

SUBCHAPTER II—SYSTEM UNIT RESOURCE PROTECTION

§ 100721. Definitions

In this subchapter:

(1) DAMAGES.—The term “damages” includes—

(A) compensation for—

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and

(II) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(ii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

(2) RESPONSE COSTS.—The term “response costs” means the costs of actions taken by the Secretary to—

(A) prevent or minimize destruction or loss of or injury to a System unit resource;

(B) abate or minimize the imminent risk of the destruction, loss, or injury; or

(C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

(3) SYSTEM UNIT RESOURCE.—

(A) IN GENERAL.—The term “System unit resource” means any living or non-living resource that is located within the boundaries of a System unit.

(B) EXCLUSION.—The term “System unit resource” does not include a resource owned by a non-Federal entity.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3106.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 100721 shows source codes and statutes.

In this section, the text of 16 U.S.C. 19jj(a) is omitted as unnecessary. The text of 16 U.S.C. 19jj(e) is omitted because the term “regimen” is not used in the revised title. The text of 16 U.S.C. 19jj(g) is omitted because a marine or aquatic park system resource is a kind of park system resource.

§ 100722. Liability

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) SCOPE.—Liability under this section is in addition to any other liability that may arise under Federal or State law.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3107.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 100722 shows source codes and statutes.

§ 100723. Actions

(a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.—

(1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) ASSESSMENT AND MONITORING.—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3107.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 100723 shows source codes and statutes.

In this section, the words “destruction, loss, or injury” are substituted for “damage” in subsection (a) and for “damages” in subsection (b) for consistency in the new chapter and to distinguish destruction, loss, or injury from damages recovered in a civil action.

In subsection (a), the words “response action” are substituted for “response costs” the 1st time the words appear for clarity and consistency in the new chapter.

§ 100724. Use of recovered amounts

(a) **LIMITATION ON USE.**—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) **REIMBURSEMENT.**—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) **RESTORATION AND REPLACEMENT.**—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) **EXCESS AMOUNTS.**—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3108.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100724	16 U.S.C. 19jj–3.	Pub. L. 101–337, § 4, July 27, 1990, 104 Stat. 380; Pub. L. 103–437, § 6(d)(3), Nov. 12, 1994, 108 Stat. 4583.

Section 4(d) of the Act of July 27, 1990 (Public Law 101–337, 104 Stat. 380), is omitted as obsolete. See section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Land 104–66, 31 U.S.C. 1113 note) and page 111 of House Document No. 103–7.

In subsection (a), before paragraph (1), the words “destruction, loss, or injury to” are substituted for “damage to” for consistency in the new chapter and to distinguish destruction, loss, or injury from damages recovered in a civil action.

In subsection (b), the words “the General Fund of the United States” are omitted as unnecessary.

§ 100725. Donations

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

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3108.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100725	16 U.S.C. 19jj–4.	Pub. L. 101–337, § 5, July 27, 1990, 104 Stat. 381.

SUBCHAPTER III—MINING ACTIVITY WITHIN SYSTEM UNITS

§ 100731. Findings and declaration

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically, and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3109.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100731	16 U.S.C. 1901.	Pub. L. 94–429, § 1, Sept. 28, 1976, 90 Stat. 1342.

In paragraph (1), the words “in recent years” are omitted as obsolete.

In paragraph (2), the words “in certain areas of the National Park System, surface disturbances from mineral development should be temporarily halted while Congress determines whether or not to acquire any valid mineral rights which may exist in such areas” are omitted as obsolete.

§ 100732. Preservation and management of System units by Secretary; promulgation of regulations

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3109.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100732	16 U.S.C. 1902.	Pub. L. 94–429, § 2, Sept. 28, 1976, 90 Stat. 1342.

The word “valid” is omitted for clarity because regulations apply to the exercise of mining claim rights before they are determined to be valid. The word “existing” is omitted as obsolete.

§ 100733. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be aban-