

(b) Penalties**(1) Criminal penalty**

A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) of this section shall be fined under title 18, imprisoned not more than 6 months, or both.

(2) Civil penalties**(A) In general**

A person that knowingly violates subsection (a) of this section, and a person engaged in business as an importer, exporter, or distributor that violates subsection (a) of this section, may be assessed a civil penalty by the Secretary of not more than \$12,000 for each violation.

(B) Manner of assessment and collection

A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) Products, items, and substances

Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

(d) Regulations

After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

(e) Enforcement

The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(f) Use of penalty amounts

Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 3375(d) of this title.

(Pub. L. 103-391, §7, as added Pub. L. 105-312, title IV, §405(2), Oct. 30, 1998, 112 Stat. 2960.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (b)(2)(B), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 103-391 was renumbered section 10 and is classified to section 5306 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5305b. Educational outreach program**(a) In general**

Not later than 180 days after October 30, 1998, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

(b) Guidelines

The Secretary shall publish in the Federal Register guidelines for the program.

(c) Contents

Under the program, the Secretary shall publish and disseminate information regarding—

(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

(3) the status of rhinoceros and tiger species and the reasons for protecting the species.

(Pub. L. 103-391, §8, as added Pub. L. 105-312, title IV, §406, Oct. 30, 1998, 112 Stat. 2961.)

§ 5305c. Advisory group**(a) In general**

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species.

(b) Public participation**(1) Meetings**

The Advisory Group¹ shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 103-391, §9, as added Pub. L. 107-112, §4, Jan. 8, 2002, 115 Stat. 2097.)

¹ So in original. Probably should not be capitalized.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), 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.

PRIOR PROVISIONS

A prior section 9 of Pub. L. 103-391 was renumbered section 10 and is classified to section 5306 of this title.

§ 5306. Authorization of appropriations**(a) In general**

There is authorized to be appropriated to the Fund \$10,000,000 for each of fiscal years 2007 through 2012 to carry out this chapter, to remain available until expended.

(b) Administrative expenses

Of amounts available each fiscal year to carry out this chapter, the Secretary may expend not more than 3 percent or \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(Pub. L. 103-391, §10, formerly §7, Oct. 22, 1994, 108 Stat. 4097; renumbered §9 and amended Pub. L. 105-312, title IV, §§405(1), 407, Oct. 30, 1998, 112 Stat. 2960, 2961; renumbered §10 and amended Pub. L. 107-112, §§2-4, Jan. 8, 2002, 115 Stat. 2097; Pub. L. 110-132, §3(b), (c), Dec. 6, 2007, 121 Stat. 1360.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-132, §3(c), substituted “2007 through 2012” for “2001, 2002, 2003, 2004, 2005, 2006, and 2007”.

Subsec. (b). Pub. L. 110-132, §3(b), substituted “\$100,000” for “\$80,000”.

2002—Pub. L. 107-112, §§2, 3, designated existing provisions as subsec. (a), inserted heading, substituted “is authorized” for “are authorized” and “2001, 2002, 2003, 2004, 2005, 2006, and 2007” for “1996 through 2002”, and added subsec. (b).

1998—Pub. L. 105-312, §407, substituted “1996 through 2002” for “1996, 1997, 1998, 1999, and 2000”.

CHAPTER 74—NATIONAL MARITIME HERITAGE

Sec.	
5401.	Findings.
5402.	National maritime heritage policy.
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5405.	Funding.
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5409.	Designation of America’s National Maritime Museum.

§ 5401. Findings

The Congress finds and declares the following:

(1) The United States is a nation with a rich maritime history, and it is desirable to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation’s history and culture.

(2) The maritime historical and cultural foundations of the Nation should be preserved as a part of our community life and development.

(3) National, State, and local groups have been working independently to preserve the maritime heritage of the United States.

(4) Historic resources significant to the Nation’s maritime heritage are being lost or substantially altered, often inadvertently, with increasing frequency.

(5) The preservation of this irreplaceable maritime heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, and economic benefits will be maintained and enriched for future generations of Americans.

(6) The current governmental and non-governmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich maritime heritage of our Nation.

(7) A coordinated national program is needed immediately to redress the adverse consequences of a period of indifference during which the maritime heritage of the United States has become endangered and to ensure the future preservation of the Nation’s maritime heritage.

(8) A national maritime heritage policy would greatly increase public awareness of, and participation in, the preservation of the Nation’s maritime heritage.

(Pub. L. 103-451, §2, Nov. 2, 1994, 108 Stat. 4769.)

SHORT TITLE

Pub. L. 103-451, §1, Nov. 2, 1994, 108 Stat. 4769, provided that: “This Act [enacting this chapter] may be cited as the ‘National Maritime Heritage Act of 1994.’”

§ 5402. National maritime heritage policy

It shall be the policy of the Federal Government, in partnership with the States and local governments and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic maritime resources can exist in productive harmony;

(2) provide leadership in the preservation of the historic maritime resources of the United States;

(3) contribute to the preservation of historic maritime resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

(4) assist State and local governments to expand their maritime historic preservation programs and activities.

(Pub. L. 103-451, §3, Nov. 2, 1994, 108 Stat. 4770.)

§ 5403. National Maritime Heritage Grants Program**(a) Establishment**

There is hereby established within the Department of the Interior the National Maritime Heritage Grants Program, to foster in the American public a greater awareness and appreciation of the role of maritime endeavors in our Nation’s history and culture. The Program shall consist of—

(1) annual grants to the National Trust for Historic Preservation for subgrants adminis-