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*** CURRENT THROUGH PL 111-12, APPROVED 3/30/2009 ***

TITLE 33. NAVIGATION AND NAVIGABLE WATERS
CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT
NATIONAL SEA GRANT COLLEGE PROGRAM

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33 USCS prec § 1121

Preceding § 1121

NOTES:

Related Statutes & Rules:

This subchapter is referred to in *22 USCS § 2220a*.



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33 USCS § 1121

§ 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, 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, 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 *title* [33 USCS §§ 1121 et seq.] 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.

(c) Purpose. It is the purpose of the Congress to achieve the objective of this *title* [33 USCS §§ 1121 et seq.] 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.

HISTORY:

(Act June 17, 1966, P.L. 89-454, Title II, § 202, as added Oct. 15, 1966, P.L. 89-688, § 1, 80 Stat. 998; Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1961; Oct. 7, 1978, P.L. 95-428, § 2(b), 92 Stat. 999; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, §§ 3103, 3104(b)(1)(A), (B), 101 Stat. 1469, 1470; March 6, 1998, P.L. 105-160, § 3, 112 Stat. 21.)

(As amended Nov. 26, 2002, P.L. 107-299, § 2, 116 Stat. 2345; Oct. 13, 2008, P.L. 110-394, § 3, 122 Stat. 4205.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1976. Act Oct. 8, 1976 substituted the text of this section for text which read:

"The Congress hereby finds and declares--

"(a) that marine resources, including animal and vegetable life and mineral wealth, constitute a far-reaching and largely untapped asset of immense potential significance to the United States; and

"(b) that it is in the national interest of the United States to develop the skilled manpower, including scientists, engineers, and technicians, and the facilities and equipment necessary for the exploitation of these resources; and

"(c) that aquaculture, as with agriculture on land, and the gainful use of marine resources can substantially benefit the United States, and ultimately the people of the world, by providing greater economic opportunities, including expanded employment and commerce; the enjoyment and use of our marine resources; new sources of food; and new means for the development of marine resources; and

"(d) that Federal support toward the establishment, development, and operation of programs by sea grant colleges and Federal support of other sea grant programs designed to achieve the gainful use of marine resources, offer the best means of promoting programs toward the goals set forth in clauses (a), (b), and (c), and should be undertaken by the Federal Government; and

"(e) that in view of the importance of achieving the earliest possible institution of significant national activities related to the development of marine resources, it is the purpose of this title to provide for the establishment of a program of sea grant colleges and education, training, and research in the fields of marine science, engineering, and related disciplines."

1978. Act Oct. 7, 1978, in subsec. (a)(3), substituted "national sea grant college program" for "national sea grant program".

1987. Act Dec. 29, 1987, in subsec. (a), redesignated paras. (1)-(3) as paras. (4)-(6), respectively, and added new paras. (1)-(3), in paras. (4) and (5) as redesignated, substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources"; in subsec. (b), 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."; and in subsec. (c), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources".

1998. Act March 6, 1998, in subsec. (a), in para. (1), redesignated subparas. (D) and (E) as subparas. (E) and (F), respectively, and added new subpara. (D), and, in para. (6), substituted the sentence beginning "The most cost-effective way . . ." 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."

2002. Act Nov. 26, 2002, in subsec. (a)(6), substituted ", including strong collaborations between Administration scientists and scientists at academic institutions." for a concluding period.

2008. Act Oct. 13, 2008, in subsec. (a), in para. (1), substituted subparas. (D) and (E) for ones which read:

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

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

in para. (2), substituted "program of integrated research, education, extension" for "program of research, education", and substituted para. (6) for one which read: "(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and scientists at academic institutions."; in subsec. (c), substituted "to promote integrated research, education, training, and extension services and activities" for "to promote research, education, training, and advisory service activities"; and inserted "management," following "development," wherever appearing.

Short titles:

Act June 17, 1966, P.L. 89-454, Title II, § 201, as added Oct. 15, 1966, P.L. 89-688, § 1, 80 Stat. 998; Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1961; Oct. 7, 1978, P.L. 95-428, § 2(a), 92 Stat. 999, provided: "This title [33 USCS §§ 1121 et seq.] may be cited as the 'National Sea Grant College Program Act'."

Act Oct. 8, 1976, P.L. 94-461, § 1, 90 Stat. 1961, provided: "This Act may be cited as the 'Sea Grant Program Improvement Act of 1976'." For full classification of such Act, consult USCS Tables volumes.

Act Dec. 29, 1987, P.L. 100-220, Title III, § 3001, 101 Stat. 1469, provides: "This title [generally amending 33 USCS §§ 1121 et seq.; for full classification, consult USCS Tables volumes] may be cited as the 'Marine Science, Technology, and Policy Development Act of 1987'."

Act Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3101, 101 Stat. 1469, provides: "This subtitle [generally amending 33 USCS §§ 1121 et seq.; for full classification, consult USCS Tables volumes] may be cited as the 'National Sea Grant College Program Authorization Act of 1987'."

Act Dec. 4, 1991, P.L. 102-186, § 1, 105 Stat. 1282, provides: "This Act [generally amending 33 USCS §§ 1123 et seq.; for full classification, consult USCS Tables volumes] may be cited as the 'National Sea Grant College Program

Authorization Act of 1991'."

Act March 6, 1998, P.L. 105-160, § 1, 112 Stat. 21, provides: "This Act may be cited as the 'National Sea Grant College Program Reauthorization Act of 1998'". For full classification of such Act, consult USCS Tables volumes.

Act Nov. 26, 2002, P.L. 107-299, § 1, 116 Stat. 2345, provides: "This Act [classified to 33 USCS §§ 857-20, 1121, 1123, 1123 note, 1124, 1126-1128, and 1131] may be cited as the 'National Sea Grant College Program Act Amendments of 2002'".

Act Oct. 13, 2008, P.L. 110-394, § 1, 122 Stat. 4205, provides: "This Act [amending 33 USCS §§ 1121-1124, 1126-1128, and 1131] may be cited as the 'National Sea Grant College Program Amendments Act of 2008'".

NOTES:

Code of Federal Regulations:

National Oceanic and Atmospheric Administration, Department of Commerce--National sea grant program funding regulations, 15 CFR Part 917.

National Oceanic and Atmospheric Administration, Department of Commerce--Sea grants, 15 CFR Part 918.

Related Statutes & Rules:

This section is referred to in 33 USCS §§ 1124, 1126.

Research Guide:

Federal Procedure:

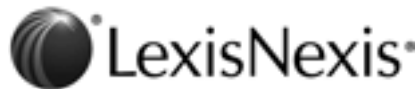
17A Fed Proc L Ed, Health, Education, and Welfare § 42:1746.

