



ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION

PATENT BRANCH, OGD

Office of the
General Counsel

JUL 29 1976

Norm Latken
NIH, Rm. 5A-38

I believe the tax provision of
the attached Bill could be useful
for the awards section of the
Patent Bill.

Len Rawicz

under this subsection for the conduct of research and development projects, and, in addition, specific proposals may be invited. Each grant or contract under this subsection shall be made pursuant to such rules as the Administrator, after consultation with the Secretary, shall prescribe, and in accordance with the national principles and the 6-year plan. Each application for funding shall be made in writing in such form and with such content and other submissions as may be required. The Associate Administrator is authorized to enter into contracts under this subsection without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(3) The activities supported by grants or contracts under this subsection shall, to the extent practicable, be interdisciplinary in nature, and shall, where appropriate, be administered through existing Administration programs, including the national sea grant program, to the maximum extent practicable. The total amount paid pursuant to any such grant or contract may, in the discretion of the Associate Administrator, be up to 100 percent of the total cost of the program, project, or activity involved.

(4) The Associate Administrator shall act upon each such application within 6 months after the date on which all required information is received.

(5) Each recipient of financial assistance under this subsection shall keep such records as the Associate Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project which was supplied by other sources, and such other records as will facilitate an effective audit. Such records shall be maintained for 3 years after the completion of such a project or undertaking. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of receipts which, in the opinion of the Administrator or of the Comptroller General, may be related or pertinent to such financial assistance.

(6) There is authorized to be appropriated to the Secretary for the purposes of this subsection not to exceed \$3,750,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed \$15,000,000 for the fiscal year ending September 30, 1977; not to exceed \$15,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$15,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this paragraph shall remain available until expended.

SEC. 205. ANNUAL REPORT AND EVALUATION.

(a) ANNUAL REPORT ON MARKET RESOURCES, SCIENCE AND TECHNOLOGY.—The Secretary shall submit to the Congress and the President, not later than February 15 of each year, a report on the status and prospects for marine resources science, and technology within the Administration. Each such report shall include—

(1) a general description of the marine resources, science, and technology projects and programs conducted or assisted by the Administration;

(2) an analysis of such projects and programs in terms of the national principles;

(3) an evaluation of the Administration's marine science and technology capability, including the status of personnel, vessels, facilities, and equipment;

(4) a statement of the efforts undertaken to promote the application and utilization of the knowledge gained through marine resources, science, and technology research;

(5) a survey of professional opportunities for individuals in marine resources, science, and technology; and

(6) a summary of the efforts undertaken and planned to coordinate marine resources, science, and technology activities of the Administration with those of other Federal entities, State and local governments, private industry, and the scientific and university communities.

(b) EVALUATION BY NACOA.—The National Advisory Committee on Oceans and Atmosphere shall, in accordance with the Act of August 16, 1971 (33 U.S.C. 857-6 et. seq.), have the opportunity to review each report prepared pursuant to subsection (a). Such advisory committee shall be invited to submit, for inclusion in such report, comments and recommendations and its own independent evaluation of the Administration's marine resources, science, and technology program, including the matters set forth in such subsection (a). Such material shall be transmitted to the Secretary not later than February 1 of each year, and the Secretary shall cause it to be published as a separate section in the annual report submitted to the Congress pursuant to subsection (a).

SEC. 206. DISTINGUISHED RESEARCH AWARDS.

(a) ESTABLISHMENT AND SELECTION.—There is established a National Oceanic and Atmospheric Administration distinguished research award for outstanding achievements and contributions in problem-oriented research related to ocean and coastal resources which meets international, national, and/or regional needs. One such award shall be made not less than every 3 years from the date of enactment of this Act by the Secretary with the advice of the Administrator and the National Advisory Committee on Oceans and Atmosphere. Each such award shall consist of a citation and a cash honorarium in the amount of \$10,000.

(b) NOMINATIONS.—Any citizen or national of the United States, or group thereof, is eligible for nomination. Such a nomination may be made by any person (including a governmental entity), with the exception of the National Advisory Committee on Oceans and Atmosphere and Federal employees. In submitting a nomination, the following shall be included: a description of the research and its importance; letters of support from other researchers in such field or fields; and letters of support from those affected or benefited by such research.

(c) TAX EXEMPTION.—Any amount received as an award under this section shall be exempt from any Federal, State, or local income tax.

SEC. 207. RELATIONSHIP WITH OTHER FEDERAL AGENCIES AND ENTITIES.

(a) IN GENERAL.—Each department, agency, or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to ocean and coastal resources—

(1) may, upon a written request from the Secretary or the Administrator, make available to the Secretary, or the Administrator, on a reimbursable basis or otherwise, such personnel (with their consent and without prejudice to their position and rating), service, and facilities as may be necessary to assist the Secretary or the Administrator to achieve the purposes of this Act;

(2) shall, upon such a written request, furnish such data or other information as the Secretary or the Administrator deems necessary to fulfill the purposes of this Act; and

(3) shall cooperate with the Administration and duly authorized officials thereof.

