

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsec. (d)(1). Pub. L. 93-73, §1(3), (5), authorized Federal contributions exceeding percentage limitation to

programs limited to one percent of appropriations for the fiscal year when reducing or eliminating matching payments by a participant when Secretary determines it would be inequitable relevant to the benefits derived by the participant from the program to require the participant to make a one-third payment of the cost, and substituted “Secretary” for “Foundation” in last sentence.

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

Subsecs. (d)(3), (e). Pub. L. 93-73, §1(5), substituted “Secretary” for “Foundation”.

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

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

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

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

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

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

REVIEW OF EVALUATION AND RATING PROCESS

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

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

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

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

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

“(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the enactment of this Act [Nov. 26, 2002].”

NOTICE OF REORGANIZATION

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

§ 1124. Program or project grants and contracts

(a) Authorization; purposes; limitation on amount

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

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

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

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

(b) Special grants; maximum amount; prerequisites

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

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

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

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

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

(c) Eligibility and procedure

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

(d) Terms and conditions

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

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

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

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

except that payment under any such grant or contract may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and may, if approved by the Secretary, be applied to the purchase, rental, con-

struction, preservation, or repair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any sea grant program or project.

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

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

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

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-394, §6(1), substituted “1123(c)(4)(F) of this title or that are appropriated under section 1127(b) of this title.” for “1123(c)(4)(F) of this title.”

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

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

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

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

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

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

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

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

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

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

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

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

§ 1126. Sea grant colleges and sea grant institutes

(a) Designation

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

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

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

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

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

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

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

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

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

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

(3) The Secretary may designate an institution, or an association or alliance of two or

more such institutions, as a sea grant institute if the institution, association, or alliance—

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

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

(b) Existing designees

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

(c) Suspension or termination of designation

The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a) of this section.

(d) Duties

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

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

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

(e) Annual report on progress

(1) Report requirement

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

(Pub. L. 89-454, title II, § 207, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1966; amended Pub. L. 100-220, title III, § 3104(b)(1)(E), Dec. 29,