

(b) Liability in rem

Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource or any marine or aquatic park resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subsection (a) of this section.

(c) Defenses

A person is not liable under this section if such person can establish that—

- (1) the destruction, loss of, or injury to the park system resource was caused solely by an act of God or an act of war;
- (2) such person acted with due care, and the destruction, loss of, or injury to the park system resource was caused solely by an act or omission of a third party, other than an employee or agent of such person; or
- (3) the destruction, loss, or injury to the park system resource was caused by an activity authorized by Federal or State law.

(d) Scope

The provisions of this section shall be in addition to any other liability which may arise under Federal or State law.

(Pub. L. 101-337, §2, July 27, 1990, 104 Stat. 379; Pub. L. 104-333, div. I, title VIII, §814(h)(3), Nov. 12, 1996, 110 Stat. 4199; Pub. L. 106-176, title I, §120(c), Mar. 10, 2000, 114 Stat. 29.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-176 inserted “or” after “park system resource”.

1996—Subsec. (b). Pub. L. 104-333 inserted “any marine or aquatic park resource” after “any park system resource”.

§ 19jj-2. Actions**(a) Civil actions for response costs and damages**

The Attorney General, upon request of the Secretary after a finding by the Secretary—

- (1) of damage to a park system resource; or
- (2) that absent the undertaking of response costs, damage to a park system resource would have occurred;

may commence a civil action in the United States district court for the appropriate district against any person who may be liable under section 19jj-1 of this title for response costs and damages. The Secretary shall submit a request for such an action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for such costs and damages as provided in section 19jj-1 of this title.

(b) Response actions and assessment of damages

(1) The Secretary shall undertake all necessary actions to prevent or minimize the destruction, loss of, or injury to park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) The Secretary shall assess and monitor damages to park system resources.

(Pub. L. 101-337, §3, July 27, 1990, 104 Stat. 380.)

§ 19jj-3. Use of recovered amounts

Response costs and damages recovered by the Secretary under the provisions of this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of damage to any living or nonliving resource located within a unit of the National Park System, except for damage to resources owned by a non-Federal entity, shall be available to the Secretary and without further congressional action may be used only as follows:

(a) Response costs and damage assessments

To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary deems appropriate.

(b) Restoration and replacement

To restore, replace, or acquire the equivalent of resources which were the subject of the action and to monitor and study such resources: *Provided*, That no such funds may be used to acquire any lands or waters or interests therein or rights thereto unless such acquisition is specifically approved in advance in appropriations Acts and any such acquisition shall be subject to any limitations contained in the organic legislation for such park unit.

(c) Excess funds

Any amounts remaining after expenditures pursuant to subsections (a) and (b) of this section shall be deposited into the General Fund of the United States Treasury.

(Pub. L. 101-337, §4, July 27, 1990, 104 Stat. 380; Pub. L. 103-437, §6(d)(3), Nov. 2, 1994, 108 Stat. 4583.)

CODIFICATION

Subsection (d), which required the Secretary to report annually to the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate and the Committee on Appropriations and the Committee on Natural Resources of the United States House of Representatives on funds expended pursuant to this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 111 of House Document No. 103-7.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 19jj-4. Donations

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. Such donations may be expended or employed at any time after their acceptance, without further congressional action.

(Pub. L. 101-337, §5, July 27, 1990, 104 Stat. 381.)