

**(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.)

SUBCHAPTER IV—CONCESSIONS FOR ACCOMMODATIONS, FACILITIES, AND SERVICES IN AREAS ADMINISTERED BY NATIONAL PARK SERVICE

**§§ 20 to 20g. Repealed. Pub. L. 105-391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515**

Section 20, Pub. L. 89-249, §1, Oct. 9, 1965, 79 Stat. 969, related to congressional findings and statement of purpose.

Section 20a, Pub. L. 89-249, §2, Oct. 9, 1965, 79 Stat. 969, related to authority of Secretary of the Interior to encourage concessioners.

Section 20b, Pub. L. 89-249, §3, Oct. 9, 1965, 79 Stat. 969, related to protection of concessioner's investment.

Section 20c, Pub. L. 89-249, §4, Oct. 9, 1965, 79 Stat. 970, related to new or additional services, preferential rights, and operations by a single concessioner.

Section 20d, Pub. L. 89-249, §5, Oct. 9, 1965, 79 Stat. 970, related to renewal preference for satisfactory performance, extensions, new contracts, and public notice.

Section 20e, Pub. L. 89-249, §6, Oct. 9, 1965, 79 Stat. 970, related to concessioner's possessory interest in concession property, limitations, compensation for taking, and determination of just compensation.

Section 20f, Pub. L. 89-249, §7, Oct. 9, 1965, 79 Stat. 971, related to use of non-monetary consideration in leases of government property.

Section 20g, Pub. L. 89-249, §9, Oct. 9, 1965, 79 Stat. 971, related to recordkeeping, audit and examination, and access to books and records.

Sections 20 to 20g were popularly known as the National Park System Concessions Policy Act. For similar provisions, see section 5951 et seq. of this title.

REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT; SAVINGS PROVISION

Pub. L. 105-391, title IV, §415(a), Nov. 13, 1998, 112 Stat. 3515, provided that: "Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title [see Short Title note set out under section 5901 of this title] shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority."

SUBCHAPTER V—YELLOWSTONE NATIONAL PARK

**§ 21. Establishment; boundaries; trespassers**

The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for

the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in section 22 of this title, shall be considered trespassers and removed therefrom.

(R.S. §2474.)

CODIFICATION

R.S. §2474 derived from act Mar. 1, 1872, ch. 24, §1, 17 Stat. 32.

**§ 21a. Revision of boundaries; contiguous national forests; jurisdiction of forests**

The boundary of the Yellowstone National Park is changed so as to read as follows:

Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin