

sible management of a local nonprofit support organization for support of a national park unit;

(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

**(e) Annual report**

The Foundation shall report the progress of the program under subsection (a) of this section in the annual report of the Foundation.

**(f) Affiliations**

**(1) Charter or corporate bylaws**

Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

**(2) Establishment**

An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

(Pub. L. 90-209, §11, as added Pub. L. 105-391, title VII, §701, Nov. 13, 1998, 112 Stat. 3520.)

SUBCHAPTER III-A—NATIONAL PARK SYSTEM VISITOR FACILITY

**§§ 19aa to 19gg. Omitted**

CODIFICATION

Sections 19aa to 19gg were omitted pursuant to section 19gg which provided that all authorities contained in this subchapter expired Sept. 30, 1989.

Section 19aa, Pub. L. 97-433, §2, Jan. 8, 1983, 96 Stat. 2277, defined terms for purposes of this subchapter.

Section 19bb, Pub. L. 97-433, §3, Jan. 8, 1983, 96 Stat. 2277, established in United States Treasury the National Park System Visitor Facilities Fund and provided for funds to be credited to that Fund.

Section 19cc, Pub. L. 97-433, §4, Jan. 8, 1983, 96 Stat. 2277, authorized appropriations to be made available to National Park Foundation to carry out its functions under this subchapter.

Section 19dd, Pub. L. 97-433, §5, Jan. 8, 1983, 96 Stat. 2278, related to administration of Fund projects and required Foundation to include in its annual report a description of projects undertaken and accomplishments made under this subchapter.

Section 19ee, Pub. L. 97-433, §6, Jan. 8, 1983, 96 Stat. 2278, related to authority of National Park Foundation.

Section 19ff, Pub. L. 97-433, §7, Jan. 8, 1983, 96 Stat. 2279, provided that nothing in this subchapter affect responsibilities of Secretary of the Interior under other provisions of law.

Section 19gg, Pub. L. 97-433, §8, Jan. 8, 1983, 96 Stat. 2279, provided that authorities contained in this subchapter expire Sept. 30, 1989, and that any moneys credited to Fund not appropriated, expended, or obligated be transferred to miscellaneous receipts of the Treasury.

SHORT TITLE

Section 1 of Pub. L. 97-433 provided that this subchapter be cited as the "National Park System Visitor Facilities Fund Act".

SUBCHAPTER III-B—PARK SYSTEM RESOURCE PROTECTION

**§ 19jj. Definitions**

As used in this subchapter the term:

(a) "Attorney General" means the Attorney General of the United States.

(b) "Damages" includes the following:

(1) Compensation for—

(A)(i) the cost of replacing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(B) the value of the park system resource in the event the resource cannot be replaced or restored.

(2) The cost of damage assessments under section 19jj-2(b) of this title.

(c) "Response costs" means the costs of actions taken by the Secretary of the Interior to prevent or minimize destruction or loss of or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to monitor ongoing effects of incidents causing such destruction, loss, or injury.

(d) "Park system resource" means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

(e) "Regimen" means a water column and submerged lands, up to the high-tide or high-water line.

(f) "Secretary" means the Secretary of the Interior.

(g) "Marine or aquatic park system resource" means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.

(Pub. L. 101-337, §1, July 27, 1990, 104 Stat. 379; Pub. L. 104-333, div. I, title VIII, §814(h)(1), (2), Nov. 12, 1996, 110 Stat. 4199.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-333, §804(h)(1), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "'Park system resource' means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.'"

Subsec. (g). Pub. L. 104-333, §814(h)(2), added subsec. (g).

**§ 19jj-1. Liability**

**(a) In general**

Subject to subsection (c) of this section, any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

**(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.)