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107TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPT. 107–369 Part 2

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

APRIL 15, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 3389]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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99–006

I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Act Amendments of 2002".

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting ", including strong collaborations between Administration scientists and scientists at academic institutions.".

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROMOTION OF COORDINATION.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and".

(b) ENSURING EQUAL ACCESS.—Section 208(a) of such Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: "The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection.".

SEC. 4. COORDINATION.

Section 204 of the National Sea Grant Program Act (33 U.S.C. 1123) is further amended by adding at the end the following new subsection:

"(e) COORDINATION.—

"(1) The activities of the national sea grant college program shall be coordinated with related activities of the National Science Foundation, the coastal ocean research program of the National Oceanic and Atmospheric Administration, and any other related Federal programs in order to avoid duplication of efforts and to ensure that research areas are covered adequately.

"(2) Not later than February 15 of each year, the Director of the national sea grant program, the Director of the coastal ocean research program, and the Director of the National Science Foundation shall jointly submit to Congress a report on how the activities of those programs 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 research interests among the programs and specify how such research interests will be pursued by the programs in a complementary manner.".

SEC. 5. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: "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.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is 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.

"(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2003 through 2008—

"(A) $5,000,000 for competitive grants for university research on the zebra mussel biology and control;

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

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

"(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.".

(b) DISTRIBUTION OF FUNDS.—Such section is further amended by striking subsection (c) and inserting the following:

"(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 2002 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;

"(2) national strategic initiatives; or

"(3) both.".

II. PURPOSE OF THE BILL

The purpose of H.R. 3389 is to reauthorize the National Sea Grant College Program Act, and for other purposes. The legislation would reauthorize the program for Fiscal Years 2003 to 2008.

III. BACKGROUND AND NEED FOR THE LEGISLATION

The National Sea Grant College Program (Sea Grant) was established by the National Sea Grant College Act (33 U.S.C. 1121–1131), which Congress passed in 1966. Sea Grant was designed as the marine counterpart of the agriculture research and extension activities based at the country's land grant universities. Sea Grant's objective is to increase the understanding, assessment, development, utilization and conservation of the Nation's ocean, coastal and Great Lakes resources. Sea Grant was originally housed at the National Science Foundation, but was transferred to the newly created National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce in 1970. Sea Grant is made up of 30 sea Grant College programs located in coastal and Great Lakes states and Puerto Rico that use the resources of more than 300 U.S. universities and scientific institutions to conduct marine research, education and outreach activities.

Each Sea Grant state program works with the National Sea Grant office and the user community of the state to develop a list of priority research areas to promote the sustainable use and overall well-being of marine resources. Each program designs its own education programs to train future marine scientists and technicians at the graduate level as well as elementary and secondary students and teachers. Each program also develops its own Sea Grant extension service, tailored to provide information and tech-

nical assistance to meet the needs of the user community of the state.

For fiscal year 2001, $62 million in federal funds was appropriated for Sea Grant. According to the National Sea Grant Office, about 80 percent went directly to the state programs, and 15 percent went to national strategic initiatives through nationwide, competitive grants. By law no more than 5 percent can go for national administration of the program. The state programs contributed about another $35 million in matching and in-kind contributions. Sea Grant also managed an additional $16 million that was transferred from other NOAA programs, bringing the total amount to about $113 million.

Of the $113 million, about $63 million or 56 percent was spent on research activities. The remaining 44 percent was used for extension, communication, education and management functions.

Congress last passed a Sea Grant authorization in 1998, which runs through fiscal year 2003. The legislation focused on implementing the recommendations of a 1994 National Research Council (NRC) review of the program, including those to better define the roles of the National Sea Grant Office, Sea Grant College programs and the Sea Grant Review Panel. The NRC panel also recommended streamlining the process for reviewing proposals and evaluating the program, which was accomplished through the legislation and administrative reforms.

The authorization for the Sea Grant program expires at the end of fiscal year 2003. In addition, the Administration's fiscal year 2003 Budget Request proposes to transfer the Sea Grant program from NOAA to the National Science Foundation (NSF) to promote more rigorous, merit-based competition among researchers.

IV. Summary of Hearings

February 28, 2002—The NOAA Sea Grant Program: Review and Reauthorization

The purpose of the hearing was to evaluate the Administration's fiscal year 2003 budget proposal to transfer the Sea Grant College Program from NOAA to NSF. The hearing also explored H.R. 3389, a bill that would reauthorize the Sea Grant College Program within NOAA.

The following witnesses testified before the Committee: (1) Vice Admiral Conrad C. Lautenbacher, Jr., Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration; (2) Dr. Russell Moll, Director, California Sea Grant College Program, University of California San Diego; (3) Mary Hope Katsouros, Senior Fellow and Senior Vice President, the H. John Heinz III Center for Science, Economics, and the Environment; (4) Dr. Nancy Rabalais, Professor, Louisiana Universities Marine Consortium; (5) Michael Donahue, President/Chief Executive Officer, Great Lakes Commission.

Vice Admiral Lautenbacher reiterated the rationale for the request to transfer the Sea Grant program. He stated that the Administration believes that NSF would better manage Sea Grant's research, which would maximize the benefit received from each dollar invested.

Dr. Russell Moll argued that:

• Sea Grant's local, state, and national programs use a strong peer review process for evaluating potential research projects. Every four years each Sea Grant program undergoes an external review.

• Whether the Sea Grant program remains at NOAA or is transferred to NSF, the program's strengths (partnerships, research interwoven with outreach, and coastal focus) should be maintained.

• Since Sea Grant is already authorized for several more years within NOAA, the Administration should wait for the President's Commission on Ocean Policy to finish its review of the structure of federal marine programs before moving Sea Grant.

• There should be no change in the mission, structure, or function of Sea Grant until the Commission's report is released.

• NSF is not particularly interested in outreach activities nor is NSF likely to support Sea Grant's matching provision; both are elements of the program's current strengths.

• If the Coastal Ocean Program is merged with Sea Grant, the integrity of both programs should be maintained.

Mary Hope Katsouros noted that Sea Grant creates partnerships involving 300 institutions and 3,000 scientists each year. She testified that:

• Sea Grant should not be moved from NOAA to NSF because Sea Grant currently funds applied research; responds to local, state, regional, and national goals; is supported by matching funds; and conducts extension activities—all elements that would be lost under NSF administration.

• Congress should reconsider implementing a 1994 National Research Council recommendation to elevate Sea Grant within NOAA's administrative structure to be in the Office of the NOAA Administrator.

• Since 1994, the Sea Grant peer-review process has improved.

• The Coastal Ocean Program supports long-term, multidisciplinary research, whereas the Sea Grant program is focused on single investigator, state and national priority research.

Dr. Nancy Rabalais is a scientist who has been doing marine coastal research for 20 years. She has received grant money from Sea Grant, the Coastal Ocean Program, and NSF, and has had proposals rejected by each organization as well. She testified that:

• These programs serve different constituencies, do different kinds of research, and address different needs.

• The fear among the marine science community is that moving Sea Grant or the Coastal Ocean Program would jeopardize the purpose and integrity of each program.

• The NSF budget needs to be increased on its own; not by moving other programs into it.

• The U.S. Ocean Commission review and Vice Admiral Lautenbacher's bottom-up review of NOAA's programs should be completed before research dollars and programs are moved.

Dr. Michael Donahue discussed Sea Grant from a Great Lakes perspective. He testified that:

• The Great Lakes Commission and member states rely on the research and extension services Sea Grant provides.

• The Great Lakes Commission opposes the proposed transfer of the program from NOAA to NSF; attention should be directed to-

wards strengthening the program within NOAA and working towards reauthorization.

• If the Federal government provides less or no funding for Sea Grant's activities, the ability of the states to perform their mandated functions would be severely compromised and could cause the outright elimination of entire research, education, and outreach programs. The implications could include loss of local economic development opportunities, a less informed public, a compromised decision-support system for state legislators, and in some areas increased exposure to environmental contaminants.

• Several Sea Grant issues need to be addressed: the program's stature and base funding need to be elevated for it to realize its potential; Sea Grant's outreach needs have increased because of the downsizing of government, but its budget for extension has not; Sea Grant's focus on regional, in addition to state-level, issues should be expanded.

• Sea Grant needs to be reauthorized, appropriated not less than $100 million, and its profile within NOAA should be elevated over time.

V. Committee Actions

Congressman Wayne T. Gilchrest introduced H.R. 3389 on November 30, 2001. On February 28, 2002, the Environment, Technology, and Standards Subcommittee held a hearing on this bill.

