PROCLAMATION NO. 3632

Proc. No. 3632, Dec. 29, 1964, 29 F.R. 19167, was the enabling proclamation for adopting Regulations for Preventing Collisions at Sea, 1960, under Pub. L. 88–131, Sept. 24, 1963, 77 Stat. 194.

CHAPTER 22—SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT

SUBCHAPTER I—MARINE RESOURCES AND ENGINEERING DEVELOPMENT

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SUBCHAPTER I—MARINE RESOURCES AND ENGINEERING DEVELOPMENT

§ 1101. Congressional declaration of policy and objectives

(a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

(1) The accelerated development of the resources of the marine environment.

(2) The expansion of human knowledge of the marine environment.

(3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.

(4) The preservation of the role of the United States as a leader in marine science and resource development.

(5) The advancement of education and training in marine science.

(6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.

(7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.

(8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

(Pub. L. 89–454, title I, § 2, June 17, 1966, 80 Stat. 203.)

SHORT TITLE

Section 1 of title I of Pub. L. 89–454, as renumbered and amended by Pub. L. 89–688, § 2(a), Oct. 15, 1966, 80 Stat. 1001, provided that: ''This title [enacting this subchapter] may be cited as the 'Marine Resources and Engineering Development Act of 1966'.''

§ 1102. Omitted

CODIFICATION

Section, Pub. L. 89–454, title I, § 3, June 17, 1966, 80 Stat. 204; Pub. L. 89–670, § 8(j), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90–242, § 2, Jan. 2, 1968, 81 Stat. 780; Pub. L. 91–15, § 1, May 23, 1969, 83 Stat. 10; Pub. L. 91–414, Sept. 25, 1970, 84 Stat. 865, established the National Council on Marine Resources and Engineering Development. The provisions of this chapter with respect to the Council expired on June 30, 1971, and the Council terminated on Apr. 30, 1971, for lack of funds.

§ 1103. Executive responsibilities; utilization of staff, interagency, and non-Government advisory arrangements; consultation with agencies; solicitation of views of non-Federal agencies

(a) In conformity with the provisions of section 1101 of this title, it shall be the duty of the President with the advice and assistance of the Council to—

(1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;

(3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;

(4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this subchapter, including differences as to whether a particular project is a marine science activity;

(5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;

(6) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and

(7) review annually all marine science activities conducted by departments and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this chapter.

(b) In the planning and conduct of a coordinated Federal program the President and the Council shall utilize such staff, interagency, and non-Government advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.

(Pub. L. 89–454, title I, § 4, June 17, 1966, 80 Stat. 205; Pub. L. 89–688, § 2(b), Oct. 15, 1966, 80 Stat. 1001.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89–688, in par. (4), substituted ''this title'' for ''this Act'', which, for purposes of codification has been changed to ''this subchapter''.

TERMINATION OF COUNCIL

National Council on Marine Resources and Engineering, established under section 1102 of this title, terminated Apr. 30, 1971, for lack of funds. See Codification note set out under section 1102 of this title.

§§ 1104, 1105. Omitted

CODIFICATION

Section 1104, Pub. L. 89–454, title I, § 5, June 17, 1966, 80 Stat. 205; Pub. L. 89–688, § 2(b), Oct. 15, 1966, 80 Stat. 1001; Pub. L. 90–242, § 1, Jan. 2, 1968, 81 Stat. 780, established the Commission on Marine Science, Engineering, and Resources. For expiration of the Commission, see Codification note set out under section 1102 of this title.

Section 1105, Pub. L. 89–454, title I, § 6, June 17, 1966, 80 Stat. 207, provided for the National Council on Marine Resources and Engineering Development to coordinate a program of international cooperation with respect to work done pursuant to this chapter. For expiration of the Council, see Codification note set out under section 1102 of this title.

§ 1106. Reports to Congress

(a) The President shall transmit to the Congress biennially in January a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year, and (2) an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this chapter.

(b) Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable for the attainment of the objectives of this chapter, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.

(Pub. L. 89–454, title I, § 7, June 17, 1966, 80 Stat. 207; Pub. L. 99–386, title II, § 203(a), Aug. 22, 1986, 100 Stat. 823.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99–386 substituted ''biennially in January'' for ''in January of each year''.

§ 1107. Definitions

For the purposes of this subchapter, the term ''marine science'' shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine environment; and the term ''marine environment'' shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (e) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

(Pub. L. 89–454, title I, § 8, June 17, 1966, 80 Stat. 208; Pub. L. 89–688, § 2(b), Oct. 15, 1966, 80 Stat. 1001.)

AMENDMENTS

1966—Pub. L. 89–688 substituted ''this title'' for ''this Act'', which, for purposes of codification, has been changed to ''this subchapter''.

§ 1108. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out this subchapter, but sums appropriated for any one fiscal year shall not exceed $1,200,000.

(Pub. L. 89–454, title I, § 9, June 17, 1966, 80 Stat. 208; Pub. L. 89–688, § 2(b), Oct. 15, 1966, 80 Stat. 1001; Pub. L. 91–15, § 2, May 23, 1969, 83 Stat. 10.)

AMENDMENTS

1969—Pub. L. 91–15 substituted ''$1,200,000'' for ''$1,500,000''.

1966—Pub. L. 89–688 substituted ''this title'' for ''this Act'', which, for purposes of codification, has been changed to ''this subchapter''.

SUBCHAPTER II—NATIONAL SEA GRANT COLLEGE PROGRAM

§ 1121. Congressional declaration of policy

(a) Findings

The Congress finds and declares the following:

(1) The national interest requires a strategy to—

(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

(B) foster economic competitiveness;

(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and

(F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of integrated research, education, extension, training, technology transfer, and public service is essential for this strategy.

(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.

(4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human health, the quality of the environment, national security, and the enhancement of commerce.

(5) The understanding, assessment, development, management, utilization, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, organizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

(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 engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, management,[1] utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, management, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.

(b) Objective

The objective of this subchapter is to increase the understanding, assessment, development, management, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.

[1] So in original.

(c) Purpose

It is the purpose of the Congress to achieve the objective of this subchapter by extending and strengthening the national sea grant program, initially established in 1966, to promote integrated research, education, training, and extension services and activities in fields related to ocean, coastal, and Great Lakes resources.

(Pub. L. 89–454, title II, § 202, as added Pub. L. 89–688, § 1, Oct. 15, 1966, 80 Stat. 998; amended Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1961; Pub. L. 95–428, § 2(b), Oct. 7, 1978, 92 Stat. 999; Pub. L. 100–220, title III, §§ 3103, 3104(b)(1)(A), (B), Dec. 29, 1987, 101 Stat. 1469, 1470; Pub. L. 105–160, § 3, Mar. 6, 1998, 112 Stat. 21; Pub. L. 107–299, § 2, Nov. 26, 2002, 116 Stat. 2345; Pub. L. 110–394, § 3, Oct. 13, 2008, 122 Stat. 4205.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–394, § 3(c), inserted "management," after "development," wherever appearing.

Subsec. (a)(1)(D), (E). Pub. L. 110–394, § 3(a)(1), added subpars. (D) and (E) and struck out former subpars. (D) and (E) which read as follows:

"(D) encourage the development of forecast and analysis systems for coastal hazards;

"(E) understand global environmental processes; and".

Subsec. (a)(2). Pub. L. 110–394, § 3(a)(2), substituted "program of integrated research, education, extension," for "program of research, education,".

Subsec. (a)(6). Pub. L. 110–394, § 3(a)(3), added par. (6) and struck out former par. (6) which read as follows: "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 between Administration scientists and scientists at academic institutions."

Subsec. (b). Pub. L. 110–394, § 3(c), inserted "management," after "development,".

