sources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

CHAPTER 36—OUTER CONTINENTAL SHELF RESOURCE MANAGEMENT

Sec.
1801. Congressional findings.
1802. Congressional declaration of purposes.

SUBCHAPTER I—OFFSHORE OIL SPILL POLLUTION FUND

1811 to 1824. Repealed.

SUBCHAPTER II—FISHERMEN'S CONTINGENCY FUND

1841. Definitions.
1842. Fishermen's Contingency Fund.
(a) Establishment; availability; source of deposits; limitation on amount; interest-bearing accounts; litigation.
(b) Payments by each holder of lease, permit, easement, or right-of-way.
1843. Duties and powers of Secretary.
(a) Prescription and amendment of regulations respecting settlement of claims; identification classification of potential hazards to commercial fishing.
(b) Establishment of regulations respecting color coding, stamping, or labeling of equipment, tools, etc., used on Outer Continental Shelf.
(c) Disbursement of payments to compensate commercial fishermen; restrictions.
1844. Burden of proof.
1845. Claims procedure.
(a) Filing requirement; time to file.
(b) Transmittal of copy of claim to Secretary of the Interior; reference to Secretary.
(c) Notification to persons engaged in activities associated with Outer Continental Shelf energy activities; response of persons notified; submittal of evidence.
(d) Acceptance of claim by Secretary; time to render decision; review of initial determination.
(e) Claim preparation fees; attorney's fees.
(f) Powers of Secretary.
(g) Place of proceeding.
(h) Certification and disbursement of award; subrogation of rights; payment of costs of proceedings.
(i) Judicial review.
1846, 1847. Repealed.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

1861. Repealed.
1862. Natural gas distribution.
(a) Expanded participation by local distribution companies in acquisition of leases and development of natural gas resources.
(b) Application and issuance of certificates of public convenience and necessity for transportation of natural gas.
(c) Definitions.
1863. Unlawful employment practices; regulations.
1864. Disclosure of financial interests by officers and employees of Department of the Interior.
(a) Annual written statement.
(b) ''Known financial interest'' defined; enforcement; report to Congress.
(c) Officers and employees in nonregulatory or nonpolicymaking positions.
(d) Penalties.
1865. Investigation of reserves of oil and gas in Outer Continental Shelf.
1866. Relationship to existing law.

§ 1801. Congressional findings

The Congress finds and declares that—

(1) the demand for energy in the United States is increasing and will continue to increase for the foreseeable future;

(2) domestic production of oil and gas has declined in recent years;

(3) the United States has become increasingly dependent upon imports of oil from foreign nations to meet domestic energy demand;

(4) increasing reliance on imported oil is not inevitable, but is rather subject to significant reduction by increasing the development of domestic sources of energy supply;

(5) consumption of natural gas in the United States has greatly exceeded additions to domestic reserves in recent years;

(6) technology is or can be made available which will allow significantly increased domestic production of oil and gas without undue harm or damage to the environment;

(7) the Outer Continental Shelf contains significant quantities of oil and natural gas and is a vital national resource reserve which must be carefully managed so as to realize fair value, to preserve and maintain competition, and to reflect the public interest;

(8) there presently exists a variety of technological, economic, environmental, administrative, and legal problems which tend to retard the development of the oil and natural gas reserves of the Outer Continental Shelf;

(9) environmental and safety regulations relating to activities on the Outer Continental Shelf should be reviewed in light of current technology and information;

(10) the development, processing, and distribution of the oil and gas resources of the Outer Continental Shelf, and the siting of related energy facilities, may cause adverse impacts on various States and local governments;

(11) policies, plans, and programs developed by States and local governments in response to activities on the Outer Continental Shelf cannot anticipate and ameliorate such adverse impacts unless such States, working in close cooperation with affected local governments, are provided with timely access to information regarding activities on the Outer Continental Shelf and an opportunity to review and comment on decisions relating to such activities;

(12) funds must be made available to pay for the prompt removal of any oil spilled or discharged as a result of activities on the Outer Continental Shelf and for any damages to public or private interests caused by such spills or discharges;

(13) because of the possible conflicts between exploitation of the oil and gas resources in the Outer Continental Shelf and other uses of the marine environment, including fish and shellfish growth and recovery, and recreational ac-

tivity, the Federal Government must assume responsibility for the minimization or elimination of any conflict associated with such exploitation;

(14) the oil and gas resources of the Outer Continental Shelf are limited, nonrenewable resources which must be developed in a manner which takes into consideration the Nation's long-range energy needs and also assures adequate protection of the renewable resources of the Outer Continental Shelf which are a continuing and increasingly important source of food and protein to the Nation and the world; and

(15) funds must be made available to pay for damage to commercial fishing vessels and gear resulting from activities involving oil and gas exploration, development, and production on the Outer Continental Shelf.

