

title” meaning title II of Pub. L. 89-454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-188, which directed amendment of section 208(a) of the National Sea Grant Program Act by striking the fourth sentence, was executed to this section, which is section 208(a) of the National Sea Grant College Program Act, to reflect the probable intent of Congress. Prior to amendment, fourth sentence read as follows: “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.”

2008—Subsec. (a). Pub. L. 110-394, §8(1), substituted “Every 2 years,” for “Not later than 1 year after November 26, 2002, and every 2 years thereafter.”

Subsec. (c). Pub. L. 110-394, §8(2), added subsec. (c).

2002—Subsec. (a). Pub. L. 107-299, §5(a), inserted at end “The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 year after November 26, 2002, and every 2 years thereafter, 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.”

Subsec. (c). Pub. L. 107-299, §5(b), struck out heading and text of subsec. (c). Text read as follows: “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.”

1998—Pub. L. 105-160 substituted “Secretary” for “Under Secretary” in subsec. (a) in two places and in subssecs. (b) and (c).

1991—Subsec. (c)(5) to (7). Pub. L. 102-186 inserted “and” after semicolon at end of par. (5), redesignated par. (7) as (6), and struck out former par. (6) which read as follows: “may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 1125 of this title; and”.

1987—Subsec. (a). Pub. L. 100-220 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “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 subsection (b) of this section, sea grant fellowships may only be awarded by sea grant colleges, sea grant regional consortia, institutions of higher education, and professional associations and institutes.”

Pub. L. 100-66, §3(1), substituted “Except as provided in subsection (b) of this section, sea” for “Sea”.

Subsec. (b). Pub. L. 100-220 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(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.”

Pub. L. 100-66, §3(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 100-220 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “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 1131 of this title.”

Pub. L. 100-66, §3(2), redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-66, §4, July 10, 1987, 101 Stat. 385, provided that: “The amendment made by section 3 [amending this section] shall take effect January 1, 1978.”

§ 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 1123(c) of this title. 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 subchapter.

(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 1124 of this title; 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 November 26, 2002, and 4 years for a member appointed or reappointed after November 26, 2002. The Director may extend the term of office of a voting member of the Board appointed before November 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, 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) of this section.

(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.

(Pub. L. 89-454, title II, § 209, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1967; amended Pub. L. 96-289, § 1(5), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title III, §§ 3104(b)(1)(F), 3108, Dec. 29, 1987, 101 Stat. 1471, 1473; Pub. L. 102-186, §§ 4(b)(1)(E), (F), 5(b)(2), Dec. 4, 1991, 105 Stat. 1283, 1284; Pub. L. 105-160, §§ 4(b)(1), 8, Mar. 6, 1998, 112 Stat. 22, 25; Pub. L. 107-299, § 6, Nov. 26, 2002, 116 Stat. 2346; Pub. L. 110-394, § 9(a)(4)(A), (C)(iii)–(e), Oct. 13, 2008, 122 Stat. 4208.)

AMENDMENTS

2008—Pub. L. 110-394, § 9(a)(4)(A), substituted “National Sea Grant Advisory Board” for “Sea grant review panel” in section catchline.

Subsec. (a). Pub. L. 110-394, § 9(a)(4)(A), added subsec. (a) and struck out former subsec. (a). Prior to amend-

ment, text read as follows: “There shall be established an independent committee to be known as the sea grant review panel.”

Subsec. (b). Pub. L. 110-394, § 9(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to duties of sea grant review panel.

Subsec. (c). Pub. L. 110-394, § 9(a)(4)(C)(iii), substituted “Board” for “panel” wherever appearing.

Subsec. (c)(1). Pub. L. 110-394, § 9(c), inserted “coastal management,” after “resource management,” and “management,” after “development.”

Subsec. (c)(3). Pub. L. 110-394, § 9(d), substituted “The Director may extend the term of office of a voting member of the Board once by up to 1 year.” 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.”

Subsec. (c)(8). Pub. L. 110-394, § 9(e), added par. (8).

2002—Subsec. (c)(2). Pub. L. 107-299 inserted first and second sentences and struck out former first sentence which read as follows: “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.”

