

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.)

Editorial Notes

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 contribu-

tions from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);

(7) the retention of any monetary or in-kind contributions collected under paragraphs (5) and (6) by the Secretary; and

(8) the expenditure and use of any monetary and in-kind contributions, without appropriation, by the Secretary to designate and manage national marine sanctuaries.

Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary shall be used to support that sanctuary.

(b) Contract authority

The Secretary may contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (a).

(c) Restrictions

The Secretary may restrict the use of the symbols published under subsection (a), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(d) Property of United States

Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (a) is deemed to be the property of the United States.

(e) Prohibited activities

It is unlawful for any person—

(1) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national marine sanctuary, except to the extent that a person who is not so designated may do so;

(2) to represent himself or herself to be an official sponsor absent a designation by the Secretary;

(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or

(4) to violate any regulation promulgated by the Secretary under this section.

(f) Collaborations

The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) of this section by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this chapter and to benefit a national marine sanctuary or the System.

(g) Authorization for non-profit partner organization to solicit sponsors

(1) In general

The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the

sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

(2) Reimbursement for administrative costs

Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

(3) Partner organization defined

In this subsection, the term “partner organization” means an organization that—

(A) draws its membership from individuals, private organizations, corporations, academic institutions, or State and local governments; and

(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.

(Pub. L. 92-532, title III, §316, formerly Pub. L. 102-587, title II, §2204, Nov. 4, 1992, 106 Stat. 5049; renumbered §316 of Pub. L. 92-532 and amended Pub. L. 104-283, §6, Oct. 11, 1996, 110 Stat. 3364; Pub. L. 106-513, §17, Nov. 13, 2000, 114 Stat. 2391.)

Editorial Notes

CODIFICATION

Section was set out as a note under section 1442 of this title prior to renumbering by Pub. L. 104-283.

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-513, §17(1), inserted “or the System” after “sanctuaries”.

Subsec. (a)(4). Pub. L. 106-513, §17(2), substituted “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,” for “use of any symbol published under paragraph (1)”.

Subsec. (e)(3). Pub. L. 106-513, §17(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “to manufacture, reproduce, or use any symbol adopted by the Secretary absent designation as an official sponsor and without payment of a monetary or in-kind contribution to the Secretary; and”.

Subsecs. (f), (g). Pub. L. 106-513, §17(4), added subsecs. (f) and (g).

1996—Subsec. (a). Pub. L. 104-283, §6(b)(7), inserted at end “Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary shall be used to support that sanctuary.”

Pub. L. 104-283, §6(b)(2), substituted “Authority” for “Project” as heading and “The Secretary may establish a program consisting of” for “The project shall consist of” in introductory provisions.

Pub. L. 104-283, §6(b)(1), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: "Beginning on November 4, 1992, the Secretary shall conduct a 2-year pilot project to enhance funding for designation and management of national marine sanctuaries."

Subsec. (a)(5). Pub. L. 104-283, §6(b)(6), added par. (5). Former par. (5) redesignated (6).

Pub. L. 104-283, §6(b)(3), substituted "solicitation" for "establishment" and "monetary or in-kind contributions" for "fees".

Subsec. (a)(6). Pub. L. 104-283, §6(b)(6), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Pub. L. 104-283, §6(b)(4), substituted "monetary or in-kind contributions collected" for "fees assessed" and "paragraphs (5) and (6)" for "paragraph (5)" and struck out "in an interest-bearing revolving fund" after "by the Secretary".

Subsec. (a)(7). Pub. L. 104-283, §6(b)(6), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Pub. L. 104-283, §6(b)(5), inserted "and use" after "expenditure", substituted "monetary and in-kind contributions" for "fees", and struck out "and any interest in the fund established under paragraph (6)" before "without appropriation".

Subsec. (a)(8). Pub. L. 104-283, §6(b)(6), redesignated par. (7) as (8).

Subsec. (b). Pub. L. 104-283, §6(b)(9), substituted "subsection (a)" for "subsection (b)".

Pub. L. 104-283, §6(b)(1), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 104-283, §6(b)(9), substituted "subsection (a)" for "subsection (b)".

Pub. L. 104-283, §6(b)(1), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 104-283, §6(b)(9), substituted "subsection (a)" for "subsection (b)".

Pub. L. 104-283, §6(b)(1), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 104-283, §6(b)(8), struck out "(1)" before "It is unlawful", redesignated subpars. (A) to (D) as pars. (1) to (4), respectively, in par. (3), substituted "monetary or in-kind contribution" for "fee", and struck out former par. (2) which read as follows: "Violation of this subsection shall be considered a violation of this chapter."

Pub. L. 104-283, §6(b)(1), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 104-283, §6(b)(1), redesignated subsec. (f) as (e).

Subsec. (g). Pub. L. 104-283, §6(b)(1), struck out heading and text of subsec. (g). Text read as follows: "No later than 30 months after November 4, 1992, the Secretary shall submit a report on the pilot project to Congress regarding the success of the program in providing additional funds for management and operation of national marine sanctuaries."

Subsec. (h). Pub. L. 104-283, §6(b)(1), struck out heading and text of subsec. (h). Text read as follows: "In this section—

"(1) the term 'national marine sanctuary' or 'national marine sanctuaries' means a national marine sanctuary or sanctuaries designated under this chapter, or by other law in accordance with this chapter;

"(2) the term 'official sponsor' means any person designated by the Secretary who is authorized to manufacture, reproduce, or use any symbol created, adopted, and published in the Federal Register under this section for a fee paid to the Secretary; and

"(3) the term 'Secretary' means the Secretary of Commerce."

§ 1445c. Dr. Nancy Foster Scholarship Program

(a) Establishment

The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate

education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

(b) Purposes

The purposes of the Dr. Nancy Foster Scholarship Program are—

(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

(c) Award

Each Dr. Nancy Foster Scholarship—

(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

(2) shall be awarded in accordance with guidelines issued by the Secretary.

(d) Distribution of funds

The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

(e) Funding

Of the amount available each fiscal year to carry out this chapter, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

(f) Scholarship repayment requirement

The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

(g) Maritime archeology defined

In this section the term "maritime archeology" includes the curation, preservation, and display of maritime artifacts.

(Pub. L. 92-532, title III, §318, as added Pub. L. 106-513, §18, Nov. 13, 2000, 114 Stat. 2392.)

Editorial Notes

CODIFICATION

For similar provisions relating to the Dr. Nancy Foster Scholarship Program, see section 1445c-1 of this title.

§ 1445c-1. Dr. Nancy Foster Scholarship Program

(a) Establishment

The Secretary of Commerce shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in marine biology, oceanography, or maritime archaeology, including the curation, preservation, and display of maritime artifacts, to be known as "Dr. Nancy Foster Scholarships".