

Register, or in newspapers of general circulation in the areas affected, whichever is later.

(c) Jurisdiction of courts

An action under subsection (b) shall be barred unless a petition is filed within the time specified. Any such petition shall be filed in the appropriate United States district court. A copy of such petition shall be transmitted by the clerk of such court to the Secretary. Notwithstanding the amount in controversy, such court shall have jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided and to provide appropriate relief. No State or local court shall have jurisdiction of any such claim whether in a proceeding instituted before, on, or after the date this chapter becomes effective. No court shall have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization in connection with a crude oil transportation system approved under section 2007(a) of this title or the Long Beach-Midland project, except as part of a final judgment entered in a case involving a claim filed pursuant to this section.

(Pub. L. 95-617, title V, §511, Nov. 9, 1978, 92 Stat. 3163; Pub. L. 98-620, title IV, §402(45), Nov. 8, 1984, 98 Stat. 3360.)

Editorial Notes

REFERENCES IN TEXT

The date this chapter becomes effective, referred to in subsec. (c), means the date of enactment of title V of Pub. L. 95-617, which was approved Nov. 9, 1978.

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-620 struck out provision that any such proceeding had to be assigned for hearing at the earliest possible date and had to be expedited by the court.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

§ 2012. Authorization for appropriation

There are authorized to be appropriated to the Secretary of the Interior to carry out his responsibilities under this chapter not to exceed \$500,000 for the fiscal year ending on September 30, 1978, and not to exceed \$1,000,000 for the fiscal year ending on September 30, 1979.

(Pub. L. 95-617, title V, §512, Nov. 9, 1978, 92 Stat. 3164.)

CHAPTER 39—ABANDONED SHIPWRECKS

Sec.	
2101.	Findings.
2102.	Definitions.
2103.	Rights of access.
2104.	Preparation of guidelines.
2105.	Rights of ownership.
2106.	Relationship to other laws.

§ 2101. Findings

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and non-living resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

(Pub. L. 100-298, §2, Apr. 28, 1988, 102 Stat. 432.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 100-298, §1, Apr. 28, 1988, 102 Stat. 432, provided that: “This Act [enacting this chapter] may be cited as the ‘Abandoned Shipwreck Act of 1987’.”

§ 2102. Definitions

For purposes of this chapter—

(a) the term “embedded” means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term “National Register” means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a);¹

(c) the terms “public lands”, “Indian lands”, and “Indian tribe” have the same meaning given the terms in the Archaeological Resource² Protection Act of 1979 (16 U.S.C. 470aa-470ll);

(d) the term “shipwreck” means a vessel or wreck, its cargo, and other contents;

(e) the term “State” means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term “submerged lands” means the lands—

(1) that are “lands beneath navigable waters,” as defined in section 1301 of this title;

(2) of Puerto Rico, as described in section 749 of title 48;

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1705 of title 48; and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241.¹

(Pub. L. 100-298, §3, Apr. 28, 1988, 102 Stat. 432.)

Editorial Notes

REFERENCES IN TEXT

Section 101 of the National Historic Preservation Act (16 U.S.C. 470a), referred to in subsec. (b), is section 101 of Pub. L. 89-665, which was repealed and restated as chapters 3021 to 3027 and sections 302902(a), 302903(a), 302904 to 302909, 303902, 303903, and 306101(b) and (c) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

¹ See References in Text note below.

² So in original. Probably should be “Resources”.

The Archaeological Resource Protection Act of 1979, referred to in subsec. (c), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, as amended, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

Section 801 of Public Law 94-241, referred to in subsec. (f)(4), probably means section 801 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as contained in section 1 of Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which is set out as a note under section 1801 of Title 48, Territories and Insular Possessions.

§ 2103. Rights of access

(a) Access rights

In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 2105 of this title,

it is the declared policy of the Congress that States carry out their responsibilities under this chapter to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(b) Parks and protected areas

In managing the resources subject to the provisions of this chapter, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of chapter 3029 of title 54, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

(Pub. L. 100-298, § 4, Apr. 28, 1988, 102 Stat. 433.)