Subsec. (c). Pub. L. 110–394, § 3(b), substituted "to promote integrated research, education, training, and extension services and activities" for "to promote research, education, training, and advisory service activities".

2002—Subsec. (a)(6). Pub. L. 107–299 inserted ", including strong collaborations between Administration scientists and scientists at academic institutions" before period at end.

1998—Subsec. (a)(1)(D) to (F). Pub. L. 105–160, § 3(a), added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

Subsec. (a)(6). Pub. L. 105–160, § 3(b), substituted "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." for "Continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities."

1987—Subsec. (a). Pub. L. 100–220, §§ 3103(1), 3104(b)(1)(A), added pars. (1) to (3), redesignated former pars. (1) to (3) as (4) to (6), respectively, and substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources" in pars. (4) and (5).

Subsec. (b). Pub. L. 100–220, § 3103(2), substituted ''ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.'' for ''ocean and coastal resources by providing assistance to promote a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques.''

Subsec. (c). Pub. L. 100–220, § 3104(b)(1)(B), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources''.

1978—Subsec. (a)(3). Pub. L. 95–428 substituted ''national sea grant college program'' for ''national sea grant program''.

1976—Pub. L. 94–461 completely rewrote the Congressional statement of findings, objectives, and purposes of the National Sea Grant Program Act to reflect the extension and strengthening of the national sea grant program to promote research, education, training, and advisory service activities in fields related to ocean and coastal resources through federal support to sea grant colleges, sea grant regional consortia, and other institutions through the National Oceanic and Atmospheric Administration, and to make education, training, research, and advisory services responsive to state, local, regional, or national needs and problems.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–394, § 1, Oct. 13, 2008, 122 Stat. 4205, provided that: ''This Act [amending this section and sections 1122 to 1124, 1126 to 1128, and 1131 of this title and enacting provisions set out as a note under section 1128 of this title] may be cited as the 'National Sea Grant College Program Amendments Act of 2008'.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–299, § 1, Nov. 26, 2002, 116 Stat. 2345, provided that: ''This Act [enacting section 857–20 of this title, amending this section and sections 1123, 1124, 1126 to 1128, and 1131 of this title, and enacting provisions set out as a note under section 1123 of this title] may be cited as the 'National Sea Grant College Program Act Amendments of 2002'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–160, § 1, Mar. 6, 1998, 112 Stat. 21, provided that: ''This Act [enacting section 1541 of Title 15, Commerce and Trade, amending this section and sections 1122, 1123, 1126 to 1128, and 1131 of this title, repealing section 1124a of this title, and enacting provisions set out as notes under sections 1123 and 1131 of this title] may be cited as the 'National Sea Grant College Program Reauthorization Act of 1998'.''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–186, § 1, Dec. 4, 1991, 105 Stat. 1282, provided that: ''This Act [amending sections 1122 to 1124, 1127, 1128, and 1131 of this title and section 4741 of Title 16, Conservation, and repealing sections 1125 and 1130 of this title] may be cited as the 'National Sea Grant College Program Authorization Act of 1991'.''

SHORT TITLE OF 1987 AMENDMENT

Section 3001 of title III of Pub. L. 100–220 provided that: ''This title [amending this section and sections 1122 to 1131 of this title and enacting provisions set out as notes under this section and sections 883a and 1125 of this title] may be cited as the 'Marine Science, Technology, and Policy Development Act of 1987'.''

Section 3101 of subtitle A (§§ 3101–3111) of title III of Pub. L. 100–220 provided that: ''This subtitle [amending this section and sections 1122 to 1131 of this title and enacting provisions set out as a note under section 1125 of this title] may be cited as the 'National Sea Grant College Program Authorization Act of 1987'.''

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94–461 provided: ''That this Act [enacting sections 1124a, 1125, 1126, 1127, 1128, 1129, 1130, and 1131 of this title and amending this section, sections 1122, 1123, and 1124 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, and provisions set out as notes under this section, section 1511 of Title 15, Commerce and Trade, and in the Appendix to Title 5, Government Organization and Employees] may be cited as the 'Sea Grant Program Improvement Act of 1976'.''

SHORT TITLE

Section 201 of title II of Pub. L. 89–454, as added by section 1 of Pub. L. 89–688, and amended by Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1961; Pub. L. 95–428, § 2(a), Oct. 7, 1978, 92 Stat. 999, provided that: ''This title [enacting this subchapter] may be cited as the 'National Sea Grant College Program Act'.''

§ 1122. Definitions

As used in this subchapter—

(1) The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) The term ''Director'' means the Director of the national sea grant college program, appointed pursuant to section 1123(b)[1] of this title.

(3) the[2] term ''director of a sea grant college'' means a person designated by his or her institution to direct a sea grant college or sea grant institute.

(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, management, utilization, or conservation of ocean, coastal, or Great Lakes resources.

(5) The term ''institution'' means any public or private institution of higher education, institute, laboratory, or State or local agency.

(6) The term ''includes'' and variants thereof should be read as if the phrase ''but is not limited to'' were also set forth.

(7) The term ''ocean, coastal, and Great Lakes resources'' means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

(A) the coastal zone, as defined in section 1453(1) of title 16;

(B) the Great Lakes;

(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);

(D) the territorial sea;

(E) the exclusive economic zone;

(F) the Outer Continental Shelf; and

(G) the high seas.

(8) The term ''resource'' means—

(A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);

(B) nonliving resources (including energy sources, minerals, and chemical substances);

[1] See References in Text note below.

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

(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

(D) man-made, tangible, intangible, actual, or potential resources.

(9) The term ''Board'' means the National Sea Grant Advisory Board established under section 1128 of this title.

(10) The term ''person'' means any individual; any public or private corporation, partnership, or other association or entity (including any sea grant college, sea grant institute or other institution); or any State, political subdivision of a State, or agency or officer thereof.

(11) The term ''project'' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or extension services administered by a person with expertise in such a field.

(12) The term ''sea grant college'' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 1126 of this title.

(13) The term ''sea grant institute'' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 1126 of this title.

(14) The term ''sea grant program'' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

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

(16) The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.

(Pub. L. 89–454, title II, § 203, as added Pub. L. 89–688, § 1, Oct. 15, 1966, 80 Stat. 999; amended Pub. L. 90–477, § 1(1), Aug. 11, 1968, 82 Stat. 704; Pub. L. 91–349, July 23, 1970, 84 Stat. 448; Pub. L. 93–73, § 1(1), (5), July 10, 1973, 87 Stat. 170; Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1962; Pub. L. 95–428, § 2(b), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96–289, § 1(1), June 28, 1980, 94 Stat. 605; Pub. L. 100–220, title II, § 3104(a), (b)(1)(C), Dec. 29, 1987, 101 Stat. 1470; Pub. L. 102–186, § 5(b)(1), Dec. 4, 1991, 105 Stat. 1284; Pub. L. 102–251, title III, § 307(a), Mar. 9, 1992, 106 Stat. 66; Pub. L. 105–160, § 4(a), Mar. 6, 1998, 112 Stat. 21; Pub. L. 105–174, title III, § 10003, May 1, 1998, 112 Stat. 99; Pub. L. 110–394, §§ 4, 9(a)(4)(B), Oct. 13, 2008, 122 Stat. 4206, 4208.)

REFERENCES IN TEXT

Section 1123 of this title, referred to in par. (2), was amended generally by Pub. L. 105–160, § 5, Mar. 6, 1998, 112 Stat. 22, and, as so amended, provisions relating to appointment of the Director of the National Sea Grant College Program, which formerly appeared in subsec. (b), are contained in subsec. (d).

