

NATIONAL SEA GRANT COLLEGE PROGRAM ACT

Citation: 33 U.S.C. §§ 1121-1131 (2002).

Legislative Purpose:

The act creates the Sea Grant College Program to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources through a program of university-based research, education and outreach.

Summary:

The Sea Grant Act authorizes the National Sea Grant College Program to award grants and contracts to initiate and support programs at Sea Grant colleges and other institutions, including a public or private institution of higher education, institute, laboratory, or state or local agency.

Grants are awarded in a field related to ocean, coastal, and Great Lakes resources including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.

Sea Grant supports programs for research, education, and advisory services related to the conservation and development of marine resources. The Sea Grant Act also establishes graduate and post-graduate fellowship programs related to ocean, coastal and Great Lakes resources, including the annual Knauss Fellowship.

TITLE 33. NAVIGATION AND NAVIGABLE WATERS

CHAPTER 22. SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT

NATIONAL SEA GRANT COLLEGE PROGRAM

33 U.S.C. §§ 1121-1131 (2002).

§ 1121. Congressional declaration of policy

(a) Findings. The Congress finds and declares the following:

(1) The national interest requires a strategy to--

(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

(B) foster economic competitiveness;

(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

(D) encourage the development of forecast and analysis systems for coastal hazards;

(E) understand global environmental processes; and

(F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of research, education, training, technology transfer, and public service is essential for this strategy.

(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.

(4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, utilization, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human health, the quality of the environment, national security, and the enhancement of commerce.

(5) The understanding, assessment, development, utilization, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, organizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.

(b) Objective. The objective of this title [[33 USC §§ 1121](#) et seq.] is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training

activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.

(c) Purpose. It is the purpose of the Congress to achieve the objective of this title [[33 USC §§ 1121](#) et seq.] by extending and strengthening the national sea grant program, initially established in 1966, to promote research, education, training, and advisory service activities in fields related to ocean, coastal, and Great Lakes resources.

§ 1122. Definitions

As used in this title [[33 USC §§ 1121](#) et seq.]--

- (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 204(b) [[33 USC § 1123](#)(b)].
- (3) [The] the 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, 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 304(1) of the Coastal Zone Management Act ([16 U.S.C. 1453](#)(1));
 - (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;
 - (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 "panel" means the sea grant review panel established under section 209 [[33 USC § 1128](#)].
- (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 advisory 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 207 ([33 U.S.C. 1126](#)) of this Act.
- (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 207 ([33 U.S.C. 1126](#)) of this Act.
- (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.

§ 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 title [[33 USC §§ 1121 et seq.](#)], and shall provide support for the following elements--

- (1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;
- (2) administration of the national sea grant college program and this title [[33 USC §§ 1121 et seq.](#)] by the national sea grant office, the Administration, and the panel;
- (3) the fellowship program under section 208 [[33 USC § 1127](#)]; and
- (4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

(c) Responsibilities of the Secretary.

(1) 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.

(2) Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998 [enacted March 6, 1998], the Secretary, in consultation with the panel, 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 205 [[33 USC § 1124](#)], 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 207 [[33 USC § 1126](#)].

(4) To carry out the provisions of this title [[33 USC §§ 1121](#) et seq.], 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, United States Code;

(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, United States Code, 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 5 of title 41, United States Code;

(E) notwithstanding section 1342 of title 31, United States Code, 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 the 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, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(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 long-range strategic plan under subsection (c)(1);

(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 the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and

qualifications established by the Secretary;

(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to--

(i) promote healthy competition among sea grant colleges and institutes;

(ii) encourage successful implementation of sea grant programs; and

(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

(C) ensure compliance with the guidelines for merit review under subsection (c)(2).

§ 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 202(b) [[33 USC § 1121\(b\)](#)]; 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 66 2/3 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 204(d)(6) [[33 USC § 1123\(d\)\(6\)](#)].

(b) Special grants; maximum amount; prerequisites. The Secretary may make special grants under this subsection to implement the objective set forth in section 202(b) [[33 USC § 1121\(b\)](#)]. 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);

(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).

