this section shall be considered as a gift or bequest to or for the use of the United States.

(d) Acquisitions

The Secretary may acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this chapter.

(e) Use of resources of other government agencies

The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this chapter.

(f) Authority to obtain grants

Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this chapter.

(Pub. L. 92–532, title III, § 311, as added Pub. L. 100–627, title II, § 203(3), Nov. 7, 1988, 102 Stat. 3215; amended Pub. L. 102–587, title II, § 2109, Nov. 4, 1992, 106 Stat. 5045; Pub. L. 104–283, § 9(d), Oct. 11, 1996, 110 Stat. 3367; Pub. L. 106–513, § 12, Nov. 13, 2000, 114 Stat. 2389.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–513, § 12(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: ''The Secretary may enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this chapter.''

Subsecs. (e), (f). Pub. L. 106–513, § 12(b), added subsecs. (e) and (f).

1996—Pub. L. 104–283 made technical amendment to directory language of Pub. L. 102–587. See 1992 Amendment note below.

1992—Pub. L. 102–587, as amended by Pub. L. 104–283, amended section generally. Prior to amendment, section read as follows:

''(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with any nonprofit organization—

''(1) to aid and promote interpretive, historical, scientific, and educational activities; and

''(2) for the solicitation of private donations for the support of such activities.

''(b) DONATIONS.—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this chapter.''

ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES

Section 2204 of title II of Pub. L. 102–587, which was formerly set out as a note under this section, was renumbered section 316 of Pub. L. 92–532, The National Marine Sanctuaries Act, by Pub. L. 104–283, § 6(a), Oct. 11, 1996, 110 Stat. 3364, and is classified to section 1445b of this title.

§ 1443. Destruction or loss of, or injury to, sanctuary resources

(a) Liability

(1) Liability to United States

Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for an amount equal to the sum of—

(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and

(B) interest on that amount calculated in the manner described under section 2705 of title 33.

(2) Liability in rem

Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury. The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

(3) Defenses

A person is not liable under this subsection if that person establishes that—

(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was negligible.

(4) Limits to liability

Nothing in sections 181 to 188[1] of title 46, Appendix, or section 192 of title 46, Appendix, shall limit the liability of any person under this chapter.

(b) Response actions and damage assessment

(1) Response actions

The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) Damage assessment

The Secretary shall assess damages to sanctuary resources in accordance with section 1432(6) of this title.

(c) Civil actions for response costs and damages

(1) The Attorney General, upon request of the Secretary, may commence a civil action against any person or vessel who may be liable under subsection (a) of this section for response costs and damages. The Secretary, acting as trustee for sanctuary resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

[1] See References in Text note below.

(2) An action under this subsection may be brought in the United States district court for any district in which—

(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

(B) the vessel is located, in the case of an action against a vessel; or

(C) the destruction of, loss of, or injury to a sanctuary resource occurred.

(d) Use of recovered amounts

Response costs and damages recovered by the Secretary under this section shall be retained by the Secretary in the manner provided for in section 9607(f)(1) of title 42, and used as follows:

(1) Response costs

Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

(2) Other amounts

All other amounts recovered shall be used, in order of priority—

(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

(C) to restore degraded sanctuary resources of other national marine sanctuaries.

(3) Federal-State coordination

Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement and an agreement entered into by the Secretary and the Governor of that State.

(e) Statute of limitations

An action for response costs or damages under subsection (c) of this section shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.

(Pub. L. 92–532, title III, § 312, as added Pub. L. 100–627, title II, § 204(a), Nov. 7, 1988, 102 Stat. 3215; amended Pub. L. 102–587, title II, §§ 2107(d), 2110, Nov. 4, 1992, 106 Stat. 5044, 5045; Pub. L. 104–283, § 9(e), Oct. 11, 1996, 110 Stat. 3367; Pub. L. 106–513, §§ 13, 19(c), Nov. 13, 2000, 114 Stat. 2389, 2393.)