(b) WITHIN THE DEPARTMENT OF COMMERCE.—The Secretary shall take such steps as are necessary to assure that each administration, bureau, service, office, and program which is within the jurisdiction and subject

to the control of the Secretary cooperates with the Administration and duly authorized officials thereof and assists the Administration in the implementation of the national principles and the declaration of policy of this Act.

SEC. 208. CONFORMING AND MISCELLANEOUS PROVISIONS

(a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(22) Administrator, National Oceanic and Atmospheric Administration."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(98) Deputy Administrator, National Oceanic and Atmospheric Administration."

"(99) Associate Administrator, National Oceanic and Atmospheric Administration."

(c) (1) Section 2(e) of Reorganization Plan Numbered 4 of 1970 is amended to read as follows:

"(e) In addition, there shall be in the Administration three Associate Administrators who shall perform such functions as the Administrator shall from time to time assign or delegate. Such Associate Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint such Associate Administrators from among individuals who by reason of knowledge, experience, and/or training are especially qualified in the areas of marine resources, marine science or technology, the atmospheric sciences, or other areas of particular interest to the Administration. Such Associate Administrators shall receive compensation at the rate now or hereafter provided for level V of the Executive Pay Rates (5 U.S.C. 5316)."

(2) Persons appointed by the Secretary as additional officers in the Administration pursuant to section 2(e) of Reorganization Plan Numbered 4 of 1970 and serving in that capacity on the effective date of this Act, shall continue as Associate Administrators, notwithstanding the provisions of paragraph (1).

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(135) Associate Administrators, National Oceanic and Atmospheric Administration (3)."

SEC. 209. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, other than section 204(e), not to exceed \$3,330,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed \$10,000,000 for the fiscal year ending September 30, 1977; not to exceed \$10,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$10,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 20-minute time limitation on the pending business, the time to be equally divided between the distinguished Senator from Rhode Island and the distinguished Senator from South Carolina, and on the other side by the minority leader or whomever he may designate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. FORD. Mr. President, may we have order? Senators will have a very brief period of time in which to present their legislation. I would like to hear it.

The PRESIDING OFFICER. The Sen-

assistance in the form of grants or contracts under this subsection. Any such application shall be made in writing in such form and with such content and other submissions as may be required.

"(a) **LIMITATIONS ON CONTRACTS AND GRANTS.**—(1) No payment may be made, in whole or in part, under any grant or contract awarded or entered into pursuant to subsection (c) if such payment is or will be applied to—

"(A) the purchase or lease of any land; or
 "(B) the purchase, lease, construction, preservation, or repair of any building, dock, or vessel, except as otherwise provided in this paragraph.

Such payments may, if approved by the Director of the program, be applied to the purchase, lease, construction, preservation, or repair of stationary habitats, buoys, platforms, and other such devices or structures, or to the lease of any research vessel which is used in direct support of activities specifically provided for under this Act.

"(2) The total amount which may be provided to meet the needs and problems of any one State or which may be expended within such State, during any particular fiscal year, shall not exceed 15 percent of the total funds appropriated for such purpose for such year.

"Sec. 105. **DUTIES OF THE DIRECTOR OF THE PROGRAM.**

"The Director of the program shall have the following responsibilities:

"(1) Establish and apply long-range planning guidelines for the administration of the national sea grant program. Such guidelines shall be consonant with the 6-year plan prepared under section 204(d) of the Ocean and Coastal Resources Act of 1976.

"(2) Establish and implement priorities for the national sea grant program. Such priorities shall be consonant with the priorities established by the Associate Administrator under section 204(c) of the Ocean and Coastal Resources Act of 1976.

"(3) Advise the Administrator as to the expertise and capabilities which are available within or through the national sea grant program, and provide (as directed by the Administrator) those which are or could be of use to other offices and activities within the Administration.

"(4) Administer and evaluate programs and activities conducted under grants and contracts with sea grant colleges and regional consortia, other suitable public or private institutions of higher education, institutes, laboratories, persons, and other public or private entities which are engaged in, or concerned with, the understanding, assessment, development, utilization, and conservation of ocean and coastal resources.

"(5) 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 program on a cooperative or other basis.

"(6) Advise the Secretary on the designation of sea grant colleges and sea grant regional consortia and, in appropriate cases, if any, on the termination or suspension of any such designation.

"(7) Provide, through institutions of higher education, support for sea grant fellowships for educational and training assistance to persons in fields related to the understanding, assessment, development, utilization, and conservation of ocean and coastal resources.

