

(h) Existing delegation

Any State operating pursuant to a delegation existing on August 13, 1996, may continue to operate under the terms and conditions of the delegation, except to the extent that a revision of the existing agreement is adopted pursuant to this section.

(Pub. L. 97-451, title II, §205, Jan. 12, 1983, 96 Stat. 2459; Pub. L. 104-185, §3(a), Aug. 13, 1996, 110 Stat. 1702.)

Editorial Notes**CODIFICATION**

August 13, 1996, referred to in subsec. (d), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 104-185, which amended this section generally, to reflect the probable intent of Congress.

August 13, 1996, referred to in subsec. (h), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 104-185, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1996—Pub. L. 104-185 amended section generally, substituting present provisions for provisions which stated in subsec. (a), authorization of Secretary to delegate to States except permission of Indian tribe required with respect to Indian lands; subsec. (b), prerequisites; subsec. (c), promulgation of regulations defining joint functions; subsec. (d), promulgation of standards and regulations with respect to delegation; subsec. (e), revocation; and subsec. (f), compensation to State for costs of delegation.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104-185 applicable with respect to production of oil and gas after the first day of the month following Aug. 13, 1996, see section 11 of Pub. L. 104-185, set out as a note under section 1701 of this title.

APPLICABILITY OF 1996 AMENDMENT

Amendment by Pub. L. 104-185 not applicable to any privately owned minerals or with respect to Indian lands, see sections 9 and 10 of Pub. L. 104-185, set out as a note under section 1701 of this title.

§ 1736. Shared civil penalties

An amount equal to 50 per centum of any civil penalty collected by the Federal Government under this chapter resulting from activities conducted by a State or Indian tribe pursuant to a cooperative agreement under section 1732 of this title or a State under a delegation under section 1735 of this title, shall be payable to such State or tribe. Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian tribe under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year.

(Pub. L. 97-451, title II, §206, Jan. 12, 1983, 96 Stat. 2460; Pub. L. 113-76, div. G, title I, §121, Jan. 17, 2014, 128 Stat. 314.)

Editorial Notes**AMENDMENTS**

2014—Pub. L. 113-76 substituted “Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian tribe under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year.” for “Such amount shall be deducted from any compensation due such State or Indian tribe under section 1732 of this title or such State under section 1735 of this title.”

SUBCHAPTER III—GENERAL PROVISIONS**§ 1751. Secretarial authority****(a) Prescription of rules and regulations**

The Secretary shall prescribe such rules and regulations as he deems reasonably necessary to carry out this chapter.

(b) Conformity with rulemaking provisions

Rules and regulations issued to implement this chapter shall be issued in conformity with section 553 of title 5, notwithstanding section 553(a)(2) of that title.

(c) Contracts with non-Federal Government inspectors, auditors, etc.; coordination of auditing and enforcement functions

In addition to entering into cooperative agreements or delegation of authority authorized under this chapter, the Secretary may contract with such non-Federal Government inspectors, auditors, and other persons as he deems necessary to aid in carrying out his functions under this chapter and its implementation. With respect to his auditing and enforcement functions under this chapter, the Secretary shall coordinate such functions so as to avoid to the maximum extent practicable, subjecting lessees, operators, or other persons to audits or investigations of the same subject matter by more than one auditing or investigating entity at the same time.

(Pub. L. 97-451, title III, §301, Jan. 12, 1983, 96 Stat. 2460.)

§ 1752. Reports

The Secretary shall submit to the Congress an annual report on the implementation of this chapter. The information to be included in the report and the format of the report shall be developed by the Secretary after consulting with the Committees on Natural Resources of the House of Representatives and on Energy and Natural Resources of the Senate. The Secretary shall also report on the progress of the Department in reconciling account balances.

(Pub. L. 97-451, title III, §302, Jan. 12, 1983, 96 Stat. 2461; Pub. L. 103-437, §11(a)(2), Nov. 2, 1994, 108 Stat. 4589; Pub. L. 105-362, title IX, §901(j)(1), Nov. 10, 1998, 112 Stat. 3290.)

Editorial Notes**AMENDMENTS**

1998—Pub. L. 105-362 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: “Commencing with fiscal year 1984, the Inspector General of the Department of the Interior shall conduct a

biennial audit of the Federal royalty management system. The Inspector General shall submit the results of such audit to the Secretary and to the Congress.”