REFERENCES IN TEXT

Sections 181 to 188 of title 46, Appendix, referred to in subsec. (a)(4), was in the original a reference to sections 4281 to 4289 of the Revised Statutes of the United States. Section 4288 of the Revised Statutes was classified to section 175 of former Title 46, Shipping, and was repealed by act Oct. 9, 1940, ch. 777, § 7, 54 Stat. 1028.

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106–513, § 19(c), amended par. (1) heading.

Subsec. (c). Pub. L. 106–513, § 13(a), designated existing provisions as par. (1), struck out ''in the United States district court for the appropriate district'' after ''civil action'', and added par. (2).

Subsec. (d)(1), (2). Pub. L. 106–513, § 13(b), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) RESPONSE COSTS AND DAMAGE ASSESSMENTS.—Twenty percent of amounts recovered under this section, up to a maximum balance of $750,000, shall be used to finance response actions and damage assessments by the Secretary.

''(2) RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

''(A) to restore, replace, or acquire the equivalent of the sanctuary resources which were the subject of the action;

''(B) to manage and improve the national marine sanctuary within which are located the sanctuary resources which were the subject of the action; and

''(C) to manage and improve any other national marine sanctuary.''

Subsec. (e). Pub. L. 106–513, § 13(c), added subsec. (e).

1996—Subsec. (b)(1). Pub. L. 104–283 made technical amendment to directory language of Pub. L. 102–587, § 2110(d). See 1992 Amendment note below.

1992—Subsec. (a)(1). Pub. L. 102–587, § 2110(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.''

Subsec. (a)(2). Pub. L. 102–587, § 2110(b), inserted at end ''The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.''

Subsec. (a)(4). Pub. L. 102–587, § 2110(c), added par. (4).

Subsec. (b)(1). Pub. L. 102–587, § 2110(d), as amended by Pub. L. 104–283, inserted ''or authorize'' after ''undertake''.

Subsec. (d). Pub. L. 102–587, § 2107(d)(1), struck out ''and civil penalties under section 1437 of this title'' after ''Secretary under this section''.

Subsec. (d)(3), (4). Pub. L. 102–587, §§ 2107(d)(2), 2110(e), redesignated par. (4) as (3), inserted ''the court decree or settlement agreement and'' after ''in accordance with'', and struck out former par. (3) which read as follows: ''Amounts recovered under section 1437 of this title in the form of civil penalties shall be used by the Secretary in accordance with section 1437(e) of this title and paragraphs (2)(B) and (C) of this subsection.''

EFFECTIVE DATE

Section 204(c) of Pub. L. 100–627 provided that: ''Amounts in the form of damages received by the United States after November 30, 1986, for destruction or loss of, or injury to, a sanctuary resource (as that term is defined in section 302(8) of the Act [16 U.S.C. 1432(8)] (as amended by this Act)) shall be subject to section 312 of the Act [16 U.S.C. 1443] (as amended by this Act).''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1432, 1437 of this title.

§ 1444. Authorization of appropriations

There are authorized to be appropriated to the Secretary—

(1) to carry out this chapter—

(A) $32,000,000 for fiscal year 2001;
(B) $34,000,000 for fiscal year 2002;
(C) $36,000,000 for fiscal year 2003;
(D) $38,000,000 for fiscal year 2004;
(E) $40,000,000 for fiscal year 2005; and

(2) for construction projects at national marine sanctuaries, $6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

(Pub. L. 92–532, title III, § 313, as added Pub. L. 100–627, title II, § 208, Nov. 7, 1988, 102 Stat. 3221; amended Pub. L. 101–605, § 10(a), Nov. 16, 1990, 104 Stat. 3095; Pub. L. 102–587, title II, § 2111, Nov. 4, 1992, 106 Stat. 5046; Pub. L. 104–283, § 3, Oct. 11, 1996, 110 Stat. 3363; Pub. L. 106–513, § 14, Nov. 13, 2000, 114 Stat. 2390.)