"(8) Encourage the formation and growth of State and local sea grant programs.

"(9) Serve as a nonvoting member of the sea grant review panel.

"Sec. 106. **SEA GRANT COLLEGES AND REGIONAL CONSORTIA.**

"(a) **DESIGNATION.**—The Secretary is authorized to designate, through the national sea

grant program, sea grant colleges and, where appropriate, sea grant regional consortia. The Secretary may, for cause, and after notice and an opportunity for an agency hearing, suspend, or terminate any such designation.

"(b) **PROGRAMS.**—Each designated sea grant college and regional consortium shall initiate, conduct, and support programs of research, education, and training, and/or advisory services in disciplines and fields that are relevant to the understanding, assessment, development, utilization, and conservation of ocean and coastal resources. Each sea grant regional consortium shall focus upon ocean and coastal resource needs of a regional character and shall encourage a regional approach to problem solving, in cooperation with any sea grant colleges and programs in the region served by such consortium.

"(c) **GUIDELINES.**—The Secretary shall, in accordance with section 553 of title 5, United States Code, issue guidelines with respect to the responsibilities of sea grant colleges and regional consortia.

"Sec. 107. **FELLOWSHIPS.**

"(a) **IN GENERAL.**—The Director of the program shall support a sea grant fellowship program to provide educational and training assistance to qualified individuals at the undergraduate and graduate levels of education in fields related to ocean and coastal resources. Such fellowships shall be awarded, pursuant to guidelines established by the Director of the program, by sea grant colleges and regional consortia, and other suitable institutions of higher education and institutes, both public and private.

"(b) **LIMITATION ON TOTAL FELLOWSHIP GRANTS.**—The total amount which may be provided for grants under the sea grant fellowship program, during any particular fiscal year, shall not exceed 5 percent of the total funds appropriated for carrying out all of the purposes of this Act for such year.

"Sec. 108. **SEA GRANT REVIEW PANEL.**

"(a) **ESTABLISHMENT.**—There is established an independent committee to be known as the sea grant review panel. The panel shall supersede the sea grant advisory panel chartered pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I).

"(b) **DUTIES.**—The panel shall function solely as an advisory body to the Director of the program. The panel shall review and advise on—

"(1) applications, proposals for, and performance under, national sea grant program grants and contracts, under section 104(c), and with respect to the fellowship program, under section 107;

"(2) the establishment and operation (including review of the curricula, programs, and performance) of sea grant colleges and regional consortia, and make comments and recommendations to the Director of the program regarding the operation of any such college or consortium and improvements which the panel deems appropriate;

"(3) the formulation and application or implementation of the planning guidelines and priorities required by section 105 (1) and (2);

"(4) the effectiveness of the advisory services provided through the national sea grant program; and

"(5) such other matters as the Director finds appropriate and refers to the panel for review and advice.

The Director of the program shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

"(c) **MEMBERSHIP, TERMS, AND POWERS.**—(1) The panel shall consist of 15 voting members who shall be appointed by the Secretary upon the recommendation of the Administrator. The Director of the program shall serve as a nonvoting member of the panel. Not to

exceed seven of the voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science and technology. The remaining voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, advisory services, State government, industry, economics, planning, or any other area which is appropriate to, and important for, any effort to enhance the Nation's understanding, assessment, development, utilization, or conservation of ocean and coastal resources. No voting member of the panel may be concurrently: (A) the director of a sea grant college, regional consortium, or State or local sea grant program, (B) the recipient of a grant or contract under this Act, or (C) a full-time officer or employee of the United States.

"(2) The term of office of a voting member of the panel shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

"(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office or until 90 days after such expiration, whichever is earlier.

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

"(5) Members of the panel, who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS-18 of the General Schedule when actually engaged in the performance of duties for such panel. Voting members shall be reimbursed for actual expenses incurred in the performance of such duties.

"(6) The members of the panel shall meet on a quarterly basis, and at the call of the Chairman or upon the request of a majority of the voting members or of the Director of the program.

"(7) The panel is authorized to exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

"Sec. 109. **AUTHORIZATION FOR APPROPRIATIONS.**

"There is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act not to exceed \$50,000,000 for the fiscal year ending September 30, 1977; not to exceed \$50,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$50,000,000 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended."

TITLE II

Sec. 201. **SHORT TITLE.**

This title may be cited as the "Ocean and Coastal Resources Act of 1976".

Sec. 202. **DECLARATION OF POLICY AND NATIONAL PRINCIPLES.**

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

(1) The resources of the oceans and of the coastal zone would, through the development and wise application of marine resources, science, and technology, satisfy many human needs and contribute to the achievement of national and international objectives.

(2) A successful marine resources, science, and technology program for the United States requires (A) the establishment and mainte-