

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-461, §1, Oct. 8, 1976, 90 Stat. 1961, provided: "That this Act [enacting sections 1124a, 1125, 1126, 1127, 1128, 1129, 1130, and 1131 of this title and amending this section, sections 1122, 1123, and 1124 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, and provisions set out as notes under this section, section 1511 of Title 15, Commerce and Trade, and in the Appendix to Title 5, Government Organization and Employees] may be cited as the 'Sea Grant Program Improvement Act of 1976'."

SHORT TITLE

Pub. L. 89-454, title II, §201, as added by Pub. L. 89-688, §1, Oct. 15, 1966, 80 Stat. 998, and amended by Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1961; Pub. L. 95-428, §2(a), Oct. 7, 1978, 92 Stat. 999, provided that: "This title [enacting this subchapter] may be cited as the 'National Sea Grant College Program Act'."

§ 1122. Definitions

As used in this subchapter—

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

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

(3) the² term "director of a sea grant college" means a person designated by his or her institution to direct a sea grant college or sea grant institute.

(4) The term "field related to ocean, coastal, and Great Lakes resources" means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, management, utilization, or conservation of ocean, coastal, or Great Lakes resources.

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

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

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

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

(B) the Great Lakes;

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

(D) the territorial sea;

(E) the exclusive economic zone;

(F) the Outer Continental Shelf; and

(G) the high seas.

(8) The term "resource" means—

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

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

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

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

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

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

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

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

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

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

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

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

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

REFERENCES IN TEXT

Section 1123 of this title, referred to in par. (2), was amended generally by Pub. L. 105-160, §5, Mar. 6, 1998,

¹ See References in Text note below.

² So in original. Probably should be capitalized.

112 Stat. 22, and, as so amended, provisions relating to appointment of the Director of the National Sea Grant College Program, which formerly appeared in subsec. (b), are contained in subsec. (d).

AMENDMENTS

2008—Par. (4). Pub. L. 110-394, §4(a)(1), inserted “management,” after “development.”

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

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

Par. (11). Pub. L. 110-394, §4(a)(2), substituted “extension services” for “advisory services”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1978—Pub. L. 95-428 substituted “national sea grant college program” for “national sea grant program”.

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

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

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

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

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

EFFECTIVE DATE OF 1992 AMENDMENT

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

TERRITORIAL SEA OF UNITED STATES

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

§ 1123. National sea grant college program**(a) Program maintenance**

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

(b) Program elements

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

- (1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;
- (2) administration of the national sea grant college program and this subchapter by the national sea grant office and the Administration;
- (3) the fellowship program under section 1127 of this title; and
- (4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.

(c) Responsibilities of Secretary

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

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

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

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

- (A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;
- (B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5;

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

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 6101 of title 41;

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

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

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

(d) Director of National Sea Grant College Program

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

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

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

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

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

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

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

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