

pursuant to section 12(h) of Pub. L. 96-464, which provided that this section would cease to have any force or effect after Sept. 30, 1985.

**§ 1463b. National Coastal Resources Research and Development Institute**

**(a) Establishment by Secretary; administration**

The Secretary of Commerce shall provide for the establishment of a National Coastal Resources Research and Development Institute (hereinafter in this section referred to as the "Institute") to be administered by the Oregon State Marine Science Center.

**(b) Purposes of Institute**

The Institute shall conduct research and carry out educational and demonstration projects designed to promote the efficient and responsible development of ocean and coastal resources, including arctic resources. Such projects shall be based on biological, geological, genetic, economic and other scientific research applicable to the purposes of this section and shall include studies on the economic diversification and environmental protection of the Nation's coastal areas.

**(c) Determination of Institute policies**

(1) The policies of the Institute shall be determined by a Board of Governors composed of—

- (A) two representatives appointed by the Governor of Oregon;
- (B) one representative appointed by the Governor of Alaska;
- (C) one representative appointed by the Governor of Washington;
- (D) one representative appointed by the Governor of California; and
- (E) one representative appointed by the Governor of Hawaii.

(2) Such policies shall include the selection, on a nationally competitive basis, of the research, projects, and studies to be supported by the Institute in accordance with the purposes of this section.

**(d) Establishment of Advisory Council; functions and composition**

(1) The Board of Governors shall establish an Advisory Council composed of specialists in ocean and coastal resources from the academic community.

(2) To the maximum extent practicable, the Advisory Council shall be composed of such specialists from every coastal region of the Nation.

(3) The Advisory Council shall provide such advice to the Board of Governors as such Board shall request, including recommendations regarding the support of research, projects, and studies in accordance with the purposes of this section.

**(e) Administration of Institute**

The Institute shall be administered by a Director who shall be appointed by the Chancellor of the Oregon Board of Higher Education in consultation with the Board of Governors.

**(f) Evaluation of Institute by Secretary**

The Secretary of Commerce shall conduct an ongoing evaluation of the activities of the Institute to ensure that funds received by the Insti-

tute under this section are used in a manner consistent with the provisions of this section.

**(g) Report to Secretary**

The Institute shall report to the Secretary of Commerce on its activities within 2 years after July 17, 1984.

**(h) Access to Institute books, records, and documents**

The Comptroller General of the United States, and any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the Institute that are pertinent to the funds received under this section.

**(i) Status of Institute employees**

Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

**(j) Authorization of appropriations**

For the purposes of this section, there are authorized to be appropriated in each fiscal year \$5,000,000, commencing with fiscal year 1985.

(Pub. L. 98-364, title II, §201, July 17, 1984, 98 Stat. 443.)

REFERENCES IN TEXT

This section, referred to in subsecs. (a) to (d), (f), (h) and (j), was in the original "this title", meaning title II of Pub. L. 98-364, which enacted this section.

CODIFICATION

Section was not enacted as part of the Coastal Zone Management Act of 1972 which comprises this chapter.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 1464. Authorization of appropriations**

**(a) Sums appropriated to Secretary**

There are authorized to be appropriated to the Secretary, to remain available until expended—

- (1) for grants under sections 1455, 1455a, and 1456b of this title—
  - (A) \$47,600,000 for fiscal year 1997;
  - (B) \$49,000,000 for fiscal year 1998; and
  - (C) \$50,500,000 for fiscal year 1999; and
- (2) for grants under section 1461 of this title—
  - (A) \$4,400,000 for fiscal year 1997;
  - (B) \$4,500,000 for fiscal year 1998; and
  - (C) \$4,600,000 for fiscal year 1999.

**(b) Limitations**

Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 1455 or 1456b of this title.

**(c) Reversion to Secretary of unobligated State funds; availability of funds**

The amount of any grant, or portion of a grant, made to a State under any section of this

chapter which is not obligated by such State during the fiscal year, or during the second fiscal year after the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants under the section for such reverted amount was originally made available.

