

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. 1344.)

CODIFICATION

Subsec. (b) provided that within 2 years the Advisory Council on Historic Preservation report to Congress on effect of 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 L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.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 L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.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.

§ 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.

§ 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