

103^D CONGRESS
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S. 2542

To require the Secretary of the Interior to carry out an expedited negotiated settlement of the land rights of the owners of patented and unpatented mining claims within Denali National Park, Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to carry out an expedited negotiated settlement of the land rights of the owners of patented and unpatented mining claims within Denali National Park, Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE.**

4 This Act may be cited as the “Denali Mining Claims
5 Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) As a result of the enactment of the Alaska
2 National Interest Lands Conservation Act (16
3 U.S.C. 410hh et seq.) on December 2, 1980—

4 (A) the exterior boundaries of the Denali
5 National Park, Alaska, surround all active pat-
6 ented and unpatented mining claims in the
7 Denali National Park; and

8 (B) the mining claims referred to in sub-
9 paragraph (A) are under the management juris-
10 diction of the National Park Service and are
11 subject to applicable restrictions under the Act
12 popularly known as the “Mining in the Parks
13 Act” (Public Law 94–429; 16 U.S.C. 1901 et
14 seq.).

15 (2) With respect to the mining claims described
16 in paragraph (1), the restrictions on mining under
17 the Mining in the Parks Act and the Alaska Na-
18 tional Interest Lands Conservation Act, the manage-
19 ment of claims by the National Park Service and the
20 effect of litigation relating to the management of
21 such mining claims has resulted in the cessation of
22 all significant mining operations in the Denali area.

23 (3) After completing an environmental impact
24 statement on the effects of mining in Denali Na-
25 tional Park, the National Park Service determined

1 that the preferred alternative with respect to mining
2 would be for the United States to acquire all mining
3 claims for locations in the Park.

4 (4) There is little possibility that significant
5 mining operations in the Denali area will resume.

6 (5) The owners of the patented and unpatented
7 mining claims in the Denali area have suffered great
8 hardships, including the loss of livelihood, great eco-
9 nomic deprivation, and the loss of all economically
10 beneficial and productive use of the mineral property
11 rights associated with the mining claims.

12 (6) The fairest and most expeditious way to re-
13 lieve the hardships referred to in paragraph (5) is
14 for the United States to acquire title (if practicable,
15 from willing sellers) to all affected mining claims in
16 the Denali area in exchange for just compensation
17 (determined in accordance with this Act) by means
18 of—

19 (A) the good-faith, full disclosure, and ex-
20 pedited negotiations described in section 4;

21 (B) a declaration of a takings made under
22 section 5; or

23 (C) a cash settlement made under section
24 6.

1 **SEC. 3. DEFINITIONS.**

2 Except as otherwise specifically provided, as used in
3 this Act:

4 (1) CERTIFIED MAIL.—The term “certified
5 mail” means certified mail, return receipt requested,
6 delivered by the United States Postal Service.

7 (2) DENALI AREA.—The term “Denali area”
8 means the area comprising Denali National Park.

9 (3) DENALI NATIONAL PARK.—The term
10 “Denali National Park” means the Denali National
11 Park, Alaska.

12 (4) DOWL REPORT.—The term “DOWL re-
13 port” means the 1983 report entitled “Mining Prop-
14 erties Acquisition Costs—Kantishna Hills and
15 Dunkle Mine Study Area, Denali National Park,
16 Alaska”, prepared for the Bureau of Mines by
17 DOWL Industries pursuant to the Bureau of Mines
18 Contract numbered SO134043.

19 (5) MINING CLAIM.—The term “mining claim”
20 means a patented or unpatented mining claim.

21 (6) OWNER.—With respect to a mining claim
22 the term “owner” means the owner on record (as de-
23 termined by the Secretary pursuant to section 7) of
24 the mining claim.

25 (7) SECRETARY.—The term “Secretary” means
26 the Secretary of the Interior.

1 **SEC. 4. GOOD-FAITH NEGOTIATIONS WITH FULL DISCLO-**
2 **SURE.**

3 (a) IN GENERAL.—

4 (1) GOOD-FAITH NEGOTIATIONS.—(A) Except
5 as provided in sections 5 and 6, not later than 180
6 days after the date of enactment of this Act, the
7 Secretary shall enter into expedited good-faith nego-
8 tiations with all willing owners of mining claims
9 within the Denali area for the purpose of entering
10 into voluntary land acquisition agreements described
11 in paragraph (2). Notwithstanding any other provi-
12 sion of law, in carrying out the negotiations, the
13 Secretary shall provide full disclosure of all available
14 information compiled, or made available to the Sec-
15 retary, before or during the period of the negotia-
16 tions relating to the subject of the negotiations. The
17 Secretary shall maintain an inventory of the infor-
18 mation referred to in the preceding sentence and dis-
19 close such inventory to interested parties.

