

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.
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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.

The Archaeological Resource Protection Act of 1979, referred to in subsec. (c), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, 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,

¹ See References in Text note below.

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