AMENDMENTS

2008—Par. (4). Pub. L. 110–394, § 4(a)(1), inserted ''management,'' after ''development,''.

Par. (6)(F), (G). Pub. L. 110–394, § 4(b), repealed section 307(a) of Pub. L. 102–251. See 1992 Amendment note below.

Par. (9). Pub. L. 110–394, § 9(a)(4)(B), amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''The term 'panel' means the sea grant review panel established under section 1128 of this title.''

Par. (11). Pub. L. 110–394, § 4(a)(2), substituted ''extension services'' for ''advisory services''.

Pars. (12), (13). Pub. L. 110–394, § 4(a)(3), made technical amendment to reference in original act which appears in text as reference to ''section 1126 of this title'', requiring no change in text.

1998—Par. (3). Pub. L. 105–160, § 4(a)(1), substituted ''his or her'' for ''their university or'' and ''college or sea grant institute'' for ''college, programs, or regional consortium''.

Par. (4). Pub. L. 105–160, § 4(a)(2), added par. (4) and struck out former par. (4) which read as follows: ''The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field (including marine science (and the physical, natural, and biological sciences, and engineering, included therein), marine technology, education, marine affairs and resource management, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.''

Par. (5). Pub. L. 105–174, § 10003(1), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: ''The term 'Great Lakes' includes Lake Champlain.''

Pub. L. 105–160, § 4(a)(3), added par. (5). Former par. (5) redesignated (7).

Par. (6). Pub. L. 105–174, § 10003(1), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Pub. L. 105–160, § 4(a)(3), added par. (6). Former par. (6) redesignated (8).

Par. (7). Pub. L. 105–174, § 10003, redesignated par. (8) as (7), added subpar. (C), and redesignated former subpars. (C) to (F) as (D) to (G), respectively. Former par. (7) redesignated (6).

Pub. L. 105–160, § 4(a)(3), redesignated par. (5) as (7). Former par. (7) redesignated (9).

Pars. (8) to (10). Pub. L. 105–174, § 10003(1), redesignated pars. (9) to (11) as (8) to (10), respectively. Former par. (8) redesignated (7).

Pub. L. 105–160, § 4(a)(3), redesignated pars. (6) to (8) as (8) to (10), respectively. Former pars. (9) and (10) redesignated (11) and (12), respectively.

Par. (11). Pub. L. 105–174, § 10003(1), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Pub. L. 105–160, § 4(a)(3), (4), redesignated par. (9) as (11) and substituted ''institute or other institution'' for ''regional consortium, institution of higher education, institute, or laboratory''. Former par. (11) redesignated (13).

Pars. (12) to (17). Pub. L. 105–174, § 10003(1), redesignated pars. (13) to (17) as (12) to (16), respectively. Former par. (12) redesignated (11).

Pub. L. 105–160, § 4(a)(5), added pars. (12) to (17) and struck out former pars. (12) to (17) which defined ''sea grant college'', ''sea grant program'', ''sea grant regional consortium'', ''Secretary'', ''State'', and ''Under Secretary'', respectively.

Pub. L. 105–160, § 4(a)(3), redesignated pars. (10) to (15) as (12) to (17), respectively.

1992—Par. (6)(F), (G). Pub. L. 102–251, § 307(a), which directed addition of subpar. (F) and redesignation of former subpar. (F) as (G), was repealed by section 4(b)

of Pub. L. 110–394. See Effective Date of 1992 Amendment note below.

1991—Par. (4). Pub. L. 102–186 inserted ''marine affairs and resource management,'' after ''education,''.

1987—Pars. (2), (3). Pub. L. 100–220, § 3104(a)(1), (2), added par. (3), redesignated former par. (3) as (2), and struck out former par. (2) which read as follows: ''The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.''

Par. (4). Pub. L. 100–220, § 3104(b)(1)(C), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources'' in two places.

Par. (6). Pub. L. 100–220, § 3104(a)(3), added par. (6) and struck out former par. (6) which read as follows: ''The term 'marine environment' means the coastal zone, as defined in section 1453(1) of title 16; the seabed, subsoil, and waters of the Great Lakes and the territorial sea of the United States; the waters of any zone over which the United States asserts exclusive fishery management authority; the waters of the high seas; and the seabed and subsoil of and beyond the outer Continental Shelf.''

Par. (7). Pub. L. 100–220, § 3104(a)(3), added par. (7) and struck out former par. (7) which read as follows: ''The term 'ocean and coastal resource' means any resource (whether living, nonliving, manmade, tangible, intangible, actual, or potential) which is located in, derived from, or traceable to, the marine environment. Such term includes the habitat of any such living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment which contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values. Living resources include natural and cultured plant life, fish, shellfish, marine mammals, and wildlife. Nonliving resources include energy sources, minerals, and chemical substances.''

Par. (11). Pub. L. 100–220, § 3104(b)(1)(C), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources''.

Par. (15). Pub. L. 100–220, § 3104(a)(4), added par. (15).

1980—Par. (6). Pub. L. 96–289 extended term ''marine environment'' to include waters of Great Lakes.

1978—Pub. L. 95–428 substituted ''national sea grant college program'' for ''national sea grant program''.

1976—Pub. L. 94–461 substituted provisions defining terms used in this subchapter for provisions designating Secretary of Commerce as administering authority for national sea grant program and authorizing appropriations through fiscal 1976.

1973—Subsec. (a). Pub. L. 93–73, § 1(5), substituted ''Secretary of Commerce'' and ''Secretary'' for ''National Science Foundation'' and ''Foundation'', respectively.

Subsec. (b)(1). Pub. L. 93–73, § 1(1), (5), authorized appropriations of $30,000,000; $40,000,000; and $50,000,000 for fiscal years ending June 30, 1974, 1975, and 1976, and substituted ''Secretary'' for ''Foundation''.

1970—Subsec. (b)(1). Pub. L. 91–349 authorized appropriations for fiscal year ending June 30, 1971, not to exceed the sum of $20,000,000, for fiscal year ending June 30, 1972, not to exceed the sum of $25,000,000, and for fiscal year ending June 30, 1973, not to exceed the sum of $30,000,000.

1968—Subsec. (b)(1). Pub. L. 90–477 authorized appropriations for fiscal year ending June 30, 1969, not to exceed the sum of $6,000,000, and for fiscal year ending June 30, 1970, not to exceed the sum of $15,000,000.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–251 effective on date on which Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102–251, set out as a note under section 773 of Title 16, Conservation.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 1123. National sea grant college program

(a) Program maintenance

The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

(b) Program elements

The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide support for the following elements—

(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;

(2) administration of the national sea grant college program and this subchapter by the national sea grant office and the Administration;

(3) the fellowship program under section 1127 of this title; and

(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.

(c) Responsibilities of Secretary

(1) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 1124 of this title, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 1126 of this title.

(4) To carry out the provisions of this subchapter, the Secretary may—

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5;

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41;

(E) notwithstanding section 1342 of title 31, accept donations and voluntary and uncompensated services;

(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

(G) promulgate such rules and regulations as may be necessary and appropriate.

(d) Director of National Sea Grant College Program

(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5.

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) facilitate and coordinate the development of a strategic plan under subsection (c)(1) of this section;

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

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

(A) evaluate and assess the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c) of this section, and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities;

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

(i) promote healthy competition among sea grant colleges and institutes;

(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);

(iii) ensure successful implementation of sea grant programs;

(iv) to the maximum extent consistent with other provisions of this subchapter, provide a stable base of funding for sea grant colleges and institutes;

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

(vi) encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and

(C) ensure compliance with the guidelines for merit review under subsection (c)(2) of this section.