20 (B) Such information shall include any apprais-
21 als and other related reports, information, data, and
22 analyses of the values relating to mining claims (in-
23 cluding values for minerals, commercial, residential,
24 and recreational purposes) within the Denali area,
25 and any other information described in subsection
26 (b).

1 (2) VOLUNTARY LAND ACQUISITION AGREE-
2 MENTS.—A voluntary land acquisition agreement de-
3 scribed in this paragraph is an agreement that the
4 Secretary may enter into with an owner of a mining
5 claim within Denali National Park for purchasing
6 the claim from the owner.

7 (3) TERMINATION OF NEGOTIATIONS.—The
8 Secretary shall terminate any negotiations required
9 under paragraph (1) not later than 2 years after the
10 date of enactment of this Act, except that the termi-
11 nation date shall be extended—

12 (A) for a reasonable period of time after a
13 title dispute described in section 7 is resolved;
14 or

15 (B) for a period not to exceed 1 year if an
16 owner of a mining claim requests that such pe-
17 riod be extended to allow for the collection of
18 samples pursuant to subsection (b)(2)(E).

19 (4) NEGOTIATIONS CONCERNING CLAIMS THAT
20 ARE THE SUBJECT OF PENDING LITIGATION.—(A)
21 With respect to an owner of a mining claim de-
22 scribed in subsection (a)(1) that is the subject of an
23 action pending in a Federal court on the date of en-
24 actment of this Act concerning the taking of prop-
25 erty or inverse condemnation by the Federal Govern-

1 ment in violation of the fifth amendment of the Con-
2 stitution, notwithstanding any other provision of
3 law—

4 (i) such owner may enter into negotiations
5 with the Secretary pursuant to subsection (a);
6 and

7 (ii) at the same time as such owner enters
8 into the negotiations, such owner may submit,
9 in accordance with applicable procedures, a mo-
10 tion to the court to stay proceedings for the pe-
11 riod of the negotiations.

12 (B) If the court grants a stay of proceedings
13 pursuant to subparagraph (A), notwithstanding any
14 other provision of law, no details of the negotiations
15 shall be admissible as evidence in the action subject
16 to the stay without mutual agreement of the owner
17 and the appropriate official of the Federal Govern-
18 ment.

19 (b) INFORMATION TO BE CONSIDERED WITH RE-
20 SPECT TO NEGOTIATIONS.—

21 (1) IN GENERAL.—In carrying out the negotia-
22 tions described in subsection (a)(1), the Secretary
23 shall determine—

24 (A) with respect to each patented mining
25 claim that is the subject of negotiations, the

1 property values associated with the claim, in-
2 cluding any associated mineral, commercial, res-
3 idential, or recreational value; and

4 (B) with respect to each unpatented min-
5 ing claim that is the subject of the negotiations,
6 the associated mineral values.

7 (2) REPORTS AND APPRAISALS.—(A) In making
8 a determination of the value of a mining claim under
9 paragraph (1), the Secretary shall take into consid-
10 eration all relevant data and reports, including the
11 DOWL report, and any appraisal relating to the
12 mining claim that meets the requirements of sub-
13 paragraph (B) conducted by—

14 (i) an individual who is not otherwise an
15 employee of the Federal Government; or

16 (ii) the owner of the mining claim.

17 (B) An appraisal that meets the requirements
18 of this subparagraph—

19 (i) includes the mineral, commercial, resi-
20 dential, and recreational values associated with
21 a mining claim; and

22 (ii) notwithstanding any other provision of
23 law, shall be determined on the basis of the
24 commercial, residential, and recreational activi-
25 ties that were permissible under the laws that

1 were in effect on the day before the date of en-
2 actment of the Alaska National Interest Lands
3 Conservation Act (16 U.S.C. 410hh et seq.).

