

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources which were the subject of the action;

“(B) to manage and improve the national marine sanctuary within which are located the sanctuary resources which were the subject of the action; and

“(C) to manage and improve any other national marine sanctuary.”

Subsec. (e). Pub. L. 106-513, §13(c), added subsec. (e). 1996—Subsec. (b)(1). Pub. L. 104-283 made technical amendment to directory language of Pub. L. 102-587, §2110(d). See 1992 Amendment note below.

1992—Subsec. (a)(1). Pub. L. 102-587, §2110(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.”

Subsec. (a)(2). Pub. L. 102-587, §2110(b), inserted at end “The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.”

Subsec. (a)(4). Pub. L. 102-587, §2110(c), added par. (4).

Subsec. (b)(1). Pub. L. 102-587, §2110(d), as amended by Pub. L. 104-283, inserted “or authorize” after “undertake”.

Subsec. (d). Pub. L. 102-587, §2107(d)(1), struck out “and civil penalties under section 1437 of this title” after “Secretary under this section”.

Subsec. (d)(3), (4). Pub. L. 102-587, §§2107(d)(2), 2110(e), redesignated par. (4) as (3), inserted “the court decree or settlement agreement and” after “in accordance with”, and struck out former par. (3) which read as follows: “Amounts recovered under section 1437 of this title in the form of civil penalties shall be used by the Secretary in accordance with section 1437(e) of this title and paragraphs (2)(B) and (C) of this subsection.”

EFFECTIVE DATE

Section 204(c) of Pub. L. 100-627 provided that: “Amounts in the form of damages received by the United States after November 30, 1986, for destruction or loss of, or injury to, a sanctuary resource (as that term is defined in section 302(8) of the Act [16 U.S.C. 1432(8)] (as amended by this Act)) shall be subject to section 312 of the Act [16 U.S.C. 1443] (as amended by this Act).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1432, 1437 of this title.

§ 1444. Authorization of appropriations

There are authorized to be appropriated to the Secretary—

(1) to carry out this chapter—

(A) \$32,000,000 for fiscal year 2001;

(B) \$34,000,000 for fiscal year 2002;

(C) \$36,000,000 for fiscal year 2003;

(D) \$38,000,000 for fiscal year 2004;

(E) \$40,000,000 for fiscal year 2005; and

(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

(Pub. L. 92-532, title III, §313, as added Pub. L. 100-627, title II, §208, Nov. 7, 1988, 102 Stat. 3221; amended Pub. L. 101-605, §10(a), Nov. 16, 1990, 104 Stat. 3095; Pub. L. 102-587, title II, §2111, Nov. 4, 1992, 106 Stat. 5046; Pub. L. 104-283, §3, Oct. 11, 1996, 110 Stat. 3363; Pub. L. 106-513, §14, Nov. 13, 2000, 114 Stat. 2390.)

AMENDMENTS

2000—Pub. L. 106-513 amended section generally, substituting provisions authorizing appropriations to

carry out this chapter for fiscal years 2001 to 2005 for provisions authorizing such appropriations for fiscal years 1997 to 1999.

1996—Pub. L. 104-283 amended section generally, substituting provisions authorizing appropriations to carry out this chapter for fiscal years 1997 to 1999 for provisions authorizing such appropriations for fiscal years 1993 to 1996.

1992—Pub. L. 102-587 amended section generally, substituting provisions relating to authorization of appropriations for fiscal years 1993 to 1996 to carry out this chapter for provisions relating to authorization of appropriations for fiscal years 1989 to 1992 to carry out general administration, management of national marine sanctuaries and site review and analysis of national marine sanctuaries of this chapter.

1990—Par. (2)(C). Pub. L. 101-605 substituted “\$4,000,000” for “\$3,000,000”.

§ 1445. U.S.S. Monitor artifacts and materials

(a) Congressional policy

In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina.

(b) Disclaimer

This section shall not affect the following:

(1) Responsibilities of Secretary

The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

(2) Authority of Secretary

The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1).