(Pub. L. 89–454, title II, § 204, as added Pub. L. 89–688, § 1, Oct. 15, 1966, 80 Stat. 999; amended Pub. L. 90–477, § 1(2), Aug. 11, 1968, 82 Stat. 704; Pub. L. 93–73, § 1(2)–(7), July 10, 1973, 87 Stat. 170; Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1963; Pub. L. 95–428, §§ 2(b), 3(1), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96–289, § 1(2), June 28, 1980, 94 Stat. 605; Pub. L. 100–220, title III, §§ 3104(b)(1)(D), (2), (c), 3105(b), Dec. 29, 1987, 101 Stat. 1470, 1471; Pub. L. 102–186, §§ 2, 4(b)(1)(A), Dec. 4, 1991, 105 Stat. 1282, 1283; Pub. L. 105–160, § 5, Mar. 6, 1998, 112 Stat. 22; Pub. L. 107–299, § 3(a), (b)(1), (c), Nov. 26, 2002, 116 Stat. 2345, 2346; Pub. L. 110–394, §§ 5, 9(a)(4)(C)(i), Oct. 13, 2008, 122 Stat. 4206, 4208.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c)(4)(A), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (d)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

This subchapter, referred to in subsec. (d)(3)(B)(iv), was in the original ''this Act'' and was translated as reading ''this title'' meaning title II of Pub. L. 89–454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–394, § 5(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;''.

Subsec. (b)(2). Pub. L. 110–394, § 5(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''administration of the national sea grant college program and this subchapter by the national sea grant office, the Administration, and the panel;''.

Subsec. (b)(4). Pub. L. 110–394, § 5(a)(3), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources de-

veloped with the approval of the panel, the sea grant colleges, and the sea grant institutes.''

Subsec. (c)(1). Pub. L. 110–394, § 9(a)(4)(C)(i), substituted ''Board'' for ''panel''.

Subsec. (c)(2). Pub. L. 110–394, §§ 5(b), 9(a)(4)(C)(i), substituted ''The'' for ''Within 6 months of March 6, 1998, the'' and ''Board'' for ''panel''.

Subsec. (d)(2)(A). Pub. L. 110–394, § 5(c)(1), which directed the striking out of ''long range'', was executed by striking out ''long-range'' before ''strategic plan'' to reflect the probable intent of Congress.

Subsec. (d)(3)(A). Pub. L. 110–394, § 5(c)(2), substituted ''evaluate and assess'' for ''evaluate'' and ''activities;'' for ''activities; and'', struck out cl. (i) designation before ''evaluate'', and struck out cl. (ii) which read as follows: ''rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;''.

Subsec. (d)(3)(B)(ii). Pub. L. 110–394, § 5(c)(3)(A), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (d)(3)(B)(iii). Pub. L. 110–394, § 5(c)(3)(A), (B), redesignated cl. (ii) as (iii) and substituted ''ensure'' for ''encourage''. Former cl. (iii) redesignated (iv).

Subsec. (d)(3)(B)(iv), (v). Pub. L. 110–394, § 5(c)(3)(A), redesignated cls. (iii) and (iv) as (iv) and (v), respectively.

Subsec. (d)(3)(B)(vi). Pub. L. 110–394, § 5(c)(3)(C), (D), added cl. (vi).

2002—Subsec. (c)(1). Pub. L. 107–299, § 3(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.''

Subsec. (d)(3)(A). Pub. L. 107–299, § 3(b)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;''.

Subsec. (d)(3)(B)(iv). Pub. L. 107–299, § 3(c), added cl. (iv).

1998—Pub. L. 105–160 amended section catchline and text generally. Prior to amendment text consisted of subsecs. (a) to (d) relating to maintenance within the Administration of the National Sea Grant College Program, appointment and compensation of a Director of the program, duties of the Director, and powers of the Secretary to carry out the provisions of this subchapter.

1991—Subsec. (a). Pub. L. 102–186, § 2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary shall maintain, within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall consist of the financial assistance and other activities provided for in this subchapter. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.''

Subsec. (c)(3). Pub. L. 102–186, § 4(b)(1)(A), substituted ''section 1124'' for ''sections 1124 and 1125''.

Subsec. (c)(8). Pub. L. 102–186, § 2(b), added par. (8).

Subsec. (d)(6). Pub. L. 102–186, § 2(c), inserted ''and add'' after ''to pay for''.

1987—Subsec. (b)(1)(A). Pub. L. 100–220, § 3104(b)(1)(D), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources''.

Subsec. (c). Pub. L. 100–220, § 3104(c), substituted ''Under Secretary'' for ''Administrator'' wherever appearing in introductory provisions and par. (2).

Subsec. (c)(5). Pub. L. 100–220, § 3104(b)(2), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resource''.

Subsec. (d)(3). Pub. L. 100–220, § 3104(b)(1)(D), substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources'' in two places.

Subsec. (d)(6). Pub. L. 100–220, § 3105(b), struck out ''under section 1124(a) of this title'' after ''Secretary''.

1980—Subsec. (c)(5) to (7). Pub. L. 96–289 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

1978—Subsecs. (a) to (c). Pub. L. 95–428, § 2(b), substituted ''national sea grant college program'' for ''national sea grant program'' wherever appearing.

Subsec. (d)(6), (7). Pub. L. 95–428, § 3(1)(B), (C), added par. (6) and redesignated former par. (6) as (7).

1976—Pub. L. 94–461 substituted provisions covering the establishment and administration of the national sea grant program for provisions covering the marine resource development programs.

1973—Subsec. (a). Pub. L. 93–73, § 1(2), (5), deleted item (1) designation for provision respecting consultation with experts and Federal agencies, deleted item (2) provision for seeking advice and counsel from the National Council on Marine Resources and Engineering Development, and substituted ''Secretary'' for ''Foundation''.

Subsec. (b). Pub. L. 93–73, § 1(5), substituted ''Secretary'' for ''Foundation'' and ''his authority'' for ''its authority''.

Subsec. (d)(1). Pub. L. 93–73, § 1(3), (5), authorized Federal contributions exceeding percentage limitation to programs limited to one percent of appropriations for the fiscal year when reducing or eliminating matching payments by a participant when Secretary determines it would be inequitable relevant to the benefits derived by the participant from the program to require the participant to make a one-third payment of the cost, and substituted ''Secretary'' for ''Foundation'' in last sentence.

Subsec. (d)(2). Pub. L. 93–73, § 1(4), (5), made prohibitions of paragraph inapplicable to non-self-propelled habitats, buoys, platforms, or other similar devices or structures, used principally for research purposes and substituted ''Secretary'' for ''foundation''.

Subsecs. (d)(3), (e). Pub. L. 93–73, § 1(5), substituted ''Secretary'' for ''Foundation''.

Subsec. (f). Pub. L. 93–73, § 1(5), substituted ''Secretary'' for ''Foundation'' and ''his functions'' for ''its functions''.

Subsec. (g). Pub. L. 93–73, § 1(6), substituted provisions for exercise of powers and authority under this subchapter by the Secretary rather than the Foundation under the powers and authority of the National Science Foundation Act of 1950, as amended.

Subsec. (h). Pub. L. 93–73, § 1(5), substituted ''Secretary'' for ''Foundation'' and ''his functions'' for ''its functions''.

Subsec. (i)(3). Pub. L. 93–73, § 1(7), inserted ''and which is so designated by the Secretary'' after ''marine resources''.

Subsec. (i)(4)(A) to (C). Pub. L. 93–73, § 1(5), substituted ''Secretary'' for ''Foundation''.

1968—Subsec. (d)(1). Pub. L. 90–477 struck out ''in any fiscal year'' after ''The total amount of payments'' and ''by any participants''.