Am Jur:

64 Am Jur 2d, *Public Works and Contracts* § 3.

Law Review Articles:

Tarlock. Oil Pollution on Lake Superior: The Uses of State Regulation. 61 *Minn L Rev* 63.



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33 USCS § 1122

§ 1122. Definitions

As used in this *title* [33 USCS §§ 1121 et seq.]--

- (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 204(b) [33 USCS § 1123(b)].
- (3) [The] the 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 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));
 - (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;
 - (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);
 - (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 209 [33 USCS § 1128].

(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 207 of this Act [33 USCS § 1126].

(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 207 of this Act [33 USCS § 1126].

(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.

HISTORY:

(Act June 17, 1966, P.L. 89-454, Title II, § 203, as added Oct. 15, 1966, P.L. 89-688, § 1, 80 Stat. 999; Aug. 11, 1968, P.L. 90-447, § 1(1), 82 Stat. 704; July 23, 1970, P.L. 91-349, 84 Stat. 448; July 10, 1973, P.L. 93-73, § 1(1), (5), 87 Stat. 170; Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1962; Oct. 7, 1978, P.L. 95-428, § 2(b), 92 Stat. 999; June 28, 1980, P.L. 96-289, § 1(1), 94 Stat. 605; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3104(a), (b)(1)(C), 101 Stat. 1470; Dec. 4, 1991, P.L. 102-186, § 5(b)(1), 105 Stat. 1284; March 9, 1992, P.L. 102-251, Title III, § 307(a), 106 Stat. 66; March 6, 1998, P.L. 105-160, § 4(a), 112 Stat. 21; May 1, 1998, P.L. 105-174, Title III, § 10003, 112 Stat. 99.)

(As amended Oct. 13, 2008, P.L. 110-394, §§ 4, 9(a)(4)(B), 122 Stat. 4206, 4208.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"Section 204(b)" referred to in this section, is § 204(b) of Act June 17, 1966, P.L. 89-454, which appears as 33 USCS § 1123(b). However, following the amendment of such section by Act March 6, 1998, P.L. 105-160, the provisions relating to appointment of the Director of the National Sea Grant College Program, which formerly appeared in subsec. (b), are now contained in subsec. (d).

Explanatory notes:

The bracketed word "The" has been inserted in para. (3) to indicate the capitalization probably intended by Congress.

Amendments:

1968. Act Aug. 11, 1968, in subsec. (b)(1), inserted "for the fiscal year ending June 30, 1969, not to exceed the sum of \$ 6,000,000, for the fiscal year ending June 30, 1970, not to exceed the sum of \$ 15,000,000,".

1970. Act July 23, 1970, in subsec. (b)(1), inserted "for the fiscal year ending June 30, 1971, not to exceed the sum of \$ 20,000,000, for the fiscal year ending June 30, 1972, not to exceed the sum of \$ 25,000,000, and for the fiscal year ending June 30, 1973, not to exceed the sum of \$ 30,000,000,".

1973. Act July 10, 1973, in subsec. (a), substituted "Secretary of Commerce" and "Secretary" for "National Science Foundation" and "Foundation", respectively; and in subsec. (b)(1), substituted "Secretary" for "Foundation", deleted "and" following "\$ 25,000,000," and inserted "for the fiscal year ending June 30, 1974, not to exceed the sum of \$ 30,000,000, for the fiscal year ending June 30, 1975, not to exceed the sum of \$ 40,000,000, for the fiscal year ending June 30, 1976, not to exceed the sum of \$ 50,000,000,".

1976. Act Oct. 8, 1976 substituted this section for one which read:

"(a) The provisions of this title shall be administered by the Secretary of Commerce (hereafter in this title referred to as the 'Secretary').

"(b)

(1) For the purpose of carrying out this title, there is authorized to be appropriated to the Secretary for the fiscal year ending June 30, 1967, not to exceed the sum of \$ 5,000,000, for the fiscal year ending June 30, 1968, not to exceed the sum of \$ 15,000,000, for the fiscal year ending June 30, 1969, not to exceed the sum of \$ 6,000,000, for the fiscal year ending June 30, 1970, not to exceed the sum of \$ 15,000,000, for the fiscal year ending June 30, 1971, not to exceed the sum of \$ 20,000,000, for the fiscal year ending June 30, 1972, not to exceed the sum of \$ 25,000,000, for the fiscal year ending June 30, 1973, not to exceed the sum of \$ 30,000,000, for the fiscal year ending June 30, 1974, not to exceed the sum of \$ 30,000,000, for the fiscal year ending June 30, 1975, not to exceed the sum of \$ 40,000,000, for the fiscal year ending June 30, 1976, not to exceed the sum of \$ 50,000,000, and for each subsequent fiscal year only such sums as the Congress may hereafter specifically authorize by law.

"(2) Amounts appropriated under this title are authorized to remain available until expended."

1978. Act Oct. 7, 1978, in para. (3), substituted "national sea grant college program" for "national sea grant program".

1980. Act June 28, 1980, in para. (6), inserted "Great Lakes and the".

1987. Act Dec. 29, 1987, deleted para. (2) which read: "The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration."; redesignated para. (3) as para. (2), and added para. (3); in para. (4), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources" wherever appearing; and substituted paras. (6) and (7) for ones which read:

"(6) The term 'marine environment' means the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act of 1972 (*16 U.S.C. 1453(1)*); 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.

"(7) 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."

Such Act further, in para. (11)(B), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources"; and added para. (15).

1991. Act Dec. 4, 1991, in para. (4), inserted "marine affairs and resource management,".

1992. Act March 9, 1992 (to be effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, entered into force for the United States, with authority to prescribe implementing regulations effective March 9, 1992, but with no such regulations effective until the agreement enters into force for the United States, as provided by § 308 of such Act, which appears as *16 USCS* § 773 note, and repealed by Act Oct. 13, 2008), provided that para. [(7)](6) of this section be amended by striking "and" at the end of subpara. (E), by redesignating subpara. (F) as subpara. (G), and by inserting after subpara. (E) the following new subparagraph: "(F) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured; and".

1998. Act March 6, 1998, in para. (3), substituted "his or her" for "their university or" and substituted "college or sea grant institute" for "college, programs, or regional consortium", substituted para. (4) for one which read: "(4) 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.", redesignated paras. (5)-(15) as paras. (7)-(17), respectively, added new paras. (5) and (6), in para. (11) as redesignated, substituted "institute or other institution" for "regional consortium, institution of higher education, institute, or laboratory", and substituted paras. (12)-(17) for paras. (12)-(17) as redesignated, which read:

"(12) The term 'sea grant college' means any public or private institution of higher education which is designated as such by the Secretary under section 207.

