

section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

**MODIFICATION OF REGULATIONS RELATING TO MINING OPERATIONS ON PUBLIC LANDS; POSTING OF RECLAMATION BOND FOR ALL OPERATIONS INVOLVING SIGNIFICANT SURFACE DISTURBANCE**

Pub. L. 99-500, §101(h) [title I], Oct. 18, 1986, 100 Stat. 1783-242, 1783-243, and Pub. L. 99-591, §101(h) [title I], Oct. 30, 1986, 100 Stat. 3341-242, 3341-243, provided: "That regulations pertaining to mining operations on public lands conducted under the Mining Law of 1872 (30 U.S.C. 22, et seq.) and sections 302, 303, and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, and 1782) shall be modified to include a requirement for the posting of reclamation bonds by operators for all operations which involve significant surface disturbance, (a) at the discretion of the authorized officer for operators who have a record of compliance with pertinent regulations concerning mining on public lands, and (b) on a mandatory basis only for operators with a history of noncompliance with the aforesaid regulations: *Provided further*, That surety bonds, third party surety bonds, or irrevocable letters of credit shall qualify as bond instruments: *Provided further*, That evidence of an equivalent bond posted with a State agency shall be accepted in lieu of a separate bond: *Provided further*, That the amount of such bonds shall be sufficient to cover the costs of reclamation as estimated by the Bureau of Land Management."

**§ 1734. Fees, charges, and commissions**

**(a) Authority to establish and modify**

Notwithstanding any other provision of law, the Secretary may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the public lands and may change and abolish such fees, charges, and commissions.

**(b) Deposits for payments to reimburse reasonable costs of United States**

The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for reasonable costs with respect to applications and other documents relating to such lands. The moneys received for reasonable costs under this subsection shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended. As used in this section "reasonable costs" include, but are not limited to, the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities. In determining whether costs are reasonable under this section, the Secretary may take into consideration actual costs (exclusive of management overhead), the monetary value of the rights or privileges sought by the applicant, the efficiency to the government processing involved, that portion of the cost incurred for the benefit of the general public interest rather than for the exclusive benefit of the applicant, the public service provided, and other factors relevant to determining the reasonableness of the costs.

**(c) Refunds**

In any case where it shall appear to the satisfaction of the Secretary that any person has

made a payment under any statute relating to the sale, lease, use, or other disposition of public lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

(Pub. L. 94-579, title III, §304, Oct. 21, 1976, 90 Stat. 2765.)

**FILING FEES FOR APPLICATIONS FOR NONCOMPETITIVE OIL AND GAS LEASES; STUDY AND REPORT OF RENTAL CHARGES ON OIL AND GAS LEASES**

Pub. L. 97-35, title XIV, §1401(d), Aug. 13, 1981, 95 Stat. 748, provided that:

"(1) Notwithstanding any other provision of law, effective October 1, 1981, all applications for noncompetitive oil and gas leases shall be accompanied by a filing fee of not less than \$25 for each such application: *Provided*, That any increase in the filing fee above \$25 shall be established by regulation and subject to the provisions of the Act of August 31, 1951 (65 Stat. 290) [probably means title V of that Act which was classified to section 483a of former Title 31, Money and Finance and was repealed and reenacted as section 9701 of 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 noncompetitive 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.)

**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), shall be expended for the benefit of such land only.

**(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.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c), is Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, as amended, 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), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to section 1181a et seq. of this title. Sections 1181f–1 to 1181f–4, included within the parenthetical reference to sections 1181a to 1181j, were enacted by act May 24, 1939, ch. 144, 53 Stat. 753. Sections 1181g to 1181j, also included within the parenthetical reference to sections 1181a to 1181j, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270. Section 1181c, also included within the parenthetical reference to sections 1181a to 1181j, was repealed by Pub. L. 94–579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. For complete classification of these Acts to the Code, see Tables.

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. 114–113, div. G, title I, Dec. 18, 2015, 129 Stat. 2527.  
 Pub. L. 113–235, div. F, title I, Dec. 16, 2014, 128 Stat. 2398.  
 Pub. L. 113–76, div. G, title I, Jan. 17, 2014, 128 Stat. 291.  
 Pub. L. 112–74, div. E, title I, Dec. 23, 2011, 125 Stat. 987.  
 Pub. L. 111–88, div. A, title I, Oct. 30, 2009, 123 Stat. 2906.  
 Pub. L. 111–8, div. E, title I, Mar. 11, 2009, 123 Stat. 703.  
 Pub. L. 110–161, div. F, title I, Dec. 26, 2007, 121 Stat. 2099.  
 Pub. L. 109–54, title I, Aug. 2, 2005, 119 Stat. 502.  
 Pub. L. 108–447, div. E, title I, Dec. 8, 2004, 118 Stat. 3042.  
 Pub. L. 108–108, title I, Nov. 10, 2003, 117 Stat. 1244.  
 Pub. L. 108–7, div. F, title I, Feb. 20, 2003, 117 Stat. 219.  
 Pub. L. 107–63, title I, Nov. 5, 2001, 115 Stat. 418.  
 Pub. L. 106–291, title I, Oct. 11, 2000, 114 Stat. 925.  
 Pub. L. 106–113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–138.  
 Pub. L. 105–277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–234.  
 Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1545.  
 Pub. L. 104–208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–184.  
 Pub. L. 103–332, title I, Sept. 30, 1994, 108 Stat. 2501.  
 Pub. L. 103–138, title I, Nov. 11, 1993, 107 Stat. 1381.  
 Pub. L. 102–381, title I, Oct. 5, 1992, 106 Stat. 1377.  
 Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 992.  
 Pub. L. 101–512, title I, Nov. 5, 1990, 104 Stat. 1917.  
 Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 703.  
 Pub. L. 100–446, title I, Sept. 27, 1988, 102 Stat. 1776.  
 Pub. L. 100–202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329–213, 1329–215.

**§ 1736. Working capital fund**

**(a) Establishment; availability of fund**

There is hereby established a working capital fund for the management of the public lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, and regulations promulgated thereunder, supplies and equipment services in support of Bureau programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Secretary for the Bureau.

**(b) Initial funding; subsequent transfers**

The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund’s inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

**(c) Payments credited to fund; amount; advancement or reimbursement**

The fund shall be credited with payments from appropriations, and funds of the Bureau, other