On March 7, 2002, the bill was referred to the Committee on Science after being reported by the Committee on Resources. The Subcommittee on Environment, Technology, and Standards met on March 14, 2002 to consider the bill. Subcommittee Chairman Ehlers offered an en bloc amendment, which was adopted by voice vote. The Subcommittee favorably reported the bill, H.R. 3389, as amended, by voice vote.

On March 20, 2002, the Committee on Science considered H.R. 3389. Congressman Vernon J. Ehlers offered an en bloc amendment that included two provisions: 1) an amendment by Congresswoman Jackson Lee requiring the Secretary to "strive to ensure equal access for minority and economically disadvantaged students;" and 2) an amendment to clarify that education, extension, and training programs would be part of the merit review process. The Committee adopted the amendment by voice vote. The Committee then favorably reported the bill as amended, by voice vote, and authorized staff to make technical and conforming changes as necessary.

VI. Summary of Major Provisions of the Bill

There are three major provisions of the bill:

• The legislation reauthorizes the Sea Grant program for five years. The legislation authorizes a total of $550 million for Sea Grant activities for fiscal years 2003 to 2008.

• The legislation directs the Sea Grant program to coordinate with the National Science Foundation and the Coastal Ocean Research Program of the National Oceanic and Atmospheric Administration to avoid duplication of efforts and to ensure that research areas are covered adequately. In addition, the directors of each program and the Director of the National Science Foundation shall

jointly submit to Congress a report on how the activities of those programs will be coordinated.

• The legislation requires that in any fiscal year in which the appropriations exceed the amounts appropriated for fiscal year 2002, the Secretary of Commerce shall distribute the excess amounts (except amounts used for the administration of programs) to state sea grant programs on a merit reviewed, competitive basis; to national strategic initiatives; or both.

VII. SECTION-BY-SECTION ANALYSIS

SEC. 1—SHORT TITLE

The National Sea Grant College Program Act Amendments of 2002

SEC. 2—AMENDMENTS TO FINDINGS

The legislation amends section 202(a)(6) of the National Sea Grant College Program Act and inserts language to encourage strong collaborations between Administration scientists and academic institutions.

SEC. 3—REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM

The legislation amends section 204(d)(3)(B) and inserts 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 academic institutions.

The legislation amends section 208(a) and inserts language that the Secretary shall strive to provide equal access for minority and economically disadvantaged students to the program.

SEC. 4—COORDINATION

The legislation amends section 204 by adding a new subsection (e) that the activities of the National Sea Grant College Program shall be coordinated with related activities of the National Science Foundation, the Coastal Ocean Program of the National Oceanic and Atmospheric Administration, and any other Federal programs to avoid duplication of efforts and to ensure that research areas are covered adequately. In addition, the director of the National Sea Grant program, the director of the Coastal Ocean Program, and the director of the National Science Foundation shall jointly submit to Congress a report on how the activities of those programs will be coordinated during the fiscal year following the fiscal year the report is submitted.

SEC. 5—TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL

The legislation amends section 209(c)(2) and inserts language that the term of office for a voting member of the panel shall be three years for a member appointed before the date of enactment of this legislation, and four years for a member appointed after the date of enactment of this legislation.

SEC. 6—AUTHORIZATION OF APPROPRIATIONS

The legislation amends section 212 by authorizing $60 million for FY 2003; $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. In addition to the amount authorized above, there is authorized for each of fiscal years 2003 through 2008, $5 million each for research into zebra mussels, oysters, and harmful algal blooms. No more than 5 percent of the funds may be used for administration of the program.

The legislation inserts a provision that in any fiscal year which appropriations exceed the amounts appropriated for fiscal year 2002, the Secretary shall distribute the additional amounts (except amounts used for administration of programs) solely to state Sea Grant programs on a merit-reviewed, competitive basis to reward programs that are best managed and produce the highest quality research, education, extension, and training programs; national strategic initiatives; or both.

VIII. COMMITTEE VIEWS

Administration's proposal to transfer Sea Grant to NSF

The Administration's fiscal year 2003 budget proposes to transfer the Sea Grant program from NOAA to NSF to promote more rigorous, merit-based competition among researchers. The Committee disagrees that it is necessary to transfer the program to achieve these goals. H.R. 3389 reauthorizes the Sea Grant program within NOAA for the next five years.

While it is widely acknowledged that NSF provides the nation with exceptional peer-reviewed marine research, NSF's mission and focus is different from that of Sea Grant. NSF's research and activities are oriented toward basic research questions with projects chosen by scientist, while Sea Grant's mission is largely an applied, state- and locally-focused research program that is also accountable to stakeholders and a state's user community. Each participating state is also required to provide at least one-third of the total funding for the Sea Grant activities within the state. Sea Grant has a three-pronged approach of research, education and outreach, which is not easily compatible with the orientation of NSF. The extension service ensures that Sea Grant's research is put to practical use by the stakeholders. There are no similar activities at NSF, and that agency has no implementation plan for managing or continuing these vital activities. The Committee believes the vital and successful education and extension activities of Sea Grant must be maintained.

Section 4: Coordination

H.R. 3389 as passed by the Committee on Resources on February 27, 2002 contained a provision to transfer the Coastal Ocean Program from the National Ocean Service to Sea Grant. The Committee opposes the transfer of the Coastal Ocean Program (COP) from the National Ocean Service to the National Sea Grant College program. The Committee believes the merger would jeopardize the future of COP, its funding, and the nation's ability to achieve the long-term, regional-scale information needed to address issues such as harmful algal blooms, fisheries management, and water and

sediment pollution in the oceans and Great Lakes. The Committee believes the Sea Grant Program and COP complement each other by serving different client bases and by focusing research efforts on different geographic and time scales. The Committee believes these two programs are distinctly different in their purposes and that there is no benefit to combining them.

In addition, the Committee notes that the Department of Commerce intends to conduct an agency-wide programmatic review, and that the President's Commission on Ocean Policy will also be reporting its findings on Federal ocean and coastal activities as required by The Oceans Act of 2000. The Committee intends to review the findings of these efforts and will consider recommendations of the Administration and the Commission when they are presented. Until that time, the Committee agrees with the Administration's position that it would be premature to merge these two programs.

The Committee does believe, however, that greater coordination is necessary between the related activities of NOAA's National Sea Grant College Program, NOAA's Coastal Ocean Program, and the National Science Foundation to avoid duplication and to ensure that research areas are adequately covered. To ensure coordination, H.R. 3389 requires that the Director of the National Sea Grant Program, the Director of the Coastal Ocean Program, and the Director of the National Science Foundation jointly submit a report on how the activities of those programs will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The Committee expects the report to be submitted with the President's budget, but it must be submitted no later than February 15th of each year.

The Committee expects the report to be, in effect, a joint plan for marine research. The agencies should undertake a comprehensive review of the opportunities and needs in the field, and explicitly allocate the research agenda among the three programs to avoid unnecessary duplication and ensure that no unavoidable gaps exist. The agencies should be especially attentive to opportunities to work together in a complementary fashion—for example, following up a basic research project at NSF with a related applied project at NOAA, or using the Sea Grant extension services to disseminate information on relevant research funded by NSF or the COP program. The report should explicitly describe the research agenda, opportunities for complementary tasks and any activities sponsored or undertaken jointly by the programs.

Section 6: Distribution of funds

The National Sea Grant College Program Act does not specify how federal funding should be allocated among the state Sea Grant programs. There is no set formula or transparent process by which the funding allocation decisions are made. The current system appears to be based mostly on a historical allocation of funding determined by when the National Sea Grant office officially recognized the state program. This has led some to question the fairness of the program. The Committee expects the Administrator of NOAA to work with the Sea Grant Association and other interested parties to revise and reform the formula for how the federal money is allocated to state programs. This new formula should ensure that

those Sea Grant institutions attempting to become designated as a Sea Grant College program are given proper resources to fulfill the requirements.

The Committee believes that increasing Sea Grant's reliance on competitive, merit review procedures will improve the quality of the program. To ensure that more money is allocated using those procedures, H.R. 3389 requires that any funding above the fiscal year 2002 level be allocated through a merit-reviewed competition among state programs and/or through merit-reviewed competitions to carry out national strategic initiatives. The Committee expects that more of the new, competitive money will be used for state programs than for national strategic initiatives.

The Committee recognizes that significant geographic areas are currently served because of limitations in funding. The Committee does not intend to discourage the expansion of the Sea Grant College program.

Pacific Islands regional consortium

H.R. 3389, as amended by the Committee on Resources, directed the Secretary of Commerce to make available $2.7 million in grants to an eligible Pacific Islands regional consortium for activities necessary for the consortium to qualify for designation as an independent Sea Grant College Program. No other Sea Grant program, institution or region has ever been so provided for in statute. Consequently, the Committee has removed the provision from the bill.

