

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

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

(c) EXEMPTIONS.—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or nonpolicy-making nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) CRIMINAL PENALTIES.—Criminal penalties for a violation of this section are provided by section 1865 of title 18.

(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>
100737(a) through (c).	16 U.S.C. 1912(a) through (c).	Pub. L. 94-429, § 13(a) through (c), Sept. 28, 1976, 90 Stat. 1344.
100737(d)	no source.	

In subsection (a), the words “beginning on February 1, 1977” are omitted as obsolete.

In subsection (b), the words “act within ninety days after September 28, 1976” are omitted as obsolete.

In subsection (c), the words “the Department of the Interior” are substituted for “such agency” for clarity.

Subsection (d) is added for informational purposes.

REFERENCES IN TEXT

The Mining in the Parks Act, referred to in subsec. (a)(1), (2)(A), is Pub. L. 94-429, Sept. 28, 1976, 90 Stat. 1342. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER IV—ADMINISTRATION

§ 100751. Regulations

(a) IN GENERAL.—The Secretary shall prescribe such regulations as the Secretary considers nec-