

gram Act, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Science now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.4 SEA GRANT COLLEGE PROGRAM

The SPEAKER pro tempore, Mr. CALVERT, pursuant to House Resolution 164 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes.

The SPEAKER pro tempore, Mr. CALVERT, by unanimous consent, designated Mr. ROGAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. PEASE, assumed the Chair.

When Mr. ROGAN, Chairman, pursuant to House Resolution 164, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

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

Except as otherwise expressly provided, whenever in this Act an amendment or re-

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

**SEC. 3. AMENDMENTS TO DEFINITIONS.**

(a) SEA GRANT INSTITUTION.—Section 203 (33 U.S.C. 1122) is amended by adding at the end the following new paragraph:

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

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

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

(b) FIELD RELATED TO OCEAN, COASTAL, AND GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4)) is amended to read as follows:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources."

(c) SECRETARY.—

(1) IN GENERAL.—Section 203(13) (33 U.S.C. 1122(13)) is amended to read as follows:

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

(2) CONFORMING AMENDMENTS.—The Act is amended—

(A) by striking section 203(15) (33 U.S.C. 1122(15));

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

(C) by striking "Under Secretary" every other place it appears and inserting "Secretary".

**SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATION.**

Section 204(a) (33 U.S.C. 1123(a)) is amended in the last sentence by inserting after "The Secretary" the following: ", in consultation with the sea grant institutions and the panel established under section 209."

**SEC. 5. DUTIES OF DIRECTOR.**

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

"(c) DUTIES OF DIRECTOR.—

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

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

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

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

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

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

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

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

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

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

"(i) promote healthy competition among those institutions,

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

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

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

**SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.**

Section 204 (33 U.S.C. 1123) is amended by adding at the end the following new subsection:

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

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

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

**SEC. 7. SEA GRANT INTERNATIONAL PROGRAM.**

(a) AMENDMENT.—Section 3(a) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124(a)) is amended in paragraph (6), by striking "living marine resources" and all that follows through the end of the paragraph and inserting "living marine resources."

(b) PROGRAM SUNSET.—

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

(2) CONFORMING AMENDMENT.—Section 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

(3) EFFECTIVE DATE.—This subsection shall take effect October 1, 2000.

**SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.**

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

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

"(a) DESIGNATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—

"(1) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

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

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary, in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

“(5) is recognized for excellence in marine resources development and science.

“(b) REGULATIONS AND GUIDELINES.—

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

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

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

**SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.**

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

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

“(A) \$55,300,000 for fiscal year 1998;

“(B) \$56,400,000 for fiscal year 1999; and

“(C) \$57,500,000 for fiscal year 2000.

“(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—Of the amount authorized for a fiscal year under paragraph (1)—

“(A) up to \$2,800,000 of the amount 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; and

“(B) up to \$3,000,000 of the amount may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks.”.

(b) ADMINISTRATION.—Section 212(b) (33 U.S.C. 1131(b)) is amended—

(1) by striking so much as precedes paragraph (2) and inserting the following:

“(b) ADMINISTRATION.—

“(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), an amount, not exceeding 5 percent of the lesser of the amount authorized under subsection (a) for the fiscal year or the amount appropriated under subsection (a) for the fiscal year, may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.”;

(2) in paragraph (2)—

(A) by striking “subsections (a) and (c)” and inserting “subsection (a)”;

(B) by striking “(2)” and inserting “(2) LIMITATION ON USE OF OTHER AMOUNTS.—”;

(3) by moving paragraph (2) 2 ems to the right, so that the left margin of paragraph (2) is aligned with the left margin of paragraph (1), as amended by paragraph (1) of this subsection.

(c) REPEAL.—Section 212 (33 U.S.C. 1131) is amended by repealing subsection (c) and redesignating subsections (d) and (e) in order as subsections (c) and (d).

(d) PROHIBITION ON LOBBYING; NOTICE OF REPROGRAMMING OR REORGANIZATION.—Section 212 (33 U.S.C. 1131), as amended by subsection (c) of this section, is further amended by adding at the end the following:

“(e) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this section shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employ-

ees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

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

“(g) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.”.

