

(d) Uncompensated damages

If a claim is presented in accordance with this section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, and full and adequate compensation is unavailable, a claim for the uncompensated damages and removal costs may be presented to the Fund.

(e) Procedure for claims against Fund

The President shall promulgate, and may from time to time amend, regulations for the presentation, filing, processing, settlement, and adjudication of claims under this Act against the Fund.

(Pub. L. 101-380, title I, §1013, Aug. 18, 1990, 104 Stat. 501; Pub. L. 104-324, title XI, §1142(b), Oct. 19, 1996, 110 Stat. 3991; Pub. L. 108-293, title VII, §708(a), Aug. 9, 2004, 118 Stat. 1077; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8303(a), Jan. 1, 2021, 134 Stat. 4692.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (e), is Pub. L. 101-380, Aug. 18, 1990, 104 Stat. 484, known as the Oil Pollution Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

2021—Subsec. (f). Pub. L. 116-283 struck out subsec. (f) which related to loan program to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

2004—Subsec. (f). Pub. L. 108-293 added subsec.(f).

1996—Subsec. (d). Pub. L. 104-324 substituted “section, including a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled,” for “section”.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under subsec. (e) of this section delegated to Secretary of Department in which Coast Guard is operating by section 7(c)(2) of Ex. Ord. No. 12777, Oct. 18, 1991, 56 F.R. 54767, set out as a note under section 1321 of this title.

§ 2714. Designation of source and advertisement**(a) Designation of source and notification**

When the President receives information of an incident, the President shall, where possible and appropriate, designate the source or sources of the discharge or threat. If a designated source is a vessel or a facility, the President shall immediately notify the responsible party and the guarantor, if known, of that designation.

(b) Advertisement by responsible party or guarantor

(1) If a responsible party or guarantor fails to inform the President, within 5 days after receiving notification of a designation under subsection (a), of the party's or the guarantor's denial of the designation, such party or guarantor shall advertise the designation and the procedures by which claims may be presented, in ac-

cordance with regulations promulgated by the President. Advertisement under the preceding sentence shall begin no later than 15 days after the date of the designation made under subsection (a). If advertisement is not otherwise made in accordance with this subsection, the President shall promptly and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which claims may be presented to the responsible party or guarantor. Advertisement under this subsection shall continue for a period of no less than 30 days.

(2) An advertisement under paragraph (1) shall state that a claimant may present a claim for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled and that payment of such a claim shall not preclude recovery for damages not reflected in the paid or settled partial claim.

(c) Advertisement by President

If—

(1) the responsible party and the guarantor both deny a designation within 5 days after receiving notification of a designation under subsection (a),

(2) the source of the discharge or threat was a public vessel, or

(3) the President is unable to designate the source or sources of the discharge or threat under subsection (a),

the President shall advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Fund.

(Pub. L. 101-380, title I, §1014, Aug. 18, 1990, 104 Stat. 501; Pub. L. 104-324, title XI, §1142(c), Oct. 19, 1996, 110 Stat. 3991.)

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-324 designated existing provisions as par. (1) and added par. (2).

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Department in which Coast Guard is operating by section 7(d)(2) of Ex. Ord. No. 12777, Oct. 18, 1991, 56 F.R. 54768, set out as a note under section 1321 of this title.

§ 2715. Subrogation**(a) In general**

Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for removal costs or damages shall be subrogated to all rights, claims, and causes of action that the claimant has under any other law.

(b) Interim damages**(1) In general**

If a responsible party, a guarantor, or the Fund has made payment to a claimant for interim, short-term damages representing less than the full amount of damages to which the claimant ultimately may be entitled, subrogation under subsection (a) shall apply only with