(Pub. L. 106–553, § 1(a)(2) [title II, § 210], Dec. 21, 2000, 114 Stat. 2762, 2762A–79.)

REFERENCES IN TEXT

The National Marine Sanctuaries Act, referred to in subsec. (e), is title III of Pub. L. 92–532, Oct. 23, 1972, 86 Stat. 1061, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1431 of this title and Tables.

CODIFICATION

For similar provisions relating to the Dr. Nancy Foster Scholarship Program, see section 1445c of this title.

Section was enacted as part of the Department of Commerce and Related Agencies Appropriations Act, 2001, and also as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and not as part of the National Marine Sanctuaries Act which comprises this chapter.

CHAPTER 32A—REGIONAL MARINE RESEARCH PROGRAMS

Sec.
1447. Purposes.
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1447b. Regional Marine Research Boards.
1447c. Regional research plans.
1447d. Research grant program.
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§ 1447. Purposes

The purpose of this chapter is to establish regional research programs, under effective Federal oversight, to—

(1) set priorities for regional marine and coastal research in support of efforts to safeguard the water quality and ecosystem health of each region; and

(2) carry out such research through grants and improved coordination.

(Pub. L. 92–532, title IV, § 401, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2963.)

§ 1447a. Definitions

As used in this chapter, the term—

(1) ''Board'' means any Regional Marine Research board[1] established pursuant to section 1447b(a) of this title;

(2) ''Federal agency'' means any department, agency, or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government and any government corporation;

(3) ''local government'' means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law;

(4) ''marine and coastal waters'' means estuaries, waters of the estuarine zone, including wetlands, any other waters seaward of the historic height of tidal influence, the territorial seas, the contiguous zone, and the ocean;

(5) ''nonprofit organization'' means any organization, association, or institution described in section 501(c)(3) of title 26 which is exempt from taxation pursuant to section 501(a) of title 26;

(6) ''region'' means 1 of the 9 regions described in section 1447b(a) of this title; and

(7) ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 92–532, title IV, § 402, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2963.)

TERRITORIAL SEA AND CONTIGUOUS ZONE OF UNITED STATES

For extension of territorial sea and contiguous zone of United States, see Proc. No. 5928 and Proc. No. 7219, respectively, set out as notes under section 1331 of Title 43, Public Lands.

§ 1447b. Regional Marine Research Boards

(a) Establishment

A Regional Marine Research board[1] shall be established for each of the following regions:

(1) the Gulf of Maine region, comprised of the marine and coastal waters off the State of Maine, New Hampshire, and Massachusetts (north of Cape Cod);

(2) the greater New York bight region, comprised of the marine and coastal waters off the States of Massachusetts (south of Cape Cod), Rhode Island, Connecticut, New York, and New Jersey, from Cape Cod to Cape May;

(3) the mid-Atlantic region, comprised of the marine and coastal waters off the States of New Jersey, Delaware, Maryland, Virginia, and North Carolina, from Cape May to Cape Fear;

(4) the South Atlantic region, comprised of the marine and coastal waters off the States of North Carolina, South Carolina, Georgia, and Florida, from Cape Fear to the Florida Keys, including the marine and coastal waters off Puerto Rico and the United States Virgin Islands;

(5) the Gulf of Mexico region, comprised of the marine and coastal waters off the States of Florida, Alabama, Mississippi, Louisiana, and Texas, along the Gulf coast from the Florida Keys to the Mexican border;

(6) the California region, comprised of the marine and coastal waters off the State of California, from Point Reyes to the Mexican border;

(7) the North Pacific region, comprised of the marine and coastal waters off the States of California, Oregon, and Washington, from Point Reyes to the Canadian border;

(8) the Alaska region, comprised of the marine and coastal waters off the State of Alaska; and

(9) insular Pacific region, comprised of the marine and coastal waters off the State of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The Great Lakes Research Office authorized under section 1268(d) of title 33 shall be responsible for research in the Great Lakes region and

[1] So in original. Probably should be capitalized.

[1] So in original. Probably should be capitalized.

shall be considered the Great Lakes counterpart to the research program established pursuant to this chapter.

