

From the U.S. Code Online via GPO Access  
[wais.access.gpo.gov]  
[Laws in effect as of January 3, 2005]  
[Document not affected by Public Laws enacted between  
January 3, 2005 and October 30, 2006]  
[CITE: 33USC2708]

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 40--OIL POLLUTION

SUBCHAPTER I--OIL POLLUTION LIABILITY AND COMPENSATION

Sec. 2708. Recovery by responsible party

(a) In general

The responsible party for a vessel or facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, may assert a claim for removal costs and damages under section 2713 of this title only if the responsible party demonstrates that--

(1) the responsible party is entitled to a defense to liability under section 2703 of this title; or

(2) the responsible party is entitled to a limitation of liability under section 2704 of this title.

(b) Extent of recovery

A responsible party who is entitled to a limitation of liability may assert a claim under section 2713 of this title only to the extent that the sum of the removal costs and damages incurred by the responsible party plus the amounts paid by the responsible party, or by the guarantor on behalf of the responsible party, for claims asserted under section 2713 of this title exceeds the amount to which the total of the liability under section 2702 of this title and removal costs and damages incurred by, or on behalf of, the responsible party is limited under section 2704 of this title.

(Pub. L. 101-380, title I, Sec. 1008, Aug. 18, 1990, 104 Stat. 497.)