

Subsec. (a)(5). Pub. L. 106-513, §19(b)(4), substituted “Magnuson-Stevens Act” for “Magnuson Act”.

Subsec. (a)(6). Pub. L. 106-513, §19(a)(2), substituted “Resources” for “Merchant Marine and Fisheries”.

Subsec. (b)(2). Pub. L. 106-513, §6(c), inserted “or System” after “of the sanctuary”.

Subsec. (d)(4). Pub. L. 106-513, §6(d), added par. (4).

Subsec. (e). Pub. L. 106-513, §6(e), substituted “management techniques and strategies,” for “management techniques,” and inserted at end “This review shall include a prioritization of management objectives.”

Subsec. (f). Pub. L. 106-513, §6(f), added subsec. (f).

Subsec. (f)(2). Pub. L. 106-562 substituted “subparagraphs (A) and (B) of paragraph (1)” for “paragraph (2)”.

1996—Subsec. (b)(3). Pub. L. 104-283 struck out “(A)” before “In computing the forty-five-day”, redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, adjusted margins, and struck out former subpars. (B) and (C) which read as follows:

“(B) When the committee to which a joint resolution has been referred has reported such a resolution, it shall at any time thereafter be in order to move to proceed to the consideration of the resolution. The motion shall be privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

“(C) This subsection is enacted by Congress as an exercise of the rulemaking power of each House of Congress, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the case of resolutions described in this subsection. This subsection supersedes other rules only to the extent that they are inconsistent therewith, and is enacted with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

1992—Subsec. (a)(1)(C). Pub. L. 102-587, §2104(a)(2), substituted “documents, including an executive summary, consisting of—” for “a prospectus on the proposal which shall contain—”.

Subsec. (a)(5). Pub. L. 102-587, §2104(a)(3), substituted “Exclusive Economic Zone” for “United States Fishery Conservation Zone” and inserted at end “The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.”

Subsec. (a)(6). Pub. L. 102-587, §2104(a)(1), substituted “documents” for “prospectus” wherever appearing.

Subsec. (b)(1). Pub. L. 102-587, §2104(b)(1), substituted at end “, in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.” for the dash after “unless” and subpars. (A) and (B) which read as follows:

“(A) the designation or any of its terms is disapproved by enactment of a joint resolution of disapproval described in paragraph (3); or

“(B) in the case of a national marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.”

Subsec. (b)(2). Pub. L. 102-587, §2104(b)(2), substituted “actions taken under paragraph (1)” for “actions taken under paragraph (1)(A) or (B)” and “terms of the designation not certified under paragraph (1)” for “terms of the designation not disapproved under paragraph (1)(A) or not certified under paragraph (1)(B)”.

Subsec. (b)(3), (4). Pub. L. 102-587, §2104(b)(3), redesignated par. (4) as (3) and struck out former par. (3) which defined a Congressional resolution of disapproval for purposes of this subsection.

Subsec. (c)(1). Pub. L. 102-587, §2104(c), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Nothing in this chapter shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access if the lease, permit, license, or right—

“(A) was in existence on October 19, 1984, with respect to any national marine sanctuary designated before that date; or

“(B) is in existence on the date of designation of any national marine sanctuary, with respect to any national marine sanctuary designated after October 19, 1984.”

Subsecs. (d), (e). Pub. L. 102-587, §2104(d), added subsecs. (d) and (e).

1988—Subsec. (b)(1). Pub. L. 100-627 inserted requirement that notice be published in the Federal Register of proposed marine sanctuary site designation within 30 months after notice of active candidacy of site for sanctuary designation or that within such period findings be published why notice has not been published.

1984—Pub. L. 98-498 amended section generally, substituting provisions relating to procedures for designation and implementation of a marine sanctuary for provisions relating to authorization of appropriations. See section 1438 of this title.

1981—Pub. L. 97-109 inserted provisions authorizing appropriations of not to exceed \$2,235,000 for fiscal year 1982, and not to exceed \$2,235,000 for fiscal year 1983.

1980—Pub. L. 96-332 inserted provisions authorizing appropriations of not to exceed \$2,250,000 for fiscal year 1981.

1977—Pub. L. 95-153 inserted provision authorizing appropriations not to exceed \$500,000 for fiscal year 1978.

1976—Pub. L. 94-326 inserted provision authorizing to be appropriated not to exceed \$500,000 for fiscal year 1977.