(b) Membership

(1) Composition

Each Board shall be comprised of 11 members of which—

(A) 3 members shall be appointed by the Administrator of the National Oceanic and Atmospheric Administration, including 1 member who shall be a Sea Grant Program Director from a State within such region, who shall serve as chairman of the board;[1]

(B) 2 members shall be appointed by the Administrator of the Environmental Protection Agency; and

(C) 6 members shall be appointed by Governors of States located within the region.

(2) Qualifications

Each individual appointed as a member of a Board shall possess expertise, pertinent to the region concerned, in scientific research, coastal zone management, fishery management, water quality management, State and local government, or any other area which is directly relevant to the functions of the Board. A majority of the members of each Board shall be trained in a field of marine or aquatic science and shall be currently engaged in research or research administration.

(3) Terms

Each appointed member of a Board shall serve for a term of 4 years.

(4) Vacancies

In the event of a vacancy, a replacement member shall be appointed in the same manner and in accordance with the same requirements as the member being replaced and shall serve the remainder of the term of the replaced member.

(5) Reimbursement of expenses

Each appointed member of a Board may be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the member's usual place of residence, in accordance with section 5703 of title 5, when engaged in the actual performance of Board duties.

(c) Functions

Each Board shall, in accordance with the provisions of this chapter—

(1) develop and submit to the Administrators of the National Oceanic and Atmospheric Administration and the Environmental Protection Agency a marine research plan, including periodic amendments thereto, that meets the requirements of section 1447c of this title;

(2) provide a forum for coordinating research among research institutions and agencies;

(3) provide for review and comment on research plans by affected users and interests, such as the commercial and recreational fishing industries, other marine industries, State and local government entities, and environmental organizations;

(4) ensure that the highest quality of research projects will be conducted to carry out the comprehensive plan; and

(5) prepare, for submission to Congress, a periodic report on the marine environmental research issues and activities within the region in accordance with section 1447e of this title.

(d) Powers

Each Board shall be authorized to—

(1) cooperate with Federal agencies, with States and with local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions, laboratories, and organizations, or other appropriate persons, in the preparation and support of marine research in the region;

(2) enter into contracts, cooperative agreements or grants to State and local governmental entities, other public agencies or institutions, and non-profit institutions and organizations for purposes of carrying out the provisions of this chapter;

(3) collect and make available through publications and other appropriate means, the results of, and other information pertaining to, the research conducted in the region;

(4) call conferences on regional marine research and assessment issues, giving opportunity for interested persons to be heard and present papers at such conferences;

(5) develop and stimulate, in consultation with the Department of State, joint marine research projects with foreign nations;

(6) utilize facilities and personnel of existing Federal agencies, including scientific laboratories and research facilities;

(7) accept, and for all general purposes of this Act, utilize funds from other sources, including but not limited to State and local funds, university funds, and donations; and

(8) acquire secret processes, inventions, patent applications, patents, licenses, and property rights, by purchase, license, lease, or donation.

(e) Administration

(1) Practices and procedures

Each Board shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter. Each Board should use existing research administrative capability to the extent practicable.

(2) Committees and subcommittees

Each Board shall establish such committees and subcommittees as are appropriate in the performance of its functions.

(3) Staff and support

Each Board is authorized to hire such staff as are necessary to carry out the functions of the Board.

(f) Termination

Each Board shall cease to exist on October 1, 1999, unless extended by Congress.

(Pub. L. 92–532, title IV, § 403, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2964.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d)(7), means Pub. L. 92–532, which enacted this chapter, chapter 32 (§ 1431 et

seq.) of this title, and chapters 27 (§ 1401 et seq.) and 41 (§ 2801 et seq.) of Title 33, Navigation and Navigable Waters.

§ 1447c. Regional research plans

(a) Development and amendment of regional plans

(1) In general

Each Board shall develop a comprehensive 4-year marine research plan for the region for which the Board is responsible, and shall amend the plan at such times as the Board considers necessary to reflect changing conditions, but no less frequently than once every 4 years.

