

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.

§ 8725. Acquisition by condemnation and purchase

(a) Whenever the Secretary is unable to make arrangements he considers satisfactory for exchanges of land or agreements for conservation authorized by section 8724 of this title, the Secretary may acquire, with the approval of the President, such privately owned lands and leases—

(1) by purchase, inside the naval petroleum reserves, or outside those reserves on the same geologic structure; and

(2) by condemnation, inside Naval Petroleum Reserve Numbered 1, or, if there is substantial drainage, outside that reserve on the same geologic structure.

(b) The Secretary shall report annually to Congress all proceedings for purchase and condemnation under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 458, §7425; Pub. L. 94-258, title II, §201(6), Apr. 5, 1976, 90 Stat. 309; Pub. L. 96-513, title V, §513(32)(A), Dec. 12, 1980, 94 Stat. 2933; Pub. L. 106-398, §1 [div. C, title XXXIV, §3402(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-484; renumbered §8725 and amended Pub. L. 115-232, div. A, title VIII, §§807(d)(5), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7425	34 U.S.C. 524 (5th par., 1st 123 words, and 169th through 193d words).	June 4, 1920, ch. 228 (5th par., 1st 123 words, and 169th through 193d words, of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1252; June 17, 1944, ch. 262, 58 Stat. 282.

The words “Whenever the Secretary of the Navy is unable” are substituted for the words “In the event of the inability of the Secretary of the Navy” for brevity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, §807(d)(5), renumbered section 7425 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8724” for “section 7424” in introductory provisions.

2000—Subsec. (a). Pub. L. 106-398 substituted “for exchanges of land or agreements for conservation authorized by section 7424 of this title, the Secretary may acquire” for “for—

“(1) exchanges of land or agreements for conservation authorized by section 7424 of this title; or

“(2) contracts for joint, unit, or other cooperative plans with respect to lands or leases authorized by section 7426 of this title; he may acquire”.

1980—Subsec. (a). Pub. L. 96-513 substituted “Naval Petroleum Reserve Numbered 1” for “naval petroleum reserve numbered 1”.

1976—Subsec. (a). Pub. L. 94-258 struck out “of the Navy” after “Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

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.

§ 8727. Cooperative or unit plans in the naval petroleum reserves

The Secretary, with the consent of the President, may make agreements, with respect to lands inside the naval petroleum reserves, of the same type as the Secretary of the Interior may make under section 17(m) of the Act of February 25, 1920 (30 U.S.C. 226(m)). No such agreement made by the Secretary may extend the term of any lease unless the agreement so provides.

(Aug. 10, 1956, ch. 1041, 70A Stat. 460, §7427; Pub. L. 94-258, title II, §201(8), Apr. 5, 1976, 90 Stat. 309; Pub. L. 96-513, title V, §513(33), Dec. 12, 1980, 94 Stat. 2934; Pub. L. 100-456, div. A, title XII, §1233(g)(3), Sept. 29, 1988, 102 Stat. 2058; renumbered §8727, Pub. L. 115-232, div. A, title VIII, §807(d)(5), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7427	30 U.S.C. 236b (last 46 words).	Aug. 8, 1946, ch. 916, §13 (29th through 85th words) 60 Stat. 958.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7427 of this title as this section.

1988—Pub. L. 100-456 substituted “section 17(m)” for “section 17(j)” and “30 U.S.C. 226(m)” for “30 U.S.C. 226(j)”.

1980—Pub. L. 96-513 substituted “section 17(j) of the Act of February 25, 1920 (30 U.S.C. 226(j))” for “section 226e of title 30”.

1976—Pub. L. 94-258 struck out “of the Navy” after “Secretary” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

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.

Executive Documents

EX. ORD. NO. 12929. DELEGATION OF AUTHORITY REGARDING NAVAL PETROLEUM AND OIL SHALE RESERVES

Ex. Ord. No. 12929, Sept. 29, 1994, 59 F.R. 50473, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of

America, including section 301 of title 3 and sections 7427 and 7428 [now 8727 and 8728] of title 10, United States Code, and in order to meet the goals and requirements of the Naval Petroleum and Oil Shale Reserves, it is hereby ordered as follows:

The functions vested in the President by sections 7427 and 7428 [now 8727 and 8728] of title 10 of the United States Code are delegated to the Secretary of Energy.