(Pub. L. 95–372, title I, § 101, Sept. 18, 1978, 92 Stat. 630.)

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–610, title I, § 1, Nov. 5, 1988, 102 Stat. 3176, provided that: ''This Act [probably should be 'This title', which amended section 1815 of this title] may be cited as the 'Outer Continental Shelf Operations Indemnification Clarification Act of 1988'.''

SHORT TITLE

Section 1 of Pub. L. 95–372 provided: ''That this Act [enacting this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amending sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 1348 and 1811 of this title] may be cited as the 'Outer Continental Shelf Lands Act Amendments of 1978'.''

§ 1802. Congressional declaration of purposes

The purposes of this chapter are to—

(1) establish policies and procedures for managing the oil and natural gas resources of the Outer Continental Shelf which are intended to result in expedited exploration and development of the Outer Continental Shelf in order to achieve national economic and energy policy goals, assure national security, reduce dependence on foreign sources, and maintain a favorable balance of payments in world trade;

(2) preserve, protect, and develop oil and natural gas resources in the Outer Continental Shelf in a manner which is consistent with the need (A) to make such resources available to meet the Nation's energy needs as rapidly as possible, (B) to balance orderly energy resource development with protection of the human, marine, and coastal environments, (C) to insure the public a fair and equitable return on the resources of the Outer Continental Shelf, and (D) to preserve and maintain free enterprise competition;

(3) encourage development of new and improved technology for energy resource production which will eliminate or minimize risk of damage to the human, marine, and coastal environments;

(4) provide States, and through States, local governments, which are impacted by Outer Continental Shelf oil and gas exploration, development, and production with comprehensive assistance in order to anticipate and plan for such impact, and thereby to assure adequate protection of the human environment;

(5) assure that States, and through States, local governments, have timely access to information regarding activities on the Outer Continental Shelf, and opportunity to review and comment on decisions relating to such activities, in order to anticipate, ameliorate, and plan for the impacts of such activities;

(6) assure that States, and through States, local governments, which are directly affected by exploration, development, and production of oil and natural gas are provided an opportunity to participate in policy and planning decisions relating to management of the resources of the Outer Continental Shelf;

(7) minimize or eliminate conflicts between the exploration, development, and production of oil and natural gas, and the recovery of other resources such as fish and shellfish;

(8) establish an oilspill liability fund to pay for the prompt removal of any oil spilled or discharged as a result of activities on the Outer Continental Shelf and for any damages to public or private interests caused by such spills or discharges;

(9) insure that the extent of oil and natural gas resources of the Outer Continental Shelf is assessed at the earliest practicable time; and

(10) establish a fishermen's contingency fund to pay for damages to commercial fishing vessels and gear due to Outer Continental Shelf activities.

(Pub. L. 95–372, title I, § 102, Sept. 18, 1978, 92 Stat. 631.)

REFERENCES IN TEXT

This chapter, referred to in opening provision, was in the original ''this Act'', meaning Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, known as the Outer Continental Shelf Lands Act Amendments of 1978, which enacted this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amended sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 1348 and 1811 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

SUBCHAPTER I—OFFSHORE OIL SPILL POLLUTION FUND

§§ 1811 to 1824. Repealed. Pub. L. 101–380, title II, § 2004, Aug. 18, 1990, 104 Stat. 507

Section 1811, Pub. L. 95–372, title III, § 301, Sept. 18, 1978, 92 Stat. 670, defined terms used in this subchapter.

Section 1812, Pub. L. 95–372, title III, § 302, Sept. 18, 1978, 92 Stat. 672; Pub. L. 101–239, title IX, § 9001(a), Dec. 19, 1989, 103 Stat. 2470, established Offshore Oil Pollution Compensation Fund.

Section 1813, Pub. L. 95–372, title III, § 303, Sept. 18, 1978, 92 Stat. 674, provided for asserting claims for economic loss from oil pollution.