1994—Subsec. (a). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committees on”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under this section is listed on page 111), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

STUDY OF THE ADEQUACY OF ROYALTY MANAGEMENT FOR MINERALS ON FEDERAL AND INDIAN LANDS

Pub. L. 97-451, title III, §303, Jan. 12, 1983, 96 Stat. 2461, directed Secretary to study question of adequacy of royalty management for coal, uranium and other energy and nonenergy minerals on Federal and Indian lands, include proposed legislation if Secretary determined that such legislation was necessary to ensure prompt and proper collection of revenues owed to the United States, the States and Indian tribes or Indian allottees from the sale, lease or other disposal of such minerals, with study to be submitted to Congress not later than one year from Jan. 12, 1983.

§ 1753. Relation to other laws

(a) Supplemental nature of chapter

The penalties and authorities provided in this chapter are supplemental to, and not in derogation of, any penalties or authorities contained in any other provision of law.

(b) Responsibilities of Secretary related to minerals on Federal and Indian lands

Nothing in this chapter shall be construed to reduce the responsibilities of the Secretary to ensure prompt and proper collection of revenues from coal, uranium and other energy and non-energy minerals on Federal and Indian lands, or to restrain the Secretary from entering into cooperative agreements or other appropriate arrangements with States and Indian tribes to share royalty management responsibilities and activities for such minerals under existing authorities.

(c) Authority and responsibilities of Inspector General and Comptroller General unaffected

Nothing in this chapter shall be construed to enlarge, diminish, or otherwise affect the authority or responsibility of the Inspector General of the Department of the Interior or of the Comptroller General of the United States.

(d) Lands and land interests entrusted to Tennessee Valley Authority unaffected

No provision of this chapter impairs or affects lands and interests in land entrusted to the Tennessee Valley Authority.

(Pub. L. 97-451, title III, §304, Jan. 12, 1983, 96 Stat. 2461; Pub. L. 105-362, title IX, §901(j)(2), Nov. 10, 1998, 112 Stat. 3290.)

Editorial Notes

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-362 substituted “Nothing” for “Except as expressly provided in section 1752(b) of this title, nothing”.

§ 1754. Funding

Effective October 1, 1983, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter, including such sums as may be necessary for the cooperative agreements, contracts, and delegations authorized by this chapter: *Provided*, That nothing in this chapter shall be construed to affect or impair any authority to enter into contracts or make payments under any other provision of law.

(Pub. L. 97-451, title III, §306, Jan. 12, 1983, 96 Stat. 2462.)

§ 1755. Statute of limitations

Except in the case of fraud, any action to recover penalties under this chapter shall be barred unless the action is commenced within 6 years after the date of the act or omission which is the basis for the action.

(Pub. L. 97-451, title III, §307, Jan. 12, 1983, 96 Stat. 2462.)

Statutory Notes and Related Subsidiaries

APPLICABILITY

Section no longer applicable with respect to Federal lands, but applicability of section to Indian leases not affected, see section 8(a) of Pub. L. 104-185, set out as a note under section 1732 of this title.

§ 1756. Expanded royalty obligations

Any lessee is liable for royalty payments on oil or gas lost or wasted from a lease site when such loss or waste is due to negligence on the part of the operator of the lease, or due to the failure to comply with any rule or regulation, order or citation issued under this chapter or any mineral leasing law.

(Pub. L. 97-451, title III, §308, Jan. 12, 1983, 96 Stat. 2462.)

§ 1757. Severability

If any provision of this chapter or the applicability thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Pub. L. 97-451, title III, §309, Jan. 12, 1983, 96 Stat. 2462.)

§ 1758. Use of royalty-in-kind revenue by Minerals Management Service

That in fiscal year 2006 and thereafter, the MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program.

(Pub. L. 109-54, title I, Aug. 2, 2005, 119 Stat. 512.)

Editorial Notes

REFERENCES IN TEXT

MMS, referred to in text, means the Minerals Management Service.

CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, and not as part of the Federal Oil and Gas Royalty Management Act of 1982 which comprises this chapter.

Statutory Notes and Related Subsidiaries

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3053.

Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1255.

Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 229.

Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 428.

Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 932.

