

suant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended [2 U.S.C. 901(b)(2)(A)]: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(Pub. L. 101-380, title V, § 5006, Aug. 18, 1990, 104 Stat. 554; Pub. L. 104-324, title XI, § 1102(b), Oct. 19, 1996, 110 Stat. 3965; Pub. L. 106-246, div. B, title II, § 2204(2), July 13, 2000, 114 Stat. 547; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(1)(C)], Dec. 21, 2000, 114 Stat. 2763, 2763A-239; Pub. L. 108-293, title VII, § 704, Aug. 9, 2004, 118 Stat. 1075; Pub. L. 109-58, title III, § 389(2), Aug. 8, 2005, 119 Stat. 747; Pub. L. 109-59, title IV, § 4413, Aug. 10, 2005, 119 Stat. 1779; Pub. L. 109-241, title IX, § 901(j), July 11, 2006, 120 Stat. 564.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 8102(a)(2)(B)(ii), referred to in subsec. (b), is section 8102(a)(2)(B)(ii) of Pub. L. 101-380, title VIII, Aug. 18, 1990, 104 Stat. 565, which is set out as a note under section 1653 of Title 43, Public Lands.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (d), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

##### AMENDMENTS

2006—Subsec. (c). Pub. L. 109-241, which directed the insertion of a comma after “October 1, 2012”, could not be executed because “October 1, 2012” did not appear subsequent to amendment by Pub. L. 109-58. See 2005 Amendment note below.

2005—Subsec. (c). Pub. L. 109-58 substituted “1 year after the date on which the Secretary, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in the State of Alaska have ceased,” for “October 1, 2012”.

Subsec. (d). Pub. L. 109-59, which directed insertion of “annual” before “amount”, was executed by making the insertion before “amount not to exceed”, to reflect the probable intent of Congress.

2004—Subsecs. (c), (d). Pub. L. 108-293 in subsec. (c) relating to section 2712, substituted “October 1, 2012” for “with the eleventh year following October 19, 1996,” and redesignated subsec. (c) relating to section 2738 as (d).

2000—Subsec. (c). Pub. L. 106-554 inserted “of which up to \$3,000,000 may be used for the lease payment to the Alaska SeaLife Center under section 2738(b)(2) of this title” after “\$5,000,000” in subsec. (c) relating to section 2738.

Pub. L. 106-246 added subsec. (c) relating to section 2738.

1996—Subsec. (a). Pub. L. 104-324, § 1102(b)(1)-(3), redesignated subsec. (b) as (a), substituted “2731, 2733,” for “2733” in heading, inserted “to carry out section 2731 of this title in the amount as determined in sub-

section (b), and” after “limitation,” and struck out heading and text of former subsec. (a). Text read as follows: “Amounts in the Fund shall be available, subject to appropriations, and shall remain available until expended, to carry out section 2731 of this title as follows:

“(1) \$5,000,000 shall be available for the first fiscal year beginning after August 18, 1990.

“(2) \$2,000,000 shall be available for each of the 9 fiscal years following the fiscal year described in paragraph (1).”

Subsecs. (b), (c). Pub. L. 104-324, § 1102(b)(4), added subsecs. (b) and (c). Former subsec. (b) redesignated (a).

#### Statutory Notes and Related Subsidiaries

##### INVESTMENT AMOUNT

Pub. L. 112-213, title VII, § 710, Dec. 20, 2012, 126 Stat. 1581, provided that: “Not later than 30 days after the date of enactment of this Act [Dec. 20, 2012], the Secretary of the Treasury shall increase the \$22,500,000 invested in income-producing securities for purposes of section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by \$12,851,340.”

#### § 2737. Limitation

Notwithstanding any other law, tank vessels that have spilled more than 1,000,000 gallons of oil into the marine environment after March 22, 1989, are prohibited from operating on the navigable waters of Prince William Sound, Alaska.

(Pub. L. 101-380, title V, § 5007, Aug. 18, 1990, 104 Stat. 554.)

#### § 2738. North Pacific Marine Research Institute

##### (a) Institute established

The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the “Institute”) to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

##### (b) Functions

The Institute shall—

(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities 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) 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.)

**Editorial Notes**

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.)

**Editorial Notes**

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), amounts in the Fund shall be available only as provided in annual appropriation Acts.

**(b) Exceptions**

Subsection (a) shall not apply to sections<sup>1</sup> 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 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 ad-

<sup>1</sup> So in original. Probably should be “section”.