Section 1814, Pub. L. 95–372, title III, § 304, Sept. 18, 1978, 92 Stat. 675, set scope of liability of owners and operators of vessels and offshore facilities.

Section 1815, Pub. L. 95–372, title III, § 305, Sept. 18, 1978, 92 Stat. 677; Pub. L. 100–610, title I, §§ 2, 3, Nov. 5, 1988, 102 Stat. 3176, required owners and operators of

offshore facilities and vessels using offshore facilities to provide evidence of financial responsibility to cover liability for oil pollution.

Section 1816, Pub. L. 95–372, title III, § 306, Sept. 18, 1978, 92 Stat. 678, provided for notification, designation, and advertisement of incidents involving vessels or offshore facilities.

Section 1817, Pub. L. 95–372, title III, § 307, Sept. 18, 1978, 92 Stat. 679, related to presentment of claims to owners, operators, guarantors, or Offshore Oil Pollution Compensation Fund.

Section 1818, Pub. L. 95–372, title III, § 308, Sept. 18, 1978, 92 Stat. 682, provided for subrogation of any person or governmental entity which paid compensation for an economic loss to all rights, claims, and causes of action which claimant had under this subchapter.

Section 1819, Pub. L. 95–372, title III, § 309, Sept. 18, 1978, 92 Stat. 683, provided for jurisdiction and venue of controversies arising under this subchapter.

Section 1820, Pub. L. 95–372, title III, § 310, Sept. 18, 1978, 92 Stat. 684, outlined relationship of this subchapter to other State or Federal laws.

Section 1821, Pub. L. 95–372, title III, § 311, Sept. 18, 1978, 92 Stat. 684, prohibited harmful discharge of oil from any offshore facility or vessel.

Section 1822, Pub. L. 95–372, title III, § 312, Sept. 18, 1978, 92 Stat. 684, set civil and criminal penalties for violations of provisions of this subchapter.

Section 1823, Pub. L. 95–372, title III, § 313, Sept. 18, 1978, 92 Stat. 685, authorized appropriations for administration of this subchapter.

Section 1824, Pub. L. 95–372, title III, § 314, Sept. 18, 1978, 92 Stat. 685, directed Secretary of Transportation to submit report annually to Congress on operation of this subchapter.

EFFECTIVE DATE OF REPEAL

Repeal applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

EFFECTIVE DATE

Pub. L. 95–372, title III, § 315, Sept. 18, 1978, 92 Stat. 685, which provided that such section, section 1814(e) of this title, section 1815(d) of this title, and all provisions of this subchapter authorizing the delegation of authority or the promulgation of regulations were to be effective Sept. 18, 1978, and that all other provisions of this subchapter, and rules and regulations promulgated pursuant to such provisions, were to be effective on the one hundred and eightieth day after Sept. 18, 1978, was repealed by Pub. L. 101–380, title II, § 2004, Aug. 18, 1990, 104 Stat. 507.

OFFSHORE OIL POLLUTION COMPENSATION FUND

Amounts remaining in the Offshore Oil Pollution Compensation Fund established under former section 1812 of this title to be deposited in the Oil Spill Liability Trust Fund established under section 9509 of Title 26, Internal Revenue Code, with that Fund to assume all liability incurred by the Offshore Oil Pollution Compensation Fund, see section 2004 of Pub. L. 101–380, set out as a note under section 9509 of Title 26.

SUBCHAPTER II—FISHERMEN'S CONTINGENCY FUND

§ 1841. Definitions

As used in this subchapter, the term—

(1) ''area affected by Outer Continental Shelf activities'' means any geographic area:

(A) which is under oil or gas lease on the Outer Continental Shelf;

(B) where Outer Continental Shelf exploration, development or production activities have been permitted, except geophysical activities;

(C) where pipeline rights-of-way have been granted; or

(D) otherwise impacted by such activities including but not limited to expired lease areas, relinquished rights-of-way and easements, Outer Continental Shelf supply vessel routes, or other areas as determined by the Secretary;

(2) ''citizen of the United States'' means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State, or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other chief executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth, or naturalization, and which has at least 75 per centum of the interest of[1] therein owned by citizens of the United States. Seventy-five per centum of the interest in the corporation shall not be deemed to be owned by citizens of the United States—

(A) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States;

(B) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States;

(C) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or

(D) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States;