"(13) The term 'sea grant program' means any program which--

"(A) is administered by any sea grant college, sea grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

"(B) includes two or more projects involving one or more of the following activities in fields related to ocean, coastal, and Great Lakes resources:

"(i) research,

"(ii) education,

"(iii) training, or

"(iv) advisory services.

"(14) The term 'sea grant regional consortium' means any association or other alliance which is designated as such by the Secretary under section 207.

"(15) The term 'Secretary' means the Secretary of Commerce.

"(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.

"(17) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere."

33 USCS § 1122

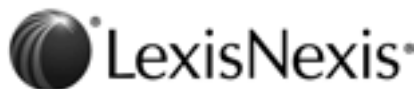
Act May 1, 1998, deleted para. (5), which read: "(5) The term 'Great Lakes' includes Lake Champlain."; redesignated paras. (6)-(17) as paras. (5)-(16), respectively; and, in para. (7) as redesignated, redesignated subparas. (C)-(F) as subparas. (D)-(G), respectively, and inserted new subpara. (C).

2008. Act Oct. 13, 2008, in para. (4), inserted "management," substituted para. (9) for one which read: "(9) The term 'panel' means the sea grant review panel established under section 209.", in para. (11), substituted "extension services" for "advisory services", and in paras. (12) and (13), deleted "(33 U.S.C. 1126)" following "section 207".

Such Act further repealed § 307 of Act March 9, 1992, which amended this section.

Other provisions:

Territorial sea of the United States. For the extension of the territorial sea of the United States, see Proc. No. 5928 of Dec. 27, 1988, *54 Fed. Reg. 777*, which appears as *43 USCS § 1331* note.



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33 USCS § 1123

§ 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 *title* [33 USCS §§ 1121 et seq.], 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 title by the national sea grant office and the Administration;

(3) the fellowship program under section 208 [33 USCS § 1127]; 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 the 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 205 [33 USCS § 1124], 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 207 [33 USCS § 1126].

(4) To carry out the provisions of this *title* [33 USCS §§ 1121 et seq.], 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, United States Code*;

(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, United States Code*, 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, United States Code*;

(E) notwithstanding *section 1342 of title 31, United States Code*, 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 the 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, United States Code, governing appointments in the competitive service, at a rate payable under *section 5376 of title 5, United States Code*.

(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);

(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), 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 Act, 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).

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 204, as added Oct. 15, 1966, P.L. 89-688, § 1, 80 Stat. 999; Aug. 11, 1968, P.L. 90-447, § 1(2), 82 Stat. 704; July 10, 1973, P.L. 93-73, § 1(2)-(7), 87 Stat. 170; Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1963; Oct. 7, 1978, P.L. 95-428, §§ 2(b), 3(1), 92 Stat. 999; June 28, 1980, P.L. 96-289, § 1(2), 94 Stat. 605; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, §§ 3104(b)(1)(D), (2), (c), 3105(b), 101 Stat. 1470, 1471; Dec. 4, 1991, P.L. 102-186, §§ 2, 4(b)(1)(A), 105 Stat. 1282, 1283; March 6, 1998, P.L. 105-160, § 5, 112 Stat. 22.)

(As amended Nov. 26, 2002, P.L. 107-299, § 3(a), (b)(1), (c), 116 Stat. 2345, 2346; Oct. 13, 2008, P.L. 110-394, §§ 5, 9(a)(4)(C)(i), 122 Stat. 4206, 4208.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

The "civil service laws", referred to in this section, are generally located in Title 5, USCS; see particularly 5 USCS §§ 3301 et seq.

The "provisions of title 5, United States Code, governing appointments in the competitive service", referred to in this section, appear generally as 5 USCS §§ 3301 et seq.

As used in this section, "this Act" is probably a reference to the National Sea Grant College Program Act (Title II of Act June 17, 1966, P.L. 89-454), which appears as 33 USCS §§ 1121 et seq.

Amendments:

1968. Act Aug. 11, 1968, in subsec. (d)(1), deleted "in any fiscal year" following "The total amount of payments" and following "by any participant".

1973. Act July 10, 1973, in subsec. (a), substituted "Secretary" for "Foundation", deleted "(1)" preceding "consult with those experts", and substituted the concluding period for ", and (2) seek advice and counsel from the National Council on Marine Resources and Engineering Development as provided by section 205 of this title."; in subsec. (b), preliminary matter, substituted "Secretary" for "Foundation" and substituted "his" for "its"; in subsec. (d) in para. (1), inserted "The Secretary may grant total payments that exceed such per centum with respect to those programs or portions of programs requested by the Secretary on his own initiative, upon his determination that the requirement for payments of 33 1/3 per centum of the cost thereof by the participant would be inequitable relative to the benefits which the participant would receive therefrom. The total amount of payments to be made by the Federal Government under all programs and portions of programs as to which the Secretary shall in any fiscal year exercise his authority under the preceding sentence to reduce or eliminate matching payments by the participant shall not exceed 1 per centum of the funds appropriated under this title for such fiscal year." and substituted "Secretary" for "Foundation" following "in any fiscal year, the", in para. (2), substituted "Secretary" for "Foundation", substituted the colon for a period and inserted "Provided, That the prohibitions of this paragraph shall not apply to non-self-propelled habitats, buoys, platforms, or other similar devices or structures, used principally for research purposes.", and in para. (3), substituted "Secretary" for "Foundation"; in subsec. (e), substituted "Secretary" for "Foundation"; in subsec. (f), substituted "Secretary" for "Foundation" and substituted "his functions" for "its functions"; substituted subsec. (g) for one which read: "Except as otherwise provided in this title, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act."; in subsec. (h), substituted "Secretary" for "Foundation" wherever appearing and substituted "his" for "its"; in subsec. (i)(3), inserted "and which is so designated by the Secretary"; and, in subsec. (i)(4), substituted "Secretary" for "Foundation" wherever appearing.

1976. Act Oct. 8, 1976 substituted the text of this section for text which read:

"(a) In carrying out the provisions of this title the Secretary shall consult with those experts engaged in pursuits in the various fields related to the development of marine resources and with all departments and agencies of the Federal Government (including the United States Office of Education in all matters relating to education) interested in, or affected by, activities in any such fields.

"(b) The Secretary shall exercise his authority under this title by--

"(1) initiating and supporting programs at sea grant colleges and other suitable institutes, laboratories, and public or private agencies for the education of participants in the various fields relating to the development of marine resources;

"(2) initiating and supporting necessary research programs in the various fields relating to the development of marine resources, with preference given to research aimed at practices, techniques, and design of equipment applicable to the development of marine resources; and

"(3) encouraging and developing programs consisting of instruction, practical demonstrations, publications, and otherwise, by sea grant colleges and other suitable institutes, laboratories, and public or private agencies through marine advisory programs with the object of imparting useful information to persons currently employed or interested in the various fields related to the development of marine resources, the scientific community, and the general public.