Editorial Notes

CODIFICATION

In subsec. (b), “chapter 3029 of title 54” substituted for “title I of the National Historic Preservation Act” on authority of Pub. L. 113-287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 2104. Preparation of guidelines

(a) Purposes of guidelines; publication in Federal Register

In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive manage-

ment of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after April 28, 1988, prepare and publish guidelines in the Federal Register which shall seek to:

(1) maximize the enhancement of cultural resources;

(2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;

(3) facilitate access and utilization by recreational interests;

(4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

(b) Consultation

Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

(c) Use of guidelines in developing legislation and regulations

Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this chapter.

(Pub. L. 100-298, § 5, Apr. 28, 1988, 102 Stat. 433.)

§ 2105. Rights of ownership

(a) United States title

The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) embedded in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) Notice of shipwreck location; eligibility determination for inclusion in National Register of Historic Places

The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) Transfer of title to States

The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(d) Exception

Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) Reservation of rights

This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

- (1) section 1311, 1313, or 1314 of this title; or
- (2) section 414 or 415 of title 33.

(Pub. L. 100-298, §6, Apr. 28, 1988, 102 Stat. 433.)

§ 2106. Relationship to other laws**(a) Law of salvage and law of finds**

The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 2105 of this title applies.

(b) Laws of United States

This chapter shall not change the laws of the United States relating to shipwrecks, other than those to which this chapter applies.

(c) Effective date

This chapter shall not affect any legal proceeding brought prior to April 28, 1988.

(Pub. L. 100-298, §7, Apr. 28, 1988, 102 Stat. 434.)

CHAPTER 40—RECLAMATION STATES EMERGENCY DROUGHT RELIEF

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§ 2201. Definitions

As used in this chapter:

- (1) The term “Secretary” means the Secretary of the Interior.
- (2) The term “Federal Reclamation laws” means the Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof.
- (3) The term “Federal Reclamation project” means any project constructed or funded under Federal Reclamation law. Such term includes projects having approved loans under the Small Reclamation Projects Act of 1956 (70 Stat. 1044) [43 U.S.C. 422a et seq.].

(Pub. L. 102-250, §2, Mar. 5, 1992, 106 Stat. 53.)

Editorial Notes**REFERENCES IN TEXT**

Act of June 17, 1902, referred to in par. (2), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Small Reclamation Projects Act of 1956, referred to in par. (3), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 422k of this title and Tables.

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 102-250, §1, Mar. 5, 1992, 106 Stat. 53, provided that: “This Act [enacting this chapter] may be cited as the ‘Reclamation States Emergency Drought Relief Act of 1991’.”

Executive Documents

BUILDING NATIONAL CAPABILITIES FOR LONG-TERM DROUGHT RESILIENCE

Memorandum of President of the United States, Mar. 21, 2016, 81 F.R. 16053, provided:

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. Purpose. Our Nation must sustain and expand efforts to reduce the vulnerability of communities to the impacts of drought. Every year, drought affects millions of Americans and poses a serious and growing threat to the security and economies of communities nationwide. Drought presents challenges to the viability of agricultural production and to the quantity and quality of drinking water supplies that communities and industries depend upon. Drought jeopardizes the integrity of critical infrastructure, causes extensive economic and health impacts, harms ecosystems, and increases energy costs. In responding to and recovering from past droughts, we have learned that focused collaboration across all levels of government and the private sector is critical to enable productive and workable solutions to build regional resilience to drought.

Among other actions, this memorandum institutionalizes the National Drought Resilience Partnership (NDRP), which builds upon the National Integrated Drought Information System, an interagency program led by the Department of Commerce. The NDRP was outlined in the President’s Climate Action Plan to better coordinate Federal support for drought-related efforts, help communities reduce the impact of current drought events, and prepare for future droughts. In sustaining this focused collaboration, the NDRP will provide the Federal Government with a lasting platform that enables locally and regionally driven priorities and needs to guide coordinated Federal activities.

SEC. 2. Policy. It is the policy of the Federal Government to coordinate and use applicable Federal investments, assets, and expertise to promote drought resilience and complement drought preparedness, planning, and implementation efforts of State, regional, tribal, and local institutions. In addition, where appropriate, the Federal Government shall seek partnerships with such institutions and the private sector in order to increase and diversify our Nation’s water resources through the development and deployment of new technologies and improved access to alternative water supplies. Agencies shall also work with State, regional,