(3) ''commercial fisherman'' means any citizen of the United States who owns, operates, or derives income from being employed on a commercial fishing vessel;

(4) ''commercial fishing vessel'' means any vessel, boat, ship, or other craft which is (A) documented under the laws of the United States or, if under five net tons, registered under the laws of any State, and (B) used for, equipped to be used for, or of a type which is normally used for commercial purposes for the catching, taking, or harvesting of fish or the aiding or assisting of any activity related to the catching, taking, or harvesting of fish, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing;

(5) ''fish'' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species;

(6) ''fishing gear'' means (A) any commercial fishing vessel, and (B) any equipment of such vessel, whether or not attached to such a vessel;

[1] So in original. The ''of'' is probably unnecessary.

(7) ''Fund'' means the Fishermen's Contingency Fund established under section 1842 of this title; and

(8) ''Secretary'' means the Secretary of Commerce or the designee of such Secretary.

(Pub. L. 95–372, title IV, § 401, Sept. 18, 1978, 92 Stat. 685; Pub. L. 97–212, §§ 1, 8, June 30, 1982, 96 Stat. 143, 147.)

AMENDMENTS

1982—Pub. L. 97–212 added par. (1), redesignated former pars. (1) to (7) as (2) to (8), respectively, and struck out ''at sea'' after ''the aiding or assisting'' in par. (4)(B) as redesignated.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 9 of Pub. L. 97–212 provided that:

''(a) Except as provided for in subsection (b), the amendments made by this Act [amending this section and sections 1842 to 1845 of this title, repealing section 1847 of this title, enacting a provision set out as a note under section 1823 of Title 16, Conservation, and amending a provision set out as a note under section 1823 of Title 16] shall apply with respect to claims for damages that are filed, on or after the date of the enactment of this Act [June 30, 1982], with the Secretary of Commerce under section 405(a) of the Outer Continental Shelf Lands Act Amendments of 1978 [section 1845(a) of this title].

''(b)(1) Any commercial fisherman who filed a claim with the Secretary of Commerce for compensation under title IV of such amendments of 1978 [this subchapter] before the date of the enactment of this Act [June 30, 1982] may, if no decision on such claim was rendered under section 405(d) of such title IV [section 1845(d) of this title] before such date of enactment [June 30, 1982], refile such claim with the Secretary if the claimant notifies the Secretary in writing within thirty days after notification under paragraph (2) of his eligibility to refile the claim that he intends to so refile. If timely notification of intent to refile is made under the preceding sentence, any action pending with respect to the original claim shall be suspended pending the refiling of the claim under paragraph (2) and, if such refiling is timely made, such action shall be vacated.

''(2) The Secretary shall notify each claimant eligible to refile a claim under paragraph (1) of such eligibility within 10 days after the date of enactment of this Act [June 30, 1982].

''(3) A claim for which notification on intent to refile was timely made under paragraph (1) must be refiled with the Secretary within the thirty-day period after the date on which the regulations promulgated to implement the amendments made by this Act become final or action shall be resumed with respect to such claim without regard to the amendments made by this Act.

''(4) The amendments made by this Act shall apply with respect to any claim that is refiled on a timely basis under paragraph (3).''

§ 1842. Fishermen's Contingency Fund

(a) Establishment; availability; source of deposits; limitation on amount; interest-bearing accounts; litigation

(1) There is established in the Treasury of the United States a Fishermen's Contingency Fund. The Fund shall be available to the Secretary without fiscal year limitations as a revolving fund for the purpose of making payments pursuant to this section. The Fund shall consist of—

(A) revenues received from investments made under paragraph (3);

(B) amounts collected under subsection (b) of this section; and

(C) amounts recovered by the Secretary under section 1845(h)(2) of this title.

The total amount in the Fund that is collected under subsection (b) of this section may at no time exceed $2,000,000; and the total amount in the Fund which is attributable to revenue received under paragraph (3) or recovered by the Secretary under section 1845(h)(2) of this title shall be expended prior to amounts collected under subsection (b) of this section. Not more than 8 percent of the total amount in the Fund may be expended in any fiscal year for paying the administrative and personnel expenses referred to in paragraph (2)(A).

