

this section and enacting provisions set out as notes above] is intended expressly to preserve any and all rights and remedies of contributors to the TAPS Fund under section 1491 of title 28, United States Code (commonly referred to as the 'Tucker Act').'

§ 1654. Antitrust laws

The grant of a right-of-way, permit, lease, or other authorization pursuant to this chapter shall grant no immunity from the operation of the Federal anti-trust laws.

(Pub. L. 93-153, title II, §205, Nov. 16, 1973, 87 Stat. 588.)

§ 1655. Roads and airports

A right-of-way, permit, lease, or other authorization granted under section 1652(b) of this title for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

(Pub. L. 93-153, title II, §206, Nov. 16, 1973, 87 Stat. 588.)

§ 1656. Civil penalties

(a) Penalty

Except as provided in subsection (c)(4), the Secretary of the Interior may assess and collect a civil penalty under this section with respect to any discharge of oil—

(1) in transit from fields or reservoirs supplying oil to the trans-Alaska pipeline; or

(2) during transportation through the trans-Alaska pipeline or handling at the terminal facilities, that causes damage to, or threatens to damage, natural resources or public or private property.

(b) Persons liable

In addition to the person causing or permitting the discharge, the owner or owners of the oil at the time the discharge occurs shall be jointly, severally, and strictly liable for the full amount of penalties assessed pursuant to this section, except that the United States and the several States, and political subdivisions thereof, shall not be liable under this section.

(c) Amount

(1) The amount of the civil penalty shall not exceed \$1,000 per barrel of oil discharged.

(2) In determining the amount of civil penalty under this section, the Secretary shall consider the seriousness of the damages from the discharge, the cause of the discharge, any history of prior violations of applicable rules and laws, and the degree of success of any efforts by the violator to minimize or mitigate the effects of such discharge.

(3) The Secretary may reduce or waive the penalty imposed under this section if the discharge was solely caused by an act of war, act of God, or third party action beyond the control of the persons liable under this section.

(4) No civil penalty assessed by the Secretary pursuant to this section shall be in addition to a penalty assessed pursuant to section 1321(b) of title 33.

(d) Procedures

A civil penalty may be assessed and collected under this section only after notice and oppor-

tunity for a hearing on the record in accordance with section 554 of title 5. In any proceeding for the assessment of a civil penalty under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures. Any person who requested a hearing with respect to a civil penalty under this subsection and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(e) State law

(1) Nothing in this section shall be construed or interpreted as preempting any State or political subdivision thereof from imposing any additional liability or requirements with respect to the discharge, or threat of discharge, of oil or other pollution by oil.

(2) Nothing in this section shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to discharges of oil.

(Pub. L. 93-153, title II, §207, as added Pub. L. 101-380, title VIII, §8202, Aug. 18, 1990, 104 Stat. 571.)

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 35—FEDERAL LAND POLICY AND MANAGEMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
1701.	Congressional declaration of policy.
1702.	Definitions.
1703.	Cooperative action and sharing of resources by Secretaries of the Interior and Agriculture.

SUBCHAPTER II—LAND USE PLANNING AND LAND ACQUISITION AND DISPOSITION

1711.	Continuing inventory and identification of public lands; preparation and maintenance.
1712.	Land use plans.
1713.	Sales of public land tracts.
1714.	Withdrawals of lands.
1715.	Acquisitions of public lands and access over non-Federal lands to National Forest System units.
1716.	Exchanges of public lands or interests therein within the National Forest System.
1717.	Qualifications of conveyees.
1718.	Documents of conveyance; terms, covenants, etc.
1719.	Mineral interests; reservation and conveyance requirements and procedures.
1720.	Coordination by Secretary of the Interior with State and local governments.
1721.	Conveyances of public lands to States, local governments, etc.
1722.	Sale of public lands subject to unintentional trespass.

- Sec.
1723. Temporary revocation authority.
- SUBCHAPTER III—ADMINISTRATION
1731. Bureau of Land Management.
1732. Management of use, occupancy, and development of public lands.
1733. Enforcement authority.
1734. Fees, charges, and commissions.
1734a. Availability of excess fees.
1735. Forfeitures and deposits.
1736. Working capital fund.
1736a. Revolving fund derived from disposal of salvage timber.
1737. Implementation provisions.
1738. Contracts for surveys and resource protection; renewals; funding requirements.
1739. Advisory councils.
1740. Rules and regulations.
1741. Annual reports.
1742. Search, rescue, and protection forces; emergency situations authorizing hiring.
1743. Disclosure of financial interests by officers or employees.
1744. Recordation of mining claims.
1745. Disclaimer of interest in lands.
1746. Correction of conveyance documents.
1747. Loans to States and political subdivisions; purposes; amounts; allocation; terms and conditions; interest rate; security; limitations; forbearance for benefit of borrowers; recordkeeping requirements; discrimination prohibited; deposit of receipts.
1748. Funding requirements.
1748a. FLAME Wildfire Suppression Reserve Funds.
1748a-1. Request for additional wildfire suppression funds.
1748a-2. Reporting requirements.
1748b. Cohesive wildfire management strategy.
1748c. Bureau of Land Management Foundation.
1748d. Report on wildfire, insect infestation, and disease prevention on Federal land.
- SUBCHAPTER IV—RANGE MANAGEMENT
1751. Grazing fees; feasibility study; contents; submission of report; annual distribution and use of range betterment funds; nature of distributions.
1752. Grazing leases and permits.
1753. Omitted.
- SUBCHAPTER V—RIGHTS-OF-WAY
1761. Grant, issue, or renewal of rights-of-way.
1761a. Streamlining the Forest Service process for consideration of communications facility location applications.
1762. Roads.
1763. Right-of-way corridors; criteria and procedures applicable for designation.
1764. General requirements.
1765. Terms and conditions.
1766. Suspension or termination; grounds; procedures applicable.
1767. Rights-of-way for Federal departments and agencies.
1768. Conveyance of lands covered by right-of-way; terms and conditions.
1769. Existing right-of-way or right-of-use unaffected; exceptions; rights-of-way for railroad and appurtenant communication facilities; applicability of existing terms and conditions.
1770. Applicability of provisions to other Federal laws.
1771. Coordination of applications.
1772. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights of way.
- SUBCHAPTER VI—DESIGNATED MANAGEMENT AREAS
1781. California Desert Conservation Area.

- Sec.
1781a. Acceptance of donation of certain existing permits or leases.
1782. Bureau of Land Management Wilderness Study.
1783. Yaquina Head Outstanding Natural Area.
1784. Lands in Alaska; designation as wilderness; management by Bureau of Land Management pending Congressional action.
1785. Fossil Forest Research Natural Area.
1786. Piedras Blancas Historic Light Station.
1787. Jupiter Inlet Lighthouse Outstanding Natural Area.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1701. Congressional declaration of policy

(a) The Congress declares that it is the policy of the United States that—

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before October 21, 1976, be reviewed in accordance with the provisions of this Act;

(4) the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;

(5) in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the views of the general public; and to structure adjudication procedures to assure adequate third party participation, objective administrative review of initial decisions, and expeditious decisionmaking;

(6) judicial review of public land adjudication decisions be provided by law;

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;