REVIEW OF EVALUATION AND RATING PROCESS

Pub. L. 107–299, § 3(b)(2), Nov. 26, 2002, 116 Stat. 2346, provided that:

''(A) After 3 years after the date of the enactment of this Act [Nov. 26, 2002], the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

''(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) [amending this section] in determining the relative performance of programs of sea grant colleges and sea grant institutes;

''(ii) to evaluate whether the sea grant programs have improved as a result of the evaluation process; and

''(iii) to make appropriate recommendations to improve the overall effectiveness of the evaluation process.

''(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recom-

mendations of the panel under subparagraph (A) by not later than 4 years after the date of the enactment of this Act [Nov. 26, 2002].''

NOTICE OF REORGANIZATION

Pub. L. 105–160, § 9(d), Mar. 6, 1998, 112 Stat. 27, provided that: ''The Secretary of Commerce shall provide notice to the Committees on Science [now Science and Technology], Resources [now Natural Resources], and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.''

§ 1124. Program or project grants and contracts

(a) Authorization; purposes; limitation on amount

The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

(1) implement the objective set forth in section 1121(b) of this title; and

(2) be responsive to the needs or problems of individual States or regions.

The total amount paid pursuant to any such grant or contract may equal 66⅔ percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 1123(c)(4)(F) of this title or that are appropriated under section 1127(b) of this title.

(b) Special grants; maximum amount; prerequisites

The Secretary may make special grants under this subsection to implement the objective set forth in section 1121(b) of this title. The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection unless the Secretary finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a) of this section;

(2) the probable benefit of such project outweighs the public interest in such matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) of this section.

The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 1131 of this title.

(c) Eligibility and procedure

Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe. The Secretary shall act upon each such application within 6 months after the date on which all required information is received.

(d) Terms and conditions

(1) Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2), (3), and (4) and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate. Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.

(2) No payment under any grant or contract under this section may be applied to—

(A) the purchase or rental of any land; or

(B) the purchase, rental, construction, preservation, or repair of any building, dock, or vessel;

except that payment under any such grant or contract may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and may, if approved by the Secretary, be applied to the purchase, rental, construction, preservation, or repair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any sea grant program or project.

(3) The total amount which may be obligated for payment pursuant to grants made to, and contracts entered into with, persons under this section within any one State in any fiscal year shall not exceed an amount equal to 15 percent of the total funds appropriated for such year pursuant to section 1131 of this title.

(4) Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to such grants and contracts.

(Pub. L. 89–454, title II, § 205, as added Pub. L. 89–688, § 1, Oct. 15, 1966, 80 Stat. 1001; amended Pub. L. 93–73, § 1(8), July 10, 1973, 87 Stat. 170; Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1964; Pub. L. 95–428, § 3(2), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96–289, § 1(3), June 28, 1980, 94 Stat. 605; Pub. L. 100–220, title III, § 3105(a), Dec. 29, 1987, 101 Stat. 1471; Pub. L. 102–186, § 4(b)(1)(B), Dec. 4, 1991, 105 Stat. 1283; Pub. L. 107–299, § 4, Nov. 26, 2002, 116 Stat. 2346; Pub. L. 110–394, § 6, Oct. 13, 2008, 122 Stat. 4207.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–394, § 6(1), substituted ''1123(c)(4)(F) of this title or that are appropriated

under section 1127(b) of this title.'' for ''1123(c)(4)(F) of this title.''

Subsec. (b). Pub. L. 110–394, § 6(2), inserted concluding provisions and struck out former concluding provisions which read as follows: ''The total amount which may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 1 percent of the total funds appropriated for such year pursuant to section 1131 of this title.''

2002—Subsec. (a). Pub. L. 107–299 substituted ''section 1123(c)(4)(F)'' for ''section 1123(d)(6)'' in concluding provisions.

1991—Subsec. (b)(3). Pub. L. 102–186 struck out reference to section 1125 of this title after reference to subsection (a) of this section.

1987—Subsec. (d)(1). Pub. L. 100–220 inserted at end ''Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.''

1980—Subsec. (d)(2). Pub. L. 96–289 authorized application of any payment under a grant or contract to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project.

1978—Subsec. (a). Pub. L. 95–428 made the percentage limitation inapplicable to grants or contracts paid for with funds accepted by the Secretary under section 1123(d)(6) of this title.

1976—Pub. L. 94–461 substituted provisions covering program or project grants and contracts for provisions authorizing the study of ways to share with other countries the results of marine research useful in the exploration, development, conservation, and management of marine resources.

1973—Pub. L. 93–73 substituted provisions for study of international marine technology transfer for prior provisions respecting advisory functions of National Council on Marine Resources and Development.

§ 1124a. Repealed. Pub. L. 105–160, § 6, Mar. 6, 1998, 112 Stat. 24

Section, Pub. L. 94–461, § 3, Oct. 8, 1976, 90 Stat. 1969; Pub. L. 95–58, § 2, June 29, 1977, 91 Stat. 254; Pub. L. 95–428, § 4(2), (3), Oct. 7, 1978, 92 Stat. 1000; Pub. L. 96–289, §§ 2, 3, June 28, 1980, 94 Stat. 605; Pub. L. 98–623, title V, § 501(b), Nov. 8, 1984, 98 Stat. 3410; Pub. L. 100–220, title III, § 3111, Dec. 29, 1987, 101 Stat. 1474; Pub. L. 102–251, title III, § 307(b), Mar. 9, 1992, 106 Stat. 66, related to sea grant international program.

§ 1125. Repealed. Pub. L. 102–186, § 4(a), Dec. 4, 1991, 105 Stat. 1283

Section, Pub. L. 89–454, title II, § 206, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1965; amended Pub. L. 95–58, § 1, June 29, 1977, 91 Stat. 254; Pub. L. 95–428, § 3(3), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96–289, § 1(4), June 28, 1980, 94 Stat. 605; Pub. L. 100–220, title III, § 3106(a), Dec. 29, 1987, 101 Stat. 1471, required development of a sea grant strategic research plan and authorized grants and contracts to carry out the program.

§ 1126. Sea grant colleges and sea grant institutes

(a) Designation

(1) A sea grant college or sea grant institute shall meet the following qualifications—

(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

(B) make a long-term commitment to the objective in section 1121(b) of this title, as determined by the Secretary;

(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

(D) have received financial assistance under section 1124 of this title;

(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

(F) meet such other qualifications as the Secretary, in consultation with the Board, considers necessary or appropriate.

(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program of research, extension services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program which includes, at a minimum, research and extension services.

(b) Existing designees

Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to March 6, 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after March 6, 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a) of this section.

(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) of this section.

(d) Duties

Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

(1) to develop and implement, in consultation with the Secretary and the Board, a program that is consistent with the guidelines and priorities established under section 1123(c) of this title; and

(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 1124 of this title.

(e) Annual report on progress

(1) Report requirement

The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, includ-

ing efforts and progress made by sea grant institutes in being designated as sea grant colleges.

(2) Territories and freely associated States

The report shall include description of—

(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1) of this section.

(Pub. L. 89–454, title II, § 207, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1966; amended Pub. L. 100–220, title III, § 3104(b)(1)(E), Dec. 29, 1987, 101 Stat. 1470; Pub. L. 105–160, § 7, Mar. 6, 1998, 112 Stat. 24; Pub. L. 107–299, § 8, Nov. 26, 2002, 116 Stat. 2348; Pub. L. 110–394, §§ 7, 9(a)(4)(C)(ii), Oct. 13, 2008, 122 Stat. 4207, 4208.)

AMENDMENTS

2008—Subsec. (a)(1)(F). Pub. L. 110–394, § 9(a)(4)(C)(ii), substituted ''Board'' for ''panel''.

