

CHAPTER 39—ABANDONED SHIPWRECKS

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§ 2101. Findings

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

(Pub. L. 100-298, § 2, Apr. 28, 1988, 102 Stat. 432.)

SHORT TITLE

Pub. L. 100-298, § 1, Apr. 28, 1988, 102 Stat. 432, provided that: "This Act [enacting this chapter] may be cited as the 'Abandoned Shipwreck Act of 1987'."

§ 2102. Definitions

For purposes of this chapter—

(a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 470a of title 16;

(c) the terms "public lands", "Indian lands", and "Indian tribe" have the same meaning given the terms in the Archaeological Resource¹ Protection Act of 1979 (16 U.S.C. 470aa-470ll);

(d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;

(e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term "submerged lands" means the lands—

(1) that are "lands beneath navigable waters," as defined in section 1301 of this title;

(2) of Puerto Rico, as described in section 749 of title 48;

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1705 of title 48; and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241.²

(Pub. L. 100-298, § 3, Apr. 28, 1988, 102 Stat. 432.)

REFERENCES IN TEXT

The Archaeological Resource Protection Act of 1979, referred to in subsec. (c), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, as amended, which is classified generally

¹ So in original. Probably should be "Resources".

² See References in Text note below.

to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

Section 801 of Public Law 94-241, referred to in subsec. (f)(4), probably means section 801 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as contained in section 1 of Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which is set out as a note under section 1801 of Title 48, Territories and Insular Possessions.

§ 2103. Rights of access**(a) Access rights**

In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 2105 of this title,

it is the declared policy of the Congress that States carry out their responsibilities under this chapter to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(b) Parks and protected areas

In managing the resources subject to the provisions of this chapter, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

(Pub. L. 100-298, § 4, Apr. 28, 1988, 102 Stat. 433.)

REFERENCES IN TEXT

The National Historic Preservation Act, referred to in subsec. (b), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended. Title I of the Act is classified generally to sections 470a, 470b, and 470c to 470h-3 of Title 16, Conservation. For complete classification of this Act to the Code, see section 470(a) of Title 16 and Tables.

§ 2104. Preparation of guidelines**(a) Purposes of guidelines; publication in Federal Register**

In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after April 28, 1988,