

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in effect under a law replaced by this Act continues in effect under the corresponding provision of this Act until repealed, amended, or superseded.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

(1) In general

Subsection (a) shall not apply to—

(A) section 2706(f), 2712(a)(4), or 2736 of this title; or

(B) an amount, which may not exceed \$50,000,000 in any fiscal year, made available by the President from the Fund—

(i) to carry out section 1321(c) of this title; and

(ii) to initiate the assessment of natural resources damages required under section 2706 of this title.

(2) Fund advances

(A) In general

To the extent that the amount described in subparagraph (B) of paragraph (1) is not adequate to carry out the activities described in such subparagraph, the Coast Guard may obtain 1 or more advances from the Fund as may be necessary, up to a maximum of \$100,000,000 for each advance, with the total amount of advances not to exceed the amounts available under section 9509(c)(2) of title 26.

(B) Notification to Congress

Not later than 30 days after the date on which the Coast Guard obtains an advance under subparagraph (A), the Coast Guard shall notify Congress of—

- (i) the amount advanced; and
- (ii) the facts and circumstances that necessitated the advance.

(C) Repayment

Amounts advanced under this paragraph 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.

(3) Availability

Amounts 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; Pub. L. 117-263, div. K, title CXIII, § 11313, Dec. 23, 2022, 136 Stat. 4086.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-263 added subsec. (b) and struck out former subsec. (b) which related to exceptions.

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)”.

Statutory Notes and Related Subsidiaries

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.

Executive Documents

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) Definitions

In this section—

(1) the term “Chair” means the Chairperson of the Interagency Committee designated under subsection (c)(2);

(2) the term “Commandant” means the Commandant of the Coast Guard;

(3) the term “institution of higher education” means an institution of higher education, as defined in section 1001(a) of title 20;

(4) the term “Interagency Committee” means the Interagency Coordinating Committee on Oil Pollution Research established under subsection (b);

(5) the term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere; and

(6) the term “Vice Chair” means the Vice Chairperson of the Interagency Committee designated under subsection (c)(3).

(b) Establishment of Interagency Coordinating Committee on Oil Pollution Research

(1) Establishment

There is established an Interagency Coordinating Committee on Oil Pollution Research.

(2) Purpose

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, 4-year institutions of higher education and research institutions, State governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(c) Membership

(1) Composition

The Interagency Committee shall be composed of—

(A) at least 1 representative of the Coast Guard;

(B) at least 1 representative of the National Oceanic and Atmospheric Administration;

(C) at least 1 representative of the Environmental Protection Agency;

(D) at least 1 representative of the Department of the Interior;

(E) at least 1 representative of the Bureau of Safety and Environmental Enforcement;

(F) at least 1 representative of the Bureau of Ocean Energy Management;

(G) at least 1 representative of the United States Fish and Wildlife Service;

(H) at least 1 representative of the Department of Energy;

(I) at least 1 representative of the Pipeline and Hazardous Materials Safety Administration;

(J) at least 1 representative of the Federal Emergency Management Agency;

(K) at least 1 representative of the Navy;

(L) at least 1 representative of the Corps of Engineers;

(M) at least 1 representative of the United States Arctic Research Commission; and

(N) at least 1 representative of each of such other Federal agencies as the President considers to be appropriate.

(2) Chairperson

The Commandant shall designate a Chairperson from among the members of the Interagency Committee selected under paragraph (1)(A).

(3) Vice Chairperson

The Under Secretary shall designate a Vice Chairperson from among the members of the