"(c) Programs to carry out the purposes of this title shall be accomplished through contracts with, or grants to, suitable public or private institutions of higher education, institutes, laboratories, and public or private agencies which are engaged in, or concerned with, activities in the various fields related to the development of marine resources, for the establishment and operation by them of such programs.

"(d)

(1) The total amount of payments in any fiscal year under any grant to or contract with any participant in any program to be carried out by such participant under this title shall not exceed $66\frac{2}{3}$ per centum of the total cost of such program. The Secretary may grant total payments that exceed such per centum with respect to those programs or portions of programs requested by the Secretary on his own initiative, upon his determination that the requirement for payments of $33\frac{1}{3}$ per centum of the cost thereof by the participant would be inequitable relative to the benefits which the participant would receive therefrom. The total amount of payments to be made by the Federal Government under all programs and portions of programs as to which the Secretary shall in any fiscal year exercise his authority under the preceding sentence to reduce or eliminate matching payments by the participant shall not exceed 1 per centum of the funds appropriated under this title for such fiscal year. For purposes of computing the amount of the total cost of any such program furnished by any participant in any fiscal year, the Secretary shall include in such computation an amount equal to the reasonable value of any buildings, facilities, equipment, supplies, or services provided by such participant with respect to such program (but not the cost or value of land or of Federal contributions).

"(2) No portion of any payment by the Secretary to any participant in any program to be carried out under this title shall be applied to the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building, dock, or vessel: *Provided*, That the prohibitions of this paragraph shall not apply to non-self-propelled habitats, buoys, platforms, or other similar devices or structures, used principally for research purposes.

"(3) The total amount of payments in any fiscal year by the Secretary to participants within any State shall not exceed 15 per centum of the total amount appropriated to the Secretary for the purposes of this title for such fiscal year.

"(e) In allocating funds appropriated in any fiscal year for the purposes of this title the Secretary shall endeavor to achieve maximum participation by sea grant colleges and other suitable institutes, laboratories, and public or private agencies throughout the United States, consistent with the purposes of this title.

"(f) In carrying out its functions under this title, the Secretary shall attempt to support programs in such a manner as to supplement and not duplicate or overlap any existing and related Government activities.

"(g) Except as otherwise provided in this title, the Secretary, in carrying out his functions under this title, has the same powers and authority as has the National Science Foundation under the National Science Foundation Act of 1950, as amended, to carry out its functions under that Act.

"(h) The head of each department, agency, or instrumentality of the Federal Government is authorized, upon request of the Secretary, to make available to the Secretary, from time to time, on a reimbursable basis, such personnel,

services, and facilities as may be necessary to assist the Secretary in carrying out his functions under this title.

"(i) For the purposes of this title--

"(1) the term 'development of marine resources' means scientific endeavors relating to the marine environment, including, but not limited to, the fields oriented toward the development, conservation, or economic utilization of the physical, chemical, geological, and biological resources of the marine environment; the fields of marine commerce and marine engineering; the fields relating to exploration or research in, the recovery of natural resources from, and the transmission of energy in, the marine environment; the fields of oceanography and oceanology; and the fields with respect to the study of the economic, legal, medical, or sociological problems arising out of the management, use, development, recovery, and control of the natural resources of the marine environment;

"(2) the term 'marine environment' means the oceans; the Continental Shelf of the United States; the Great Lakes; the 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 the area; the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory; and the natural resources thereof;

"(3) the term 'sea grant college' means any suitable public or private institution of higher education supported pursuant to the purposes of this title which has major programs devoted to increasing our Nation's utilization of the world's marine resources and which is so designated by the Secretary; and

"(4) the term 'sea grant program' means (A) any activities of education or research related to the development of marine resources supported by the Secretary by contracts with or grants to institutions of higher education either initiating, or developing existing, programs in fields related to the purposes of this title, (B) any activities of education or research related to the development of marine resources supported by the Secretary by contracts with or grants to suitable institutes, laboratories, and public or private agencies, and (C) any programs of advisory services oriented toward imparting information in fields related to the development of marine resources supported by the Secretary by contracts with or grants to suitable institutes, laboratories, and public or private agencies."

1978. Act Oct. 7, 1978, in subsecs. (a), (b)(1) preliminary matter, and (c) preliminary matter and paras. (2) and (4), substituted "national sea grant college program" for "national sea grant program"; and, in subsec. (d) in para. (5), deleted "and" following "(31 U.S.C. 665(b));", redesignated para. (6) as para. (7), and added new para. (6).

1980. Act June 28, 1980, in subsec. (c), redesignated former paras. (5) and (6) as paras. (6) and (7), respectively, and added a new para. (5).

1987. Act Dec. 29, 1987, in subsec. (b)(1)(A), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources"; in subsec. (c), in the introductory matter and, in para. (2), substituted "Under Secretary" for "Administrator" wherever appearing, and, in para. (5), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resource"; in subsec. (d), in para. (3), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources" and, in para. (6), deleted "under section 205(a)" following "the Secretary".

1991. Act Dec. 4, 1991 substituted subsec. (a) for one which read: "(a) 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 title. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program."; in subsec. (c), in para. (3), substituted "section 205" for "sections 205 and 206", in para. (6), deleted "and" after the concluding semicolon, in para. (7), substituted "; and" for a concluding period, and added para. (8); and, in subsec. (d)(6), inserted "and add to".

1998. Act March 6, 1998 substituted this section for one which read:

"Establishment and administration of program

"(a) Maintenance within Administration; component elements. 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 Act, and shall be administered by a National Sea Grant Office within the Administration. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.

"(b) Appointment and compensation of Director

(1) The Secretary shall appoint a Director of the national sea grant college program who shall be a qualified individual who has--

"(A) knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources; and

"(B) appropriate administrative experience.

"(2) The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title.

"(c) Duties of Director. The Director shall administer the national sea grant college program subject to the supervision of the Secretary and the Under Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall--

"(1) apply the long-range planning guidelines and the priorities established by the Secretary under subsection (a);

"(2) advise the Under Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program, and provide (as directed by the Under Secretary) those which are or could be of use to other offices and activities within the Administration;

"(3) evaluate activities conducted under grants and contracts awarded pursuant to section 205 to assure that the objective set forth in section 202(b) is implemented;

"(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national sea grant program, on a cooperative or other basis;

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

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

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

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

"(d) Powers of Secretary. To carry out the provisions of this title, the Secretary may--

"(1) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with the civil service laws; except that five positions may be established without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but the pay rates for such positions may not exceed the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

"(2) make appointments with respect to temporary and intermittent services to the same extent as is authorized by *section 3109 of title 5, United States Code*;

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

"(4) enter into contracts, cooperative agreements, and other transactions without regard to section 3709 of the Revised Statutes of the United States (*41 U.S.C. 5*);

"(5) accept donations and voluntary and uncompensated services, notwithstanding section 3679 of the Revised Statutes of the United States (*31 U.S.C. 665(b)*)

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

"(7) issue such rules and regulations as may be necessary and appropriate."