The Committee notes that NOAA has the authority to award grants to colleges within the regional consortium mentioned in the amendment and has recently awarded grants to the University of Guam for the purpose of assisting the U.S. Pacific Islands and freely associated states in their efforts to fulfill the requirements to receive designation as a Sea Grant College Program under Section 207 of the law. The Committee also notes that the Pacific Islands region has few land resources relative to other regions, is heavily dependent upon their coastal and ocean resources, and that the western Pacific represents a significant gap in coverage under the existing Sea Grant Program. The Committee believes the Pacific Islands have a great deal to gain and to offer through their full participation in the Sea Grant Program. The Committee expects the Administrator and the National Sea Grant office to work closely and cooperatively with the six regional institutions of higher education in the Pacific (the College of the Marshall Islands, the College of Micronesia-FSM, American Samoa Community College, Northern Marianas College, Palau Community and the University of Guam) to assist them in their efforts to receive designation as a Sea Grant College Program through the process outlined in Section 207 of the law.

IX. Cost Estimate

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Direc-

tor of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

X. Congressional Budget Office Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 4, 2002.

Hon. Sherwood L. Boehlert,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3389, the National Sea Grant College Program Act Amendments of 2002.

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

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3389—National Sea Grant College Program Act Amendments of 2002

Summary: H.R. 3389 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 $294 million over the 2003–2007 period to carry out these activities. (An additional $188 million would be spent after 2007.) The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3389 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 H.R. 3389 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 $451 million over the 2003–2007 period, plus $100 million for fiscal year 2008, to carry out the National Oceanic and Atmospheric Administration's (NOAA) contract grant, fellowship, and administrative functions under the sea grant program. For this estimate, CBO assumes that all amounts authorized by H.R. 3389 will be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns for the sea grants program.

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2207
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	6	90	93	95	98
Estimated Outlays	0	2	30	74	93	95
Spending Under H.R. 3389:						
Authorization Level	62	75	90	93	95	98

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2207
Estimated Outlays	55	64	77	88	93	95

[1] The 2002 level is the amount appropriated for that year for sea grants. The 2003 level is the amount authorized for appropriation for that program.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 3389 contains no 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 sea grant program which provides grants to develop 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 who have implemented state sea grant programs by authorizing the Secretary of Commerce to distribute any excess amounts appropriated above the fiscal year 2002 level to state sea grant programs (on a competitive, merit-based review). Any costs incurred by states would be voluntary.

Estimated impact on the private-sector: H.R. 3389 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 as ordered reported by the House Committee on Resources on February 27, 2002. The cost of the Science Committee version of the bill is lower than the Resources Committee version because it does not contain authorizations levels for NOAA's ocean coastal research program as the Resources Committee version did. The Science Committee version also includes authorization levels for fiscal year 2003, while the Resources Committee version did not.

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.

XI. Compliance With Public Law 104–4 (Unfunded Mandates)

H.R. 3389 contains no unfunded mandates.

XII. Committee Oversight Findings and Recommendations

Rule XIII, clause 3(c)(1) of the House of Representatives requires each committee report to include oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

XIII. Statement on General Performance Goals and Objectives

Pursuant to clause (3)(c)(4) of House Rule XIII, the goal and objective of the bill is to reauthorize the National Sea Grant College Program Act. Sea Grant's objective is to increase the understanding, assessment, development, utilization and conservation of the Nation's ocean, coastal and Great Lakes resources.

XIV. Constitutional Authority Statement

Rule XIII, clause 3(d)(1) of the House of Representatives requires each report of a committee on a bill or joint resolution of a public character to include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 3389.

XV. Federal Advisory Committee Statement

H.R. 3389 does not establish nor authorize the establishment of any advisory committee.

XVI. Congressional Accountability Act

The Committee finds that H.R. 3389 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVII. Statement on Preemption of State, Local, or Tribal Law

This bill is not intended to preempt any state, local, or tribal law.

XVIII. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

* * * * * * *

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

SEC. 201. SHORT TITLE.

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

SEC. 202. DECLARATION OF POLICY.

(a) Findings.—The Congress finds and declares the following:

(1) * * *

* * * * * * *

(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 be-*

tween Administration scientists and scientists at academic institutions.

* * * * * * *

SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) * * *

* * * * * * *

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

(1) * * *

* * * * * * *

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

(A) * * *

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

(i) * * *

(ii) encourage successful implementation of sea grant programs; [and]

* * * * * * *

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

(e) COORDINATION.—

(1) The activities of the national sea grant college program shall be coordinated with related activities of the National Science Foundation, the coastal ocean research program of the National Oceanic and Atmospheric Administration, and any other related Federal programs in order to avoid duplication of efforts and to ensure that research areas are covered adequately.

(2) Not later than February 15 of each year, the Director of the national sea grant program, the Director of the coastal ocean research program, and the Director of the National Science Foundation shall jointly submit to Congress a report on how the activities of those programs 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 research interests among the programs and specify how such research interests will be pursued by the programs in a complementary manner.

* * * * * * *

SEC. 208. FELLOWSHIPS.

(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 post-graduate 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.

* * * * * * *

SEC. 209. SEA GRANT REVIEW PANEL.

(a) * * *

* * * * * * *

(c) MEMBERSHIP, TERMS, AND POWERS.—(1) * * *

(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.

* * * * * * *

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

[(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) 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.

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

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

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

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

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

(a) AUTHORIZATION.—

(1) IN GENERAL.—There is 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.

(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2003 through 2008—

(A) $5,000,000 for competitive grants for university research on the zebra mussel biology and control;

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

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

(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 pursuant to subsection (a)(1) exceed the amounts appropriated for fiscal year 2002 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;

(2) national strategic initiatives; or

(3) both.

* * * * * * *

XIX. Committee Recommendations

On March 20, 2002, a quorum being present, the Committee on Science favorably reported the National Sea Grant College Program Act Amendments of 2002 by voice vote, and recommended its enactment.

XX. Proceedings of the Subcommittee Markup

PROCEEDINGS OF THE MARKUP BY THE SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY, AND STANDARDS ON H.R. 3389, NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

THURSDAY, MARCH 14, 2002

House of Representatives,
Subcommittee on Environment, Technology, and Standards,
Committee on Science,
Washington, DC.

The Subcommittee met, pursuant to call, at 9:05 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Vernon J. Ehlers [Chairman of the Subcommittee] presiding.

H.R. 3389

9:05 a.m.

Chairman Ehlers. Good morning. The Subcommittee will be in order. Pursuant to notice, the Subcommittee on Environment, Technology, and Standards is meeting today to consider the following measure: H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. And as everyone knows, this will be followed by a hearing on a totally different subject.

I ask unanimous consent for the authority to recess the Subcommittee at any point, and without objection, it is so ordered.

I will proceed with my opening remarks on the bill that is under consideration. H.R. 3389, introduced by Mr. Gilchrest, passed the House Resources Committee on February 27, 2002 and was referred to the Science Committee for consideration. This Subcommittee held a hearing on February 28, 2002, which examined the Administration's proposal to transfer Sea Grant from the National Oceanic and Atmospheric Administration to the National Science Foundation and H.R. 3389. Based on the hearing and other information we have gathered, I plan to offer an en bloc amendment which makes several changes to the underlying legislation. I will explain the specifics of the amendment during consideration. After this short markup, we will then move on to the hearing on the Technology Administration's budget for the Fiscal Year 2003.

The Chair now recognizes Mr. Barcia, the Ranking Minority Member of the Subcommittee, for an opening statement on the bill under consideration, H.R. 3389.

Mr. BARCIA. Thank you, Chairman Ehlers, for bringing the Sea Grant Reauthorization Bill before the Subcommittee today and, also, for working with us on the bill. I fully support the Sea Grant College Program and I am pleased that our Subcommittee is acting expeditiously to reauthorize this important program in NOAA so that the fine work done by the Michigan Sea Grant Program can continue.

I understand the Chairman's concerns about including provisions of H.R. 3389 on the Pacific Islands Regional Consortium, however, I believe the Pacific Island territories have some legitimate concerns and special circumstances to consider. I hope that the Chairman is open to working with Representative Underwood as this bill moves forward to address his concerns in a manner that we can all support.

Mr. Chairman, I would now like to yield my remaining time to Mr. Baird for a brief statement about the Coastal Ocean Program.

Mr. BAIRD. I would like to thank the Ranking Member and I would like to also thank Chairman Ehlers for including in his en bloc amendment the provision to strike the transfer of the Coastal Ocean Program to the Sea Grant Program. I believe we need to maintain both programs, because they serve very different information needs. The Washington Sea Grant Program state-focus serves the specific mix of individuals and businesses that rely on our coastal resources for their livelihoods, for recreation, and support. The Coastal Ocean Program provides our research managers with regional scale information that we need to better manage fisheries in conjunction with neighboring states. Since there have been no problems identified with the management of the Coastal Ocean Program, and it is producing high quality research focused on regional and national needs, I see no justification for fixing what is not broken.

