

of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

- 1990—Pars. (16) to (19). Pub. L. 101-627 added pars. (16) to (19).
 1986—Pars. (12) to (15). Pub. L. 99-659 added pars. (12) to (15).
 1983—Pars. (9) to (11). Pub. L. 97-453 added pars. (9) to (11).
 1979—Pars. (6) to (8). Pub. L. 96-61 added pars. (6) to (8).
 1978—Par. (5). Pub. L. 95-354 added par. (5).

CHAPTER 39—MINING ACTIVITY WITHIN NATIONAL PARK SYSTEM AREAS

- Sec.
 1901. Congressional findings and declaration of policy.
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 1911. Acquisition of land by Secretary.
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 (a) Filing and availability of written statements; contents.
 (b) Enforcement procedures.
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 (d) Violation; penalty.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 410aaa-48, 410aaa-59 of this title.

§ 1901. Congressional findings and declaration of policy

The Congress finds and declares that—

(a) the level of technology of mineral exploration and development has changed radically in recent years and continued application of the mining laws of the United States to those areas of the National Park System to which it applies, conflicts with the purposes for which they were established; and

(b) all mining operations in areas of the National Park System should be conducted so as to prevent or minimize damage to the environment and other resource values, and, in certain areas of the National Park System, surface disturbance 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.

(Pub. L. 94-429, §1, Sept. 28, 1976, 90 Stat. 1342.)

SHORT TITLE

Pub. L. 94-429, which enacted this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title, is popularly known as the "Mining in the Parks Act".

CROSS REFERENCES

Coal land, entry of unappropriated or unreserved Federal coal lands, see section 71 of Title 30, Mineral Lands and Mining.

Exploration program for the discovery of minerals, financial assistance, see section 641 of Title 30.

Leases and Prospecting Permits—

Lands subject to disposition, see section 181 of Title 30.

Oil and gas lands, see section 226 of Title 30.

Oil shale lands, see section 241 of Title 30.

Phosphate lands, see section 211 of Title 30.

Potash lands, see section 281 of Title 30.

Sodium lands, see section 261 of Title 30.

Sulphur lands, see section 271 of Title 30.

Mineral Lands and Regulations—

Lands open to purchase by citizens, see section 22 of Title 30.

Locators' rights of possession and enjoyment, see section 26 of Title 30.

Mineral lands reserved, see section 21 of Title 30.

§ 1902. Preservation and management of areas by Secretary of the Interior; promulgation of regulations

In order to preserve for the benefit of present and future generations the pristine beauty of areas of the National Park System, and to further the purposes of sections 1, and 2 to 4 of this title, as amended, and the individual organic Acts for the various areas of the National Park System, all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any area of the National Park System shall be subject to such regulations prescribed by the Secretary of the Interior as he deems necessary or desirable for the preservation and management of those areas.

(Pub. L. 94-429, §2, Sept. 28, 1976, 90 Stat. 1342.)

CROSS REFERENCES

Disposal of materials on public lands, surface resources, see section 601 of Title 30, Mineral Lands and Mining.

Division of coal lands into leasing tracts, see section 201 of Title 30.

Leases and Prospecting Permits—

Lands subject to disposition, see section 181 of Title 30.

Oil and gas lands, see section 226 of Title 30.

Oil shale lands, see section 241 of Title 30.

Phosphate lands, see section 211 of Title 30.

Potash lands, see section 281 of Title 30.

Sodium lands, see section 261 of Title 30.

Sulphur lands, see section 271 of Title 30.

Mineral Lands and Regulations—

Assignment or subletting of leases, see section 187 of Title 30.

Cancellation of prospecting permits, see section 183 of Title 30.

Limitations on leases held, owned or controlled by persons, associations, or corporations, see section 184 of Title 30.

Prescription of rules and regulations, see section 189 of Title 30.

Reservation of easements or rights-of-way for working purposes, see section 186 of Title 30.

Rights-of-way for pipelines, see section 185 of Title 30.

§§ 1903 to 1906. Omitted

CODIFICATION

Section 1903, Pub. L. 94-429, §4, Sept. 28, 1976, 90 Stat. 1343, provided for a 4-year cessation of certain mining operations within the boundaries of Death Valley National Monument, Mount McKinley National Park, and Organ Pipe Cactus National Monument, subject to exceptions.

Section 1904, Pub. L. 94-429, §5, Sept. 28, 1976, 90 Stat. 1343, provided for inapplicability of requirements for annual expenditures on mining claims to mining operations during the 4-year period under section 1903.

Section 1905, Pub. L. 94-429, §6, Sept. 28, 1976, 90 Stat. 1343, provided that within 2 years the Secretary of the Interior determine the validity of unpatented mining claims within Glacier Bay National Monument, Death Valley and Organ Pipe Cactus National Monuments and Mount McKinley National Park, submit to Congress recommendations for acquisition of valid claims, and study and submit to Congress recommendations for modifications of existing boundaries of the Death Valley Monument and the Glacier Bay National Monument.

Section 1906, Pub. L. 94-429, §7, Sept. 28, 1976, 90 Stat. 1343, provided that within 4 years the Secretary determine the validity of unpatented mining claims within Crater Lake National Park, Coronado National Memorial, and Glacier Bay National Monument, and submit to Congress recommendations for acquisition of valid claims.