2002. Act Nov. 26, 2002, in subsec. (c), substituted para. (1) for one which read: "(1) 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."; and, in subsec. (d)(3), substituted subpara. (A) for one which read: "(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary"; and, in subpara. (B), in cl. (ii), deleted "and" following the concluding semicolon, and added cl. (iv).

2008. Act Oct. 13, 2008, in subsec. (b), substituted paras. (1) and (2) for ones which read:

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this title by the national sea grant office, the Administration, and the panel";

and substituted para. (4) for one which read: "(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes."; in subsec. (c), in para. (1), substituted "Board" for "panel", and in para. (2), substituted "The Secretary," for "Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the Secretary," and substituted "Board" for "panel"; and in subsec. (d)(3), in subpara. (A), substituted "(A) evaluate and assess" for "(A)(i) evaluate", substituted "activities;" for "activities; and", and deleted cl. (ii), which read: "(ii) 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"; and in subpara. (B), redesignated cls. (ii)-(iv) as cls. (iii)-(v), respectively, inserted new cl. (ii), in cl. (iii) as redesignated, substituted "ensure" for "encourage", in cl. (iv) as redesignated, deleted "and" following the concluding semicolon, and added cl. (vi).

Such Act further purported to amend subsec. (d)(2)(A) by deleting "long range"; such amendment has been executed by deleting "long-range" before "strategic" in order to effectuate the probable intent of Congress.

Other provisions:

Notice of reorganization. Act March 6, 1998, P.L. 105-160, § 9(d), 112 Stat. 27, provides: "The Secretary of Commerce shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 45 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program."

Review of evaluation and rating process. Act Nov. 26, 2002, P.L. 107-299, § 3(b)(2), 116 Stat. 2346, provides: "(A) After 3 years after the date of the enactment of this Act, 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) 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 recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the enactment of this Act."

NOTES:

Related Statutes & Rules:

This section is referred to in *33 USCS §§ 1122, 1124, 1126, 1128, 1131*.



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*** CURRENT THROUGH PL 111-12, APPROVED 3/30/2009 ***

TITLE 33. NAVIGATION AND NAVIGABLE WATERS
 CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT
 NATIONAL SEA GRANT COLLEGE PROGRAM

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33 USCS § 1124

§ 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 202(b) [33 USCS § 1121(b)]; 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 $66 \frac{2}{3}$ 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 204(c)(4)(F) [33 USCS § 1123(c)(4)(F)] or that are appropriated under section 208(b) [33 USCS § 1127(b)].

(b) Special grants; maximum amount; prerequisites. The Secretary may make special grants under this subsection to implement the objective set forth in section 202(b) [33 USCS § 1121(b)]. 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);
- (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).

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 212 [33 USCS § 1131].

(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 212 [33 USCS § 1131].

(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.

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 205, as added Oct. 15, 1966, P.L. 89-688, § 1, 80 Stat. 1001; July 10, 1973, P.L. 93-73, § 1(8), 87 Stat. 170; Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1964; Oct. 7, 1978, P.L. 95-428, § 3(2), 92 Stat. 999; June 28, 1980, P.L. 96-289, § 1(3), 94 Stat. 605; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3105(a), 101 Stat. 1471; Dec. 4, 1991, P.L. 102-186, § 4(b)(1)(B), 105 Stat. 1283.)

(As amended Nov. 26, 2002, P.L. 107-299, § 4, 116 Stat. 2346; Oct. 13, 2008, P.L. 110-394, § 6, 122 Stat. 4207.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1973. Act July 10, 1973 substituted the text of this section for text which read:

"The National Council on Marine Resources and Engineering Development established by section 3 of title I of this Act shall, as the President may request--

"(1) advise the Foundation with respect to the policies, procedures, and operations of the Foundation in carrying out its functions under this title;

"(2) provide policy guidance to the Foundation with respect to contracts or grants in support of programs conducted pursuant to this title, and make such recommendations thereon to the Foundation as may be appropriate; and

"(3) submit an annual report on its activities and its recommendations under this section to the Speaker of the House of Representatives, the Committee on Merchant Marine and Fisheries of the House of Representatives, the President of the Senate, and the Committee on Labor and Public Welfare of the Senate."

1976. Act Oct. 8, 1976 substituted the text of this section for text which read:

"(a) The Secretary of Commerce is authorized and directed to undertake, through the National Sea Grant College Program, a study of the means of sharing, through cooperative programs with other nations, the results of marine research useful in the exploration, development, conservation, and management of marine resources.

"(b) In carrying out the study required by subsection (a), the Secretary is authorized, without regard for paragraphs (1) and (3) of section 204(d), to enter into contracts with, and make grants to, institutions, agencies, and organizations described in section 204(c).

"(c) The Secretary shall submit to the President and to the Congress the results and findings of such study, including specific recommendations, not later than September 30, 1974.

"(d) For the purpose of carrying out this section there is authorized to be appropriated not to exceed the sum of \$ 200,000."

1978. Act Oct. 7, 1978, in subsec. (a), in the concluding matter, inserted "; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 204(d)(6)".

1980. Act June 28, 1980, in subsec. (d)(2), inserted "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".

1987. Act Dec. 29, 1987, in subsec. (d)(1), added the sentence beginning "Terms, conditions, and requirements . . .".

1991. Act Dec. 4, 1991, in subsec. (b)(3), purported to delete "or section 206 of this title"; however, the amendment was executed by deleting "or section 206" following "subsection (a)".

2002. Act Nov. 26, 2002, in subsec. (a), in the concluding matter, substituted "section 204(c)(4)(F)" for "section 204(d)(6)".

2008. Act Oct. 13, 2008, in subsec. (a), inserted "or that are appropriated under section 208(b)"; and in subsec. (b), substituted the concluding matter for matter which read: "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 212."

NOTES:

Related Statutes & Rules:

This section is referred to in *16 USCS § 4741*; *33 USCS §§ 1123, 1126, 1128, 1131*.

Research Guide:

Federal Procedure:

17A Fed Proc L Ed, Health, Education, and Welfare §§ 42:1746-1749, 1753.