Subsec. (a)(2)(B), (3)(B). Pub. L. 110–394, § 7, substituted ''extension services'' for ''advisory services''.

Subsec. (d)(1). Pub. L. 110–394, § 9(a)(4)(C)(ii), substituted ''Board'' for ''panel''.

2002—Subsec. (e). Pub. L. 107–299 added subsec. (e).

1998—Pub. L. 105–160 amended section catchline and text generally. Prior to amendment text consisted of subsecs. (a) to (c) relating to authorization of the Secretary to designate sea grant college and sea grant regional consortia with certain prerequisites, requirement of regulations to prescribe qualifications and guidelines, and authorization of the Secretary to suspend or terminate any designation.

1987—Subsec. (a)(2)(A), (3)(A), (B). Pub. L. 100–220 substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources''.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives and 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.

§ 1127. Fellowships

(a) In general

To carry out the educational and training objectives of this subchapter, 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. Every 2 years, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.

(b) Dean John A. Knauss Marine Policy Fellowship

The Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

(c) Restriction on use of funds

Amounts available for fellowships under this section, including amounts accepted under section 1123(c)(4)(F) of this title or appropriated under section 1131 of this title to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.

(Pub. L. 89–454, title II, § 208, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1966; amended Pub. L. 100–66, § 3, July 10, 1987, 101 Stat. 384; Pub. L. 100–220, title III, § 3107, Dec. 29, 1987, 101 Stat. 1472; Pub. L. 102–186, § 4(b)(1)(C), (D), Dec. 4, 1991, 105 Stat. 1283; Pub. L. 105–160, § 4(b)(2), Mar. 6, 1998, 112 Stat. 22; Pub. L. 107–299, § 5, Nov. 26, 2002, 116 Stat. 2346; Pub. L. 110–394, § 8, Oct. 13, 2008, 122 Stat. 4207.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original ''this Act'' and was translated as reading ''this title'' meaning title II of Pub. L. 89–454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–394, § 8(1), substituted ''Every 2 years,'' for ''Not later than 1 year after November 26, 2002, and every 2 years thereafter,''.

Subsec. (c). Pub. L. 110–394, § 8(2), added subsec. (c).

2002—Subsec. (a). Pub. L. 107–299, § 5(a), inserted at end ''The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 year after November 26, 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.''

Subsec. (c). Pub. L. 107–299, § 5(b), struck out heading and text of subsec. (c). Text read as follows: ''The Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

''(1) shall be for 2 years;

''(2) may be renewed once for not more than 2 years;

''(3) shall be awarded on a nationally competitive basis;

''(4) may be used at any institution of post-secondary education involved in the national sea grant college program;

''(5) shall be for up to 100 percent of the total cost of the fellowship; and

''(6) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.''

1998—Pub. L. 105–160 substituted ''Secretary'' for ''Under Secretary'' in subsec. (a) in two places and in subsecs. (b) and (c).

1991—Subsec. (c)(5) to (7). Pub. L. 102–186 inserted ''and'' after semicolon at end of par. (5), redesignated

par. (7) as (6), and struck out former par. (6) which read as follows: ''may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 1125 of this title; and''.

1987—Subsec. (a). Pub. L. 100–220 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary 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 Secretary. Except as provided in subsection (b) of this section, sea grant fellowships may only be awarded by sea grant colleges, sea grant regional consortia, institutions of higher education, and professional associations and institutes.''

Pub. L. 100–66, § 3(1), substituted ''Except as provided in subsection (b) of this section, sea'' for ''Sea''.

Subsec. (b). Pub. L. 100–220 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

''(1) As part of the sea grant fellowship program, the Secretary may award sea grant fellowships to support the placement of qualified individuals in positions with the executive and legislative branches of the United States Government. No fellowship may be awarded under this paragraph for a period exceeding one year.

''(2) For purposes of this subsection, the term 'qualified individual' means an individual at the graduate level of education in fields related to ocean and coastal resources.''

Pub. L. 100–66, § 3(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 100–220 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The total amount which may be provided for grants under the sea grant fellowship program during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year pursuant to section 1131 of this title.''

Pub. L. 100–66, § 3(2), redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 1987 AMENDMENT

Section 4 of Pub. L. 100–66 provided that: ''The amendment made by section 3 [amending this section] shall take effect January 1, 1978.''

§ 1128. National Sea Grant Advisory Board

(a) Establishment

There shall be an independent committee to be known as the National Sea Grant Advisory Board.

(b) Duties

(1) In general

The Board shall advise the Secretary and the Director concerning—

(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

(B) the designation of sea grant colleges and sea grant institutes; and

(C) such other matters as the Secretary refers to the Board for review and advice.

(2) Biennial report

The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 1123(c) of this title. The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this subchapter.

(c) Membership, terms, and powers

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the Board. Not less than 8 of the voting members of the Board 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. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, coastal management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, management, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the Board if the individual is (A) the director of a sea grant college or sea grant institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 1124 of this title; or (C) a full-time officer or employee of the United States.

(2) The term of office of a voting member of the Board shall be 3 years for a member appointed before November 26, 2002, and 4 years for a member appointed or reappointed after November 26, 2002. The Director may extend the term of office of a voting member of the Board appointed before November 26, 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 Board.

(3) Any individual appointed to a partial or full term may be reappointed for one additional full term. The Director may extend the term of office of a voting member of the Board once by up to 1 year.

(4) The Board 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) Voting members of the Board shall—

(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, when actually engaged in the performance of duties for such Board; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The Board shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The Board may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b) of this section.

(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.

(Pub. L. 89–454, title II, § 209, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1967; amended Pub. L. 96–289, § 1(5), June 28, 1980, 94 Stat. 605; Pub. L. 100–220, title III, §§ 3104(b)(1)(F), 3108, Dec. 29, 1987, 101 Stat. 1471, 1473; Pub. L. 102–186, §§ 4(b)(1)(E), (F), 5(b)(2), Dec. 4, 1991, 105 Stat. 1283, 1284; Pub. L. 105–160, §§ 4(b)(1), 8, Mar. 6, 1998, 112 Stat. 22, 25; Pub. L. 107–299, § 6, Nov. 26, 2002, 116 Stat. 2346; Pub. L. 110–394, § 9(a)(4)(A), (C)(iii)–(e), Oct. 13, 2008, 122 Stat. 4208.)

AMENDMENTS

2008—Pub. L. 110–394, § 9(a)(4)(A), substituted ''National Sea Grant Advisory Board'' for ''Sea grant review panel'' in section catchline.

Subsec. (a). Pub. L. 110–394, § 9(a)(4)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''There shall be established an independent committee to be known as the sea grant review panel.''

Subsec. (b). Pub. L. 110–394, § 9(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to duties of sea grant review panel.

Subsec. (c). Pub. L. 110–394, § 9(a)(4)(C)(iii), substituted ''Board'' for ''panel'' wherever appearing.

Subsec. (c)(1). Pub. L. 110–394, § 9(c), inserted ''coastal management,'' after ''resource management,'' and ''management,'' after ''development,''.

Subsec. (c)(3). Pub. L. 110–394, § 9(d), substituted ''The Director may extend the term of office of a voting member of the Board once by up to 1 year.'' for ''A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.''

Subsec. (c)(8). Pub. L. 110–394, § 9(e), added par. (8).

2002—Subsec. (c)(2). Pub. L. 107–299 inserted first and second sentences and struck out former first sentence which read as follows: ''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.''

1998—Subsec. (a). Pub. L. 105–160, § 8(a), struck out at end ''The panel shall, on the 60th day after October 8, 1976, supersede the sea grant advisory panel in existence before October 8, 1976.''