Executive Documents

TRANSFER OF FUNCTIONS

The Minerals Management Service was abolished and functions divided among the Office of Natural Resources Revenue, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement. See Secretary of the Interior Orders No. 3299 of May 19, 2010, and No. 3302 of June 18, 2010, and chapters II, V, and XII of title 30, Code of Federal Regulations, as revised by final rules of the Department of the Interior at 75 F.R. 61051 and 76 F.R. 64432.

§ 1759. Fees and charges

In fiscal year 2009 and each fiscal year thereafter, fees and charges authorized by section 9701 of title 31 may be collected only to the extent provided in advance in appropriations Acts.

(Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 711.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the Federal Oil and Gas Royalty Management Act of 1982 which comprises this chapter. Section is based on a proviso in the par. under the headings “MINERALS MANAGEMENT SERVICE” and “ROYALTY AND OFFSHORE MINERALS MANAGEMENT” in title I of div. E of Pub. L. 111-8.

CHAPTER 30—NATIONAL CRITICAL MATERIALS COUNCIL**§§ 1801 to 1811. Repealed. Pub. L. 116-260, div. Z, title VII, § 7002(n)(1), Dec. 27, 2020, 134 Stat. 2576**

Section 1801, Pub. L. 98-373, title II, §202, July 31, 1984, 98 Stat. 1249, related to Congressional findings and declaration of purposes.

Section 1802, Pub. L. 98-373, title II, §203, July 31, 1984, 98 Stat. 1250, related to establishment of National Critical Materials Council.

Section 1803, Pub. L. 98-373, title II, §204, July 31, 1984, 98 Stat. 1250, related to responsibilities and authorities of Council.

Section 1804, Pub. L. 98-373, title II, §205, July 31, 1984, 98 Stat. 1251, related to program and policy for advanced materials research and technology.

Section 1805, Pub. L. 98-373, title II, §206, July 31, 1984, 98 Stat. 1252, related to innovation in basic and advanced materials industries.

Section 1806, Pub. L. 98-373, title II, §207, July 31, 1984, 98 Stat. 1252, related to compensation of members and reimbursement.

Section 1807, Pub. L. 98-373, title II, §208, July 31, 1984, 98 Stat. 1253, related to Executive Director.

Section 1808, Pub. L. 98-373, title II, §209, July 31, 1984, 98 Stat. 1253, related to responsibilities and duties of Director.

Section 1809, Pub. L. 98-373, title II, §210, July 31, 1984, 98 Stat. 1253; Pub. L. 100-418, title V, §5183, Aug. 23, 1988, 102 Stat. 1454, related to general authority of Council.

Section 1810, Pub. L. 98-373, title II, §211, July 31, 1984, 98 Stat. 1254; Pub. L. 100-418, title V, §5184, Aug. 23, 1988, 102 Stat. 1454, related to authorization of appropriations.

Section 1811, Pub. L. 98-373, title II, §212, July 31, 1984, 98 Stat. 1254, defined the term “materials”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 98-373, title II, §201, July 31, 1984, 98 Stat. 1248, provided that title II of Pub. L. 98-373 (enacting this chapter) could be cited as the “National Critical Materials Act of 1984”, prior to repeal by Pub. L. 116-260, div. Z, title VII, §7002(n)(1), Dec. 27, 2020, 134 Stat. 2576.

CHAPTER 31—MARINE MINERAL RESOURCES RESEARCH

Sec.

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| 1902. | Research program. |
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| 1904. | Marine mineral research centers. |
| 1905. | Authorization of appropriations. |

§ 1901. Definitions

In this chapter:

(1) The term “contract” has the same meaning as “procurement contract” in section 6303 of title 31.

(2) The term “cooperative agreement” has the same meaning as in section 6305 of title 31.

(3) The term “eligible entity” means—

(A) a research or educational entity chartered or incorporated under Federal or State law;

(B) an individual who is a United States citizen; or

(C) a State or regional agency.

(4) The term “grant” has the same meaning as “grant agreement” in section 6304 of title 31.

(5) The term “in-kind contribution” means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

(6) The term “marine mineral resource” means—

(A) sand and aggregates;

(B) placers;

(C) phosphates;

(D) manganese nodules;

(E) cobalt crusts;

(F) metal sulfides;