4 (C)(i) To assist in making a determination of
5 the property values associated with a mining claim
6 described in paragraph (1), the Secretary may, with
7 the concurrence of the owner of a mining claim, ap-
8 point—

9 (I) an individual who is not an employee of
10 the Federal Government or the owner to serve
11 as an independent real estate appraiser; and

12 (II) an individual who is not an employee
13 of the Federal Government or the owner to
14 serve as an independent mineral appraiser,
15 to carry out an independent third party appraisal in
16 accordance with this section.

17 (ii) If the Secretary provides for an independent
18 third party appraisal pursuant to clause (i)—

19 (I) the Secretary shall pay the cost of the
20 appraisal from funds made available to the Sec-
21 retary for use by the National Park Service;

22 (II) the alternative dispute procedures
23 under subchapter IV of chapter 5 of title 5,
24 United States Code, shall apply to any dispute

1 between the Secretary and the owner of the
2 mining claim concerning the appraisal; and

3 (III) the Secretary shall consider the in-
4 come approach to mineral property valuation,
5 as well as other established appraisal meth-
6 odologies and indicate the relative usefulness of
7 such methodologies as a function of available
8 data concerning the mineral claims.

9 (D) The Secretary may not deny the owner or
10 the agent of an owner of a mining claim access to
11 the location of the claim to evaluate and appraise
12 the claim for the purposes of this section. Such ac-
13 cess shall include access with mechanical equipment
14 by way of the road leading to the district of the Na-
15 tional Park Service that includes the Denali area or
16 any other road within such area in the district, at
17 any time during the period specified in subpara-
18 graph (E)(iii) if the weather conditions are amenable
19 to such access.

20 (E)(i) The Secretary shall permit the owner of
21 a mining claim or an individual conducting an inde-
22 pendent third party appraisal described in subpara-
23 graph (C) to collect samples for the purposes of con-
24 ducting appraisals under this section through the
25 use of mechanical equipment, including the types of

1 mechanical equipment that are traditionally used to
2 evaluate placer or lode deposits, including churn, re-
3 verse circulation, or core drilling, and tracked or
4 wheeled vehicles, excavators, or bulldozers.

5 (ii) Any sampling conducted pursuant to this
6 subparagraph shall be conducted on the condition
7 that the land subject to the sampling shall be re-
8 claimed, in conformance with applicable Federal
9 laws (including regulations) and laws of the State of
10 Alaska (including regulations) that are generally ap-
11 plicable to mining operations within the State of
12 Alaska, not later than 90 days after the surface of
13 the land is disturbed for the purpose of the sam-
14 pling.

15 (iii) Any sampling and reclamation activities
16 conducted under this subparagraph shall be con-
17 ducted during the period beginning on May 15 and
18 ending on September 15.

19 (iv)(I) Except as provided in subclause (II), be-
20 fore permitting the collection of samples by a person
21 authorized to collect such samples, the Secretary
22 may require that such person post a bond to ensure
23 compliance with requirements for the reclamation of
24 the land of the site of the sampling in conformance
25 with applicable Federal laws (including regulations)

1 and laws of the State of Alaska (including regula-
2 tions) that are generally applicable to mining oper-
3 ations within the State of Alaska.

4 (II) The owner of a mining claim may propose
5 that the Secretary attach a lien to the mining claim
6 in lieu of requiring the owner to post a bond pursu-
7 ant to subclause (I). If the owner of the claim makes
8 such proposal in a timely manner, the Secretary
9 shall attach a lien to the mining claim in lieu of re-
10 quiring the owner of the mining claim to post a bond
11 pursuant to subclause (I). Such lien shall be effec-
12 tive during the period beginning on the date the Sec-
13 retary attaches the lien and ending on the date on
14 which the Secretary makes a determination that the
15 applicable requirements for the reclamation of the
16 land that is the site of sampling under this subpara-
17 graph have been met. The Secretary shall take all
18 actions that the Secretary determines are necessary
19 to ensure that any lien attached to a claim pursuant
20 to this subclause is removed on the termination date
21 specified in the preceding sentence.

