

activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

(i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and

(ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality event working group.

(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this subchapter.

(Pub. L. 92-522, title IV, §404, formerly title III, §304, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5062; renumbered title IV, §404, Pub. L. 103-238, §24(b), Apr. 30, 1994, 108 Stat. 565.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(1)(B), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

### § 1421d. Unusual mortality event activity funding

#### (a) Establishment of Fund

There is established in the Treasury an interest bearing fund to be known as the “Marine Mammal Unusual Mortality Event Fund”, which shall consist of amounts deposited into the Fund under subsection (c).

#### (b) Uses

##### (1) In general

Amounts in the Fund—

(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 1421c(b) of this title or under the direction of an Onsite Coordinator for an unusual mortality event;

(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

(iii) for care and maintenance of marine mammal seized under section 1374(c)(2)(D) of this title; and

(B) shall remain available until expended.

##### (2) Pending claims

If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

#### (c) Deposits into Fund

There shall be deposited into the Fund—

(1) amounts appropriated to the Fund;

(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

#### (d) Acceptance of donations

For purposes of carrying out this subchapter and section 1374(c)(2)(D) of this title, the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

(Pub. L. 92-522, title IV, §405, formerly title III, §305, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5064; renumbered title IV, §405, and amended Pub. L. 103-238, §§6, 16(b), 24(b), (c)(2), Apr. 30, 1994, 108 Stat. 542, 559, 565, 566.)

#### Editorial Notes

##### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-238, §16(b), substituted “an interest bearing fund” for “a fund”.

Subsec. (b)(1)(A)(i). Pub. L. 103-238, §24(c)(2), made technical amendment to reference to section 1421c(b) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(1)(A)(iii). Pub. L. 103-238, §6(1), added cl. (iii).

Subsec. (d). Pub. L. 103-238, §6(2), inserted “and section 1374(c)(2)(D) of this title”.

### § 1421e. Liability

#### (a) In general

A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 1382(c) of this title is deemed to be an employee of the government for purposes of chapter 171 of title 28, with respect to actions of the person that are—

(1) in accordance with the agreement; and

(2) in the case of an unusual mortality event, in accordance with—

(A) the contingency plan issued under section 1421c(b) of this title;

(B) the instructions of an Onsite Coordinator designated under section 1421c(c) of this title; or

(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

#### (b) Limitation

Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

(Pub. L. 92-522, title IV, §406, formerly title III, §306, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5064; renumbered title IV, §406, and amended Pub. L. 103-238, §24(b), (c)(3), (4), Apr. 30, 1994, 108 Stat. 565, 566.)

#### Editorial Notes

##### AMENDMENTS

1994—Subsec. (a)(2)(A), (B). Pub. L. 103-238, §24(c)(3), (4), made technical amendment to references to section