I hope we will be able to convince our colleagues on the Resources Committee to join us in maintaining the Coastal Ocean Program in its current configuration and location. And again, I would like to thank the Ranking Member, and the Chairman, and also, Committee Staff Jean Frucci for her assistance in this, and I look forward to working with the Chairman.

I yield back the balance of my time to the Ranking Member, Mr. Barcia. Thank you, sir.

Mr. BARCIA. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman EHLERS. The gentleman yields back his time. Without objection, all other members may place opening statements in the record. So ordered.

We will now consider H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. The first reading of the bill.

The CLERK. Text of H.R. 3389. Section 1. Short Title. This Act may be cited——

[H.R. 3389 follows:]

COMMITTEE PRINT

Showing the Text of H. R. 3389

As Approved by the Subcommittee on Fisheries Conservation, Wildlife and Oceans On December 6, 2001

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "National Sea Grant
3 College Program Act Amendments of 2001".

4 **SEC. 2. AMENDMENTS TO FINDINGS AND OBJECTIVE.**

5 (a) FINDINGS.—Section 202(a)(6) of the National
6 Sea Grant College Program Act (33 U.S.C. 1121(a)(6))
7 is amended by striking the period at the end and inserting
8 " including strong collaborations between Administration
9 scientists and scientists at academic institutions.".

10 (b) OBJECTIVE.—Section 202(b) of the National Sea
11 Grant College Program Act (33 U.S.C. 1121(b)) is
12 amended by striking "and" before "multidisciplinary",
13 and by striking the period at the end and inserting ", and
14 the conservation and management of coastal and ocean re-
15 sources."

16 **SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA**
17 **GRANT COLLEGE PROGRAM.**

18 (a) PROGRAM ELEMENTS.—Section 204(b)(4) of the
19 National Sea Grant College Program Act (33 U.S.C.
20 1123(b)(4)) is amended to read as follows:

1 "(4) the coastal ocean research program, a na-
2 tional competitive research program to support ac-
3 tivities designed to improve our understanding of
4 and ability to manage coastal and Great Lakes re-
5 sources and to promote partnerships between the na-
6 tional sea grant college program and other programs
7 within the Administration."
8 (b) FUNCTIONS OF DIRECTOR.—Section
9 204(d)(3)(B) of the National Sea Grant College Program
10 Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking
11 "and" after the semicolon at the end of clause (ii) and
12 by adding at the end the following:
13 "(iv) encourage and promote coordi-
14 nation and cooperation between the re-
15 search, education, and outreach programs
16 of the Administration and those of aca-
17 demic institutions; and".
18 **SEC. 4. COST SHARE OF COASTAL OCEAN RESEARCH**
19 **GRANTS.**
20 Section 205(a) of the National Sea Grant College
21 Program Act (33 U.S.C. 1124(a)) is amended by striking
22 "section 204(d)(6)" and inserting "section 204(c)(4)(F)
23 and in the case of grants under subsection (a) of this sec-
24 tion to assist coastal and ocean research".

1 **SEC. 5. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW**
2 **PANEL.**

3 Section 209(c)(2) of the National Sea Grant College
4 Program Act (33 U.S.C. 1128(c)(2)) is amended by strik-
5 ing the first sentence and inserting the following: "The
6 term of office of a voting member of the panel shall be
7 3 years for a member appointed before the date of enact-
8 ment of the National Sea Grant College Program Act
9 Amendments of 2001, and 4 years for a member ap-
10 pointed or reappointed after the date of enactment of the
11 National Sea Grant College Program Act Amendments of
12 2001. The Director may extend the term of office of a
13 voting member of the panel appointed before the date of
14 enactment of the National Sea Grant College Program Act
15 Amendments of 2001 by up to 1 year."

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Subsections (a) and (b) of section
18 212 of the National Sea Grant College Program Act (33
19 U.S.C. 1131) are amended to read as follows:

20 "(a) AUTHORIZATION.—

21 "(1) IN GENERAL.—There is authorized to be
22 appropriated to the Secretary to carry out this
23 title—

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

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

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

1 "(D) $82,500,000 for fiscal year 2007;
2 and
3 "(E) $85,000,000 for fiscal year 2008.
4 "(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL
5 ALGAL BLOOM RESEARCH.—In addition to the
6 amount authorized under paragraph (1), there is au-
7 thorized to be appropriated for each of fiscal years
8 2004 through 2008—
9 "(A) $5,000,000 for competitive grants for
10 university research on the zebra mussel biology
11 and control;
12 "(B) $5,000,000 for competitive grants for
13 university research on oyster diseases, oyster
14 restoration, and oyster-related human health
15 risks; and
16 "(C) $5,000,000 for competitive grants for
17 university research on the biology, prevention,
18 and forecasting of harmful algal blooms, includ-
19 ing Pfiesteria piscicida.
20 "(3) COASTAL OCEAN RESEARCH PROGRAM.—
21 There is authorized to be appropriated to the Sec-
22 retary to carry out the coastal ocean research pro-
23 gram under section 204(b)(4)—
24 "(A) $22,000,000 for fiscal year 2004;
25 "(B) $24,000,000 for fiscal year 2005;

1 "(C) $26,000,000 for fiscal year 2006;
2 "(D) $28,000,000 for fiscal year 2007;
3 and
4 "(E) $30,000,000 for fiscal year 2008.
5 "(b) LIMITATIONS.—
6 "(1) ADMINISTRATION.—There may not be
7 used for administration of programs under this title
8 in a fiscal year more than 5 percent of the lesser
9 of—
10 "(A) the amount authorized to be appro-
11 priated under this title for the fiscal year; or
12 "(B) the amount appropriated under this
13 title for the fiscal year.
14 "(2) USE FOR OTHER OFFICES OR PRO-
15 GRAMS.—Sums appropriated under the authority of
16 subsection (a)(2) shall not be available for adminis-
17 tration of this title by the National Sea Grant Of-
18 fice, for any other Administration or department
19 program, or for any other administrative expenses.".
20 (b) REPEAL.—Such section is further amended by re-
21 pealing subsection (c) and redesignating subsections (d)
22 and (e) as subsections (c) and (d), respectively.

1 **SEC. 7. ASSISTANCE FOR PACIFIC ISLANDS REGIONAL CON-**
2 **SORTIUM.**

3 (a) IN GENERAL.—The Secretary of Commerce shall
4 make grants to an eligible Pacific Islands regional consor-
5 tium for activities necessary for the consortium to qualify
6 for designation as a sea grant college under section 207
7 of the National Sea Grant College Program Act (33
8 U.S.C. 1126).

9 (b) ELIGIBLE CONSORTIUM.—For purposes of sub-
10 section (a) the term "eligible Pacific Islands regional con-
11 sortium" means an association or alliance of institutions
12 that includes as members the College of the Marshall Is-
13 lands, the College of Micronesia-Federated States of Mi-
14 cronesia, Northern Marianas College, Palau Community
15 College, and the University of Guam.

16 (c) DISTRIBUTION AND USE OF GRANT FUNDS.—
17 Amounts provided as a grant under this section to an eligi-
18 ble Pacific Islands regional consortium shall be distributed
19 among the members of the consortium for use to develop
20 program elements required for the consortium to meet the
21 qualifications for designation as a sea grant college.

22 (d) ADMINISTRATIVE AND TECHNICAL ASSIST-
23 ANCE.—The Secretary of Commerce shall provide admin-
24 istrative and technical assistance to a grantee under this
25 section to assist the grantee in becoming designated as
26 a sea grant college.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—In addition to the other
3 amounts authorized by this Act, to carry out this
4 section there is authorized to be appropriated to the
5 Secretary of Commerce $2,700,000, of which—

6 (A) $2,5000,000 shall be available for
7 grants under subsection (a); and

8 (B) $200,000 shall be for administrative
9 expenses of the Secretary, including site visits,
10 program reviews, and the provision of adminis-
11 trative and technical assistance.

12 (2) CONTINUING AVAILABILITY.—Amounts ap-
13 propriated under this section may remain available
14 until expended.

Chairman EHLERS. I ask unanimous consent that the bill be considered as read and open to amendment at any point. Without objection, so ordered.

Let us now begin by considering the amendments. The first amendment on the roster is the amendment offered by the Chair. I ask unanimous consent that this amendment be considered en bloc. Without objection, so ordered. The clerk will report the amendment.

