

cilities necessary to conduct such research at the Alaska SeaLife Center.

(c) Evaluation and audit

The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Federal Advisory Committee Act [5 U.S.C. App.] shall not apply to the Institute.

(d) Status of employees

Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

(e) Use of funds

No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) of this section may be used to administer the Institute. The administrative funds of the Institute and the administrative funds of the North Pacific Research Board created under Public Law 105-83 may be used to jointly administer such programs at the discretion of the North Pacific Research Board.

(f) Availability of research

The Institute shall publish and make available to any person on request the results of all research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.

(Pub. L. 101-380, title V, § 5008, as added Pub. L. 106-246, div. B, title II, § 2204(1), July 13, 2000, 114 Stat. 546; amended Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(1)(A), (B)], Dec. 21, 2000, 114 Stat. 2763, 2763A-238, 2763A-239.)

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.

Public Law 105-83, referred to in subsec. (e), is Pub. L. 105-83, Nov. 14, 1997, 111 Stat. 1543, as amended, known as the Department of the Interior and Related Agencies Appropriations Act, 1998. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(1)(A)], inserted second sentence and struck out former second sentence which read as follows: “The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.”

Subsec. (e). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(1)(B)], inserted at end “The administrative funds of the Institute and the administrative funds of the North Pacific Research Board created under Public Law 105-83 may be used to jointly administer such programs at the discretion of the North Pacific Research Board.”

SUBCHAPTER III—MISCELLANEOUS

§ 2751. Savings provision

(a) Cross-references

A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision of this Act.

(b) Continuation of regulations

An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision of this Act until repealed, amended, or superseded.

(c) Rule of construction

An inference of legislative construction shall not be drawn by reason of the caption or catch line of a provision enacted by this Act.

(d) Actions and rights

Nothing in this Act shall apply to any rights and duties that matured, penalties that were incurred, and proceedings that were begun before August 18, 1990, except as provided by this section, and shall be adjudicated pursuant to the law applicable on the date prior to August 18, 1990.

(e) Admiralty and maritime law

Except as otherwise provided in this Act, this Act does not affect—

(1) admiralty and maritime law; or

(2) the jurisdiction of the district courts of the United States with respect to civil actions under admiralty and maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled.

(Pub. L. 101-380, title VI, § 6001, Aug. 18, 1990, 104 Stat. 554.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101-380, Aug. 18, 1990, 104 Stat. 484, as amended, known as the Oil Pollution Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2752. Annual appropriations

(a) Required

Except as provided in subsection (b) of this section, amounts in the Fund shall be available only as provided in annual appropriation Acts.

(b) Exceptions

Subsection (a) of this section shall not apply to sections¹ 2706(f), 2712(a)(4), or 2736 of this title, and shall not apply to an amount not to exceed \$50,000,000 in any fiscal year which the President may make available from the Fund to carry out section 1321(c) of this title and to initiate the assessment of natural resources damages required under section 2706 of this title. To the extent that such amount is not adequate, the Coast Guard (1) may obtain an advance from the Fund of such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount advanced

¹ So in original. Probably should be “section”.

and the facts and circumstances necessitating the advance and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of title 26, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge. Sums to which this subsection applies shall remain available until expended .

(Pub. L. 101-380, title VI, §6002, Aug. 18, 1990, 104 Stat. 555; Pub. L. 104-324, title XI, §1102(c)(1), Oct. 19, 1996, 110 Stat. 3966; Pub. L. 107-295, title III, §323, Nov. 25, 2002, 116 Stat. 2104; Pub. L. 111-191, §1, June 15, 2010, 124 Stat. 1278; Pub. L. 111-212, title II, §2001, July 29, 2010, 124 Stat. 2337.)

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-212, which directed amendment of second sentence by inserting “: (1)” before “may obtain an advance from the Fund” and substituting “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts” for “advance. Amounts”, could not be executed because of prior amendment by Pub. L. 111-191. See below.

Pub. L. 111-191, in second sentence, inserted “(1)” after “Coast Guard” and “and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of \$100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of title 26, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance” before period at end.

2002—Subsec. (b). Pub. L. 107-295 inserted after first sentence “To the extent that such amount is not adequate, the Coast Guard may obtain an advance from the Fund of such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that, removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”

1996—Subsec. (b). Pub. L. 104-324 substituted “2736” for “2736(b)”.

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.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) of this section delegated to Secretary of Department in which Coast Guard is operating by section 7(a)(1)(B) of Ex. Ord. No. 12777, Oct. 18, 1991, 56 F.R. 54766, set out as a note under section 1321 of this title.

§ 2753. Repealed. Pub. L. 104-134, title I, § 101(c) [title I, § 109], Apr. 26, 1996, 110 Stat. 1321-156, 1321-177; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327

Section, Pub. L. 101-380, title VI, §6003, Aug. 18, 1990, 104 Stat. 555, related to protection of the Outer Banks of North Carolina.

SUBCHAPTER IV—OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM

§ 2761. Oil pollution research and development program

(a) Interagency Coordinating Committee on Oil Pollution Research

(1) Establishment

There is established an Interagency Coordinating Committee on Oil Pollution Research (hereinafter in this section referred to as the “Interagency Committee”).

(2) Purposes

The Interagency Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(3) Membership

The Interagency Committee shall include representatives from the Coast Guard, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, the National Aeronautics and Space Administration, and such other Federal agencies the President may designate.

(4) Chairman

A representative of the Coast Guard shall serve as Chairman.