(2) The Fund shall be available, as provided for in appropriation Acts solely for the payment of—

(A) the personnel and administrative expenses incurred in carrying out this subchapter;

(B) any claim, in accordance with procedures established under this section, for damages that are compensable under this subchapter; and

(C) attorney and other fees awarded under section 1845(e) of this title with respect to any such claim.

(3) Sums in the Fund that are not currently needed for the purposes of the Fund shall be kept on deposit in appropriate interest-bearing accounts that shall be established by the Secretary of the Treasury or invested in obligations of, or guaranteed by, the United States. Any revenue accruing from such deposits and investments shall be deposited into the Fund.

(4) The Fund may sue and be sued in its own name. All litigation by or against the Fund shall be referred to the Attorney General.

(b) Payments by each holder of lease, permit, easement, or right-of-way

(1) Except as provided in paragraph (2), each holder of a lease that is issued or maintained under the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.] and each holder of an exploration permit, or an easement or right-of-way for the construction of a pipeline in any area of the Outer Continental Shelf, shall pay an amount specified by the Secretary. The Secretary of the Interior shall collect such amount and deposit it into the Fund. In any calendar year, no holder of a lease, permit, easement, or right-of-way shall be required to pay an amount in excess of $5,000 per lease, permit, easement, or right-of-way.

(2) Payments may not be required under paragraph (1) by the Secretary of the Interior with respect to geological permits and geophysical permits, other than prelease exploratory drilling permits issued under section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340).

(Pub. L. 95–372, title IV, § 402, Sept. 18, 1978, 92 Stat. 686; Pub. L. 97–212, § 2, June 30, 1982, 96 Stat. 143.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (b)(1), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete

classification of this Act to the Code, see Short Title note set out under section 1331 of this title and Tables.

AMENDMENTS

1982—Subsec. (a). Pub. L. 97–212 redesignated subsec. (a) as subsec. (a)(1) and substituted provisions relating to the source of funds, that the total amount of the Fund would not exceed $2,000,000, that the total amount in the Fund which is attributable to revenue received under par. (3) as amended or recovered by the Secretary under section 1845(h)(2) of this title be expended prior to amounts collected under subsec. (b) as amended, and that not more than 8 percent of the total amount in the Fund be expended in any fiscal year for the paying of administrative and personnel expenses, for provisions that the amounts paid pursuant to former subsecs. (c) and (d) of this section be deposited in the Fund, and that the total amount in the Fund not exceed $1,000,000, redesignated as subsec. (a)(2) former subsec. (e), and struck out provision that the amounts disbursed for administrative or personnel expenses not exceed 15 percent of the amounts deposited in a revolving account for that fiscal year, added as subsec. (a)(3) provisions that the sums of the Fund be kept on deposit in interest-bearing accounts, and added as subsec. (a)(4) provision that all litigation be referred to the Attorney General.

Subsec. (b). Pub. L. 97–212 redesignated as subsec. (b)(1) provisions of former subsec. (c) and added as subsec. (b)(2) provision that payments not be required under par. (1) by the Secretary of the Interior with respect to geological and geophysical permits other than prelease exploratory drilling permits issued under section 1340 of this title. Former subsec. (b) relating to the establishment and maintenance of an area account within the Fund was struck out.

Subsec. (c). Pub. L. 97–212 redesignated subsec. (c) as (b)(1).

Subsec. (d). Pub. L. 97–212 struck out subsec. (d) which related to level of area account funds.

Subsec. (e). Pub. L. 97–212 redesignated subsec. (e) as (a)(2).

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–212 applicable with respect to claims for damages filed on or after June 30, 1982, with the Secretary of Commerce under section 1845(a) of this title, with provision for the refiling of previously filed claims under certain circumstances, see section 9 of Pub. L. 97–212, set out as a note under section 1841 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1841 of this title.

§ 1843. Duties and powers of Secretary

(a) Prescription and amendment of regulations respecting settlement of claims; identification classification of potential hazards to commercial fishing

In carrying out the provisions of this subchapter, the Secretary shall—

(1) prescribe, and from time to time amend, regulations for the filing, processing, and fair and expeditious settlement of claims pursuant to this subchapter, including a time limitation of not less than 90 days on the filing of such claims (except that, notwithstanding any other provision of law, final regulations implementing the 1981 amendments to this subchapter shall be published in the Federal Register within 120 days after the date of the enactment of such amendments); and

(2) identify and classify all potential hazards to commercial fishing caused by Outer Continental Shelf oil and gas exploration, development, and production activities, including all obstructions on the bottom, throughout the water column, and on the surface.