The CLERK. Amendments to H.R. 3389 offered by Mr. Ehlers. Page 1, line 4, strike "AND OBJECTIVE". Page 1, line 5, strike——

[Amendment to H.R. 3389 offered by Mr. Ehlers follows:]

AMENDMENTS TO H.R. 3389
OFFERED BY MR. EHLERS

Page 1, line 4, strike "**AND OBJECTIVE**".

Page 1, line 5, strike "(a) FINDINGS.—".

Page 1, strike lines 10 through 15.

Page 1, strike line 18 and all that follows through page 2, line 7.

Page 2, line 8, strike "(b) FUNCTIONS OF DIRECTOR.—".

Page 2, strike lines 18 through 24, and insert the following:

1 **SEC. 4. COORDINATION.**

2 Section 204 of the National Sea Grant Program Act
3 (33 U.S.C. 1123) is further amended by adding at the
4 end the following new subsection:

5 "(e) COORDINATION.—

6 "(1) The activities of the national sea grant col-
7 lege program shall be coordinated with related ac-
8 tivities of the National Science Foundation, the
9 coastal ocean research program of the National Oce-
10 anic and Atmospheric Administration, and any other
11 related Federal programs in order to avoid duplica-

1 tion of efforts and to ensure that research areas are
2 covered adequately.
3 "(2) Not later than February 15 of each year,
4 the Director of the national sea grant program, the
5 Director of the coastal ocean research program, and
6 the Director of the National Science Foundation
7 shall jointly submit to Congress a report on how the
8 activities of those programs will be coordinated dur-
9 ing the fiscal year following the fiscal year in which
10 the report is submitted. The report shall describe in
11 detail any overlapping research interests among the
12 programs and specify how such research interests
13 will be pursued by the programs in a complementary
14 manner."

Page 3, strike line 24 and all that follows through page 4, line 3, and insert the following:

15 "(A) $60,000,000 for fiscal year 2003;
16 "(B) $75,000,000 for fiscal year 2004;
17 "(C) $77,500,000 for fiscal year 2005;
18 "(D) $80,000,000 for fiscal year 2006;
19 "(E) $82,500,000 for fiscal year 2007; and
20 "(F) $85,000,000 for fiscal year 2008.

Page 4, line 8, strike "2004" and insert "2003".

Page 4, strike line 20 and all that follows through page 5, line 4.

Page 5, strike lines 20 through 22 and insert the following:

1 (b) DISTRIBUTION OF FUNDS.—Such section is fur-
2 ther amended by striking subsection (c) and inserting the
3 following:
4 "(c) DISTRIBUTION OF FUNDS.—In any fiscal year
5 in which the appropriations made pursuant to subsection
6 (a)(1) exceed the amounts appropriated for fiscal year
7 2002 for the purposes described in such subsection, the
8 Secretary shall distribute the excess amounts (except
9 amounts used for the administration of programs) solely
10 to—
11 "(1) State sea grant programs on a merit re-
12 viewed, competitive basis to reward programs that
13 are best managed and produce the highest quality
14 research;
15 "(2) national strategic initiatives; or
16 "(3) both.".

Page 6, strike line 1 and all that follows through page 7, line 14.

Chairman EHLERS. I ask unanimous consent to dispense with the reading. Without objection, so ordered. I now recognize myself for five minutes to explain the amendment.

As I mentioned in my opening statement, my en bloc amendment makes several changes to H.R. 3389 as passed by the House Resources Committee. First, I want to commend my colleague, Mr. Gilchrest from Maryland, for introducing H.R. 3389 and for his efforts on behalf of the Sea Grant Program. All of us benefit greatly from his leadership on these issues. And I want to add a personal note. I regard Mr. Gilchrest as one of the great leaders in this Congress on these issues relating to water resources; particularly, wetlands, Chesapeake Bay, and other issues. Second, I want everyone to know that I strongly support the Sea Grant Program and I want to work with all my colleagues to increase funding and exposure for this most important research and extension program.

As discussed in our Subcommittee hearing, I believe that the Administration's proposal to move the program has provided us an opportunity to look more deeply into how to improve the program, and I believe my amendment does just that.

H.R. 3389 reauthorizes Sea Grant within NOAA, and I agree with that position. However, I believe that Sea Grant could benefit from coordinating and working more closely with the National Science Foundation. My amendment inserts language that directs the National Sea Grant Program to coordinate its related activities with the National Science Foundation and the Coastal Ocean Program to avoid duplication and, above all, to ensure that the research areas are covered adequately. In addition, the language states that Sea Grant, NSF, and the Coastal Ocean Program shall jointly submit to Congress a report on how their activities will be coordinated in the coming fiscal year.

H.R. 3389 proposes to transfer the Coastal Ocean Program from NOAA's National Ocean Service to Sea Grant. From testimony we heard from our hearing and the many letters I have received from researchers about this issues, I have concluded that the differences in the two programs are significant enough to keep them separate. My amendment removes the provisions that relate to the transfer of the Coastal Ocean Program. However, I agree with concerns raised by Mr. Gilchrest that the two programs should work together more closely, and as stated earlier, my amendment directs Sea Grant to coordinate with the Coastal Ocean Program.

H.R. 3389 contains a provision inserted by Mr. Underwood, which would provide direct financial assistance to a Pacific Islands Regional Consortium to help it become a nationally recognized Sea Grant College Program. I understand that Mr. Underwood believes that his universities have not received fair consideration from NOAA, and I want to work with him, Mr. Gilchrest, and Mr. Barcia to ensure that these universities receive proper considerations. However, it would be inappropriate to provide them $2.7 million over five years for this task when no other program receives such treatment in statute. I also believe it would not be fair to other programs that are struggling to receive money. Therefore, my amendment removes this provision, but I am committed to working with all parties involved to find a proper resolution to this issue and plan to include language on this in the committee report.

H.R. 3389 provides much needed increases in overall funding levels for Sea Grant. The authorization increases from a total $68 million for Fiscal Year 2003 to $90 million for Fiscal Year 2004 and gradually increases each year thereafter to a total of $100 million in Fiscal Year 2008. Included in that amount is $15 million a year for research into zebra mussels, harmful algal blooms, and oysters. I support the needed increases and my amendment maintains the levels in H.R. 3389.

One issue that was raised at our hearing is the seemingly unfair nature of federal funding allocations to state Sea Grant programs. Currently, about 80 percent of the federal funding goes directly to the state programs based mostly on historical averages, 15 percent is for national competitive projects, and no more than 5 percent can go for national administration of the program. OMB was highly critical of this process and this seems to be one of the main reasons for proposing to move Sea Grant to NSF. Currently, only about $3 million of that total is directly distributed to the state programs is based on the merit review process. This is the process by which each state program is reviewed by an outside panel and given a rating on how well its program is conducting its research, education, and extension activities.

I understand that there needs to be a consistent level of funding to ensure each state program can adequately maintain its extension and education activities. However, we must find a way to make the system more transparent and based on competition. Therefore, my amendment inserts language that any monies appropriated above the Fiscal Year 2002 level shall be distributed to the state Sea Grant programs on a merit review competitive basis or for individual projects that are competed nationally.

These changes will enhance the Sea Grant Program and I urge my colleagues to support the amendment.

Is there further discussion on the amendment? Mr. Baca.

Mr. BACA. Mr. Chair, I wish to strike the last word.

Chairman EHLERS. You are recognized for five minutes.

Mr. BACA. Thank you, Mr. Chair. I would like to voice my disapproval that Delegate Underwood's amendment to the Resource bill was not included in the language before us today. And I would like to go on record in support of authorizing funding to enable the development of the Pacific Islands Regional Sea Grant Program. When you consider that the ocean area to be included in the Pacific Island Regional Sea Program is equivalent to the total areas of the entire lower 48 states, I cannot understand why this Subcommittee would choose not to fund their corporation. In regional programs, the Pacific Islands would clearly flourish and serve the region and the entire national interest. Mr. Underwood's amendment simply provides an affirmative statement that it is within the national interest to provide the necessary financial and technical assistance to allow the people of Pacific Island an opportunity to develop the requisite programs, an element necessary to meet qualifications for designation as a Sea Grant College.

NOAA has already provided $200,000 in grant funds to the Pacific Island Consortium members to assist them in development activity. Mr. Underwood's amendment is not authorizing a new grant activity by NOAA nor will this grant negatively affect other Sea Grant Programs, because the amendment did not obligate funds for

any other existing Sea Grant Program. I hope that we will reconsider Mr. Underwood's amendment when H.R. 3389 comes before the full Committee.

Chairman EHLERS. The gentleman's time has expired. Chairman Boehlert.

Chairman BOEHLERT. Move to strike the last word.

Chairman EHLERS. You have five minutes.

Chairman BOEHLERT. Mr. Chairman, I am glad to yield those five minutes to you for you to continue your education of the Subcommittee and the audience.