Subsec. (b). Pub. L. 105–160, §§ 4(b)(1), 8(b)(1), inserted heading and in introductory provisions substituted ''The panel'' for ''The Panel'' and struck out '', the Under Secretary,'' after ''the Secretary''.

Subsec. (b)(1). Pub. L. 105–160, § 8(b)(2), struck out ''and section 1124a of this title'' before semicolon at end.

Subsec. (b)(3). Pub. L. 105–160, § 8(b)(3), substituted ''institutes'' for ''regional consortia''.

Subsec. (c)(1)(A). Pub. L. 105–160, § 8(c)(1), substituted ''college or sea grant institute'' for ''college, sea grant regional consortium, or sea grant program''.

Subsec. (c)(5)(A). Pub. L. 105–160, § 8(c)(2), added subpar. (A) and struck out former subpar. (A) which read as follows: ''receive compensation at the daily rate for GS–18 of the General Schedule under section 5332 of title 5 when actually engaged in the performance of duties for such panel; and''.

1991—Subsec. (b)(1). Pub. L. 102–186, § 4(b)(1)(E), substituted ''section 1124'' for ''sections 1124 and 1125''.

Subsec. (c)(1). Pub. L. 102–186, §§ 4(b)(1)(F), 5(b)(2), inserted ''marine affairs and resource management,'' after ''education,'' in fourth sentence and struck out ''or 1125'' after ''1124'' in last sentence.

1987—Subsec. (b). Pub. L. 100–220, § 3108(1), in introductory provisions, substituted ''The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—'' for ''The panel shall take such steps as may be necessary to review, and shall advise the Secretary, the Administrator, and the Director with respect to—'', and in par. (1), inserted ''and section 1124a of this title''.

Subsec. (c)(1). Pub. L. 100–220, §§ 3104(b)(1)(F), 3108(2)(A), (B), amended second sentence generally, substituted ''8'' for ''five'' in third sentence, and substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources'' in fourth sentence. Prior to amendment, second sentence read as follows: ''The Director shall serve as a nonvoting member of the panel.''

Subsec. (c)(2). Pub. L. 100–220, § 3108(2)(C), inserted at end ''At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.''

Subsec. (c)(3). Pub. L. 100–220, § 3108(2)(D), struck out '', or until 90 days after such date, whichever is earlier'' after ''office'' at end of second sentence.

1980—Subsec. (c)(3). Pub. L. 96–289 substituted authorization for reappointment for one additional full term of an appointee to a partial or full term for prior authorization for filling vacancies for remainder of appointee's term and prohibition against status as a voting member after service of one full term as such voting member.

CHANGE OF NAME

Pub. L. 110–394, § 9(a)(1)–(3), Oct. 13, 2008, 122 Stat. 4207, provided that:

''(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act [Oct. 13, 2008], is redesignated as the National Sea Grant Advisory Board.

''(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c)).

''(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.''

§ 1129. Interagency cooperation

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, coastal, and Great Lakes resources—

(1) may, upon a written request from the Secretary, make available, on a reimbursable basis or otherwise any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Secretary deems necessary to carry out any provision of this subchapter;

(2) shall, upon a written request from the Secretary, furnish any available data or other information which the Secretary deems necessary to carry out any provision of this subchapter; and

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

(Pub. L. 89–454, title II, § 210, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 100–220, title III, § 3104(b)(1)(G), Dec. 29, 1987, 101 Stat. 1471.)

AMENDMENTS

1987—Pub. L. 100–220 substituted ''ocean, coastal, and Great Lakes resources'' for ''ocean and coastal resources'' in introductory provisions.

§ 1130. Repealed. Pub. L. 102–186, § 5(a), Dec. 4, 1991, 105 Stat. 1283

Section, Pub. L. 89–454, title II, § 211, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 95–428, §§ 2(b), 3(4), Oct. 7, 1978, 92 Stat. 999; Pub. L. 100–220, title III, § 3109, Dec. 29, 1987, 101 Stat. 1473, authorized grants for graduate programs in marine affairs and resource management during fiscal years 1988 through 1990.

§ 1131. Authorization of appropriations

(a) Authorization

(1) In general

There are authorized to be appropriated to the Secretary to carry out this subchapter—

(A) $72,000,000 for fiscal year 2009;
(B) $75,600,000 for fiscal year 2010;
(C) $79,380,000 for fiscal year 2011;
(D) $83,350,000 for fiscal year 2012;
(E) $87,520,000 for fiscal year 2013; and
(F) $91,900,000 for fiscal year 2014.

(2) Priority activities

In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2009 through 2014—

(A) $5,000,000 for competitive grants for university research on the biology, prevention, and control of aquatic nonnative species;

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

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

(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

(b) Limitations

(1) Administration

There may not be used for administration of programs under this subchapter in a fiscal year more than 5 percent of the lesser of—

(A) the amount authorized to be appropriated under this subchapter for the fiscal year; or

(B) the amount appropriated under this subchapter for the fiscal year.

(2) Use for other offices or programs

Sums appropriated under the authority of subsection (a)(2) of this section shall not be available for administration of this subchapter 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 under subsection (a)(1) of this section exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

(1) sea grant programs, according to their performance assessments;

(2) regional or national strategic investments authorized under section 1123(b)(4) of this title;

(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; and

(4) a sea grant college or sea grant institute designated after November 26, 2002, but not yet evaluated under section 1123(d)(3)(A) of this title.

(d) Availability of sums

Sums appropriated pursuant to this section shall remain available until expended.

(e) Reversion of unobligated amounts

The amount of any grant, or portion of a grant, made to a person under any section of this subchapter that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

(Pub. L. 89–454, title II, § 212, as added Pub. L. 94–461, § 2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 95–58, § 1, June 29, 1977, 91 Stat. 254; Pub. L. 95–428, § 3(5), Oct. 7, 1978, 92 Stat. 1000; Pub. L. 96–289, § 1(6), June 28, 1980, 94 Stat. 605; Pub. L. 98–623, title V, § 501(a), Nov. 8, 1984, 98 Stat. 3410; Pub. L. 100–220, title III, § 3110, Dec. 29, 1987, 101 Stat. 1474; Pub. L. 102–186, § 3, Dec. 4, 1991, 105 Stat. 1282; Pub. L. 105–160, § 9(a), (b), Mar. 6, 1998, 112 Stat. 26; Pub. L. 107–299, § 7, Nov. 26, 2002, 116 Stat. 2347; Pub. L. 110–394, § 10, Oct. 13, 2008, 122 Stat. 4209.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (e), was in the original ''this Act'' and was translated as reading ''this title'' meaning title II of Pub. L. 89–454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–394, § 10(1), added par. (1) and struck out former par. (1) which authorized appropriations for fiscal years 2003 through 2008.

Subsec. (a)(2). Pub. L. 110–394, § 10(2)(A), substituted ''fiscal years 2009 through 2014—'' for ''fiscal years 2003 through 2008—'' in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 110–394, § 10(2)(B), substituted ''biology, prevention, and control of aquatic'' for ''biology and control of zebra mussels and other important aquatic''.

Subsec. (a)(2)(C). Pub. L. 110–394, § 10(2)(C), substituted ''blooms; and'' for ''blooms, including Pfiesteria piscicida; and''.

Subsec. (c)(1). Pub. L. 110–394, § 10(3), substituted ''performance assessments'' for ''rating under section 1123(d)(3)(A) of this title''.

Subsec. (c)(2). Pub. L. 110–394, § 10(4), added par. (2) and struck out former par. (2) which read as follows:

''national strategic investments authorized under section 1123(b)(4) of this title;''.

2002—Subsecs. (a) to (c). Pub. L. 107–299 amended subsecs. (a) to (c) generally, substituting provisions relating to authorization, limitations, and distribution of funds for provisions relating to authorization, program elements, and priority oyster disease research.