(Pub. L. 89-454, title III, §318, formerly §315, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1289; amended Pub. L. 93-612, §1(3), Jan. 2, 1975, 88 Stat. 1974; renumbered §318 and amended Pub. L. 94-370, §§7, 14, July 26, 1976, 90 Stat. 1019, 1031; Pub. L. 95-372, title V, §§502, 503(e), (f), Sept. 18, 1978, 92 Stat. 692, 693; Pub. L. 96-464, §13, Oct. 17, 1980, 94 Stat. 2070; Pub. L. 99-272, title VI, §6046, Apr. 7, 1986, 100 Stat. 127; Pub. L. 99-626, §7, Nov. 7, 1986, 100 Stat. 3506; Pub. L. 101-508, title VI, §6215, Nov. 5, 1990, 104 Stat. 1388-313; Pub. L. 104-150, §4, June 3, 1996, 110 Stat. 1381.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act" which was translated as reading "this title", meaning title III of Pub. L. 89-454 which is classified generally to this chapter, to reflect the probable intent of Congress.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-150, §4(1), amended subsec. (a) generally, substituting provisions of pars. (1) and (2) setting forth appropriations for grants under sections 1455, 1455a, 1456b, and 1461 for fiscal years 1997, 1998, and 1999 for provisions of pars. (1) to (4) setting forth appropriations for grants under sections 1454, 1455, 1455a, 1456b, and 1461 and activities under section 1456c for fiscal years during the period beginning Oct. 1, 1990, and ending Sept. 30, 1995.

Subsecs. (b) to (d). Pub. L. 104-150, §4(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000, for the purposes of carrying out the provisions of section 1456a of this title, other than subsection (b), of which not to exceed \$150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section."

1990—Subsec. (a)(1) to (4). Pub. L. 101-508 substituted pars. (1) to (4) for former pars. (1) to (5) which read as follows:

"(1) such sums, not to exceed \$35,000,000 for the fiscal year ending September 30, 1986, not to exceed \$36,600,000 for the fiscal year ending September 30, 1987, \$37,900,000 for the fiscal year ending September 30, 1988, \$38,800,000 for the fiscal year ending September 30, 1989, and \$40,600,000 for the fiscal year ending September 30, 1990, as may be necessary for grants under sections 1455 and 1455a of this title, to remain available until expended;

"(2) such sums, not to exceed \$75,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1988, as may be necessary for grants under section 1456a(b) of this title;

"(3) such sums, not to exceed \$1,000,000 for the fiscal year ending September 30, 1986, and not to exceed \$1,500,000 for each of the fiscal years occurring during the period beginning October 1, 1986, and ending September 30, 1990, as may be necessary for grants under section 1456b of this title, to remain available until expended;

"(4) such sums, not to exceed \$2,500,000 for the fiscal year ending September 30, 1986, not to exceed \$3,800,000 for the fiscal year ending September 30, 1987, \$4,500,000 for the fiscal year ending September 30, 1988, \$5,000,000 for the fiscal year ending September 30, 1989, and

\$5,500,000 for the fiscal year ending September 30, 1990, as may be necessary for grants under section 1461 of this title, to remain available until expended; and

"(5) such sums, not to exceed \$3,300,000 for the fiscal year ending September 30, 1986, not to exceed \$3,300,000 for the fiscal year ending September 30, 1987, \$3,300,000 for the fiscal year ending September 30, 1988, \$4,000,000 for the fiscal year ending September 30, 1989, and \$4,000,000 for the fiscal year ending September 30, 1990, as may be necessary for administrative expenses incident to the administration of this chapter."

1986—Subsec. (a)(1). Pub. L. 99-272, §6046(1), substituted authorization of appropriations for each of fiscal years 1986 through 1990 necessary for grants under sections 1455 and 1455a of this title, for authorization of appropriations of \$48,000,000 for each of fiscal years 1981 through 1985 necessary for grants under section 1455 of this title.

Subsec. (a)(2). Pub. L. 99-272, §6046(2), redesignated par. (3) as (2), and struck out former par. (2) which authorized appropriations of \$20,000,000 for each of fiscal years 1981 through 1985 necessary for grants under section 1455a of this title.

