

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

## REFERENCES IN TEXT

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

## CODIFICATION

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

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

### CHAPTER 32A—REGIONAL MARINE RESEARCH PROGRAMS

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#### § 1447. Purposes

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

- (1) set priorities for regional marine and coastal research in support of efforts to safeguard the water quality and ecosystem health of each region; and
- (2) carry out such research through grants and improved coordination.

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

#### § 1447a. Definitions

As used in this chapter, the term—

- (1) “Board” means any Regional Marine Research board<sup>1</sup> established pursuant to section 1447b(a) of this title;
- (2) “Federal agency” means any department, agency, or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government and any government corporation;
- (3) “local government” means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law;
- (4) “marine and coastal waters” means estuaries, waters of the estuarine zone, including wetlands, any other waters seaward of the historic height of tidal influence, the territorial seas, the contiguous zone, and the ocean;
- (5) “nonprofit organization” means any organization, association, or institution described in section 501(c)(3) of title 26 which is

<sup>1</sup> So in original. Probably should be capitalized.

exempt from taxation pursuant to section 501(a) of title 26;

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

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

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

#### TERRITORIAL SEA AND CONTIGUOUS ZONE OF UNITED STATES

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

#### § 1447b. Regional Marine Research Boards

##### (a) Establishment

A Regional Marine Research board<sup>1</sup> shall be established for each of the following regions:

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

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

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

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

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

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

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

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

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

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

<sup>1</sup> So in original. Probably should be capitalized.

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

**(b) Membership**

**(1) Composition**

Each Board shall be comprised of 11 members of which—

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

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

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

**(2) Qualifications**

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

**(3) Terms**

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

**(4) Vacancies**

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

**(5) Reimbursement of expenses**

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

**(c) Functions**

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

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

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

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

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

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

**(d) Powers**

Each Board shall be authorized to—

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

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

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

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

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

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

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

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

**(e) Administration**

**(1) Practices and procedures**

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

**(2) Committees and subcommittees**

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

**(3) Staff and support**

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

**(f) Termination**

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

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

REFERENCES IN TEXT

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

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

### § 1447c. Regional research plans

#### (a) Development and amendment of regional plans

##### (1) In general

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

##### (2) Review and consideration of national plan

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

#### (b) Contents of plan

Such marine research plan shall include—

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

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

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

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

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

#### (c) Plan review and approval

##### (1) In general

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

##### (2) Time for approval or disapproval

The Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection

Agency, shall jointly approve or disapprove such research plan within 120 days after receiving the plan.

##### (3) Action after disapproval

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

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

#### REFERENCES IN TEXT

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

### § 1447d. Research grant program

#### (a) Program administration

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

#### (b) Research grants

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

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

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

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

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

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

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

(F) marine and estuarine habitat assessment and restoration;

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

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

<sup>1</sup> See References in Text note below.