Chairman EHLERS. I thank the Chairman for yielding. I would simply reiterate what I said before. I think the members of this Committee also have considerable sympathy for Mr. Underwood's particular situation and for the Pacific Islands. Obviously, they should be involved in this research effort. The difficulty, as I pointed out in my earlier comments, is that the amendment earmarks funds for that; something that has never been done in the House in the history of this program that I am aware of, and something we assiduously try to avoid.

So my suggestion is that we include this in report language and encourage NOAA to give them the special consideration they need, not just in Guam, but in the Pacific Islands and their research efforts.

Does anyone else seek time? Yes. The Chair recognizes Mr. Barcia.

Mr. BARCIA. I would also move to strike the last word.

Chairman EHLERS. The gentleman is recognized for five minutes.

Mr. BARCIA. I would just briefly say that throughout our long association and friendship in the Michigan legislature in these past nine years in Congress, I think your fairness, subjectivity, and spirit of bipartisanship has never been in doubt, and I thank you for your willingness to work toward an acceptable compromise as the legislative process on this issue proceeds. I, too, am sensitive to the concerns of Representative Baca and, also, our friend, Representative Underwood, and would just ask that as we have in the past, we try to continue to work toward a solution to those concerns. And I trust that if you give us your word on that, you certainly always have honored that in the past, and I look forward to working with you on it.

Chairman EHLERS. The Chair will continue to seek an amicable solution to this particular issue. Is there any further discussion? Hearing none, the vote is on this amendment, the en bloc amendment. All those in favor will say aye. All those opposed, no. The ayes have it and the amendment is agreed to. Are there any further amendments? Hearing none, we will proceed to the question on the Bill H.R. 3389, as amended. All those in favor will say aye. All those opposed will say no. In the opinion of the Chair, the ayes have it. I now recognize Mr. Barcia for a motion.

Mr. BARCIA. Mr. Chairman, I compliment you on your efficiency in managing today's markup and move that the Subcommittee favorably report the Bill H.R. 3389 as amended to the full Committee with the recommendation that it be in order for the bill as amended by the Subcommittee to be considered as an original bill for the purpose of amendment under the five minute rule at full Committee. Further, I ask unanimous consent that the staff be in-

structed to make all necessary technical and conforming changes to the bill as amended in accordance with the recommendations of the Subcommittee.

Chairman EHLERS. The Committee has heard the motion. Those in favor will say aye. Those opposed, no. The ayes have it and the motion is agreed to. Without objection, the motion to reconsider is laid upon the table. That concludes our Subcommittee markup and we will now proceed to the subject of the hearing.

[Whereupon, at 9:25 a.m., the Subcommittee proceeded to other business.]

XXI. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

PROCEEDINGS OF THE FULL COMMITTEE MARKUP ON H.R. 3389, NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

WEDNESDAY, MARCH 20, 2002

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

The Committee met, pursuant to call, at 10:40 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Sherwood L. Boehlert [Chairman of the Committee] presiding.

Chairman BOEHLERT. The Committee on Science will be in order. First of all, I would like to advise all members that there is a sign-up sheet before each individual place, reflecting the views and estimates, and we would like you to read the Committee's views and estimates, and hopefully, you will be inspired to sign the sheet indicating your approval. With that, let us get moving.

The Committee on Science will be in order. Pursuant to notice, the Committee on Science is meeting today to consider the following measures. H.R. 2051, A Bill to Provide for the Establishment of Regional Plant Genome and Gene Expression Research and Development Centers. Thank you, Mr. Smith. H.R. 3389, the National Sea Grant Program Act Amendments of 2002, and H.R. 3929, the Energy Pipeline Research Development and Demonstration Act.

I ask unanimous consent for the authority to recess the Committee at any point, and without objection it is so ordered. Mr. Hall will be making his way here to present his opening remarks. Let me do mine.

The three bills we have before us this morning deal with very different topics and come from three different subcommittees, but they do have a few key aspects in common. First, all three are bipartisan consensus bills. Once again, the Committee's majority and minority staffs have worked in tandem to draft the bills that advance proposals from members on both sides of the aisle. This Committee continues to set an example of working together that others would do well to follow. Also, all three bills are designed to

promote research and development, especially, long-term research and development that will help address critical societal problems.

H.R. 2051 was designed to help strengthen American agriculture and alleviate malnutrition in the developing world. H.R. 3389 will help protect the nation's coastal areas and fisheries and combat invasive species. And H.R. 3929 will help prevent pollution and pipeline explosions. These bills are not funding research for the sake of research whether they deal with abstruse matters of no concern to the rest of Congress or to the rest of the country. The research advances that will result from these measures will help improve the daily lives of people here and around the world. Let me say just a little bit more about each of these bills and then they will be described more fully by their sponsors as we mark up each one.

H.R. 2051, offered by Chairman Nick Smith and Ranking Minority Member Eddie Bernice Johnson, will create two new programs on plant biotechnology at the National Science Foundation. The bill offers a balanced approach to biotech authorizing research not only to develop new genetic engineering techniques and products, but also, to examine the ecological and social consequences of bio-engineered plants.

H.R. 3389, offered by Chairman Vernon Ehlers and Ranking Minority Member Jim Barcia, will reauthorize and reform the Sea Grant Program, while keeping it within the National Oceanographic and Atmospheric Administration. We will have to negotiate a final version of the bill with the Resources Committee before it can come to the Floor, and we plan to push in a strong and unified fashion for our version of this bill. However, we will, as Dr. Ehlers has committed, find a way to address the concerns Mr. Underwood has raised about the way the Sea Grant Program deals with the Pacific Islands.

Finally, we will take up H.R. 3929, offered by Ranking Minority Member Ralph Hall and Lamar Smith, which will ensure that all the federal agencies with expertise in pipeline safety are engaged in research in that important area. We will work with the Energy and Commerce, and Transportation and Infrastructure Committees to move our bill as part of a comprehensive pipeline safety measure.

So we have much to accomplish today and we will do it in the bipartisan fashion that has become the Committee's hallmark. With that, the Chair recognizes Mr. Hall.

Mr. HALL. Mr. Chairman, as usual, you have covered the waterfront pretty well. I just want to say that I support these three bills. We will have an amendment for the third bill, but on H.R. 2051, I want to congratulate Nick Smith and Ranking Democratic Member Eddie Bernice Johnson for their efforts on it. And of course, on the Sea Grant Program, your bill, I certainly support that and look forward to working with you, and you have recognized Chairman Ehlers and Representative Barcia. And on my bill, I will have an amendment of 3929 that we will discuss when we have a little more time. With that, thank you for doing a good job, and I yield back the balance of my time.

Chairman BOEHLERT. Thank you very much. And let me tell you, it is the Chair's intent to move with dispatch. These bills have been looked at with the respective committee staffs. They are very able

and very professional staffs, so we don't envision a long markup here. We have a hearing immediately after with some very distinguished guests, and I know a number of our colleagues have conflicting commitments. So without objection, all members' opening statements will be placed in the record at this point.

H.R. 3389

10:53 a.m.

Chairman BOEHLERT. We will now consider H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. I now recognize for five minutes the Chair of the Committee on Environment, Technology, and Standards, the distinguished gentleman from Michigan, Dr. Ehlers, to briefly explain the bill.

Mr. EHLERS. Thank you, Mr. Chairman. I want to thank you for bringing this important legislation before the House Science Committee. I also want to commend my colleague, Mr. Gilchrest, from Maryland, for introducing H.R. 3389 and for his efforts on behalf of the Sea Grant Program. All of us benefit greatly from his leadership and knowledge on these issues.

The legislation before us today makes four main changes to the legislation passed by the House Resources Committee. First, it directs the National Sea Grant Program to coordinate its related activities with the National Science Foundation and the Coastal Ocean Program to avoid duplication and to ensure that the research areas are covered adequately. While we did not adopt the Administration's position on transferring this program, I believe Sea Grant can benefit by working more closely with both the National Science Foundation and the Coastal Ocean Program.

Second, I have concluded that the Coastal Ocean Program and Sea Grant have significantly different goals and missions, therefore, the legislation as passed by the Subcommittee removes provisions in the underlying bill that would have consolidated these two programs. However, I agree with concerns raised by Mr. Gilchrest and the Resources Committee that the two programs should work together more closely, and as stated earlier, my amendment directs Sea Grant to coordinate with the Coastal Ocean Program.

Third, we have removed a provision that would provide direct financial assistance to a Pacific Islands regional construction to help it become a nationally recognized Sea Grant College Program. I believe it would be inappropriate to provide this consortium special consideration when no other program receives such treatment in statute. I also believe it would not be fair to other programs that are struggling to receive money and would establish a bad precedent to have congressional involvement in those choices. However, I am committed to working with Mr. Gilchrest, Mr. Underwood, and Mr. Barcia to find a proper resolution to this issue and plan to include language on this in the Committee report.