(b) Establishment of regulations respecting color coding, stamping, or labeling of equipment, tools, etc., used on Outer Continental Shelf

The Secretary of the Interior shall establish regulations requiring all materials, equipment, tools, containers, and all other items used on the Outer Continental Shelf to be properly color coded, stamped, or labeled, wherever practicable, with the owner's identification prior to actual use.

(c) Disbursement of payments to compensate commercial fishermen; restrictions

(1) Payments shall be disbursed by the Secretary from the Fund to compensate commercial fishermen for actual and consequential damages, including resulting economic loss, due to damages to, or loss of, fishing gear by materials, equipment, tools, containers, or other items associated with Outer Continental Shelf oil and gas exploration, development, or production activities. The compensation payable under this section for resulting economic loss shall be an amount equal to 50 per centum of such loss. For purposes of this subsection, the term ''resulting economic loss'' means the gross income, as estimated by the Secretary, that a commercial fisherman who is eligible for compensation under this section will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the damaged or lost fishing gear concerned is repaired or replaced and available for use.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, no payment may be made by the Secretary from the Fund—

(A) to the extent that damages were caused by the negligence or fault of the commercial fisherman making the claim;

(B) if the damage set forth in the claim was sustained prior to September 18, 1978;

(C) in the case of a claim for damage to, or loss of, fishing gear, in an amount in excess of the replacement value of the fishing gear with respect to which the claim is filed; and

(D) for any portion of the damages claimed with respect to which the claimant has received, or will receive, compensation from insurance.

(Pub. L. 95–372, title IV, § 403, Sept. 18, 1978, 92 Stat. 687; Pub. L. 96–561, title II, § 240(b)(2), Dec. 22, 1980, 94 Stat. 3301; Pub. L. 97–212, §§ 3, 7, June 30, 1982, 96 Stat. 144, 147; Pub. L. 98–498, title IV, § 420(1), (2), Oct. 19, 1984, 98 Stat. 2309.)

REFERENCES IN TEXT

The 1981 amendments to this subchapter, referred to in subsec. (a)(1), probably means the amendments made to this subchapter in 1982 by Pub. L. 97–212, which amended sections 1841 to 1845 of this title, repealed section 1847 of this title, and enacted a provision set out as a note under section 1841 of this title. Pub. L. 97–212 also enacted a provision set out as a note under section 1823 of Title 16, Conservation, and amended a provision set out as a note under section 1823 of Title 16.

The date of enactment of such amendments, referred to in subsec. (a)(1), probably means the date of enactment of Pub. L. 97–212, which was approved June 30, 1962.

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98–498 substituted ''limitation of not less than 90 days on'' for ''limitation on''.

Subsec. (c)(1). Pub. L. 98–498 substituted ''50 percent'' for ''25 per centum''.

1982—Subsec. (a)(1). Pub. L. 97–212, § 7, substituted ''claims (except that, notwithstanding any other provision of law, final regulations implementing the 1981 amendments to this subchapter shall be published in the Federal Register within 120 days after the date of the enactment of such amendments); and'' for ''claims; and''.

Subsec. (c)(1). Pub. L. 97–212, § 3(1), substituted ''Fund'' for ''appropriate area account'' and ''resulting economic loss'' for ''loss of profits'', inserted ''Outer Continental Shelf'' after ''items associated with'', struck out ''in such area, whether or not such damage occurred in such area'' after ''production activities'', and inserted provisions that compensation payable under this section for resulting economic loss be an amount equal to 25 per centum of such loss and provision defining ''resulting economic loss'' for purposes of subsec. (c).

Subsec. (c)(2). Pub. L. 97–212, § 3(2), substituted ''the Fund'' for ''any area account established under this subchapter'' in provisions preceding subpar. (A), struck out subpars. (A) and (E) which related, respectively, to damage caused by materials, equipment, tools, containers, or other items attributable to a financially responsible party and the party admitted responsibility and to loss of profits for any period in excess of 6 months unless such claim was supported by records with respect to the claimant's profits during the previous 12-month period, redesignated subpars. (B), (C), and (D) as (A), (B), and (C) respectively, redesignated subpar. (F) as (D), and in subpar. (D) as so redesignated, substituted ''received, or will receive,'' for ''or will receive''.

