

**TITLE 16 - CONSERVATION**  
**CHAPTER 32 - MARINE SANCTUARIES**

**§ 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 contributions 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) of this section.

**(c) Restrictions**

The Secretary may restrict the use of the symbols published under subsection (a) of this section, 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) of this section 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) of this section, including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) of this section or subsection (f) of this section; or

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

(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.)

## 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.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

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.”