or contracts through Sea Grant must meet requirements specified in law and by regulation for grant and contract recipients, but these requirements are only imposed as a condition of receiving federal funding. S. 2428 simply reauthorizes Sea Grant and therefore, would not subject any private citizens or businesses not participating in the program to additional regulation.

ECONOMIC IMPACT

Section 5 of the bill would authorize appropriations for Sea Grant of \$93.0 million in FY 2004, \$95.5 million in FY 2005, \$98.0 million in FY 2006, \$100.5 million in FY 2007, and \$103 million in FY 2008. These authorization levels are intended to improve the performance of the National Sea Grant College Program and should have a beneficial impact on the economy of the United States.

PRIVACY

This legislation would not have any adverse impact on the personal privacy of the individuals that will be impacted by this legislation.

PAPERWORK

S. 2428 would not impose any new paperwork requirements on private citizens or businesses that do not choose to participate in Sea Grant; entities choosing to participate in the program may be subject to some changes in the paperwork requirements of the program. Additionally, the bill requires the Secretary of Commerce to develop at least every 4 years a strategic plan, which establishes priorities for the National Sea Grant College Program and is reflective of integration with the strategic plans of the Department of Commerce and of NOAA.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 of the bill would state the short title of the bill as the “National Sea Grant College Program Act Amendments of 2002”.

Section 2. Amendments to findings

Section of the bill would amend section 202(a)(6) of the National Sea Grant College Program Act (the Act) to encourage strong collaborations between Administration scientists and academic institutions.

Section 3. Requirements applicable to National Sea Grant College Program

Section 3 of the bill would make changes to the requirements and responsibilities of the Secretary of Commerce and of the Director of the National Sea Grant Program under section 204 of the Act; and provides further direction to the Secretary under section 208 of the Act.

The legislation would amend section 204(c)(1) of the Act to require the Secretary to develop, at least on a quadrennial basis, a strategic plan for the National Sea Grant College Program reflecting an appropriately balanced response to local, regional, and national needs; reflective of integration with the strategic plans of the Department of Commerce and of the National Oceanic and Atmospheric Administration.

The legislation would also amend section 204(d)(3)(B) of the Act to include language that the Director of the National Sea Grant College Program shall encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions.

The legislation would further amend section 208(a) of the Act to include language that the Secretary shall strive to provide equal access for minority and economically disadvantaged students under the graduate and post-graduate level fellowship programs.

Section 4. Terms of membership for Sea Grant Review Panel

Section 4 of the bill would amend section 209(c)(2) of the Act, adjusting the term of office for a voting member of the panel to 4 years for members appointed or reappointed after the date of enactment.

Section 5. Authorization of appropriations

Section 5 of the bill would amend section 212 of the Act by authorizing appropriations for five years, placing limitations on appropriated funds, and providing direction on the distribution of new funds.

The legislation would amend section 212(a)(1) of the Act by authorizing \$75 million for FY 2004; \$77.5 million for FY 2005; \$80 million for FY 2006; \$82.5 for FY 2007; and \$85 million for FY 2008.

The legislation would amend section 212(a)(2) of the Act by authorizing \$5 million for each fiscal year 2004 through 2008 for priority research into zebra mussels and other important non-native species, oysters, and harmful algal blooms. It would also authorize a previously appropriated amount of \$3 million to enhance the fisheries extension program.

The legislation would require that no more than 5 percent of the funds may be used for administration of the program.

The legislation would insert a provision that in any fiscal year in which appropriations exceed the amounts appropriated for FY 2003, the additional amounts (except amounts used for administration of programs) be distributed to State programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs, and to support national strategic initiatives.

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

[33 U.S.C. 1121 et seq.]

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

(F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of research, education, 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, 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, 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, organizations, 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.] *institutions, including strong collaborations between Administration scientists and scientists at academic institutions.*

(b) OBJECTIVE.—The objective of this title is to increase the understanding, assessment, development, utilization, 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 in fields related to ocean, coastal, and Great Lakes resources.

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;

(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.

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

(1) [The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.] *The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan which 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 strategic plans of the Department of Commerce and of NOAA.*

(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary, in consultation with the panel, 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 addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

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

(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) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

(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 successful implementation of sea grant programs; **[and]**

(iii) 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) *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. 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 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 Secretary. *The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.*

(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.

(c) **POSTDOCTORAL FELLOWSHIPS.**—The 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.

[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.

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

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

(2) the sea grant fellowship program;

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

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

(5) such other matters as the Secretary refers to the panel for review and advice. The Secretary shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(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 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, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.] *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.*

(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 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 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; and

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

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

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[33 U.S.C. 1131]

[(a) AUTHORIZATION.—

[(1) In general.—There is authorized to be appropriated to carry out this Act—

[(A) \$56,000,000 for fiscal year 1999;

[(B) \$57,000,000 for fiscal year 2000;

[(C) \$58,000,000 for fiscal year 2001;

[(D) \$59,000,000 for fiscal year 2002; and

[(E) \$60,000,000 for fiscal year 2003.

[(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

[(A) up to \$2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

[(B) up to \$3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

[(C) up to \$3,000,000 may be made available for competitive grants for university research on *Pfiesteria piscicida* and other harmful algal blooms.]

(a) AUTHORIZATION.—

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

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

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

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

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

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

(2) *PRIORITY RESEARCH.—In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2004 through 2008—*

(A) \$5,000,000 for competitive grants for university research on biology and control of zebra mussels and other important non-native species as identified in section

1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4171(b)(4)(A));

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

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

(D) \$3,000,000 for competitive grants for research contributing to the fisheries extension program to enhance, not supplant, existing core program funding.

[(b) PROGRAM ELEMENTS.—

[(1) LIMITATION.—No more than 5 percent of the lesser of—

[(A) the amount authorized to be appropriated; or

[(B) the amount appropriated, for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

[(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.]

(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) PRIORITY OYSTER DISEASE RESEARCH.—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.]

(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made pursuant to subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute the excess amounts (except amounts used for the administration of programs) solely to—

(1) State sea grant programs on a merit reviewed, competitive basis to support, enhance, and reward programs that are best managed and carry out the highest quality research, education, extension, and training programs; and

(2) national strategic initiatives.

(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.