22 (III) The owner of a mining claim may request,
23 by certified mail, the Secretary to extend the termi-
24 nation date of negotiations conducted with respect to
25 the claim under this section to a date that is 1 year

1 after the termination date otherwise specified in sub-
2 section (a)(3) to allow for the collection of samples
3 pursuant to this subparagraph. If the owner makes
4 such request, the Secretary shall extend the termi-
5 nation date in accordance with this subclause.

6 (c) ALTERNATIVE DISPUTE RESOLUTION ACT.—At
7 any time during the negotiations initiated between the
8 owner and the Secretary under subsections (a) and (b),
9 the parties may agree to resolve the issue of property valu-
10 ation pursuant to the alternative dispute provisions of sub-
11 chapter IV of chapter 5 of title 5, United States Code,
12 if the parties agree to such dispute resolution, the provi-
13 sions of subsections (a) and (b) shall continue to apply
14 to such dispute resolution process. Nothing in this sub-
15 section is intended to affect the requirement under sub-
16 section (b)(2)(B) with respect to the application of such
17 alternative disputed provisions.

18 (d) DUTIES OF THE SECRETARY AFTER THE TERMI-
19 NATION OF NEGOTIATIONS.—

20 (1) IN GENERAL.—With respect to the mining
21 claims that are the subject of negotiations conducted
22 under this section, the Secretary shall submit to
23 Congress not later than 60 days after the date of en-
24 actment of this Act and every 60 days thereafter, a

1 report on the activities of the Secretary carried out
2 pursuant to this Act.

3 (2) REPORT TO CONGRESS.—(A) In any case in
4 which the Secretary commences negotiations with
5 the owner of a mining claim pursuant to subsection
6 (a) and fails to enter into a voluntary land acquisi-
7 tion agreement with the owner of the mining claim,
8 the Secretary shall include an explanation of the rea-
9 sons for the failure in a report that summarizes each
10 such case.

11 (B) In preparing the report under this sub-
12 section, the Secretary shall solicit, and include in
13 such report, a statement from owners of mining
14 claims who have refused to enter into a voluntary
15 land acquisition agreement described in subsection
16 (a)(2) concerning the reasons for the refusal.

17 (C) The Secretary shall submit such report to
18 the Committee on Energy and Natural Resources of
19 the Senate and the Committee on Natural Resources
20 of the House of Representatives. The report shall in-
21 clude a description of any dispute between the owner
22 of a mining claim and the Secretary concerning any
23 value associated with the claim and an explanation
24 of the reasons for the difference in the determina-
25 tion by the Secretary of the value of the claim and

1 the assertion of the value of the claim made by the
2 owner.

3 (3) ADMINISTRATIVE DISPUTE RESOLUTION
4 ACT.—In any case in which the Secretary and the
5 owner of the mining claim have agreed to follow the
6 procedures for alternative dispute resolution pursu-
7 ant to subsection (c), and such process has not
8 reached resolution or the Secretary has otherwise re-
9 jected the decision of the arbitrator pursuant to sec-
10 tion 580(c) of title 5, United States Code, then the
11 reporting obligations of the Secretary to Congress
12 under paragraphs (1) and (2) shall apply to such
13 failed dispute resolution process.

14 (e) STATUTORY CONSTRUCTION.—Nothing in this
15 section may be construed to authorize the Secretary to
16 enter negotiations with any owner of a mining claim who
17 is not a willing seller or submit proposed legislation for
18 the acquisition of the mining claims of such owner.

19 **SEC. 5. DECLARATION OF TAKINGS LIABILITY.**

20 (a) DECLARATION OF TAKINGS LIABILITY.—Except
21 as provided in section 6, if, not later than 60 days after
22 the date of enactment of this Act, the Secretary deter-
23 mines, with respect to a mining claim described in section
24 4(a)(1), that it is not in the public interest to enter into
25 the negotiations described in section 4(a), then the Sec-

1 retary shall commence a declaration of takings procedure
2 under section 1 of the Act of February 26, 1931 (46 Stat.
3 1421, chapter 307; 40 U.S.C. 258a) for a compensable
4 taking under the fifth amendment of the Constitution. For
5 the purposes of this section, with respect to the actions
6 of the Federal Government concerning the mining claim,
7 a compensable taking shall be deemed to have occurred.

8 (b) ACTION.—

9 (1) IN GENERAL.—As soon as practicable after
10 the Secretary makes any determination under sub-
11 section (a) that it is not in the public interest to
12 enter into negotiations pursuant to section 4(a), the
13 Secretary shall file a declaration of taking pursuant
14 to section 1 of the Act of February 26, 1931 (46
15 Stat. 1421, chapter 307; 40 U.S.C. 258a) in the ap-
16 propriate district court of the United States. In ac-
17 cordance with such section 1, the court shall have
18 the power to determine the date of the taking and
19 the amount of compensation due to the parties in in-
20 terest (as described in such section 1).

21 (2) DEADLINE FOR APPLICATION FOR COM-
22 PENSATION.—Notwithstanding any other provision
23 of law, no party in interest may submit an applica-
24 tion for compensation for a taking described in sub-
25 section (a) after December 1, 1999.

1 (3) EFFECT OF PAYMENT.—With respect to a
2 mining claim, the payment of just compensation to
3 each party in interest in accordance with this sub-
4 section shall constitute the full satisfaction of any li-
5 abilities and duties of the United States.

6 **SEC. 6. CASH SETTLEMENT.**

7 (a) IN GENERAL.—If, not later than 60 days after
8 the date of enactment of this Act, the Secretary deter-
9 mines, with respect to a mining claim described in section
10 4(a)(1), that it is not in the public interest to enter into
11 the negotiations described in section 4(a), and if the owner
12 of the mining claim objects to the application of the proce-
13 dures for a declaration of taking under section 5, the Sec-
14 retary shall, in accordance with procedures established by
15 the Secretary, make an offer to the owner of the mining
16 claim in accordance with subsection (b).

17 (b) REQUIREMENTS FOR SETTLEMENTS.—

18 (1) AMOUNT OF SETTLEMENT FOR MINING
19 CLAIMS.—(A) The amount of a cash settlement of-
20 fered by the Secretary under this section shall be de-
21 termined by the Secretary, acting through the Direc-
22 tor of the Bureau of Mines and the Director of the
23 United States Geological Survey, on the basis of the
24 information contained in the DOWL report, and the
25 Secretary shall establish a per acre amount in order

1 for each cash settlement for the following categories
2 of land:

3 (i) An unpatented mining claim.

4 (ii) A patented mining claim for a location
5 without a view of the Denali Range, and an ac-
6 cess road that crosses other claims.

7 (iii) A patented mining claim for a location
8 with a view of the Denali Range, and an access
9 road that crosses other claims.

10 (iv) A patented mining claim for a location
11 without a view of the Denali Range, and an ac-
12 cess road that does not cross other claims.

13 (v) A patented mining clam for a location
14 with a view of the Denali Range, and an access
15 road that does not cross other claims.

16 (B) In a determination whether a location of a
17 mining claim has a view of the Denali Range shall
18 be made the location on the claim at a height of 6
19 feet above the ground. The Secretary, acting
20 through the Director of the Bureau of Mines and
21 the Director of the United States Geological Survey,
22 shall provide that a view of the Denali Range and
23 road access shall increase the per acre amount deter-
24 mined under this paragraph for a claim.

1 (2) REJECTION OF OFFER.—An owner of a
2 mining claim that receives an offer of a cash settle-
3 ment made by the Secretary pursuant to paragraph
4 (1) may reject the offer by submitting a written re-
5 jection to the Secretary by certified mail.

6 (3) TREATMENT OF REJECTION.—Notwith-
7 standing any other provision of law, a rejection
8 made by the owner of a mining claim pursuant to
9 paragraph (3) shall not be admissible as evidence
10 with respect to any action in a Federal court con-
11 cerning the taking of property or inverse condemna-
12 tion by the Federal Government in violation of the
13 fifth amendment of the Constitution.

14 (4) PAYMENT AND TRANSFER OF PROPERTY
15 RIGHTS.—(A) Except as provided in subparagraph
16 (B), in accordance with applicable Federal laws re-
17 lating to the acquisition of real property, if an owner
18 accepts in writing an offer made by the Secretary
19 under this subsection, the Secretary shall make a
20 payment in an amount determined under this sub-
21 section to the owner not later than 180 days after
22 the date on which the owner accepts the offer. At
23 the same time as the owner receives the payment,
24 the owner shall convey the title to the mining claim
25 to the Federal Government.

