

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-221, §3(c), Dec. 18, 2020, 134 Stat. 1058, provided that: “The amendments made by this section [amending this section] shall apply with respect to the first calendar year beginning after the date of the enactment of this Act [Dec. 18, 2020].”

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.”

DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP

Pub. L. 116-221, §8, Dec. 18, 2020, 134 Stat. 1059, provided that:

“(a) IN GENERAL.—During fiscal year 2021 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the Federal agency for which the candidate meets Office of Personnel Management qualification standards.

“(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

“(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, and Great Lakes resources or policy from an accredited institution of higher education; and

“(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

“(c) LIMITATION.—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship described in subsection (b).”

§ 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) Periodic report

The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report. 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 and provide a summary of research conducted under the program.

(3) Availability of resources of Department of Commerce

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).

(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; Pub. L. 116-221, §§5, 11(2), Dec. 18, 2020, 134 Stat. 1058, 1061.)

Editorial Notes

AMENDMENTS

2020—Subsec. (b)(2). Pub. L. 116-221, §5, substituted “Periodic” for “Biennial” in heading, substituted “The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.” for “The Board shall report to the Congress every two years on the state of the national sea grant college program.” in first sentence, and inserted “and provide a summary of research conducted under the program” after “section 1123(c) of this title” in second sentence. Former third sentence redesignated subsec. (b)(3).

Subsec. (b)(3). Pub. L. 116-221, §11(2), designated third sentence of subsec. (b)(2) as par. (3) and inserted heading.

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 amendment, 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 vot-

ing 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 appointee’s term and prohibition against status as a voting member after service of one full term as such voting member.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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) \$87,520,000 for fiscal year 2021;
- (B) \$91,900,000 for fiscal year 2022;
- (C) \$96,500,000 for fiscal year 2023;
- (D) \$101,325,000 for fiscal year 2024; and
- (E) \$105,700,000 for fiscal year 2025.

(2) Priority activities for fiscal years 2021 through 2025

In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated \$6,000,000 for each of fiscal years 2021 through 2025 for competitive grants for the following:

(A) University research on the biology, prevention, and control of aquatic nonnative species.

(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 1123(c)(1) of this title.

(E) University research and extension on sustainable aquaculture techniques and technologies.

(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

(b) Limitations

(1) Administration

(A) In general

There may not be used for administration of programs under this subchapter in a fiscal year more than 5.5 percent of the lesser of—

- (i) the amount authorized to be appropriated under this subchapter for the fiscal year; or
- (ii) the amount appropriated under this subchapter for the fiscal year.

(B) Critical staffing requirements

(i) In general

The Director shall use the authority under subchapter VI of chapter 33 of title 5, and under section 1129 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this subchapter.

(ii) Exception from cap

For purposes of subparagraph (A), any costs incurred as a result of an exercise of authority as described in clause (i) shall not be considered an amount used for administration of programs under this subchapter in a fiscal year.

(2) Use for other offices or programs

Sums appropriated under the authority of subsection (a)(2) 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) Availability of sums

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

(d) Reversion of unobligated amounts

The amount of any grant, or portion of a grant, made to a person under any section of this subchapter that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the