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*** CURRENT THROUGH PL 111-12, APPROVED 3/30/2009 ***

TITLE 33. NAVIGATION AND NAVIGABLE WATERS
CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT
NATIONAL SEA GRANT COLLEGE PROGRAM

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33 USCS § 1124a

§ 1124a. [Repealed]

HISTORY; ANCILLARY LAWS AND DIRECTIVES

This section (Act Oct. 8, 1976, P.L. 94-461, § 3, 90 Stat. 1969; June 29, 1977, P.L. 95-58, § 2, 91 Stat. 254; Oct. 7, 1978, P.L. 95-428, § 4, 92 Stat. 1000; June 28, 1980, P.L. 96-289, §§ 2, 3, 94 Stat. 605; Nov. 8, 1984, P.L. 98-623, Title V, § 501(b), 98 Stat. 3410; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3111, 101 Stat. 1474; March 9, 1992, P.L. 102-251, Title III, § 307(b), 106 Stat. 66; Oct. 8, 1976, P.L. 94-461, § 3, 90 Stat. 1969; Oct. 13, 2008, P.L. 110-394, § 4(b), 122 Stat. 4206) was repealed by Act March 6, 1998, P.L. 105-160, § 6, 112 Stat. 24. It provided for a Sea Grant International Program.



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TITLE 33. NAVIGATION AND NAVIGABLE WATERS
CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT
NATIONAL SEA GRANT COLLEGE PROGRAM

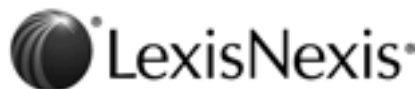
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33 USCS § 1125

§ 1125. [Repealed]

HISTORY; ANCILLARY LAWS AND DIRECTIVES

This section (Act June 17, 1966, P.L. 89-454, Title II, § 206, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1965; June 29, 1977, P.L. 95-58, § 1, 91 Stat. 254; Oct. 7, 1978, P.L. 95-428, § 3(3), 92 Stat. 999; June 28, 1980, P.L. 96-289, § 1(4), 94 Stat. 605; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3106(a), 101 Stat. 1471) was repealed by Act Dec. 4, 1991, P.L. 102-186, § 4(a), 105 Stat. 1283. Such section provided for the Strategic Marine Research Program.



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33 USCS § 1126

§ 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 202(b) [*33 USCS § 1121(b)*], 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 205 of this title (*33 U.S.C. 1124*);

(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 the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998 [enacted March 6, 1998], shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998 [enacted March 6, 1998], if the Director determines that the institution, or

association or alliance of institutions, meets the qualifications in subsection (a).

(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).

(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 204(c) [33 USCS § 1123(c)]; and

(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205 [33 USCS § 1124].

(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, including 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).

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 207, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1966; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3104(b)(1)(E), 101 Stat. 1470; March 6, 1998, P.L. 105-160, § 7, 112 Stat. 24.)

(As amended Nov. 26, 2002, P.L. 107-299, § 8, 116 Stat. 2348; Oct. 13, 2008, P.L. 110-394, §§ 7, 9(a)(4)(C)(ii), 122 Stat. 4207, 4208.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1987. Act Dec. 29, 1987, in subsec. (a), in paras. (2)(A) and (3)(A) and (B), substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources".

1998. Act March 6, 1998 substituted this section for one which read:

"Designation of sea grant colleges and sea grant regional consortia

"(a) Authorization; prerequisites.

(1) The Secretary may designate--

"(A) any institution of higher education as a sea grant college; and

"(B) any association or other alliance of two or more persons (other than individuals) as a sea grant regional consortium.

"(2) No institution of higher education may be designated as a sea grant college unless the Secretary finds that such

institution--

"(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources and has received financial assistance under section 205 of this title or under section 204(c) of the National Sea Grant College and Program Act of 1966;

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

"(C) meets such other qualifications as the Secretary deems necessary or appropriate.

The designation of any institution as a sea grant college under the authority of such Act of 1966 shall, if such designation is in effect on the day before the date of the enactment of the Sea Grant Program Improvement Act of 1976, be considered to be a designation made under paragraph (1) so long as such institution complies with subparagraphs (B) and (C).

"(3) No association or other alliance of two or more persons may be designated as a sea grant regional consortium unless the Secretary finds that such association or alliance--

"(A) is established for the purpose of sharing expertise, research, educational facilities, or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services, in any field related to ocean, coastal, and Great Lakes resources;

"(B) will encourage and follow a regional approach to solving problems or meeting needs relating to ocean, coastal, and Great Lakes resources, in cooperation with appropriate sea grant colleges, sea grant programs, and other persons in the region;

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

"(D) meets such other qualifications as the Secretary deems necessary or appropriate.

"(b) Regulations. The Secretary shall by regulation prescribe--

"(1) the qualifications required to be met under paragraphs (2)(C) and (3)(D) of subsection (a); and

"(2) guidelines relating to the activities and responsibilities of sea grant colleges and sea grant regional consortia.

"(c) Suspension or termination; procedures applicable. The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).".

2002. Act Nov. 26, 2002, added subsec. (e).

2008. Act Oct. 13, 2008, in subsec. (a), in para. (1)(F), substituted "Board" for "panel", and in paras. (2)(B) and (3)(B), substituted "extension services" for "advisory services"; and, in subsec. (d)(1), substituted "Board" for "panel".

NOTES:

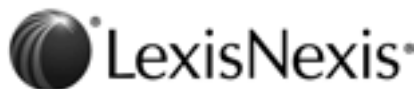
Related Statutes & Rules:

This section is referred to in *33 USCS § 1122, 1123, 1126*.

Research Guide:

Federal Procedure:

17A Fed Proc L Ed, Health, Education, and Welfare § 42:1754.



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33 USCS § 1127

§ 1127. Fellowships

(a) In general. To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellowships for qualified individuals at the graduate and postgraduate 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 204(c)(4)(F) [33 USCS § 1123(c)(4)(F)] or appropriated under section 212 [33 USCS § 1131] to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 208, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1966; July 10, 1987, P.L. 100-66, § 3, 101 Stat. 384; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3107, 101 Stat. 1472; Dec. 4, 1991, P.L. 102-186, § 4(b)(1)(C), (D), 105 Stat. 1283; March 6, 1998, P.L. 105-160, § 4(b)(2), 112 Stat. 22.)

(As amended Nov. 26, 2002, P.L. 107-299, § 5, 116 Stat. 2346; Oct. 13, 2008, P.L. 110-394, § 8, 122 Stat. 4207.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

As used in this section, "this Act" is probably a reference to the National Sea Grant College Program Act (Title II of Act June 17, 1966, P.L. 89-454), which appears as 33 USCS §§ 1121 et seq.

Amendments:

1987. Act July 10, 1987 (effective 1/1/78 as provided by § 4 of such Act, which appears as a note to this section), in subsec. (a), substituted "Except as provided in subsection (b), sea" for "Sea"; redesignated subsec. (b) as subsec. (c); and added new subsec. (b).