1980—Subsec. (c)(2)(A). Pub. L. 96–561 inserted reference to party admitting responsibility.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–212 applicable with respect to claims for damages filed on or after June 30, 1982, with the Secretary of Commerce under section 1845(a) of this title, with provision for the refiling of previously filed claims under certain circumstances, see section 9 of Pub. L. 97–212, set out as a note under section 1841 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1845 of this title.

§ 1844. Burden of proof

With respect to any claim for damages filed under this subchapter, there shall be a presumption that such damages were due to activities related to oil and gas exploration, development, or production if the claimant establishes that—

(1) the commercial fishing vessel was being used for fishing and was located in an area affected by Outer Continental Shelf activities;

(2) a report on the location of the material, equipment, tool, container, or other item which caused such damages and the nature of such damages was made within fifteen days after the date on which the vessel first returns to a port after discovering such damages;

(3) there was no record on the latest nautical charts or Notice to Mariners in effect at least 15 days prior to the date such damages were sustained that such material, equipment, tool, container, or other item existed where such damages occurred, except that in the case of damages caused by a pipeline, the presumption established by this section shall obtain whether or not there was any such record of the pipeline on the damage date; and

(4) there was no proper surface marker or lighted buoy which was attached or closely anchored to such material, equipment, tool, container, or other item.

(Pub. L. 95–372, title IV, § 404, Sept. 18, 1978, 92 Stat. 688; Pub. L. 97–212, § 4, June 30, 1982, 96 Stat. 145.)

AMENDMENTS

1982—Pub. L. 97–212, § 4(1), substituted ''under this subchapter'' for ''pursuant to this subchapter'' and ''damages were due to activities related to oil and gas exploration, development, or production'' for ''claim is valid'' in provisions preceding par. (1).

Par. (2). Pub. L. 97–212, § 4(2), substituted ''fifteen days after the date on which the vessel first returns to a port after discovering such damages'' for ''five days after the date on which such damages were discovered''.

Par. (3). Pub. L. 97–212, § 4(3), inserted ''the latest'' after ''no record on'', struck out ''the'' before ''Notice to Mariners'', and substituted ''in effect at least 15 days prior to the date'' for ''on the date'' and ''where such damages occurred, except that in the case of damages caused by a pipeline, the presumption established by this section shall obtain whether or not there was any such record of the pipeline on the damage date'' for ''in such area''.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–212 applicable with respect to claims for damages filed on or after June 30, 1982, with the Secretary of Commerce under section 1845(a) of this title, with provision for the refiling of previously filed claims under certain circumstances, see section 9 of Pub. L. 97–212, set out as a note under section 1841 of this title.

§ 1845. Claims procedure

(a) Filing requirement; time to file

Any commercial fisherman suffering damages compensable under this subchapter may file a claim for compensation with the Secretary under subsection (d)(1) of this section.

(b) Transmittal of copy of claim to Secretary of the Interior; reference to Secretary

Upon receipt of any claim under this section, the Secretary shall transmit a copy of the claim to the Secretary of the Interior and shall take such further action regarding the claim that is required under subsection (d) of this section.

(c) Notification to persons engaged in activities associated with Outer Continental Shelf energy activities; response of persons notified; submittal of evidence

The Secretary of the Interior shall make reasonable efforts to notify all persons known to have engaged in activities associated with Outer Continental Shelf energy activity in the vicinity. Each such person shall promptly notify the Secretary and the Secretary of the Interior as to whether he admits or denies responsibility for the damages claimed. Any such person, including lessees or permittees or their contractors or subcontractors, may submit evidence at any proceeding conducted with respect to such claim.

(d) Acceptance of claim by Secretary; time to render decision; review of initial determination

(1) The Secretary shall, under regulations prescribed pursuant to section 1843(a) of this title,

specify the time, form and manner in which claims must be filed.

(2) The Secretary may not accept any claim that does not meet the filing requirements specified under paragraph (1), and shall give a claimant whose claim is not accepted written notice of the reasons for nonacceptance. Such written notice must be given to the claimant within 30 days after the date on which the claim was filed and if the claimant does not refile an acceptable claim within 30 days after the date of such written notice, the claimant is not eligible for compensation under this subchapter for the damages concerned; except that the Secretary—

(A) shall in any case involving a good faith effort by the claimant to meet such filing requirements, or

(B) may in any case involving extenuating circumstances, accept a claim that does not meet the 30-day refiling requirement.