§ 1907. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872, as amended and supplemented (30 U.S.C. chapters 2, 12A, and 16 and sections 161 and 162) which lie within the boundaries of units of the National Park System shall be recorded with the Secretary of the Interior within one year after September 28, 1976. Any mining claim not so recorded shall be conclusively presumed to be abandoned and shall be void. Such recordation will not render valid any claim which was not valid on September 28, 1976, or which becomes invalid thereafter. Within thirty days following September 28, 1976, the Secretary shall publish notice of the requirement for such recordation in the Federal Register. He shall also publish similar notices in newspapers of general circulation in the areas adjacent to those units of the National Park System listed in section 3 of this Act.

(Pub. L. 94-429, §8, Sept. 28, 1976, 90 Stat. 1343.)

REFERENCES IN TEXT

Section 3 of this Act, referred to in text, is section 3 of Pub. L. 94-429, which amended sections 123 and 450y-2 of this title; repealed sections 350, 350a, 447, and 450z of this title; and repealed act June 22, 1936 (49 Stat. 1817) which was not classified to the Code. The units of the National Park System listed in such section 3 are: Crater Lake National Park, Mount McKinley National Park, Death Valley National Monument, Glacier Bay National Monument, Coronado National Memorial, and Organ Pipe Cactus National Monument.

CROSS REFERENCES

Mining district regulations by miners, recordation of mining claims made after May 10, 1872, see section 28 of Title 30, Mineral Lands and Mining.

§ 1908. Damage to natural and historical landmarks; procedures for determination and enforcement of abatement of damaging activities

(a) Whenever the Secretary of the Interior finds on his own motion or upon being notified in writing by an appropriate scientific, historical, or archeological authority, that a district, site, building, structure, or object which has been found to be nationally significant in illustrating natural history or the history of the

United States and which has been designated as a natural or historical 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, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such 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 such activity.

(b) Omitted

(Pub. L. 94-429, §9, Sept. 28, 1976, 90 Stat. 1343.)

CODIFICATION

Subsec. (b) provided that within 2 years the Advisory Council on Historic Preservation report to Congress on effect on surface mining activities on natural and historical landmarks, including recommendations for protective legislation.

§ 1909. Severability

If any provision of this chapter is declared to be invalid, such declaration shall not affect the validity of any other provision herein.

(Pub. L. 94-429, §10, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

§ 1910. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this chapter who believes he has suffered a loss by operation of this chapter, or by orders or regulations issued pursuant thereto, may bring an action in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution.

(Pub. L. 94-429, §11, Sept. 28, 1976, 90 Stat. 1344; Pub. L. 98-620, title IV, §402(21), Nov. 8, 1984, 98 Stat. 3358.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

AMENDMENTS

1984—Pub. L. 98-620 struck out provision which required the court to expedite its consideration of any claim brought pursuant to this section.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CROSS REFERENCES

Mineral lands and regulations—

Procurement procedure for patents for any land claimed and located for valuable deposits, see section 29 of Title 30, Mineral Lands and Mining.

Procurement procedure for patents for any nonmineral lands, see section 42 of Title 30.

§ 1911. Acquisition of land by Secretary

Nothing in this chapter shall be construed to limit the authority of the Secretary to acquire lands and interests in lands within the boundaries of any unit of the National Park System. The Secretary is to give prompt and careful consideration to any offer made by the owner of any valid right or other property within the areas named in section 1905 of this title to sell such right or other property, if such owner notifies the Secretary that the continued ownership of such right or property is causing, or would result in, undue hardship.

(Pub. L. 94-429, § 12, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

Section 1905 of this title, referred to in text, was omitted from the Code.

CROSS REFERENCES

Mineral lands and regulations—

Lands open to purchase by citizens, see section 22 of Title 30, Mineral Lands and Mining.

Mineral lands reserved, see section 21 of Title 30.

§ 1912. Financial disclosure by officer or employee of Secretary

(a) Filing and availability of written statements; contents

Each officer or employee of the Secretary of the Interior who—

(1) performs any function or duty under this Act, or any Acts amended by this Act concerning the regulation of mining within the National Park System; and

(2) has any known financial interest (A) in any person subject to such Acts, or (B) in any person who holds a mining claim within the boundaries of units of the National Park System;

shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) Enforcement procedures

The Secretary shall—

(1) act within ninety days after September 28, 1976—

(A) to define the term “known financial interest” for purposes of subsection (a) of this section; and

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

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) Exemptions

In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within such agency which are of a non-regulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Violation; penalty

Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

(Pub. L. 94-429, § 13, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 94-429, which enacted this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title. For complete classification of this Act to the Code, see Tables.

CHAPTER 40—SOIL AND WATER RESOURCES CONSERVATION

Sec.	
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	(b) Full utilization of cooperative arrangements with State agencies.
	(c) Attainment of policies and purposes.
2004.	Continuing appraisal of soil, water, and related resources.
	(a) Data.
	(b) Collection of data.
	(c) Public participation.
	(d) Completion dates.
2005.	Soil and water conservation program.
	(a) Program development.
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2005a.	Technical assistance for water resources.
	(a) Authority of Secretary of Agriculture.
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2006.	Reports to Congress.
	(a) Appraisal, program, and detailed statement of policy when Congress convenes.
	(b) Annual report accompanying budget covering program effectiveness.
2007.	Authorization of appropriations.
2008.	Utilization of available information and data.
2009.	Termination of program.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 582a, 3432 of this title.

§ 2001. Congressional findings

The Congress finds that:

(1) There is a growing demand on the soil, water, and related resources of the Nation to meet present and future needs.

(2) The Congress, in its concern for sustained use of the resource base,¹ of the United States,

¹ So in original. The comma probably should not appear.