

Subsec. (c). Pub. L. 106-513, §11(1), (2), redesignated subsec. (b) as (c) and substituted “insurance, or post an equivalent bond,” for “insurance” in par. (4). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 106-513, §11(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2)(C). Pub. L. 106-513, §11(3), substituted “resource.” for “resource and a reasonable return to the United States Government.”

Subsec. (d)(3)(B). Pub. L. 106-513, §11(4), struck out “designating and” after “expenses of”.

Subsec. (d)(4). Pub. L. 106-513, §11(5), added par. (4).

Subsecs. (e) to (g). Pub. L. 106-513, §11(1), redesignated subsecs. (d) to (f) as (e) to (g), respectively.

§ 1442. Cooperative agreements, donations, and acquisitions

(a) Agreements and grants

The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this chapter.

(b) Authorization to solicit donations

The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this chapter.

(c) Donations

The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this chapter. Donations accepted under 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.