Subsec. (a)(3). Pub. L. 99-272, §6046(2), (3), redesignated par. (4) as (3) and substituted authorization of appropriations for each of fiscal years 1986 through 1990 necessary for grants under section 1456b of this title, for authorization of appropriations of \$3,000,000 for each of fiscal years 1981 through 1985 necessary for grants under section 1456b of this title. Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 99-272, §6046(2), (3), redesignated par. (5) as (4) and substituted authorization of appropriations for each of fiscal years 1986 through 1990 necessary for grants under section 1461 of this title, for authorization of appropriations of \$9,000,000 for each of fiscal years 1981 through 1985 necessary for grants under section 1461 of this title. Former par. (4) redesignated (3).

Subsec. (a)(5), (6). Pub. L. 99-272, §6046(2), (3), redesignated par. (6) as (5) and substituted authorization of appropriations for each of fiscal years 1986 through 1990 necessary for administrative expenses incident to administration of this chapter, for authorization of appropriations of \$6,000,000 for each of fiscal years 1981 through 1985 necessary for such administrative expenses. Former par. (5) redesignated (4).

Subsec. (d). Pub. L. 99-626 added subsec. (d).

1980—Subsec. (a)(1). Pub. L. 96-464, §13(1), redesignated par. (2) as (1) and substituted authorization of appropriation of \$48,000,000 for each of the fiscal years 1981 through 1985, for authorization of appropriation of \$50,000,000 for fiscal years 1977 through 1980. Former par. (1), which authorized appropriation of \$20,000,000 for fiscal years 1977 through 1979 for grants under section 1454 of this title, was struck out.

Subsec. (a)(2). Pub. L. 96-464, §13(1), added par. (2). Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 96-464, §13(1), substituted authorization of appropriation of \$75,000,000 for each of the fiscal years 1981 through 1988, for authorization of appropriation of \$50,000,000 for each of the fiscal year years 1977 and 1978, and \$130,000,000 for each of the fiscal years 1979 through 1988.

Subsec. (a)(4). Pub. L. 96-464, §13(1), redesignated par. (5) as (4) and substituted authorization of appropriation of \$3,000,000 for each of the fiscal years 1981 through 1985, for authorization of appropriation of \$5,000,000 for each of the fiscal years 1977 through 1980. Former par. (4), which authorized appropriation of \$5,000,000 for each of the fiscal years 1979 through 1983 for grants under section 1456a(c)(2) of this title, was struck out.

Subsec. (a)(5). Pub. L. 96-464, §13(1), combined in par. (5), authorization of appropriation of \$31,000,000 for grants under section 1461 of this title for fiscal years 1977 through 1980 formerly contained in pars. (7) and (8), and authorized appropriation of \$9,000,000 for grants under section 1461 of this title for fiscal years 1981 through 1985. Former par. (5) redesignated (4).

Subsec. (a)(6). Pub. L. 96-464, §13(1), redesignated par. (9) as (6) and substituted authorization of appropriation

of \$6,000,000 for fiscal years 1981 through 1985, for authorization of appropriation of \$5,000,000 for fiscal years 1977 through 1980. Former par. (6), which contained authorization of appropriation of \$10,000,000 for fiscal years 1977 through 1980 for financial assistance under section 1456c of this title with equal division between subsecs. (a) and (b), was struck out.

Subsec. (a)(7) to (9). Pub. L. 96-464, §13(1), combined provisions of pars. (7) and (8) into par. (5) and redesignated par. (9) as (6).

Subsec. (b). Pub. L. 96-464, §13(2), substituted "subsection (b) of this section, of which not to exceed \$150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section" for "subsections (b) and (c)(2), of which not to exceed \$50,000,000 shall be for purposes of subsections (c)(1) and (d)(4) of such section".

Subsec. (c). Pub. L. 96-464, §13(3), substituted "section 1455 or 1456b of this title" for "section 1454, 1455, 1456b or 1456c of this title".

