

**§ 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.)

## 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Section no longer applicable with respect to Federal lands, but applicability of section to Indian leases not affected, see section 8(a) of Pub.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.)

## 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.

## 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.

## 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.

**§ 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.)

## 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**

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**§ 1801. Congressional findings and declaration of purposes**

(a) The Congress finds that—

(1) the availability of adequate supplies of strategic and critical industrial minerals and materials continues to be essential for national security, economic well-being, and industrial production;