

“native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried)”, and added, after first par. three paragraphs which defined “oil”, “combined hydrocarbon lease”, and “special tar sand area”, respectively.

1960—Pub. L. 86-705 included deposits of native asphalt, solid and semisolid bitumen, and bituminous rock.

1946—Act Aug. 8, 1946, reenacted: existing par., less three provisos, as first sentence of first par., inserting “potassium” after “sodium”, which was also included in the 1927 amendment, and substituting provision for disposition of deposits “in incorporated cities, towns, and villages, and in national parks and monuments, those acquired under other Acts subsequent to February 25, 1920, and lands within the naval petroleum and oil-shale reserves” for such disposition “in national parks, and in lands withdrawn or reserved for military or naval uses or purposes” and phrase “associations of such citizens” for “any association of such persons”; former third proviso as second sentence of first par.; former first proviso, as second par., inserting reservation of ownership provision and striking out “permitted” before “leased or otherwise granted”; and former second proviso as proviso in second par.

1927—Act Feb. 7, 1927, included deposits of potassium.

#### SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-463, §1, Nov. 7, 2000, 114 Stat. 2010, provided that: “This Act [amending section 184 of this title and enacting provisions set out as a note under section 184 of this title] may be cited as the ‘Coal Market Competition Act of 2000.’”

Pub. L. 106-393, title V, §501, Oct. 30, 2000, 114 Stat. 1624, provided that: “This title [amending section 191 of this title and enacting provisions set out as a note under section 191 of this title] may be cited as the ‘Mineral Revenue Payments Clarification Act of 2000.’”

#### SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-203, title V, §5101(a), Dec. 22, 1987, 101 Stat. 1330-256, provided that: “This subtitle [subtitle B (§§ 5101-5113) of Pub. L. 100-203, enacting sections 195 and 226-3 of this title, amending sections 187a, 187b, 188, 191, and 226 of this title and section 3148 of Title 16, Conservation, and enacting provisions set out as notes under this section and section 226 of this title] may be cited as the ‘Federal Onshore Oil and Gas Leasing Reform Act of 1987.’”

#### SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-78, Nov. 16, 1981, 95 Stat. 1070, which amended this section and sections 182, 184, 209, 226, 241, 351, and 352 of this title and enacted provisions set out as a note under this section, is popularly known as the “Combined Hydrocarbon Leasing Act of 1981”.

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-377, §1(a), Aug. 4, 1976, 90 Stat. 1083, as amended by Pub. L. 95-554, §8, Oct. 30, 1978, 92 Stat. 2075, provided that: “This Act [enacting sections 202a, 208-1, and 208-2 of this title, amending sections 184, 191, 201, 203, 207, 209, and 352 of this title, repealing sections 201-1 and 204 of this title, and enacting provisions set out as notes under sections 184, 201, 201-1, 203, and 204 of this title] may be cited as the ‘Federal Coal Leasing Amendments Act of 1976.’”

#### SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-705, §1, Sept. 2, 1960, 74 Stat. 781, provided: “That this Act [amending this section and sections 182, 184, 187a, 226, 226-1, 226-2, and 241 of this title, and enacting provisions set out as notes under sections 187a and 226 of this title] may be cited as the ‘Mineral Leasing Act Revision of 1960.’”

#### SHORT TITLE

Act Feb. 25, 1920, ch. 85, §44, as added Dec. 22, 1987, Pub. L. 100-203, title V, §5113, 101 Stat. 1330-263, pro-

vided that: “This Act [enacting this chapter] may be cited as the ‘Mineral Leasing Act.’”

This chapter is also popularly known as the “Mineral Leasing Act of 1920” and the “Mineral Lands Leasing Act”.

#### SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as permitting any person to place, or allow to be placed, spent oil shale, etc., on any Federal land other than land leased for the recovery of shale oil under the act of Feb. 25, 1920, section 181 et seq. of this title, see section 701(d) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

Act Aug. 8, 1946, ch. 916, §15, 60 Stat. 950, provided: “No repeal or amendment made by this Act [enacting sections 187a, 187b, 226c-226e, and 236b, amending this section and sections 184, 188, 193, 209, 225, 226, and 285, and repealing sections 223a, 226a, and 226b of this title] shall affect any right acquired under the law as it existed prior to such repeal or amendment, and such right shall be governed by the law in effect at the time of its acquisition; but any person holding a lease on the effective date of this Act [Aug. 8, 1946] may, by filing a statement to that effect, elect to have his lease governed by the applicable provisions of this Act instead of by the law in effect prior thereto.”

#### CONSTRUCTION AND APPLICABILITY OF 1981 AMENDMENTS

Pub. L. 97-78, §1(10), (11), Nov. 16, 1981, 95 Stat. 1072, provided that:

“(10) Nothing in this Act [see Short Title of 1981 Amendment note above] shall affect the taxable status of production from tar sand under the Crude Oil Windfall Profit Tax Act of 1980 (Public Law 96-223) [see Tables for classification], reduce the depletion allowance for production from tar sand, or otherwise affect the existing tax status applicable to such production.