1975—Pub. L. 94-62 substituted provisions authorizing to be appropriated not to exceed \$10,000,000 for each of fiscal years 1973, 1974, and 1975, for provisions authorizing to be appropriated for fiscal year in which this Act was enacted and for next two fiscal years thereafter not to exceed \$10,000,000 for each such fiscal year, and inserted provisions authorizing to be appropriated not to exceed \$6,200,000 for fiscal year 1976, and not to exceed \$1,550,000 for the transition period (July 1, through Sept. 30, 1976).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106-562, title III, §307(c), Dec. 23, 2000, 114 Stat. 2807, provided that: “Subsection (a) [amending this section] shall take effect January 1, 2001.”

Amendment by Pub. L. 106-555 effective immediately after the National Marine Sanctuaries Amendments Act of 2000, Pub. L. 106-513, takes effect, see section 205(c) of Pub. L. 106-555, set out as a note under section 1433 of this title.

§ 1435. Application of regulations; international negotiations and cooperation

(a) Regulations

This chapter and the regulations issued under section 1434 of this title shall be applied in accordance with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to

which the United States is a party. No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States, unless in accordance with—

- (1) generally recognized principles of international law;
- (2) an agreement between the United States and the foreign state of which the person is a citizen; or
- (3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

(b) Negotiations

The Secretary of State, in consultation with the Secretary, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

(c) International cooperation

The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in furtherance of the purposes and policies of this chapter and consistent with applicable regional and multilateral¹ arrangements for the protection and management of special marine areas.

(Pub. L. 92-532, title III, § 305, as added Pub. L. 98-498, title I, § 102, Oct. 19, 1984, 98 Stat. 2302; amended Pub. L. 102-587, title II, § 2105, Nov. 4, 1992, 106 Stat. 5043.)

AMENDMENTS

1992—Pub. L. 102-587, § 2105(b), substituted “; international negotiations and cooperation” for “and international negotiations” in section catchline.

Subsec. (a). Pub. L. 102-587, § 2105(a)(1), substituted “This chapter and the regulations” for “The regulations” and inserted “or be enforced against” after “apply to”.

Subsec. (c). Pub. L. 102-587, § 2105(a)(2), added subsec. (c).

INTERNATIONAL COOPERATION

For direction that the Secretary of State seek effective international action and cooperation through the development of appropriate international rules and regulations in support of the policy of this chapter and chapter 27 of Title 33, Navigation and Navigable Waters, see section 1419 of Title 33.

§ 1436. Prohibited activities

It is unlawful for any person to—

- (1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;
- (2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;
- (3) interfere with the enforcement of this chapter by—

- (A) refusing to permit any officer authorized to enforce this chapter to board a vessel, other than a vessel operated by the De-

partment of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this chapter;

(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this chapter or any such authorized officer in the conduct of any search or inspection performed under this chapter; or

(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this chapter in connection with any search or inspection conducted under this chapter; or

(4) violate any provision of this chapter or any regulation or permit issued pursuant to this chapter.

(Pub. L. 92-532, title III, § 306, as added Pub. L. 98-498, title I, § 102, Oct. 19, 1984, 98 Stat. 2302; amended Pub. L. 102-587, title II, § 2106, Nov. 4, 1992, 106 Stat. 5043; Pub. L. 106-513, § 7, Nov. 13, 2000, 114 Stat. 2386.)

AMENDMENTS

2000—Pub. L. 106-513, § 7(1), inserted “for any person” after “unlawful” in introductory provision.

Par. (2). Pub. L. 106-513, § 7(2), inserted “offer for sale, purchase, import, export,” after “sell.”

Par. (3). Pub. L. 106-513, § 7(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “interfere with the enforcement of this chapter; or”.

1992—Pub. L. 102-587 amended section generally. Prior to amendment, section read as follows: “The Secretary shall conduct research and educational programs as are necessary and reasonable to carry out the purposes and policies of this chapter.”

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.

§ 1437. Enforcement

(a) In general

The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this chapter.

(b) Powers of authorized officers

Any person who is authorized to enforce this chapter may—

(1) board, search, inspect, and seize any vessel suspected of being used to violate this chapter or any regulation or permit issued under this chapter and any equipment, stores, and cargo of such vessel;

(2) seize wherever found any sanctuary resource taken or retained in violation of this chapter or any regulation or permit issued under this chapter;

(3) seize any evidence of a violation of this chapter or of any regulation or permit issued under this chapter;

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