

prior to October 1, 1986, under subtitle A of title VIII (Outer Continental Shelf and Related Programs) of this Act [title VIII does not contain a subtitle A, see Short Title of 1986 Amendment note set out under section 1301 of this title] shall remain in their separate accounts in the Treasury of the United States and continue to accrue interest until October 1, 1986, except that the \$572,000,000 set forth in subsection 8004(b)(1)(A) of this section shall only accrue interest from April 15, 1986 to October 1, 1986, at which time the Secretary shall immediately distribute such sums with accrued interest to the State of Louisiana.”

### § 1338. Disposition of revenues

All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

(Aug. 7, 1953, ch. 345, §9, 67 Stat. 469.)

### § 1338a. Moneys received as a result of forfeiture by Outer Continental Shelf permittee, lessee, or right-of-way holder; return of excess amounts

Notwithstanding section 3302 of title 31, any moneys on and after November 5, 1990, received as a result of the forfeiture of a bond or other security by an Outer Continental Shelf permittee, lessee, or right-of-way holder which does not fulfill the requirements of its permit, lease, or right-of-way or does not comply with the regulations of the Secretary shall be credited to the royalty and offshore minerals management account of the Minerals Management Service to cover the cost to the United States of any improvement, protection, or rehabilitation work rendered necessary by the action or inaction that led to the forfeiture, to remain available until expended: *Provided further*, That any portion of the moneys so credited shall be returned to the permittee, lessee, or right-of-way holder to the extent that the money is in excess of the amount expended in performing the work necessitated by the action or inaction which led to their receipt or, if the bond or security was forfeited for failure to pay the civil penalty, in excess of the civil penalty imposed.

(Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1926; Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1386; Pub. L. 103-332, title I, Sept. 30, 1994, 108 Stat. 2508.)

#### CODIFICATION

Section enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1991, and not as part of the Outer Continental Shelf Lands Act which comprises this subchapter.

#### AMENDMENTS

1994—Pub. L. 103-332 struck out “or payment of civil penalty” after “result of the forfeiture of a bond or other security”, substituted “royalty and offshore minerals” for “leasing and royalty”, and struck out “or imposition of the civil penalty” after “rendered necessary by the action or inaction that led to the forfeiture”.

1992—Pub. L. 102-381 substituted “shall be credited to the leasing and royalty management account of the Minerals Management Service” for “shall be credited to this account”.

#### CHANGE OF NAME

Title I of Pub. L. 103-332, 108 Stat. 2508, provided in part: “That where the account title ‘Leasing and Royalty Management’ appears in any public law, the words ‘Leasing and Royalty Management’ beginning in fiscal year 1995 and thereafter shall be construed to mean ‘Royalty and Offshore Minerals Management’.”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Title I of Pub. L. 103-332, 108 Stat. 2508, provided that the amendment made by Pub. L. 103-332 substituting “royalty and offshore minerals” for “leasing and royalty” is effective beginning in fiscal year 1995 and thereafter.

#### 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.

### § 1339. Repealed. Pub. L. 104-185, §8(b), Aug. 13, 1996, 110 Stat. 1717

Section, act Aug. 7, 1953, ch. 345, §10, 67 Stat. 469, related to requirements for refund of excess payments.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 104-185, §8(b), Aug. 13, 1996, 110 Stat. 1717, provided in part that the repeal of this section is effective Aug. 13, 1996.

#### APPLICABILITY OF REPEAL

Repeal of section 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 an Applicability of 1996 Amendment note under section 1701 of Title 30, Mineral Lands and Mining.

### § 1340. Geological and geophysical explorations

#### (a) Approved exploration plans

(1) Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area.

(2) The provisions of paragraph (1) of this subsection shall not apply to any person conducting explorations pursuant to an approved exploration plan on any area under lease to such person pursuant to the provisions of this subchapter.

#### (b) Oil and gas exploration

Except as provided in subsection (f) of this section, beginning ninety days after September 18, 1978, no exploration pursuant to any oil and gas lease issued or maintained under this subchapter may be undertaken by the holder of such lease, except in accordance with the provisions of this section.

#### (c) Plan approval; State concurrence; plan provisions

(1) Except as otherwise provided in this subchapter, prior to commencing exploration pursuant to any oil and gas lease issued or maintained