WILLIAM J. CLINTON.

Temporary delegations of functions of President under this section were contained in the following prior Executive Orders:

- Ex. Ord. No. 12784, Dec. 19, 1991, 56 F.R. 66339.
- Ex. Ord. No. 12659, Dec. 15, 1988, 53 F.R. 50911.

§ 8728. Agreements and leases: provision for change

Every unit or cooperative plan of development and operation and every lease affecting lands owned by the United States within Naval Petroleum Reserve Numbered 2 and the oil shale reserves shall contain a provision authorizing the Secretary, subject to approval by the President and to any limitation in the plan or lease, to change from time to time the rate of prospecting and development on, and the quantity and rate of production from, lands of the United States under the plan or lease, notwithstanding any other provision of law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 460, §7428; Pub. L. 87-796, §1(5), Oct. 11, 1962, 76 Stat. 905; Pub. L. 94-258, title II, §201(9), Apr. 5, 1976, 90 Stat. 309; Pub. L. 106-398, §1 [div. C, title XXXIV, §3402(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-484; renumbered § 8728, Pub. L. 115-232, div. A, title VIII, § 807(d)(5), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7428	34 U.S.C. 524 (proviso of 6th par.).	June 4, 1920, ch. 228 (6th par., proviso, of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1252; June 17, 1944, ch. 262, 58 Stat. 282.

The words “entered into after July 1, 1937” and “entered into subsequent to July 1, 1937” are omitted as surplusage. The words “in his discretion” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7428 of this title as this section.

2000—Pub. L. 106-398 struck out “, except a plan authorized by section 7426 of this title.” after “development and operation”.

1976—Pub. L. 94-258 substituted “within Naval Petroleum Reserve Numbered 2 and the oil shale reserves shall contain a provision authorizing the Secretary” for “within the naval petroleum and oil shale reserves shall contain a provision authorizing the Secretary of the Navy”.

1962—Pub. L. 87-796 included leases affecting lands within oil shale reserves.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and

special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of the President under this section were delegated to the Secretary of Energy by Ex. Ord. No. 12929, Sept. 29, 1994, 59 F.R. 50473, set out as a note under section 7427 of this title.

§ 8729. Re-lease of certain lands: lessee’s preferential right

The Secretary, on terms prescribed by him, may re-lease lands in the naval petroleum reserves that were covered by leases made before July 1, 1936, and terminated by law at the expiration of their initial twenty-year periods. If any such land is to be re-leased, the Secretary shall give to the former lessee preferential rights to the new lease.

(Aug. 10, 1956, ch. 1041, 70A Stat. 460, §7429; Pub. L. 94-258, title II, §201(10), Apr. 5, 1976, 90 Stat. 309; renumbered §8729, Pub. L. 115-232, div. A, title VIII, § 807(d)(5), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7429	34 U.S.C. 524 (6th par., less proviso).	June 4, 1920, ch. 228 (6th par., less proviso, of amended 3d and 4th provisos), 41 Stat. 813; June 30, 1938, ch. 851, §1, 52 Stat. 1253; June 17, 1944, ch. 262, 58 Stat. 282.

The source law provided that leases of lands of the United States within the naval petroleum reserves in existence before July 1, 1936, except leases that had become part of an approved unit or cooperative plan and agreement, should terminate at the end of their initial 20-year period, and that the lands covered by these leases could then be re-leased by the Secretary of the Navy. All of the leases covered by this provision have terminated as provided therein. Thus the provision for the termination of the leases is executed and the only remaining effect of the source is to authorize the re-lease of the lands formerly covered by the terminated leases. This section is worded accordingly. Reference to the classes of leases that were excepted from the termination is omitted as unnecessary because these leases were, of course, not terminated. They are not affected, since this section refers only to leases that were “terminated by law”. The word “conditions” is omitted as included in the word “terms”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7429 of this title as this section.

1976—Pub. L. 94-258 struck out “of the Navy” after “Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.