**SEC. 10. CLERICAL, CONFORMING, AND TECHNICAL AMENDMENTS.**

(a) CLERICAL AMENDMENTS.—

(1) Section 203(3) (33 U.S.C. 1122(3)) is amended by striking “the term” and inserting “The term”.

(2) Section 203(6) (33 U.S.C. 1122(6)) is amended by moving subparagraph (F) 2 ems to the right, so that the left margin of subparagraph (F) is aligned with the left margin of subparagraph (E).

(3) The heading for section 204 (33 U.S.C. 1124) is amended to read as follows:

“**SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.**”.

(4) Section 209 (33 U.S.C. 1128) is amended by striking all of the matter that follows the first full sentence through “shall advise”, and inserting “(b) DUTIES.—The panel shall advise”.

(5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is amended by striking “or section 206”.

(6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is amended—

(A) by striking “five positions” and inserting “one position”; and

(B) by striking “the maximum rate for GS-18 of the General Schedule under section 5332” and inserting “a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376”.

(b) CONFORMING AMENDMENTS.—

(1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is amended by striking “maximum rate for GS-18” and all that follows through the end of the sentence and inserting “maximum rate payable under section 5376 of title 5, United States Code.”.

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

(A) in subsection (b)(3) by striking “colleges and sea grant regional consortia” and inserting “institutions”; and

(B) in subsection (c)(1) in the last sentence in clause (A) by striking “college, sea grant regional consortium,” and inserting “institution”.

(c) TECHNICAL AMENDMENT.—Section 209(c)(5)(A) (33 U.S.C. 1128(c)(5)(A)) is amended by striking “the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code” and inserting “a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code”.

**SEC. 11. BUY AMERICAN.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to section 212(a), as amended by this Act, may be expended by an entity unless the entity agrees that in expending the assistance the entity

will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 212(a), as amended by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 212(a), as amended by this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

Mr. SAXTON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared	{ Yeas .....	422
	{ Nays .....	3

¶167.5

[Roll No. 208]

YEAS—422

Abercrombie	Canady	Dreier
Ackerman	Cannon	Duncan
Aderholt	Capps	Dunn
Allen	Cardin	Edwards
Archer	Carson	Ehlers
Armey	Castle	Ehrlich
Bachus	Chabot	Emerson
Baesler	Chambliss	Engel
Baker	Chenoweth	English
Baldacci	Christensen	Ensign
Ballenger	Clay	Eshoo
Barcia	Clayton	Etheridge
Barr	Clement	Evans
Barrett (NE)	Clyburn	Everett
Barrett (WI)	Coble	Ewing
Bartlett	Coburn	Farr
Bass	Collins	Fattah
Bateman	Combest	Fawell
Becerra	Condit	Fazio
Bentsen	Conyers	Filner
Bereuter	Cook	Flake
Berman	Cooksey	Foglietta
Berry	Costello	Foley
Bilbray	Cox	Forbes
Bilirakis	Coyne	Ford
Bishop	Cramer	Fowler
Blagojevich	Crane	Fox
Bliley	Crapo	Frank (MA)
Blumenauer	Cubin	Franks (NJ)
Blunt	Cummings	Frelinghuysen
Boehlert	Cunningham	Frost
Boehner	Danner	Furse
Bonilla	Davis (FL)	Galleghy
Bonior	Davis (IL)	Ganske
Bono	Davis (VA)	Gejdenson
Borski	Deal	Gekas
Boswell	DeFazio	Gephardt
Boucher	DeGette	Gibbons
Boyd	Delahunt	Gilchrest
Brady	DeLauro	Gillmor
Brown (CA)	DeLay	Gilman
Brown (FL)	Dellums	Gonzalez
Brown (OH)	Deutsch	Goode
Bryant	Diaz-Balart	Goodlatte
Bunning	Dickey	Goodling
Burr	Dicks	Gordon
Burton	Dingell	Goss
Buyer	Dixon	Graham
Callahan	Doggett	Granger
Calvert	Dooley	Green
Camp	Doolittle	Greenwood
Campbell	Doyle	Gutierrez