(Pub. L. 92-532, title III, §314, as added Pub. L. 100-627, title II, §208, Nov. 7, 1988, 102 Stat. 3222; amended Pub. L. 106-513, §15, Nov. 13, 2000, 114 Stat. 2391.)

AMENDMENTS

2000—Subsecs. (b), (c). Pub. L. 106-513 redesignated subsec. (c) as (b) and struck out former subsec. (b) which required the Secretary to submit a plan for a suitable display in coastal North Carolina of artifacts and materials of the United States ship Monitor.

MANAGEMENT, RECOVERY, AND PRESERVATION PLAN FOR U.S.S. MONITOR

Pub. L. 104-283, §4, Oct. 11, 1996, 110 Stat. 3363, provided that: “The Secretary of Commerce shall, within 12 months after the date of the enactment of this Act [Oct. 11, 1996], prepare and submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a long-range, comprehensive plan for the management, stabilization, preservation, and recovery of artifacts and materials of the U.S.S. MONITOR. In preparing and implementing the plan, the Secretary shall to the extent feasible utilize the resources of other Federal and private entities with expertise and capabilities that are helpful.”

GRAVEYARD OF THE ATLANTIC ARTIFACTS

Pub. L. 102-587, title II, §2201, Nov. 4, 1992, 106 Stat. 5047, provided that:

“(a) ACQUISITION OF SPACE.—Pursuant to section 314 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445) and consistent with the Cooperative Agreement entered into in October, 1989, between the National Oceanic and Atmospheric Administration and the Mariner’s Museum of Newport News, Virginia, the Secretary of Commerce shall make a grant for the acquisition of space in Hatteras Village, North Carolina, for—

“(1) the display and interpretation of artifacts recovered from the area of the Atlantic Ocean adjacent to North Carolina generally known as the Graveyard of the Atlantic, including artifacts recovered from the Monitor National Marine Sanctuary; and

“(2) administration and operations of the Monitor National Marine Sanctuary.

“(b) AUTHORIZATION.—To carry out the responsibilities of the Secretary of Commerce under this section, there are authorized to be appropriated to the Secretary of Commerce a total of \$800,000 for fiscal years 1993 and 1994, to remain available until expended.

“(c) FEDERAL SHARE.—Not more than two-thirds of the cost of space acquired under this section may be paid with amounts provided pursuant to this section.”

§ 1445a. Advisory Councils

(a) Establishment

The Secretary may establish one or more advisory councils (in this section referred to as an “Advisory Council”) to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

(b) Membership

Members of the Advisory Councils may be appointed from among—

(1) persons employed by Federal or State agencies with expertise in management of natural resources;

(2) members of relevant Regional Fishery Management Councils established under section 1852 of this title; and

(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

(c) Limits on membership

For sanctuaries designated after November 4, 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

(d) Staffing and assistance

The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

(e) Public participation and procedural matters

The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

(1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.

(2) Emergency meetings may be held at the call of the chairman or presiding officer.

(3) Timely notice of each meeting, including the time, place, and agenda of the meeting,

shall be published locally and in the Federal Register, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register.

(4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.

(Pub. L. 92-532, title III, §315, as added Pub. L. 102-587, title II, §2112, Nov. 4, 1992, 106 Stat. 5046; amended Pub. L. 104-283, §§5, 9(f), Oct. 11, 1996, 110 Stat. 3363, 3368; Pub. L. 106-513, §§16, 19(b)(5), Nov. 13, 2000, 114 Stat. 2391, 2393.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-513, §16, substituted “advise and make recommendations” for “provide assistance”.

Subsec. (b)(2). Pub. L. 106-513, §19(b)(5), made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

1996—Pub. L. 104-283, §9(f), made technical amendment to directory language of Pub. L. 102-587, §2112, which added this section.

Subsec. (e)(3). Pub. L. 104-283, §5, inserted before period at end “, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register”.

§ 1445b. Enhancing support for national marine sanctuaries

(a) Authority

The Secretary may establish a program consisting of—

(1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries or the System;

(2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;

(4) the authorization by the Secretary of the manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol, by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;

(5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary’s behalf;

(6) the solicitation and collection by the Secretary of monetary or in-kind contributions from official sponsors for the manufac-