Finally, the legislation passed by the Subcommittee would direct any monies appropriated above the Fiscal Year 2002 level to be distributed to the State Sea Grant Programs on a merit review competitive basis or for individual projects that are competed nationally. One issue that was raised at our hearing is a seemingly unfair nature of federal funding allocations to State Sea Grant Programs. I understand the need for a consistent level of funding to ensure that each state program can maintain its extension and education

activities. However, we must find a way to make the system more transparent and based on competition.

Mr. Chairman, thank you again for bringing this bill before the Committee. I am a strong supporter of the Sea Grant Program and I believe that this legislation will help strengthen that program. I look forward to working with you, the Resources Committee, and Members of the Committee to bring this legislation before the House.

[The prepared statement of Mr. Ehlers follows:]

PREPARED STATEMENT OF REPRESENTATIVE VERNON EHLERS

Mr. Chairman, I want to thank you for bringing this important legislation before the House Science Committee.

I want to commend my colleague, Mr. Gilchrest from Maryland, for introducing H.R. 3389, and for his efforts on behalf of the Sea Grant program. All of us benefit greatly from his leadership on these issues.

The legislation before us today makes four main changes to the legislation passed by the House Resources Committee:

- First, it directs the National Sea Grant Program to coordinate its related activities with the National Science Foundation and the Coastal Ocean Program to avoid duplication and to ensure that the research areas are covered adequately. While we did not adopt the Administration's position on transferring this program, I believe Sea Grant can benefit by working more closely with both the National Science Foundation and the Coastal Ocean Program.
- Second, I have concluded that the Coastal Ocean Program and Sea Grant have significantly different goals and missions. Therefore, the legislation as passed by the Subcommittee removes provisions in the underlying bill that would have consolidated these two programs. However, I agree with concerns raised by Mr. Gilchrest that the two programs should work together more closely, and as stated earlier, my amendment directs Sea Grant to coordinate with the Coastal Ocean Program.
- Third, we have removed a provision that would provide direct financial assistance to a Pacific Islands Regional Consortium to help it become a nationally recognized Sea Grant College Program. I believe it would be inappropriate to provide this consortium special consideration when no other program receives such treatment in statute. I also believe it would not be fair to other programs that are struggling to receive money. But, I am committed to working with Mr. Gilchrest, Mr. Underwood and Mr. Barcia to find a proper resolution to this issue, and plan to include language on this in the committee report.
- Finally, the legislation passed by the Subcommittee would direct any monies appropriated above the Fiscal Year 2002 level to be distributed to the state Sea Grant programs on a merit-review, competitive basis or for individual projects that are competed nationally. One issue that was raised at our hearing is the seemingly unfair nature of federal funding allocations to state Sea Grant programs. I understand the need for a consistent level of funding to ensure each state program can maintain its extension and education activities. However, we must find a way to make the system more transparent and based on competition.

Mr. Chairman, thank you again for bringing this bill before the Committee. I am a strong supporter of Sea Grant, and I believe that this legislation will help strengthen the program. I look forward to working with you, the Resources Committee, and Members of the Committee to bring this legislation before the House.

Chairman BOEHLERT. Thank you very much, Dr. Ehlers, and thank you for your good work, and we are very supportive of the Sea Grant Program, and we are fortunate to have Mr. Gilchrest, the original sponsor, a member of this Committee as well as Resources Committee. So I look forward to working with you, and him, and Mr. Hall, and all concerned to fashion a responsible bill that we move to the Floor with dispatch.

Speaking about dispatch, Mr. Hall, you are now recognized.

Mr. HALL. Mr. Chairman, thank you, and I will act with dispatch. I will ask unanimous consideration to put my full statement in. Just briefly, I want to say, though, that I thank Chairman Ehlers and Representative Barcia. I know the Sea Grant Program is as valued in other states as it is Texas, and I wish you well and pledge you my full cooperation when we try to work together to reconcile the differences in the emergence of H.R. 3389 with our colleagues on the Committee on Resources so the Sea Grant reauthorization bill can be considered in the near future. I yield back my time.

[The prepared statement by Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Chairman Boehlert, for bringing the Sea Grant Reauthorization before the Committee this morning and working with us on this bill. I would also like to thank Chairman Ehlers and Rep. Barcia for their work in the Subcommittee on H.R. 3389. The Sea Grant Program is an example of the fine work that can be accomplished through federal and state partnerships in research, education, and extension. I know the Sea Grant Program is as valued in other states as it is in Texas. The information developed and distributed to our constituents is essential for those who rely on our coastal areas for their livelihoods and for recreation. I am very pleased that our Committee has moved quickly to reauthorize the Sea Grant Program in NOAA.

I hope that we can work together quickly to reconcile the different versions of H.R. 3389 with our colleagues on the Committee on Resources so that the Sea Grant Reauthorization bill can be considered in the House in the near future. Again, I thank you, Mr. Chairman and the Members of the Committee for their cooperation in moving this legislation forward.

Chairman BOEHLERT. Thank you very much. I ask unanimous consent that the bill as amended by the Subcommittee on Environment, Technology, and Standards on March 14, 2002 be considered as original text for the purpose of amendment and that the bill be considered as read and open to amendment at any point. I ask the members to proceed with the amendments in the order of the roster. Without objection, so ordered.

[H.R. 3389 follows:]

COMMITTEE PRINT

Showing the Text of H. R. 3389

As Approved by the Subcommittee on Environment, Technology, and Standards on March 14, 2002

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "National Sea Grant
3 College Program Act Amendments of 2002".

4 **SEC. 2. AMENDMENTS TO FINDINGS.**

5 Section 202(a)(6) of the National Sea Grant College
6 Program Act (33 U.S.C. 1121(a)(6)) is amended by strik-
7 ing the period at the end and inserting ", including strong
8 collaborations between Administration scientists and sci-
9 entists at academic institutions."

10 **SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA**
11 **GRANT COLLEGE PROGRAM.**

12 Section 204(d)(3)(B) of the National Sea Grant Col-
13 lege Program Act (33 U.S.C. 1123(d)(3)(B)) is amended
14 by striking "and" after the semicolon at the end of clause
15 (ii) and by adding at the end the following:

16 "(iv) encourage and promote coordi-
17 nation and cooperation between the re-
18 search, education, and outreach programs
19 of the Administration and those of aca-
20 demic institutions; and".

1 **SEC. 4. COORDINATION.**

2 Section 204 of the National Sea Grant Program Act
3 (33 U.S.C. 1123) is further amended by adding at the
4 end the following new subsection:

5 "(e) COORDINATION.—

6 "(1) The activities of the national sea grant col-
7 lege program shall be coordinated with related ac-
8 tivities of the National Science Foundation, the
9 coastal ocean research program of the National Oce-
10 anic and Atmospheric Administration, and any other
11 related Federal programs in order to avoid duplica-
12 tion of efforts and to ensure that research areas are
13 covered adequately.

14 "(2) Not later than February 15 of each year,
15 the Director of the national sea grant program, the
16 Director of the coastal ocean research program, and
17 the Director of the National Science Foundation
18 shall jointly submit to Congress a report on how the
19 activities of those programs will be coordinated dur-
20 ing the fiscal year following the fiscal year in which
21 the report is submitted. The report shall describe in
22 detail any overlapping research interests among the
23 programs and specify how such research interests
24 will be pursued by the programs in a complementary
25 manner."

1 **SEC. 5. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW**
2 **PANEL.**

3 Section 209(c)(2) of the National Sea Grant College
4 Program Act (33 U.S.C. 1128(c)(2)) is amended by strik-
5 ing the first sentence and inserting the following: "The
6 term of office of a voting member of the panel shall be
7 3 years for a member appointed before the date of enact-
8 ment of the National Sea Grant College Program Act
9 Amendments of 2002, and 4 years for a member ap-
10 pointed or reappointed after the date of enactment of the
11 National Sea Grant College Program Act Amendments of
12 2002. The Director may extend the term of office of a
13 voting member of the panel appointed before the date of
14 enactment of the National Sea Grant College Program Act
15 Amendments of 2002 by up to 1 year."

