

(e) Statute of limitations

An action for response costs or damages under subsection (c) 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 4281-4289 of the Revised Statutes of the United States, referred to in subsec. (a)(4), were classified to sections 181 to 188 of the former Appendix to Title 46, Shipping, and section 175 of former Title 46. Sections 4281 to 4287 and 4289 of the Revised Statutes were repealed and restated in chapter 305 of Title 46, Shipping, by Pub. L. 109-304, §§6(c), 19, Oct. 6, 2006, 120 Stat. 1509, 1710. Section 4288 of the Revised Statutes (section 175 of former Title 46) was repealed by act Oct. 9, 1940, ch. 777, §7, 54 Stat. 1028. For disposition of sections of the former Appendix to Title 46, see Disposition Table preceding section 101 of Title 46.

CODIFICATION

In subsec. (a)(4), “section 30706 of title 46” substituted for “section 3 of the Act of February 13, 1893,” on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 30706 of Title 46, Shipping.

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

Pub. L. 100-627, title II, §204(c), Nov. 7, 1988, 102 Stat. 3217, 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).”

§ 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