Act Dec. 29, 1987 substituted this section for one which read:

"Fellowships; establishment of program; guidelines for awards; maximum amount

"(a) In general. 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 subsec. (b), sea grant fellowships may only be awarded by sea grant colleges, sea grant regional consortia, institutions of higher education, and professional associations and institutes.

"(b) Federal fellowships.

(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.

"(c) Limitation on total fellowship grants. 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 212."

1991. Act Dec. 4, 1991, in subsec. (c), in para. (5), added "and", deleted para. (6), which read: "may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 206; and", and redesignated para. (7) as new para. (6).

1998. Act March 6, 1998 substituted "Secretary" for "Under Secretary" wherever appearing.

2002. Act Nov. 26, 2002, in subsec. (a), added the sentences beginning "The Secretary shall . . ." and "Not later than . . ."; and repealed subsec. (c) which read:

"(c) Postdoctoral fellowships. 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."

2008. Act Oct. 13, 2008, in subsec. (a), substituted "Every 2 years," for "Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,"; and

added subsec. (c).

Other provisions:

Effective date of 1987 amendments. Act July 10, 1987, P.L. 100-66, § 4, 101 Stat. 385, provides: "The amendment made by section 3 [amending this section] shall take effect January 1, 1978."

NOTES:

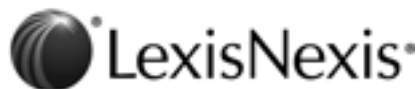
Related Statutes & Rules:

This section is referred to in *33 USCS § 1123*.

Research Guide:

Federal Procedure:

17A Fed Proc L Ed, Health, Education, and Welfare § 42:1750.



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33 USCS § 1128

§ 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 204(c) [33 USCS § 1123(c)]. 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 *title* [33 USCS §§ 1121 et seq.].

(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 205 [33 USCS § 1124]; 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 the date of enactment of the National Sea Grant College Program Act Amendments of 2002 [enacted Nov. 26, 2002], and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 [enacted Nov. 26, 2002]. The Director may extend the term of office of a voting member of the Board appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 [enacted Nov. 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, United States Code*, 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).

(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.

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 209, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1967; June 28, 1980, P.L. 96-289, § 1(5), 94 Stat. 605; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, §§ 3104(b)(1)(F), 3108, 101 Stat. 1471, 1473; Dec. 4, 1991, P.L. 102-186, §§ 4(b)(1)(E), (F), 5(b)(2), 105 Stat. 1283, 1284; March 6, 1998, P.L. 105-160, §§ 4(b), 8, 112 Stat. 22, 25.)

(As amended Nov. 26, 2002, P.L. 107-299, § 6, 116 Stat. 2346; Oct. 13, 2008, P.L. 110-394, § 9(a)(4)(A), (C)(iii), (b)-(e), 122 Stat. 4208.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1980. Act June 28, 1980, in subsec. (c)(3), substituted the sentence beginning "Any individual . . ." for ones that read: "Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving one full term as such a member."

1987. Act Dec. 29, 1987, in subsec. (b), substituted the introductory matter for matter which read: "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--", in para. (1), inserted "and section 3 of the Sea Grant Program Improvement Act of 1976"; and, in subsec. (c), in para. (1), substituted the sentence beginning "The Director and a . . ." for the sentence which read "The Director shall serve as a nonvoting member of the panel.", substituted "8" for "five", and substituted "ocean, coastal, and Great Lakes resources" for "ocean and coastal resources", in para. (2), added the sentence beginning "At least once each year, . . .", and in para. (3), substituted "office" for "office, or until 90 days after such date, whichever is earlier".

1991. Act Dec. 4, 1991, in subsec. (b)(1), substituted "section 205" for "sections 205 and 206"; and, in subsec. (c)(1), inserted "marine affairs and resource management," and deleted "or 206" following "section 205".

1998. Act March 6, 1998, in subsec. (a), deleted "The panel shall, on the 60th day after the date of the enactment of the Sea Grant Program Improvement Act of 1976, supersede the sea grant advisory panel in existence before such date of enactment." following "panel."; in subsec. (b), in the introductory matter, substituted "(b) Duties. The panel" for "The Panel" and deleted ", the Under Secretary," following "Secretary"; in para. (1), deleted "and section 3 of the Sea Grant Program Improvement Act of 1976" following "205" and, in para. (3), substituted "institutes" for "regional consortia"; and, in subsec. (c), in para. (1), substituted "college or sea grant institute" for "college, sea grant regional consortium, or sea grant program", and substituted para. (5)(A) for one which read: "(A) receive compensation at the daily rate for GS-18 of the General Schedule under *section 5332 of title 5, United States Code*, when actually engaged in the performance of duties for such panel; and".

2002. Act Nov. 26, 2002, in subsec. (c)(2), substituted the sentences beginning "The term of office . . ." and "The Director may . . ." for "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."

2008. Act Oct. 13, 2008, substituted the section heading for one which read: "Sea grant review panel"; substituted subsecs. (a) and (b) for ones which read:

"(a) Establishment; commencement date. There shall be established an independent committee to be known as the sea grant review panel.

"(b) Duties. The panel shall advise the Secretary and the Director concerning--

"(1) applications or proposals for, and performance under, grants and contracts awarded under section 205;

"(2) the sea grant fellowship program;

"(3) the designation and operation of sea grant colleges and sea grant institutes, and the operation of sea grant programs;

"(4) the formulation and application of the planning guidelines and priorities under section 204(a) and (c)(1); and

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

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

in subsec. (c), in para. (1), inserted "coastal management," and inserted "management," following "development," in para. (3), substituted the sentence beginning "The Director may extend . . ." 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.", and added para. (8), and substituted "Board" for "panel" wherever appearing in the subsection.

Other provisions:

Redesignation of Sea Grant Review Panel as Board. Act Oct. 13, 2008, P.L. 110-394, § 9(a)(1)-(3), 122 Stat. 4207, provides:

"(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, 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

33 USCS § 1128

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."

NOTES:

Related Statutes & Rules:

This section is referred to in *33 USCS § 1122*.



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33 USCS § 1129

§ 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 *title* [33 USCS §§ 1121 et seq.];

(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 *title* [33 USCS §§ 1121 et seq.]; and

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

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 210, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1968; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3104(b)(1)(G), 101 Stat. 1471.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1987. Act Dec. 29, 1987, in the introductory matter, substituted "coastal, ocean, and Great Lakes resources" for "coastal and ocean resources".



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33 USCS § 1130

§ 1130. [Repealed]

HISTORY; ANCILLARY LAWS AND DIRECTIVES

This section (Act June 17, 1966, P.L. 89-454, Title II, § 211, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1968; Oct. 7, 1978, P.L. 95-428, §§ 2(b), 3(4)(B), (C), 92 Stat. 999; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3109, 101 Stat. 1473) was repealed by Act Dec. 4, 1991, P.L. 102-186, § 5(a), 105 Stat. 1283. Such section provided for marine affairs and resource management improvement grants.