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 212 [[33 USC § 1131](#)].

(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, construction, 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 212 [[33 USC § 1131](#)].

(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.

§ 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 202(b) [[33 USC § 1121\(b\)](#)], 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 205 of this title ([33 U.S.C. 1124](#));

(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 panel, 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, advisory 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 advisory 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 the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998 [enacted March 6, 1998], shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998 [enacted March 6, 1998], if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

(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).

(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 panel, a program that is consistent with the guidelines and priorities established under section 204(c) [[33 USC § 1123\(c\)](#)]; and
- (2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205 [[33 USC § 1124](#)].

§ 1127. Fellowships

(a) In general. To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellowships for qualified individuals at the graduate and postgraduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Secretary.

(b) Dean John A. Knauss Marine Policy Fellowship. The Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

(c) Postdoctoral fellowships. 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.

§ 1128. Sea grant review panel

- (a) Establishment; commencement date. There shall be established an independent committee to be known as the sea grant review panel.
- (b) Duties. The panel shall advise the Secretary and the Director concerning--
 - (1) applications or proposals for, and performance under, grants and contracts awarded under section 205 [\[33 USC § 1124\]](#);
 - (2) the sea grant fellowship program;
 - (3) the designation and operation of sea grant colleges and sea grant institutes, and the operation of sea grant programs;
 - (4) the formulation and application of the planning guidelines and priorities under section 204(a) and (c)(1) [\[33 USC § 1123\(a\) and \(c\)\(1\)\]](#); and
 - (5) such other matters as the Secretary refers to the panel for review and advice.

The Secretary shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(c) Membership, terms, and powers.

- (1) The panel 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 panel. Not less than 8 of the voting members of the panel 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, 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, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the panel 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 205 [\[33 USC § 1124\]](#); or (C) a full-time officer or employee of the United States.
- (2) 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. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.
- (3) Any individual appointed to a partial or full term may be reappointed for one additional full term. 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.

(4) The panel 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 panel 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, United States Code, when actually engaged in the performance of duties for such panel; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The panel 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 panel may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

§ 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 title [[33 USC §§ 1121](#) et seq.];

(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 title [[33 USC §§ 1121](#) et seq.]; and

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

§ 1130. [Repealed]

§ 1131. Authorization of appropriations

(a) Authorization.

(1) In general. There is authorized to be appropriated to carry out this Act--

(A) \$ 56,000,000 for fiscal year 1999;

(B) \$ 57,000,000 for fiscal year 2000;

(C) \$ 58,000,000 for fiscal year 2001;

(D) \$ 59,000,000 for fiscal year 2002; and

(E) \$ 60,000,000 for fiscal year 2003.

(2) Zebra mussel and oyster research. In addition to the amount authorized for each fiscal year under paragraph (1)--

(A) up to \$ 2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 ([16 U.S.C. 4741](#)(b)(4)(A)) for competitive grants for university research on the zebra mussel;

(B) up to \$ 3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

(C) up to \$ 3,000,000 may be made available for competitive grants for university research on *Pfiesteria*

piscicida and other harmful algal blooms.

(b) Program elements.

(1) Limitation. No more than 5 percent of the lesser of--

(A) the amount authorized to be appropriated; or

(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2) [[33 USC § 1123\(b\)\(2\)](#)].

(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

(c) Priority oyster disease research. In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act [[33 USC § 1124](#)], an amount--

(1) for fiscal year 1992, not to exceed \$ 1,400,000;

(2) for fiscal year 1993, not to exceed \$ 3,000,000;

(3) for fiscal year 1994, not to exceed \$ 3,000,000; and

(4) for fiscal year 1995, not to exceed \$ 3,000,000.

(d) Availability of sums. Sums appropriated pursuant to this section shall remain available until expended.

(e) Reversion of unobligated amounts. The amount of any grant, or portion of a grant, made to a person under any section of this Act 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 Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.