

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-

done and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

(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>
100733	16 U.S.C. 1907.	Pub. L. 94–429, § 8, Sept. 28, 1976, 90 Stat. 1343.

The section is substituted for the source provision to eliminate obsolete words. The words “in existence on September 28, 1976” are added for clarity to show that the provision applies only to System units that were part of the System on that date.

Editorial Notes

REFERENCES IN TEXT

The Mining Law of 1872, referred to in text, is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables.

§ 100734. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary’s own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary’s finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

(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>
100734	16 U.S.C. 1908(a).	Pub. L. 94–429, § 9(a), Sept. 28, 1976, 90 Stat. 1343.

§ 100735. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded

if the court finds that the loss constitutes a taking of property compensable under the Constitution.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3110.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100735	16 U.S.C. 1910.	Pub. L. 94–429, § 11, Sept. 28, 1976, 90 Stat. 1344; Pub. L. 98–620, title IV, § 402(21), 98 Stat. 3358.

§ 100736. Acquisition of land by Secretary

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3110.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100736	16 U.S.C. 1911.	Pub. L. 94–429, § 12, Sept. 28, 1976, 90 Stat. 1344.

§ 100737. Financial disclosure by officer or employee of Secretary

(a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit;

shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) MONITORING AND ENFORCEMENT PROCEDURES.—The Secretary shall—

(1) define the term “known financial interest” for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and