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33 USCS § 1131

§ 1131. Authorization of appropriations

(a) Authorization.

(1) In general. There are authorized to be appropriated to the Secretary to carry out this *title [33 USCS §§ 1121 et seq.]*--

- (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 *title [33 USCS §§ 1121 et seq.]* in a fiscal year more than 5 percent of the lesser of--

- (A) the amount authorized to be appropriated under this *title [33 USCS §§ 1121 et seq.]* for the fiscal year; or
- (B) the amount appropriated under this *title [33 USCS §§ 1121 et seq.]* for the fiscal year.

(2) Use for other offices or programs. Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this *title [33 USCS §§ 1121 et seq.]* 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) 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 204(b)(4) [33 USCS § 1123(b)(4)];
- (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 the date of enactment of the National Sea Grant College Program Act Amendments of 2002 [enacted Nov. 26, 2002] but not yet evaluated under section 204(d)(3)(A) [33 USCS § 1123(d)(3)(A)].

(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 Act 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.

HISTORY:

(June 17, 1966, P.L. 89-454, Title II, § 212, as added Oct. 8, 1976, P.L. 94-461, § 2, 90 Stat. 1968; June 29, 1977, P.L. 95-58, § 1, 91 Stat. 254; Oct. 7, 1978, P.L. 95-428, § 3(5), 92 Stat. 1000; June 28, 1980, P.L. 96-289, § 1(6), 94 Stat. 605; Nov. 8, 1984, P.L. 98-623, Title V, § 501(a), 98 Stat. 3410; Dec. 29, 1987, P.L. 100-220, Title III, Subtitle A, § 3110, 101 Stat. 1474; Dec. 4, 1991, P.L. 102-186, § 3, 105 Stat. 1282; March 6, 1998, P.L. 105-160, § 9(a), (b), 112 Stat. 26.)

(As amended Nov. 26, 2002, P.L. 107-299, § 7, 116 Stat. 2347; Oct. 13, 2008, P.L. 110-394, § 10, 122 Stat. 4209.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

As used in this section, "this Act" is probably a reference to the National Sea Grant College Program Act (Title II of Act June 17, 1966, P.L. 89-454), which appears as 33 USCS §§ 1121 et seq.

Amendments:

1977. Act June 29, 1977 substituted "each of the fiscal years ending September 30, 1977, and September 30, 1978" for "the fiscal year ending September 30, 1977".

1978. Act Oct. 7, 1978 substituted the introductory matter and paras. (1) and (2) for "There is authorized to be appropriated for purposes of carrying out the provisions of this title (other than section 206) not to exceed \$ 50,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978.".

1980. Act June 28, 1980 added para. (3).

1984. Act Nov. 8, 1984 added para. (4).

1987. Act Dec. 29, 1987 substituted the text of this section for text which read:

"There are authorized to be appropriated for purposes of carrying out the provisions of this title (other than section 206 not to exceed the following amounts:

"(1) \$ 50,000,000 for each of fiscal years 1977 and 1978.

"(2) \$ 55,000,000 for each of fiscal years 1979 and 1980.

"(3) Not to exceed \$ 50,000,000 for fiscal year 1981, not to exceed \$ 58,000,000 for fiscal year 1982, and not to exceed \$ 65,000,000 for fiscal year 1983.

"(4) Not to exceed \$ 39,000,000 for fiscal year 1985, not to exceed \$ 42,000,000 for fiscal year 1986, and not to exceed \$ 44,000,000 for fiscal year 1987.

Such sums as may be appropriated under this section shall remain available until expended."

1991. Act Dec. 4, 1991 substituted subsecs. (a)-(c) for ones which read:

"(a) In general. There is authorized to be appropriated to carry out the provisions of this Act other than sections 206 and 211, 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) Strategic marine research. There is authorized to be appropriated to carry out section 206 and section 208(c), 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) Marine affairs and resource management grants. There is authorized to be appropriated to carry out section 211, 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."

1998. Act March 6, 1998, substituted subsecs. (a) and (b)(1) for ones which read:

"(a) There is authorized to be appropriated to carry out the provisions of sections 205 and 208 of this Act, and section 3 of the Sea Grant Program Improvement Act of 1976 (*33 U.S.C. 1124a*), 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.

"(b)

(1) There is authorized to be appropriated for administration of this Act, including section 209, 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."

2002. Act Nov. 26, 2002, substituted subsecs. (a)-(c) for ones which read:

"(a) Authorization.

(1) In general. There is authorized to be appropriated to carry out this Act--

"(A) \$ 56,000,000 for fiscal year 1999;

"(B) \$ 57,000,000 for fiscal year 2000;

"(C) \$ 58,000,000 for fiscal year 2001;

"(D) \$ 59,000,000 for fiscal year 2002; and

"(E) \$ 60,000,000 for fiscal year 2003.

"(2) Zebra mussel and oyster research. In addition to the amount authorized for each fiscal year under paragraph (1)--

"(A) up to \$ 2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (*16 U.S.C. 4741(b)(4)(A)*) for competitive grants for university research on the zebra mussel;

"(B) up to \$ 3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

"(C) up to \$ 3,000,000 may be made available for competitive grants for university research on *Pfiesteria piscicida* and other harmful algal blooms.

"(b) Program elements.

(1) Limitation. No more than 5 percent of the lesser of--

"(A) the amount authorized to be appropriated; or

"(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

"(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

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

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

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

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

"(4) for fiscal year 1995, not to exceed \$ 3,000,000."

2008. Act Oct. 13, 2008, in subsec. (a), substituted para. (1) for one which read:

"(1) In general. There are authorized to be appropriated to the Secretary to carry out this title--

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

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

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

"(D) \$ 80,000,000 for fiscal year 2006;

"(E) \$ 82,500,000 for fiscal year 2007; and

"(F) \$ 85,000,000 for fiscal year 2008."

and in para. (2), in the introductory matter, substituted "fiscal years 2009 through 2014--" for "fiscal years 2003 through 2008--", in subpara. (A), substituted "biology, prevention, and control of aquatic" for "biology and control of zebra mussels and other important aquatic", and in subpara. (C), substituted "blooms; and" for "blooms, including *Pfiesteria piscicida*; and"; and in subsec. (c), in para. (1), substituted "performance assessments" for "rating under section 204(d)(3)(A)", and substituted para. (2) for one which read: "(2) national strategic investments authorized under section 204(b)(4);".

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Other provisions:

Notice of reprogramming. Act March 6, 1998, P.L. 105-160, § 9(c), 112 Stat. 26, provides: "If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate."

NOTES:

Related Statutes & Rules:

This section is referred to in *33 USCS § 1124*.