

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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. Row 2: 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-

essary or proper for the use and management of System units.

(b) **BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.**—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) **CRIMINAL PENALTIES.**—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100751(a)	16 U.S.C. 3 (1st sentence words before “and any violation”)	Aug. 25, 1916, ch. 408, § 3 (1st sentence words before “and any violation”), 39 Stat. 535.
100751(b)	16 U.S.C. 1a–2(a) (matter before (a)). 16 U.S.C. 1a–2(h).	Pub. L. 91–383, § 3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Pub. L. 91–383, § 3(h), as added Pub. L. 94–458, § 1(2), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106–176, title I, § 118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100751(c)	no source.	

In subsection (b), the words “In order to facilitate the administration of the national park system” and “and enforce” are omitted as unnecessary. The words “under subsection (a)” are added for clarity to show that a regulation under subsection (b) is a special type of regulation under subsection (a) so that a violation of a regulation under subsection (b) is subject to a criminal penalty under 18 U.S.C. 1865.

Subsection (c) is added for informational purposes.

§ 100752. Destruction of animals and plant life

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100752	16 U.S.C. 3 (3d sentence).	Aug. 25, 1916, ch. 408, § 3 (3d sentence), 39 Stat. 535.

§ 100753. Disposal of timber

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100753	16 U.S.C. 3 (2d sentence).	Aug. 25, 1916, ch. 408, § 3 (2d sentence), 39 Stat. 535.

§ 100754. Relinquishment of legislative jurisdiction

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) **SUBMISSION OF AGREEMENT TO CONGRESS.**—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) **CONCURRENT LEGISLATIVE JURISDICTION.**—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100754	16 U.S.C. 1a–3.	Pub. L. 91–383, § 6, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1939; Pub. L. 103–437, § 6(a)(1), Nov. 2, 1994, 108 Stat. 4583.

In this section, the words “territory (including a possession)” are substituted for “territory, or possession” the 1st time the words appear for clarity, because a possession is a category of territory, that is, one that has very little local autonomy. In subsequent instances, the word “territory” is used in an equivalent sense. The word “Commonwealth” is omitted as being included in “territory (including a possession)”.

§ 100755. Applicability of other laws

(a) **IN GENERAL.**—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) **APPLICABLE PROVISIONS.**—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.