1978—Subsec. (a)(3). Pub. L. 95-372, §502, substituted "for each of the fiscal years ending September 30, 1977, and September 30, 1978, and not to exceed \$130,000,000 per fiscal year for each of the fiscal years occurring during the period beginning on October 1, 1978, and ending September 30, 1988," for "for each of the 8 fiscal years occurring during the period beginning October 1, 1976, and ending September 30, 1984,".

Subsec. (a)(4) to (9). Pub. L. 95-372, §503(e), added par. (4) and redesignated former pars. (4) to (8) as (5) to (9), respectively.

Subsec. (b). Pub. L. 95-372, §503(f), substituted "subsections (b) and (c)(2)" for "subsection (b)" and "subsections (c)(1)" for "subsections (c)".

1976—Subsec. (a)(1). Pub. L. 94-370, §14, substituted provisions authorizing appropriations of sums not to exceed \$20,000,000 for each of the fiscal years ending Sept. 30, 1977, Sept. 30, 1978, and Sept. 30, 1979 for provisions authorizing appropriations of the sum of \$9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977.

Subsec. (a)(2). Pub. L. 94-370, §14, substituted provisions authorizing appropriations of sums not to exceed \$50,000,000 for each of the fiscal years ending Sept. 30, 1977, Sept. 30, 1978, Sept. 30, 1979, and Sept. 30, 1980 for provisions authorizing appropriations of sums not to exceed \$30,000,000 for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977.

Subsec. (a)(3). Pub. L. 94-370, §14, substituted provisions authorizing appropriations of sums not to exceed \$50,000,000 for each of the 8 fiscal years occurring during the period beginning Oct. 1, 1976, and ending Sept. 30, 1984, as may be necessary for grants under section 1456a(b) of this title for provisions authorizing appropriations of sums not to exceed \$6,000,000 for the fiscal year ending June 30, 1974, as may be necessary for grants under section 1461 of this title, to remain available until expended.

Subsec. (a)(4) to (8). Pub. L. 94-370, §14, added pars. (4) to (8).

Subsec. (b). Pub. L. 94-370, §14, substituted provisions authorizing appropriations until Oct. 1, 1986 to the Fund of sums not to exceed \$800,000,000 for the purpose of carrying out provisions of section 1456a of this title, other than subsec. (b) of such section, of which sums not to exceed \$50,000,000 shall be for purposes of subsecs. (c) and (d)(4) of such section for provisions authorizing appropriations of sums not to exceed \$3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses for administration of this chapter.

Subsec. (c). Pub. L. 94-370, §14, added subsec. (c).

1975—Subsec. (a)(1). Pub. L. 93-612, §1(3)(A), increased from \$9,000,000 to \$12,000,000 the sums authorized to be appropriated for the 3 fiscal years following the fiscal year 1974.

Subsec. (a)(3). Pub. L. 93-612, §1(3)(B), inserted "and for each of the three succeeding fiscal years," after "fiscal year ending June 30, 1974,".

## § 1465. Appeals to the Secretary

### (a) Notice

Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 1456 of this title, the Secretary shall publish an initial notice in the Federal Register.

### (b) Closure of record

#### (1) In general

Not later than the end of the 160-day period beginning on the date of publication of an initial notice under subsection (a) of this section, except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

#### (2) Notice

After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

### (3) Exception

#### (A) In general

Subject to subparagraph (B), during the 160-day period described in paragraph (1), the Secretary may stay the closing of the decision record—

(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or

(ii) as the Secretary determines necessary to receive, on an expedited basis—

(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this chapter; or

(II) any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency.

#### (B) Applicability

The Secretary may only stay the 160-day period described in paragraph (1) for a period not to exceed 60 days.

### (c) Deadline for decision

#### (1) In general

Not later than 60 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

#### (2) Subsequent decision

Not later than 15 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 60-day period, the Secretary shall issue a decision.

(Pub. L. 89-454, title III, §319, as added Pub. L. 104-150, §8, June 3, 1996, 110 Stat. 1382; amended Pub. L. 109-58, title III, §381, Aug. 8, 2005, 119 Stat. 737.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3)(A)(ii)(I), was in the original "this Act" which was translated as