1998—Subsec. (a). Pub. L. 105–160, §9(a), inserted heading and amended text of subsec. (a) generally. Prior to amendment, text read as follows: ''There is authorized to be appropriated to carry out the provisions of sections 1124 and 1127 of this title, and section 1124a of this title, an amount—

''(1) for fiscal year 1991, not to exceed $44,398,000;

''(2) for fiscal year 1992, not to exceed $46,014,000;

''(3) for fiscal year 1993, not to exceed $47,695,000;

''(4) for fiscal year 1994, not to exceed $49,443,000; and

''(5) for fiscal year 1995, not to exceed $51,261,000.''

Subsec. (b). Pub. L. 105–160, §9(b), inserted subsec. heading and amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''There is authorized to be appropriated for administration of this subchapter, including section 1128 of this title, by the National Sea Grant Office and the Administration, an amount—

''(A) for fiscal year 1991, not to exceed $2,500,000;

''(B) for fiscal year 1992, not to exceed $2,600,000;

''(C) for fiscal year 1993, not to exceed $2,700,000;

''(D) for fiscal year 1994, not to exceed $2,800,000; and

''(E) for fiscal year 1995, not to exceed $2,900,000.''

1991—Subsecs. (a) to (c). Pub. L. 102–186 amended subsecs. (a) to (c) generally. Prior to amendment, subsecs. (a) to (c) read as follows:

''(a) There is authorized to be appropriated to carry out the provisions of this subchapter other than sections 1125 and 1130 of this title, an amount—

''(1) for fiscal year 1988, not to exceed $41,500,000;

''(2) for fiscal year 1989, not to exceed $50,500,000; and

''(3) for fiscal year 1990, not to exceed $51,000,000.

''(b) There is authorized to be appropriated to carry out section 1125 of this title and section 1127(c) of this title, an amount—

''(1) for fiscal year 1988, not to exceed $500,000;

''(2) for fiscal year 1989, not to exceed $5,000,000; and

''(3) for fiscal year 1990, not to exceed $10,000,000.

''(c) There is authorized to be appropriated to carry out section 1130 of this title, an amount—

''(1) for fiscal year 1988, not to exceed $2,000,000;

''(2) for fiscal year 1989, not to exceed $2,500,000; and

''(3) for fiscal year 1990, not to exceed $3,000,000.''

1987—Pub. L. 100–220 amended section generally, substituting provisions of subsecs. (a) to (e) relating to appropriations authorizations for fiscal years 1988, 1989, and 1990, for provisions formerly contained in a single unlettered paragraph relating to appropriations authorizations for fiscal years 1978 to 1983 and 1985 to 1987.

1984—Par. (4). Pub. L. 98–623 added par. (4).

1980—Par. (3). Pub. L. 96–289 added par. (3).

1978—Pub. L. 95–428 substituted appropriations authorization of $50,000,000 for fiscal years 1977, and 1978, for prior $50,000,000 authorization for fiscal years ending Sept. 30, 1977, and 1978, and authorized appropriation of $55,000,000 for fiscal years 1979 and 1980.

1977—Pub. L. 95–58 substituted ''each of the fiscal years ending September 30, 1977, and September 30, 1978'' for ''the fiscal year ending September 30, 1977''.

NOTICE OF REPROGRAMMING

Pub. L. 105–160, §9(c), Mar. 6, 1998, 112 Stat. 26, provided that: ''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 [now Science and Technology] and Resources [now Natural Resources] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''

CHAPTER 23—POLLUTION CONTROL OF NAVIGABLE WATERS

§§ 1151 to 1165. Omitted

CODIFICATION

Sections 1151 to 1165 of this title were omitted as superseded by Pub. L. 92–500, §2, Oct. 18, 1972, 86 Stat. 816. See section 1251 et seq. of this title.

Section 1151, acts June 30, 1948, ch. 758, §1, 62 Stat. 1155; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87–88, §1(a), 75 Stat. 204; Oct. 2, 1965, Pub. L. 89–234, §1(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, §§1(a), (e)(1), 5, eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087, related to Congressional declaration of policy in controlling water pollution.

Section 1152, act June 30, 1948, ch. 758, §2, as added Oct. 2, 1965, Pub. L. 89–234, §2(a), 79 Stat. 903; amended 1966 Reorg. Plan No. 2, §1(a), (b), eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; Apr. 3, 1970, Pub. L. 91–224, title I, §110(a), 84 Stat. 113, created within the Department of the Interior a Federal Water Quality Administration. Reorg. Plan No. 3 of 1970, §§1, 2(a)(1), 6(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086, 2087, 2089, created Environmental Protection Agency, abolished Federal Water Quality Administration in Department of the Interior, and transferred to Administrator of Environmental Protection Agency all functions vested by law in Secretary of the Interior and Department of the Interior which had been administered through Federal Water Quality Administration.

Section 1153, acts June 30, 1948, ch. 758, §3, formerly §2, 62 Stat. 1155; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87–88, §§1(b), 2, 75 Stat. 204; renumbered Oct. 2, 1965, Pub. L. 89–234, §2(a), 79 Stat. 903; amended Nov. 3, 1966, Pub. L. 89–753, title I, §101, 80 Stat. 1246; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086, related to preparation and development of comprehensive water pollution programs.

Section 1154, acts June 30, 1948, ch. 758, §4, formerly §3, 62 Stat. 1157; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87–88, §1(b), 75 Stat. 204; renumbered Oct. 2, 1965, Pub. L. 89–234, §2(a), 79 Stat. 903; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086, related to interstate cooperation for prevention and control of water pollution.

Section 1155, acts June 30, 1948, ch. 758, §5, formerly §4, 62 Stat. 1158; July 9, 1956, ch. 518, §1, 70 Stat. 499; July 20, 1961, Pub. L. 87–88, §§1(b), (c), 3, 75 Stat. 204, 205; renumbered Oct. 2, 1965, Pub. L. 89–234, §2(a), 79 Stat. 903; amended 1966 Reorg. Plan No. 2, §1(a), eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; Nov. 3, 1966, Pub. L. 89–753, title II, §201(b), (c)(1), 80 Stat. 1247; Apr. 3, 1970, Pub. L. 91–224, title I, §105, 84 Stat. 111; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086; Oct. 13, 1971, Pub. L. 92–137, §1, 85 Stat. 379; Mar. 1, 1972, Pub. L. 92–240, §1, 86 Stat. 47, related to research, investigations, experiments, demonstrations, and studies in prevention and control of water pollution.

Section 1156, act June 30, 1948, ch. 758, §6, as added Oct. 2, 1965, Pub. L. 89–234, §3, 79 Stat. 905; amended Nov. 3, 1966, Pub. L. 89–753, title II, §201(a), 80 Stat. 1246; Apr. 3, 1970, Pub. L. 91–224, title I, §106, 84 Stat. 113; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087, related to grants for research and development of methods to prevent and control water pollution.

Section 1157, acts June 30, 1948, ch. 758, §7, formerly §5, 62 Stat. 1158; July 9, 1956, ch. 518, §1, 70 Stat. 499; June 25, 1959, Pub. L. 86–70, §28(a), 73 Stat. 148; July 12, 1960, Pub. L. 86–624, §23(a), 74 Stat. 417; July 20, 1961, Pub. L. 87–88, §§1(b), 4(a), (b), 75 Stat. 204, 205; renumbered and amended Oct. 2, 1965, Pub. L. 89–234, §§2(a), 7(a), 79 Stat. 903, 910; Nov. 3, 1966, Pub. L. 89–753, title II, §202, 80 Stat. 1248; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086; July 9, 1971,