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—Subsections (a) and (b) of section
18 212 of the National Sea Grant College Program Act (33
19 U.S.C. 1131) are amended to read as follows:

20 "(a) AUTHORIZATION.—

21 "(1) IN GENERAL.—There is authorized to be
22 appropriated to the Secretary to carry out this
23 title—

24 "(A) $60,000,000 for fiscal year 2003;

25 "(B) $75,000,000 for fiscal year 2004;

26 "(C) $77,500,000 for fiscal year 2005;

1 "(D) $80,000,000 for fiscal year 2006;
2 "(E) $82,500,000 for fiscal year 2007; and
3 "(F) $85,000,000 for fiscal year 2008.
4 "(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL
5 ALGAL BLOOM RESEARCH.—In addition to the
6 amount authorized under paragraph (1), there is au-
7 thorized to be appropriated for each of fiscal years
8 2003 through 2008—
9 "(A) $5,000,000 for competitive grants for
10 university research on the zebra mussel biology
11 and control;
12 "(B) $5,000,000 for competitive grants for
13 university research on oyster diseases, oyster
14 restoration, and oyster-related human health
15 risks; and
16 "(C) $5,000,000 for competitive grants for
17 university research on the biology, prevention,
18 and forecasting of harmful algal blooms, includ-
19 ing Pfiesteria piscicida.
20 "(b) LIMITATIONS.—
21 "(1) ADMINISTRATION.—There may not be
22 used for administration of programs under this title
23 in a fiscal year more than 5 percent of the lesser
24 of—

1 "(A) the amount authorized to be appro-
2 priated under this title for the fiscal year; or
3 "(B) the amount appropriated under this
4 title for the fiscal year.
5 "(2) USE FOR OTHER OFFICES OR PRO-
6 GRAMS.—Sums appropriated under the authority of
7 subsection (a)(2) shall not be available for adminis-
8 tration of this title by the National Sea Grant Of-
9 fice, for any other Administration or department
10 program, or for any other administrative expenses."
11 (b) DISTRIBUTION OF FUNDS.—Such section is fur-
12 ther amended by striking subsection (c) and inserting the
13 following:
14 "(c) DISTRIBUTION OF FUNDS.—In any fiscal year
15 in which the appropriations made pursuant to subsection
16 (a)(1) exceed the amounts appropriated for fiscal year
17 2002 for the purposes described in such subsection, the
18 Secretary shall distribute the excess amounts (except
19 amounts used for the administration of programs) solely
20 to—
21 "(1) State sea grant programs on a merit re-
22 viewed, competitive basis to reward programs that
23 are best managed and produce the highest quality
24 research;
25 "(2) national strategic initiatives; or

1 "(3) both.".

Section by Section of H.R. 3389, 'The National Sea Grant College Program Act Amendments of 2002," as approved by Subcommittee on Environment, Technology, and Standards on march 14, 2002.

Sec. 1 – Short Title

The National Sea Grant College Program Act Amendments of 2002

Sec. 2 – Amendments to Findings

The legislation amends section 202(a)(6) of the National Sea Grant College Program Act and inserts language to encourage strong collaborations between Administration scientists and academic institutions.

Sec. 3 – Requirements Applicable to National Sea Grant program

The legislation amends section 204(d)(3)(B) and inserts 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 academic institutions.

Sec. 4 – Coordination

The legislation amends section 204 by adding a new subsection (e) that the activities of the national sea grant college program shall be coordinated with related activities of the National Science Foundation, the coastal ocean research program of the National Oceanic and Atmospheric Administration, and any other Federal programs to avoid duplication of efforts and to ensure that research areas are covered adequately. In addition, the director of the national sea grant program, the director of the coastal ocean program, and the director of the National Science Foundation shall jointly submit to Congress a report on how the activities of those programs will be coordinated during the fiscal year following the fiscal year the report is submitted.

Sec. 5 – Terms of Membership for Sea Grant Review Panel

The legislation amends section 209(c)(2) and inserts language that the term of office for a voting member of the panel shall be 3 years for a member appointed before the date of enactment of this legislation, and 4 years for a member appointed after the date of enactment of this legislation.

Sec. 6 – Authorization of Appropriations

The legislation amends section 212 by inserting language for authorization of: $60 million for FY 2003; $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. In addition to the amount authorized above, there is authorized for each fiscal years 2003

through 2008, $5 million each for research into zebra mussels, oysters, and harmful algal blooms. There may not be used more than 5 percent of the funds for administration of the program

The legislation adds a section that in any fiscal year in which appropriations exceed the amounts appropriated for fiscal year 2002, the Secretary shall distribute the excess amounts (except amounts used for administration of programs) solely to state sea grant program on a merit-reviews, competitive basis to reward programs that are best manages and produce the highest quality research; national strategic initiatives; or both.

Chairman BOEHLERT. The bill is now open for amendments. Are there any amendments? Mr. Ehlers—Dr. Ehlers.

Mr. EHLERS. Mr. Chairman, I have an amendment at the desk and I ask unanimous consent that the amendment be considered en bloc.

Chairman BOEHLERT. The Clerk will report the amendment.

The CLERK. En bloc amendment to H.R. 3389, offered by Mr. Ehlers.

Chairman BOEHLERT. I ask unanimous consent that the amendment be considered as read. Without objection, so ordered. The gentleman is recognized for five minutes.

Mr. EHLERS. Mr. Chairman, I will be very brief in explanation of this amendment since it is a simple one and I have already discussed the main text of the bill. First, this amendment will ensure that both quality of research and quality of extension and education programs are taken into account when determining which schools will receive the new merit based funding established by this legislation.

Second, this amendment improves language that I have worked out with Congresswoman Jackson Lee, which makes certain that the Sea Grant Program will work with minority and disadvantaged students to ensure they have equal access to this program. Both of these changes have been worked out on a bipartisan basis and I urge the Committee to adopt this amendment.

Chairman BOEHLERT. Is there any further discussion? Yes, Mr. Barcia.

Mr. BARCIA. Yes. I move to strike the last word for the purpose of engaging in a colloquy with the Chairman.

Chairman BOEHLERT. The gentleman is recognized for five minutes.

Mr. BARCIA. I would like to restate our desire on the minority side to develop language to address the concerns of our colleague, Representative Underwood. I hope the Chairman will agree to work with us to include language in our legislative report on H.R. 3389. We would also like to continue to work with you as we reconcile our version of the bill with the version reported by our colleagues on the Resources Committee to ensure that the concerns of the U.S. Pacific Island territories and freely associated states are addressed. The Islands should be encouraged to develop their own capacity to address the ocean and coastal resource management issues in their region.

Chairman BOEHLERT. The gentleman, and Mr. Underwood, and all concerned have the assurance of the Chair that we will work cooperatively with professional staff and member to member to resolve this in an amicable way that will move the program forward.

Mr. BARCIA. I thank the Chairman and Subcommittee Chairman Ehlers for their consideration and cooperation.

Chairman BOEHLERT. Is there discussion? If no, the vote occurs on the amendment. All in favor say aye. Those opposed say no. The ayes have it and the amendment is agreed to.

[Amendment to H.R. 3389 follows:]

COMMITTEE ON SCIENCE

FULL COMMITTEE MARKUP

March 20, 2002

AMENDMENT ROSTER

H.R. 3389, National Sea Grant College Program Act Amendments of 2002

No.	Sponsor	Description	Results
1.	Ehlers	En Bloc Amendments To H.R. 3389	

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1

EN BLOC AMENDMENTS TO H.R. 3389

OFFERED BY MR. EHLERS

Page 1, line 12, insert "(a) PROMOTION OF COORDINATION.—" before "Section".

Page 1, after line 20, insert the following:

1 (b) ENSURING EQUAL ACCESS.—Section 208(a) of
2 such Act (33 U.S.C. 1127(a)) is amended by adding at
3 the end the following: "The Secretary shall strive to en-
4 sure equal access for minority and economically disadvan-
5 taged students to the program carried out under this sub-
6 section."

Page 5, strike lines 21 through 24 and insert the following:

7 "(1) State sea grant programs on a merit re-
8 viewed, competitive basis to support, enhance, and
9 reward programs that are best managed and carry
10 out the highest quality research, education, exten-
11 sion, and training programs;

Chairman BOEHLERT. Are there any further amendments? Hearing none, the question is on the bill H.R. 3389, the National Sea Grant College Program Act Amendments of 2002. All those in favor say aye. All those opposed, no. In the opinion of the Chair, the ayes have it.

I will now recognize Mr. Barcia for a motion.

Mr. BARCIA. Thank you, Mr. Chairman. I move that the Committee favorably report H.R. 3389 as amended to the House with the recommendation that the bill as amended do pass. Furthermore, I move that staff be instructed to prepare the legislative report and make necessary technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman BOEHLERT. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Opposed, no. The ayes appear to have it and the bill is favorably reported. Without objection, the motion to reconsider is laid upon the table. I move that members have two subsequent calendar days in which to submit supplemental minority or additional views on the measure. Without objection, so ordered. I move pursuant to Clause 1 of Rule 22 of the House of Representatives that the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on the bill H.R. 3389 or a similar bill. Without objection, so ordered.

○