

Public Law 105-160
105th Congress

An Act

To reauthorize the Sea Grant Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Sea Grant College Program Reauthorization Act of 1998”.

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

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

SEC. 3. FINDINGS.

- (a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—
 - (1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and
 - (2) by inserting after subparagraph (C) the following:

“(D) encourage the development of forecast and analysis systems for coastal hazards;”.
- (b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: “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.”.

SEC. 4. DEFINITIONS.

- (a) Section 203 (33 U.S.C. 1122) is amended—
 - (1) in paragraph (3)—
 - (A) by striking “their university or” and inserting “his or her”; and
 - (B) by striking “college, programs, or regional consortium” and inserting “college or sea grant institute”;
 - (2) by striking paragraph (4) and inserting the following:

“(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 understanding,

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assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.”;

(3) by redesignating paragraphs (5) through (15) as paragraphs (7) through (17), respectively, and inserting after paragraph (4) the following:

“(5) The term ‘Great Lakes’ includes Lake Champlain.

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

(4) by striking “regional consortium, institution of higher education, institute, or laboratory” in paragraph (11) (as redesignated) and inserting “institute or other institution”; and

(5) by striking paragraphs (12) through (17) (as redesignated) and inserting after paragraph (11) the following:

“(12) 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 administered by a person with expertise in such a field.

“(13) 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.

“(14) 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.

“(15) 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.

“(16) The term ‘Secretary’ means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

“(17) 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.”.

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking “the Under Secretary,”; and

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

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

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

“SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

“(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.

“(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.

Guidelines.

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

Regulations.

“(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

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

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

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

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

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

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

“(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, 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, 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.

“(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, 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.”

SEC. 8. SEA GRANT REVIEW PANEL.

(a) Section 209(a) (33 U.S.C. 1128(a)) is amended by striking the second sentence.

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

(1) by striking “The Panel” and inserting “(b) DUTIES.—The panel”;

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

(3) by striking “regional consortia” in paragraph (3) and inserting “institutes”.

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

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

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

“(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”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

“(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.”.

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

“(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).”.

(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and

Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) NOTICE OF REORGANIZATION.—The Secretary of Commerce shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

33 USC 1123
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SEC. 10. ADMINISTRATIVE LAW JUDGES.

15 USC 1541.

Notwithstanding section 559 of title 5, United States Code, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 of such Code to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis. Should the United States Coast Guard require the detail of an Administrative Law Judge to perform any of these functions, it may request such temporary or occasional assistance from the Office of Personnel Management pursuant to section 3344 of title 5, United States Code.

Approved March 6, 1998.

LEGISLATIVE HISTORY—S. 927:

SENATE REPORTS: No. 105-150 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Nov. 13, considered and passed Senate.

Vol. 144 (1998): Feb. 11, considered and passed House, amended.

Feb. 12, Senate concurred in House amendment.