1 (B) In any case in which there is a dispute with
2 respect to the ownership of a mining claim, the Sec-
3 retary may not make a settlement payment under
4 this paragraph for the mining claim until such time
5 as a court of competent jurisdiction makes a final
6 disposition in an action to quiet title described in
7 section 7.

8 (5) EFFECT OF PAYMENT.—With respect to a
9 mining claim, the payment of a settlement to the
10 owner of the mining claim in accordance with this
11 subsection shall constitute the full satisfaction of
12 any liabilities and duties of the United States.

13 **SEC. 7. DETERMINATION OF OWNERSHIP.**

14 (a) IN GENERAL.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall deter-
16 mine the owner on record of each mining claim within the
17 Denali area and publish in the Federal Register and in
18 newspapers of general circulation in the 5 cities of Alaska
19 with the greatest population, the names of the owners of
20 mining claims and the mining claims owned by such own-
21 ers. Not later than 60 days after the date of enactment
22 of this Act, the Secretary shall provide to each owner de-
23 scribed in the preceding sentence, by certified mail, a no-
24 tice of the provisions of this Act relating to the acquisition
25 by the Secretary of mining claims.

1 (b) DISPUTED OWNERSHIP.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of publication of the names described
4 in subsection (a), any other person who the Sec-
5 retary did not determine to be an owner on record
6 who contends to be the owner of a claim may notify
7 the Secretary by certified mail concerning any dis-
8 pute relating to the title to the mining claim.

9 (2) ACTION TO QUIET TITLE.—(A) If, within 60
10 days after notifying the Secretary of any dispute re-
11 lating to the ownership of a mining claim by cer-
12 tified mail, a person described in paragraph (1) com-
13 mences an action to quiet title in a court of com-
14 petent jurisdiction—

15 (i) if the Secretary is conducting negotia-
16 tions pursuant to section 4(a), the Secretary
17 shall suspend such negotiations and the Sec-
18 retary shall extend the date for the termination
19 of the negotiations under such section to pro-
20 vide for a reasonable period of time for the ne-
21 gotiations to continue after the dispute is re-
22 solved by means of an agreement between the
23 affected parties or a final disposition of the ac-
24 tion by the court and the suspension shall not

1 affect the priority for the acquisition established
2 by the Secretary; or

3 (ii) if the Secretary has made an offer to
4 an owner of a mining claim pursuant to section
5 6, the Secretary shall, pursuant to section
6 6(b)(6), refrain from making a payment under
7 such section until such time as the dispute is
8 resolved in a manner described in clause (i).

9 (B) As soon as practicable after a dispute is re-
10 solved in a manner prescribed in subparagraph (A)
11 with respect to a mining claim subject to negotia-
12 tions under section 4, the Secretary shall resume the
13 negotiations, or with respect to a settlement offer
14 made under section 6, the Secretary shall proceed
15 with the terms of the offer.

16 **SEC. 8. VALIDITY OF UNPATENTED MINING CLAIMS.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, a payment made by the Federal Government
19 to any party pursuant to a voluntary land acquisition
20 agreement entered into under section 4 or a declaration
21 of takings made under section 5 shall not constitute an
22 acknowledgment by the Federal Government of the valid-
23 ity of an unpatented mining claim.

24 (b) EFFECT OF VALIDITY OF UNPATENTED MINING
25 CLAIM.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary shall carry out this
3 Act without regard to whether an unpatented mining
4 claim has been determined to be valid in a court of
5 competent jurisdiction, unless not later than 60 days
6 after the date of enactment of this Act, the Sec-
7 retary, acting through the appropriate official of the
8 Bureau of Land Management, files in good faith an
9 action contesting the validity of the unpatented min-
10 ing claim.

11 (2) EXCLUSION OF NATIONAL PARK SERVICE.—
12 Notwithstanding any other provision of law, or any
13 policy or procedure of the Department of the Inte-
14 rior, including any memorandum of understanding
15 between the Secretary and the head of any other
16 Federal agency, no official of the National Park
17 Service shall have jurisdiction or authority to make
18 administrative decisions with respect to an action to
19 determine the validity of an unpatented mining
20 claim located in the Denali area.

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