(2) Review and consideration of national plan

In the development and amendment of its research plan, the Board shall consider findings and recommendations of the national plan developed pursuant to the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.).[1]

(b) Contents of plan

Such marine research plan shall include—

(1) an overview of the environmental quality conditions in the coastal and marine waters of the region and expected trends in these conditions;

(2) a comprehensive inventory and description of all marine research related to water quality and ecosystem health expected to be conducted in the region during the 4-year term of the research plan;

(3) a statement and explanation of the marine research needs and priorities applicable to the marine and coastal waters of the region over the upcoming 10-year period with emphasis on the upcoming 3-to-5 year period;

(4) an assessment of how the plan will incorporate existing marine, coastal, and estuarine research and management in the region, including activities pursuant to section 1330 of title 33 and section 1461 of this title; and

(5) a general description of marine research and monitoring objectives and timetables for achievement through the funding of projects under this chapter during the 4-year period covered by the plan so as to meet the priorities specified in the plan in accordance with paragraph (3).

(c) Plan review and approval

(1) In general

When a Board has developed a marine research plan, including amendments thereto, the Board shall submit the plan to the Administrator of the National Oceanic and Atmospheric Administration and the Administration of the Environmental Protection Agency, who shall jointly determine whether the plan meets the requirements of subsection (b) of this section.

(2) Time for approval or disapproval

The Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, shall jointly approve or disapprove such research plan within 120 days after receiving the plan.

(3) Action after disapproval

In the case of disapproval of such research plan, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency shall jointly notify the appropriate Board in writing, stating in detail the revisions necessary to obtain approval of the plan. Such Administrators shall approve or disapprove the revised plan within 90 days after receiving the revised plan from the Board.

(Pub. L. 92–532, title IV, § 404, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2966.)

REFERENCES IN TEXT

The National Ocean Pollution Planning Act of 1978, referred to in subsec. (a)(2), is Pub. L. 95–273, May 8, 1978, 92 Stat. 228, as amended, which was classified generally to chapter 31 (§ 1701 et seq.) of Title 33, Navigation and Navigable Waters, and was repealed by Pub. L. 102–567, title II, § 204, Oct. 29, 1992, 106 Stat. 4282.

§ 1447d. Research grant program

(a) Program administration

The Administrator of the National Oceanic and Atmospheric Administration shall administer a grant program to support the administrative functions of each Board.

(b) Research grants

(1) Each Board may annually submit a grant application to the Administrator of the National Oceanic and Atmospheric Administration to fund projects aimed at achieving the research priorities set forth in each research plan, including amendments thereto, developed and approved pursuant to section 1447c of this title.

(2) Projects eligible for funding under this section shall include research, investigations, studies, surveys, or demonstrations with respect to—

(A) baseline assessment of marine environmental quality, including chemical, physical, and biological indicators of environmental quality;

(B) effects or potential effects of contaminants, including nutrients, toxic chemicals and heavy metals, on the environment, including marine and aquatic organisms;

(C) effects of modification of habitats, including coastal wetlands, seagrass beds and reefs, on the environment, including marine organisms;

(D) assessment of impacts of pollutant sources and pollutant discharges into the coastal environment;

(E) transport, dispersion, transformation, and fate and effect of contaminants in the marine environment;

(F) marine and estuarine habitat assessment and restoration;

(G) methods and techniques for modeling environmental quality conditions and trends;

(H) methods and techniques for sampling of water, sediment, marine and aquatic organisms, and demonstration of such methods and techniques;

[1] See References in Text note below.

(I) the effects on human health and the environment of contaminants or combinations of contaminants at various levels, whether natural or anthropogenic, that are found in the marine environment;

(J) environmental assessment of potential effects of major coastal and offshore development projects in the region;

(K) assessment of the effects of climate change on marine resources in the region; and

(L) analysis and interpretation of research data for the benefit of State and local environmental protection and resource management agencies in the region.

(3) Grant applications submitted pursuant to this subsection shall include—

(A) a description of the specific research projects to be conducted;

(B) identification of the organization responsible for each project and the principal investigator directing the project;

(C) a budget statement for each project;

(D) a schedule of milestones and interim products for each research project;

(E) a description of the relationship of the proposed project to the goals, objectives, and priorities of the research plan for the region and to other research projects; and

(F) any other information which may be required by the Administrator.