AMENDMENTS

2000—Pub. L. 106–513 amended section generally, substituting provisions authorizing appropriations to carry out this chapter for fiscal years 2001 to 2005 for provisions authorizing such appropriations for fiscal years 1997 to 1999.

1996—Pub. L. 104–283 amended section generally, substituting provisions authorizing appropriations to carry out this chapter for fiscal years 1997 to 1999 for provisions authorizing such appropriations for fiscal years 1993 to 1996.

1992—Pub. L. 102–587 amended section generally, substituting provisions relating to authorization of appropriations for fiscal years 1993 to 1996 to carry out this chapter for provisions relating to authorization of appropriations for fiscal years 1989 to 1992 to carry out general administration, management of national marine sanctuaries and site review and analysis of national marine sanctuaries of this chapter.

1990—Par. (2)(C). Pub. L. 101–605 substituted ''$4,000,000'' for ''$3,000,000''.

§ 1445. U.S.S. Monitor artifacts and materials

(a) Congressional policy

In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina.

(b) Disclaimer

This section shall not affect the following:

(1) Responsibilities of Secretary

The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

(2) Authority of Secretary

The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1).

(Pub. L. 92–532, title III, § 314, as added Pub. L. 100–627, title II, § 208, Nov. 7, 1988, 102 Stat. 3222; amended Pub. L. 106–513, § 15, Nov. 13, 2000, 114 Stat. 2391.)

AMENDMENTS

2000—Subsecs. (b), (c). Pub. L. 106–513 redesignated subsec. (c) as (b) and struck out former subsec. (b) which required the Secretary to submit a plan for a suitable display in coastal North Carolina of artifacts and materials of the United States ship Monitor.

MANAGEMENT, RECOVERY, AND PRESERVATION PLAN FOR U.S.S. MONITOR

Pub. L. 104–283, § 4, Oct. 11, 1996, 110 Stat. 3363, provided that: ''The Secretary of Commerce shall, within 12 months after the date of the enactment of this Act [Oct. 11, 1996], prepare and submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a long-range, comprehensive plan for the management, stabilization, preservation, and recovery of artifacts and materials of the U.S.S. MONITOR. In preparing and implementing the plan, the Secretary shall to the extent feasible utilize the resources of other Federal and private entities with expertise and capabilities that are helpful.''

GRAVEYARD OF THE ATLANTIC ARTIFACTS

Pub. L. 102–587, title II, § 2201, Nov. 4, 1992, 106 Stat. 5047, provided that:

''(a) ACQUISITION OF SPACE.—Pursuant to section 314 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1445) and consistent with the Cooperative Agreement entered into in October, 1989, between the National Oceanic and Atmospheric Administration and the Mariner's Museum of Newport News, Virginia, the Secretary of Commerce shall make a grant for the acquisition of space in Hatteras Village, North Carolina, for—

''(1) the display and interpretation of artifacts recovered from the area of the Atlantic Ocean adjacent to North Carolina generally known as the Graveyard of the Atlantic, including artifacts recovered from the Monitor National Marine Sanctuary; and

''(2) administration and operations of the Monitor National Marine Sanctuary.

''(b) AUTHORIZATION.—To carry out the responsibilities of the Secretary of Commerce under this section, there are authorized to be appropriated to the Secretary of Commerce a total of $800,000 for fiscal years 1993 and 1994, to remain available until expended.

''(c) FEDERAL SHARE.—Not more than two-thirds of the cost of space acquired under this section may be paid with amounts provided pursuant to this section.''

§ 1445a. Advisory Councils

(a) Establishment

The Secretary may establish one or more advisory councils (in this section referred to as an ''Advisory Council'') to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

(b) Membership

Members of the Advisory Councils may be appointed from among—

(1) persons employed by Federal or State agencies with expertise in management of natural resources;

(2) members of relevant Regional Fishery Management Councils established under section 1852 of this title; and

(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.