1998—Subsec. (a). Pub. L. 105-160, § 8(a), struck out at end “The panel shall, on the 60th day after October 8, 1976, supersede the sea grant advisory panel in existence before October 8, 1976.”

Subsec. (b). Pub. L. 105-160, §§ 4(b)(1), 8(b)(1), inserted heading and in introductory provisions substituted “The panel” for “The Panel” and struck out “, the Under Secretary,” after “the Secretary”.

Subsec. (b)(1). Pub. L. 105-160, § 8(b)(2), struck out “and section 1124a of this title” before semicolon at end.

Subsec. (b)(3). Pub. L. 105-160, § 8(b)(3), substituted “institutes” for “regional consortia”.

Subsec. (c)(1)(A). Pub. L. 105-160, § 8(c)(1), substituted “college or sea grant institute” for “college, sea grant regional consortium, or sea grant program”.

Subsec. (c)(5)(A). Pub. L. 105-160, § 8(c)(2), added subpar. (A) and struck out former subpar. (A) which read as follows: “receive compensation at the daily rate for GS-18 of the General Schedule under section 5332 of title 5 when actually engaged in the performance of duties for such panel; and”.

1991—Subsec. (b)(1). Pub. L. 102-186, § 4(b)(1)(E), substituted “section 1124” for “sections 1124 and 1125”.

Subsec. (c)(1). Pub. L. 102-186, §§ 4(b)(1)(F), 5(b)(2), inserted “marine affairs and resource management,” after “education,” in fourth sentence and struck out “or 1125” after “1124” in last sentence.

1987—Subsec. (b). Pub. L. 100-220, § 3108(1), in introductory provisions, substituted “The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—” for “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—”, and in par. (1), inserted “and section 1124a of this title”.

Subsec. (c)(1). Pub. L. 100-220, §§ 3104(b)(1)(F), 3108(2)(A), (B), amended second sentence generally, substituted “8” for “five” in third sentence, and substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in fourth sentence. Prior to amendment, second sentence read as follows: “The Director shall serve as a nonvoting member of the panel.”

Subsec. (c)(2). Pub. L. 100-220, § 3108(2)(C), inserted at end “At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.”

Subsec. (c)(3). Pub. L. 100-220, § 3108(2)(D), struck out “, or until 90 days after such date, whichever is earlier” after “office” at end of second sentence.

1980—Subsec. (c)(3). Pub. L. 96-289 substituted authorization for reappointment for one additional full term of an appointee to a partial or full term for prior authorization for filling vacancies for remainder of ap-

pointee's term and prohibition against status as a voting member after service of one full term as such voting member.

CHANGE OF NAME

Pub. L. 110-394, §9(a)(1)–(3), Oct. 13, 2008, 122 Stat. 4207, provided that:

“(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 [Oct. 13, 2008], 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 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.”

§ 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 subchapter;

(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 subchapter; and

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

(Pub. L. 89-454, title II, §210, as added Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 100-220, title III, §3104(b)(1)(G), Dec. 29, 1987, 101 Stat. 1471.)

AMENDMENTS

1987—Pub. L. 100-220 substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in introductory provisions.

§ 1130. Repealed. Pub. L. 102-186, § 5(a), Dec. 4, 1991, 105 Stat. 1283

Section, Pub. L. 89-454, title II, §211, as added Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 95-428, §§2(b), 3(4), Oct. 7, 1978, 92 Stat. 999; Pub. L. 100-220, title III, §3109, Dec. 29, 1987, 101 Stat. 1473, authorized grants for graduate programs in marine affairs and resource management during fiscal years 1988 through 1990.

§ 1131. Authorization of appropriations

(a) Authorization

(1) In general

There are authorized to be appropriated to the Secretary to carry out this subchapter—

- (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 subchapter in a fiscal year more than 5 percent of the lesser of—

(A) the amount authorized to be appropriated under this subchapter for the fiscal year; or

(B) the amount appropriated under this subchapter for the fiscal year.

(2) Use for other offices or programs

Sums appropriated under the authority of subsection (a)(2) of this section shall not be available for administration of this subchapter 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) of this section 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 1123(b)(4) of this title;

(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 November 26, 2002, but not yet evaluated under section 1123(d)(3)(A) of this title.

(d) Availability of sums

Sums appropriated pursuant to this section shall remain available until expended.