(c) Review and approval of project proposals

(1) The Administrator of the National Oceanic and Atmospheric Administration shall review the annual grant application and, with the concurrence of the Administrator of the Environmental Protection Agency, approve such grant application with such conditions as are determined to be appropriate based on peer reviews conducted pursuant to paragraph (2).

(2) The Administrator of the National Oceanic and Atmospheric Administration shall develop a system of peer review of grant applications which shall ensure that only the highest quality research is approved for funding and that each project is reviewed by research scientists outside the region concerned.

(d) Reporting

Any recipient of a grant under this section shall report to the appropriate Board, not later than 18 months after award of the grant, on the activities of such recipient conducted pursuant to this subsection. Such report shall include narrative summaries and technical data in such form as the Administrator of the National Oceanic and Atmospheric Administration may require.

(Pub. L. 92–532, title IV, § 405, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2967.)

§ 1447e. Report on research program

(a) Preparation and submission of report

Each Board receiving a grant under section 1447d of this title shall, not later than 2 years after the approval of its comprehensive plan under section 1447d of this title and at 2-year intervals thereafter, prepare and submit to the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency a report describing—

(1) the findings and conclusions of research projects conducted in the region;

(2) recommendations for improvements in the design or implementation of programs for the protection of the marine environment; and

(3) available data and information concerning ecosystem health within the region.

(b) Transmittal to Congress

Upon receipt of a report prepared by a Board under subsection (a) of this section, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency shall transmit a copy of such report to the Committees on Commerce, Science, and Transportation and on Environment and Public Works of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives.

(Pub. L. 92–532, title IV, § 406, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2969.)

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Science of House of Representatives in case of provisions relating to marine research by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 1447f. Authorization of appropriations

(a) In general

For purposes of carrying out the provisions of this chapter, there are authorized to be appropriated $18,000,000 for each of the fiscal years 1992 through 1996.

(b) Allocation

(1) Of funds appropriated in any fiscal year, not more than $500,000 shall be reserved for administration of this chapter by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency.

(2) Funds appropriated in a fiscal year which are available after allocation pursuant to paragraph (1), shall be used to support the administrative costs of Boards established pursuant to section 1447b(a) of this title, provided that such funding does not exceed $300,000 for each research Board in each fiscal year.

(3) Seventy-five percent of funds appropriated in a fiscal year available after allocation pursuant to paragraphs (1) and (2), shall be allocated equally among Boards located in regions submitting research project grant applications pursuant to section 1447d(b) of this title.

(4) Twenty-five percent of funds appropriated in a fiscal year available after allocation pursuant to paragraphs (1) and (2), shall be allocated

among Boards located in regions submitting research project grant applications pursuant to section 1447d(b) of this title which, in the judgment of the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the Environmental Protection Agency, propose the most needed and highest quality research.

(Pub. L. 92–532, title IV, § 407, as added Pub. L. 101–593, title III, § 301, Nov. 16, 1990, 104 Stat. 2969.)

CHAPTER 33—COASTAL ZONE MANAGEMENT

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§ 1451. Congressional findings

The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, exclusive economic zone, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters;

(g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

(k) Land uses in the coastal zone, and the uses of adjacent lands which drain into the coastal zone, may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from land use activities must be improved.

(*l*) Because global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone, coastal states must anticipate and plan for such an occurrence.

(m) Because of their proximity to and reliance upon the ocean and its resources, the coastal states have substantial and significant interests in the protection, management, and development of the resources of the exclusive economic zone that can only be served by the active participation of coastal states in all Federal programs affecting such resources and, wherever appropriate, by the development of state ocean resource plans as part of their federally approved coastal zone management programs.

(Pub. L. 89–454, title III, § 302, as added Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280; amended Pub. L. 94–370, § 2, July 26, 1976, 90 Stat. 1013; Pub. L. 96–464, § 2, Oct. 17, 1980, 94 Stat. 2060; Pub. L. 101–508, title VI, § 6203(a), Nov. 5, 1990, 104 Stat. 1388–300.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101–508, § 6203(a)(1), inserted ''habitat areas of the'' before ''coastal zone''.

Subsec. (f). Pub. L. 101–508, § 6203(a)(2), inserted ''exclusive economic zone,'' after ''territorial sea,''.