

Title 31 by Pub. L. 97-258] the Act of October 20, 1976 (90 Stat. 2765) [probably should be Oct. 21, 1976, meaning this chapter] but not limited to actual costs. Such fees shall be retained as a service charge even though the application or offer may be rejected or withdrawn in whole or in part.

“(2) The Secretary of the Interior is hereby directed to conduct a study and report to Congress within one year of the date of enactment of this Act [Aug. 13, 1981], regarding the current annual rental charges on all non-competitive oil and gas leases to investigate the feasibility and effect of raising such rentals.”

§ 1734a. Availability of excess fees

In fiscal year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of section 1734 of this title for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

(Pub. L. 104-208, div. A, title I, § 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-182.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1997, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

§ 1735. Forfeitures and deposits

(a) Credit to separate account in Treasury; appropriation and availability

Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to the public lands shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on those public lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) Expenditure of moneys collected administering Oregon and California Railroad and Coos Bay Wagon Road Grant lands

Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j),¹ shall be expended for the benefit of such land only.

¹ See References in Text note below.

(c) Refunds

If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the Secretary, upon application or otherwise, may cause a refund of the amount in excess to be made from applicable funds.

(Pub. L. 94-579, title III, § 305, Oct. 21, 1976, 90 Stat. 2765.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables.

Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), referred to in subsec. (b), probably means act Aug. 28, 1937, ch. 876, 50 Stat. 874, which was formerly classified principally to sections 1181a to 1181f of this title prior to editorial reclassification, and is now classified principally to subchapter I (§2601 et seq.) of chapter 44 of this title. Section 3 of the Act, former section 1181c of this title, was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787. Sections 1181f-1 to 1181f-4 of this title, included within the parenthetical reference to sections 1181a to 1181j, were enacted by act May 24, 1939, ch. 144, 53 Stat. 753, and were editorially reclassified as subchapter II (§2621 et seq.) of chapter 44 of this title. Sections 1181g to 1181j of this title, also included within the parenthetical reference to sections 1181a to 1181j, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270, and were editorially reclassified as subchapter III (§2631 et seq.) of chapter 44 of this title. For complete classification of these Acts to the Code, see Tables.

Statutory Notes and Related Subsidiaries

AVAILABILITY OF FUNDS FOR IMPROVEMENT, PROTECTION, OR REHABILITATION OF DAMAGED PUBLIC LANDS

Pub. L. 104-134, title I, § 101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-158; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327, provided in part: “That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 118-42, div. E, title I, Mar. 9, 2024, 138 Stat. 220.

Pub. L. 117-328, div. G, title I, Dec. 29, 2022, 136 Stat. 4761.

Pub. L. 117-103, div. G, title I, Mar. 15, 2022, 136 Stat. 349.

Pub. L. 116-260, div. G, title I, Dec. 27, 2020, 134 Stat. 1479.

Pub. L. 116-94, div. D, title I, Dec. 20, 2019, 133 Stat. 2688.

Pub. L. 116-6, div. E, title I, Feb. 15, 2019, 133 Stat. 207.