Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) Consultation

The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish.

(d) Delegation

The designated official may delegate and authorize successive re-delegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) Effective date

This section shall take effect on January 1, 2009.


CODIFICATION

Section was enacted as part of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and not as part of the Magnuson-Stevens Fishery Conservation and Management Act which comprises this chapter.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

CHAPTER 39—MINING ACTIVITY WITHIN NATIONAL PARK SYSTEM AREAS

§ 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.


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 L. 94–429, which enacted this chapter, amended sections 123 and 450y–2 of this title, and repealed sections 350, 350a, 447, and 450z of this title, is popularly known as the "Mining in the Parks Act".

§ 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, 2, 3, and 4 of this title, 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.


§§ 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.


§ 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 of 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


§ 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.


§ 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.

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 nonregulatory 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.

(1976 90 Stat. 1344.)

(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;

$ 2002

CHAPTER 40—SOIL AND WATER RESOURCES CONSERVATION

Sec. 2001. Congressional findings.
2005. Soil and water conservation program.

2006. Reports to Congress.
2008. Utilization of available information and data.
2009. Termination of program.

$ 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 of the United States, has ensured that the Department of Agriculture possesses information, technical expertise, and a delivery system for providing assistance to land users with respect to conservation and use of soils; plants; woodlands; watershed protection and flood prevention; the conservation, development, utilization, and disposal of water; animal husbandry; fish and wildlife management; recreation; community development; and related resource uses.

(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs are basic to effective soil, water, and related natural resource conservation.

(4) Since individual and governmental decisions concerning soil and water resources often transcend administrative boundaries and affect other programs and decisions, a coordinated appraisal and program framework are essential.

2008 A

AMENDMENTS

2008—Par. (2). Pub. L. 110–246, § 2804(a)(1), substituted ‘‘base of’’ for ‘‘base, of the’’.

2004—Par. (2). Pub. L. 103–354 struck out ‘‘created the Soil Conservation Service’’ after ‘‘resource base,’’ and substituted ‘‘has ensured that the Department of Agriculture’’ for ‘‘Department of Agriculture which’’ after ‘‘United States’’.


Codification


Effective Date of 2008 Amendment


Short Title

Section 1 of Pub. L. 95–192 provided: ‘‘That this Act (enacting this chapter) may be cited as the ‘Soil and Water Resources Conservation Act of 1977’.’’

$ 2002. Definitions

As used in this chapter: