

sion of law, amounts received by the United States for restitution and future restoration (including replacement or acquisition of equivalent natural resources) in settlement of United States v. Exxon Corporation and Exxon Shipping Company (Case No. A90-015-1CR and 2CR), hereinafter the Plea Agreement, United States v. Exxon Corporation et al. (Civil No. A91-082 CIV) and State of Alaska v. Exxon Corporation et al. (Civil No. A91-083 CIV), hereinafter referred to together as the Agreement and Consent Decree, as approved by the United States District Court for the District of Alaska on October 8, 1991, in fiscal year 1992 and thereafter shall be deposited into the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102-154 [105 Stat. 994]. Such amounts, and the interest accruing thereon, shall be available to the Federal Trustees identified in the Agreement and Consent Decree for necessary expenses for assessment and restoration of areas affected by the discharge of oil from the T/V EXXON VALDEZ on March 23-24, 1989, for fiscal year 1992 and thereafter in accordance with the Plea Agreement and the Agreement and Consent Decree: *Provided*, That such amounts (and accrued interest) shall remain available until expended: *Provided further*, That such amounts may be transferred to any account, as authorized by section 311(f)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1321(f)(5)), to carry out the provisions of the Plea Agreement and the Agreement and Consent Decree: *Provided further*, That herein and hereafter any amounts deposited into the Natural Resource Damage Assessment and Restoration Fund shall be invested by the Secretary of the Treasury in interest bearing obligations of the United States to the extent such amounts are not, in his judgment, required to meet current withdrawals: *Provided further*, That interest earned by such investments shall be available for obligation without further appropriation: *Provided further*, That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts: *Provided further*, That, for fiscal year 1993 and thereafter, the Federal Trustees shall submit in the President's Budget for each fiscal year the proposed use of such amounts."

**§ 1474b-1. Transfer of funds from Natural Resource Damage Assessment and Restoration Fund**

Notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account, including transfers to Federal trustees and payments to non-Federal trustees, to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) [33 U.S.C. 2701 et seq.], and subchapter II of chapter 1007 of title 54 for damage assessment activities: *Provided further*, That sums provided by any party heretofore and hereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums, to remain available until expended, or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

(Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1383; Pub. L. 104-134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-160; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1547; Pub. L. 113-287, §5(l)(4), Dec. 19, 2014, 128 Stat. 3271.)

**Editorial Notes**

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in text, probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Oil Pollution Act of 1990, referred to in text, is Pub. L. 101-380, Aug. 18, 1990, 104 Stat. 484, as amended, which is classified principally to chapter 40 (§2701 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 33 and Tables.

CODIFICATION

Provisions of this section preceding the proviso are from title I of Pub. L. 103-138, as amended, and the proviso is from section 101(c) [title I] of Pub. L. 104-134, as amended.

AMENDMENTS

2014—Pub. L. 113-287, which directed that this section be "omitted" by substituting "subchapter II of chapter 1007 of title 54" for "the Act of July 27, 1990 (Public Law 101-337)", was executed by amending this section by making the substitution, to reflect the probable intent of Congress.

1997—Pub. L. 105-83 inserted "including transfers to Federal trustees and payments to non-Federal trustees," after "account" and "to remain available until expended," after "and such sums" and substituted "heretofore and hereafter" for "in fiscal year 1996 and thereafter".

**Statutory Notes and Related Subsidiaries**

PRIOR SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 103-332, title I, Sept. 30, 1994, 108 Stat. 2503.  
Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1383.

**§ 1474c. North American Wetlands Conservation Fund; availability of fines or forfeitures**

In fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 707 of title 16 as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

(Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1384.)

**Statutory Notes and Related Subsidiaries**

PRIOR SIMILAR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts: