

Subsec. (b). Pub. L. 87-796 substituted "All money accruing to the United States from lands in the naval petroleum and oil shale reserves" for "Money paid to the United States for petroleum products under this chapter".

**[§ 7434. Repealed. Pub. L. 104-66, title I, § 1051(g), Dec. 21, 1995, 109 Stat. 716]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 461; Sept. 2, 1958, Pub. L. 85-861, §33(a)(35), 72 Stat. 1566; Oct. 11, 1962, Pub. L. 87-796, §1(10), 76 Stat. 906; Apr. 5, 1976, Pub. L. 94-258, title II, §201(16), 90 Stat. 313; Dec. 12, 1980, Pub. L. 96-513, title V, §513(36), 94 Stat. 2934; Nov. 5, 1990, Pub. L. 101-510, div. A, title XIII, §1311(7), 104 Stat. 1670, directed Secretary to submit annual report to Congress on production from naval petroleum reserves during the preceding year. Pub. L. 104-106, div. A, title XV, §1502(a)(28)(A), Feb. 10, 1996, 110 Stat. 506, which directed the general amendment of this section, could not be executed because of prior repeal by Pub. L. 104-66.

**§ 7435. Foreign interest**

(a) If the laws, customs, or regulations of any foreign country deny the privilege of leasing public lands to citizens or corporations of the United States, citizens of that foreign country, or corporations controlled by citizens of that country, may not, by contract made after July 1, 1937, or by stock ownership, holding, or control, acquire or own any interest in, or right to any benefit from, any lease of land in the naval petroleum, naval oil shale, or other naval fuel reserves made under sections 181-184, 185-188, 189-194, 201, 202-209, 211-214, 223, 224-226, 226d, 226e, 227-229a, 241, 251, and 261-263 of title 30, or under this chapter.

(b) The Secretary may cancel any lease for any violation of this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 461; Pub. L. 87-796, §1(11), Oct. 11, 1962, 76 Stat. 906; Pub. L. 94-258, title II, §201(17), Apr. 5, 1976, 90 Stat. 313.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7435 .....	34 U.S.C. 524 (8th par.).	June 4, 1920, ch. 228 (8th par. of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1254; June 17, 1944, ch. 262, 58 Stat. 281.

In subsection (a) the words "foreign country" are substituted for the words "another country" for clarity.

In subsection (b) the word "for" is substituted for the words "in the event of" for brevity.

REFERENCES IN TEXT

Section 194 of title 30, referred to in subsec. (a), was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 644.

Section 204 of title 30, referred to in subsec. (a), was repealed by Pub. L. 94-377, §13(a), Aug. 4, 1976, 90 Stat. 1090, subject to valid existing rights.

Sections 226d and 226e of title 30, referred to in subsec. (a), were omitted from the Code. See section 226 of Title 30, Mineral Lands and Mining.

Section 227 of title 30, referred to in subsec. (a), was omitted from the Code.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-258 struck out "of the Navy" after "Secretary".

1962—Subsec. (a). Pub. L. 87-796 substituted "land in the naval petroleum, naval oil shale, or other naval fuel reserves" for "land in the naval petroleum or other naval fuel reserves".

**§ 7436. Regulations**

(a) The Secretary may prescribe regulations and take any proper action to accomplish the purposes of this chapter.

(b) All statements, reports, and representations required by the regulations shall be under oath, unless otherwise specified, and in such form as the Secretary requires.

(Aug. 10, 1956, ch. 1041, 70A Stat. 461; Pub. L. 94-258, title II, §201(18), Apr. 5, 1976, 90 Stat. 313.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7436 .....	34 U.S.C. 524 (9th par.).	June 4, 1920, ch. 228 (9th par. of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1254; June 17, 1944, ch. 262, 58 Stat. 281.

In subsection (a) the words "necessary rules and" are omitted as surplusage, and the words "to take any proper action" are substituted for the words "to do any and all things necessary or proper" for brevity.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-258 struck out "of the Navy, subject to approval by the President," after "Secretary".

**§ 7437. Violations by lessee**

(a) If a lessee fails to comply with any provision of this chapter, of his lease, or of regulations issued under section 7436 of this title that are in force on the date of his lease, the lease may be forfeited and cancelled by an appropriate proceeding in the United States district court for the district in which any part of the property is located.

(b) The lease may provide appropriate methods for the settlement of disputes and remedies for breach of specified conditions.

(Aug. 10, 1956, ch. 1041, 70A Stat. 461.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7437 .....	34 U.S.C. 524 (11th par., less proviso).	June 4, 1920, ch. 228 (11th par., less proviso, of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1254; June 17, 1944, ch. 262, 58 Stat. 281.

In subsection (a) the words "the district in which any part of the property is located" are substituted for the words "the district in which the property, or some part thereof, is located," for brevity.

In subsection (b) the words "for resort to" and "for" are omitted as surplusage.

**§ 7438. Rifle, Colorado, plant; possession, use, and transfer of**

(a) The Secretary shall take possession of the experimental demonstration facility near Rifle, Colorado, which was constructed and operated

by the Department of the Interior on lands on or near the naval oil shale reserves under the Act of April 5, 1944 (30 U.S.C. 321 et seq.).

(b) The Secretary, subject to the approval of the President, shall by contract, lease, or otherwise encourage the use of the facility described in subsection (a) in research, development, test, evaluation, and demonstration work. For such purposes the Secretary may use or lease for use by institutions, organizations, or individuals, public or private, the facility described in subsection (a) and may construct, install, and operate, or lease for operation additional experimental facilities on such lands. The Secretary may, after consultation with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, mine and remove, or authorize the mining and removal, of any oil shale or products therefrom from lands in the naval oil shale reserves that may be needed for such experimentation.

(c) Nothing in this chapter shall be construed—

(1) to authorize the commercial development and operation of the naval oil shale reserves by the Government in competition with private industry; or

(2) in diminution of the responsibility of the Secretary in providing oil shale and products therefrom for needs of national defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 462; Pub. L. 87-796, §1(12), Oct. 11, 1962, 76 Stat. 906; Pub. L. 94-258, title II, §201(19), Apr. 5, 1976, 90 Stat. 313; Pub. L. 96-513, title V, §513(37), Dec. 12, 1980, 94 Stat. 2934; Pub. L. 104-106, div. A, title XV, §1502(a)(2), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7438 .....	34 U.S.C. 524 (proviso of 11th par.).	June 4, 1920, ch. 228 (11th par., proviso, of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1254; June 17, 1944, ch. 262, 58 Stat. 281.

The words “this chapter does not authorize” are substituted for the words “nothing herein contained shall be construed to permit” for brevity.

#### REFERENCES IN TEXT

Act April 5, 1944, referred to in subsection (a), is act Apr. 5, 1944, ch. 172, 58 Stat. 190, as amended, which is classified generally to chapter 6 (§321 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code see Tables.

#### AMENDMENTS

1999—Subsec. (b). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (b). Pub. L. 104-106 substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and the House of Representatives”.

1980—Subsec. (a). Pub. L. 96-513, §513(37)(A), substituted provisions relating to authority of the Secretary under the specified statute, for provisions relat-

ing to authority of the Administrator of the Energy Research and Development Administration under the specified statute.

Subsec. (b). Pub. L. 96-513, §513(37)(B), substituted provisions relating to authorities of the Secretary, for provisions relating to authorities of the Administrator of the Energy Research and Development Administration.

Subsec. (c). Pub. L. 96-513, §513(37)(C), substituted “in this chapter” for “herein contained”.

1976—Subsec. (a). Pub. L. 94-258 substituted “Administrator of the Energy Research and Development Administration” for “Secretary of the Interior”.

Subsec. (b). Pub. L. 94-258 substituted “Administrator of the Energy Research and Development Administration” for “Secretary of the Interior” wherever appearing therein and struck out “of the Navy” after “Secretary” wherever appearing.

Subsec. (c). Pub. L. 94-258 struck out “of the Navy” after “Secretary”.

1962—Pub. L. 87-796 amended section generally by substituting provisions relating to the possession, use, and transfer of the experimental demonstration facility near Rifle, Colorado, for provisions which stated that this chapter does not authorize the development or operation of the naval oil-shale reserves.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### § 7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

(a) TRANSFER REQUIRED.—(1) Upon the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1 and those public domain lands included within the undeveloped tracts of Oil Shale Reserve Numbered 3.

(2) Not later than November 18, 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

(3) Notwithstanding the transfer of jurisdiction, the Secretary of Energy shall continue to be responsible for all environmental restoration, waste management, and environmental compliance activities that are required under Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other provisions of this chapter shall cease to apply with respect to the transferred lands.

(b) AUTHORITY TO LEASE.—(1) Beginning on November 18, 1997, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserves Numbered 1 and 3 (including the developed tract of Oil Shale Reserve Numbered 3). Any such lease shall be made in accordance with the requirements of the Min-