“(11) No provision of this Act [see Short Title of 1981 Amendment note above] shall apply to national parks, national monuments, or other lands where mineral leasing is prohibited by law. The Secretary of the Interior shall apply the provisions of this Act to the Glen Canyon National Recreation Area, and to any other units of the national park system where mineral leasing is permitted, in accordance with any applicable minerals management plan if the Secretary finds that there will be no resulting significant adverse impacts on the administration of such area, or on other contiguous units of the national park system.”

#### ADMISSION OF ALASKA AS STATE: SELECTION OF LANDS

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Selection of lands by Alaska from lands made available by Statehood provisions including lands subject to leases, permits, licenses or contracts issued under this chapter, see section 6(h) of Pub. L. 85-508, set out as note preceding section 21 of Title 48.

#### OUTER CONTINENTAL SHELF; MINERAL LEASES

Grant by the Secretary of the Interior of mineral leases on submerged lands of outer Continental Shelf, see section 1331 et seq., of Title 43, Public Lands.

#### § 182. Lands disposed of with reservation of deposits of coal, etc.

The provisions of this chapter shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, gilsonite (including all vein-type solid hydrocarbons), or gas in the lands of the United

States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

(Feb. 25, 1920, ch. 85, §34, 41 Stat. 450; Pub. L. 86-705, §7(a), Sept. 2, 1960, 74 Stat. 790; Pub. L. 97-78, §1(1), Nov. 16, 1981, 95 Stat. 1070.)

#### AMENDMENTS

1981—Pub. L. 97-78 substituted “gilsonite (including all vein-type solid hydrocarbons),” for “native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried)”.

1960—Pub. L. 86-705 included native asphalt, solid and semisolid bitumen, and bituminous rock.

### § 183. Cancellation of prospecting permits

The Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this chapter appropriate provisions for its cancellation by him.

(Feb. 25, 1920, ch. 85, §26, 41 Stat. 448.)

### § 184. Limitations on leases held, owned or controlled by persons, associations or corporations

#### (a) Coal leases

No person, association, or corporation, or any subsidiary, affiliate, or persons controlled by or under common control with such person, association, or corporation shall take, hold, own or control at one time, whether acquired directly from the Secretary under this chapter or otherwise, coal leases or permits on an aggregate of more than 75,000 acres in any one State and in no case greater than an aggregate of 150,000 acres in the United States: *Provided*, That any person, association, or corporation currently holding, owning, or controlling more than an aggregate of 150,000 acres in the United States on the date of enactment of this section shall not be required on account of this section to relinquish said leases or permits: *Provided, further*, That in no case shall such person, association, or corporation be permitted to take, hold, own, or control any further Federal coal leases or permits until such time as their holdings, ownership, or control of Federal leases or permits has been reduced below an aggregate of 150,000 acres within the United States.

#### (b) Sodium leases or permits, acreage

(1) No person, association, or corporation, except as otherwise provided in this subsection, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this chapter, or otherwise, sodium leases or permits on an aggregate of more than five thousand one hundred and twenty acres in any one State.

(2) The Secretary may, in his discretion, where the same is necessary in order to secure the eco-

nomic mining of sodium compounds leasable under this chapter, permit a person, association, or corporation to take or hold sodium leases or permits on up to 30,720 acres in any one State.

#### (c) Phosphate leases, acreage

No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this chapter, or otherwise, phosphate leases or permits on an aggregate of more than twenty thousand four hundred and eighty acres in the United States.

#### (d) Oil or gas leases, acreage, Alaska; options, semi-annual statements

(1) No person, association, or corporation, except as otherwise provided in this chapter, shall take, hold, own or control at one time, whether acquired directly from the Secretary under this chapter, or otherwise, oil or gas leases (including options for such leases or interests therein) on land held under the provisions of this chapter exceeding in the aggregate two hundred forty-six thousand and eighty acres in any one State other than Alaska<sup>1</sup> *Provided, however*, That acreage held in special tar sand areas, and acreage under any lease any portion of which has been committed to a federally approved unit or cooperative plan or communitization agreement or for which royalty (including compensatory royalty or royalty in-kind) was paid in the preceding calendar year, shall not be chargeable against such State limitations. In the case of the State of Alaska, the limit shall be three hundred thousand acres in the northern leasing district and three hundred thousand acres in the southern leasing district, and the boundary between said two districts shall be the left limit of the Tanana River from the border between the United States and Canada to the confluence of the Tanana and Yukon Rivers, and the left limit of the Yukon River from said confluence to its principal southern mouth.

(2) No person, association, or corporation shall take, hold, own, or control at one time options to acquire interests in oil or gas leases under the provisions of this chapter which involve, in the aggregate, more than two hundred thousand acres of land in any one State other than Alaska, or, in the case of Alaska, more than two hundred thousand acres in each of its two leasing districts, as hereinbefore described. No option to acquire any interest in such an oil or gas lease shall be enforceable if entered into for a period of more than three years (which three years shall be inclusive of any renewal period if a right to renew is reserved by any party to the option) without the prior approval of the Secretary. In any case in which an option to acquire the optionor's entire interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but the charge to the optionor shall cease when the option is exercised. In any case in which an option to acquire a part of the optionor's interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be

<sup>1</sup> So in original. Probably should be followed by a colon.