(3)(A) The Secretary shall make an initial determination with respect to the claim within 60 days after the day on which the claim is accepted for filing. Within 30 days after the day on which the Secretary issues an initial determination on a claim, the claimant, or any other interested person who submitted evidence relating to the initial determination, may petition the Secretary for a review of that determination.

(B) If a petition for the review of an initial determination is not filed with the Secretary within the 30-day period provided under subparagraph (A), the initial determination shall thereafter be treated as a final determination by the Secretary on the claim involved.

(C) If a petition for review of an initial determination is timely filed under subparagraph (A), the Secretary shall allow the petitioner 30 days after the day on which the petition is received to submit written or oral evidence relating to the initial determination. The Secretary shall then undertake such review and, on the basis of such review, issue a final determination no later than the 60th day after the day on which the Secretary received the petition for review of an initial determination.

(e) Claim preparation fees; attorney's fees

If the decision of the Secretary under subsection (d) of this section is in favor of the commercial fisherman filing the claim, the Secretary, as a part of the amount awarded, shall include reasonable claim preparation fees and reasonable attorney's fees, if any, incurred by the claimant in pursuing the claim.

(f) Powers of Secretary

(1) For purposes of any proceeding conducted pursuant to this section, the Secretary shall have the power to administer oaths and subpena the attendance or testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues being presented for determination.

(2) In any proceeding conducted pursuant to this section with respect to a claim for damages resulting from activities on any area of the Outer Continental Shelf, the Secretary shall consider evidence of obstructions in such area which have been identified pursuant to the survey conducted under section 1847[1] of this title.

(g) Place of proceeding

Any proceeding conducted with respect to an initial determination on a claim under subsection (d)(3)(A) of this section shall be conducted within such United States judicial district as may be mutually agreeable to the claimant and the Secretary or, if no agreement can be reached, within the United States judicial district in which the home port of the claimant is located.

(h) Certification and disbursement of award; subrogation of rights; payment of costs of proceedings

(1) The amount awarded in an initial determination by the Secretary under subsection (d) of this section shall be immediately disbursed, subject to the limitations of this section, by the Secretary if the claimant—

(A) states in writing that he will not petition for review of the initial determination; and

(B) enters into an agreement with the Secretary to repay to the Secretary all or any part of the amount of the award if, after review under subsection (d)(3)(C) of this section or, if applicable, after judicial review, the amount of the award, or any part thereof, is not sustained.

(2) Upon payment of a claim by the Secretary pursuant to this subsection, the Secretary shall acquire by subrogation all rights of the claimant against any person found to be responsible for the damages with respect to which such claim was made. Any moneys recovered by the Secretary through subrogation shall be deposited into the Fund.

(3) Any person who denies responsibility for damages with respect to which a claim is made and who is subquently[2] found to be responsible for such damages, and any commercial fisherman who files a claim for damages and who is subsequently found to be responsible for such damages, shall pay the costs of the proceedings under this section with respect to such claim.

(i) Judicial review

Any claimant or other person who suffers a legal wrong or who is adversely affected or aggrieved by a final determination of the Secretary under subsection (d) of this section, may, no later than 30 days after such determination is made, seek judicial review of the determination in the United States district court for such United States judicial district as may be mutually agreeable to the parties concerned or, if no agreement can be reached, in the United States district court for the United States judicial district in which is located the home port of the claimant.

(Pub. L. 95–372, title IV, § 405, Sept. 18, 1978, 92 Stat. 688; Pub. L. 97–212, § 5, June 30, 1982, 96 Stat. 145; Pub. L. 98–498, title IV, § 420(3), (4), Oct. 19, 1984, 98 Stat. 2309, 2310.)

REFERENCES IN TEXT

Section 1847 of this title, referred to in subsec. (f)(2), was repealed by Pub. L. 97–212, § 6(a), June 30, 1982, 96 Stat. 147.

[1] See References in Text note below.

[2] So in original. Probably should be "subsequently".

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–498 substituted ''under subsection (d)(1) of this section'' for '', except that no such claim may be filed more than 60 days after the date of discovery of the damages with respect to which such claim is made''.

Subsec. (d)(1). Pub. L. 98–498 inserted ''time,'' before ''form''.

1982—Subsec. (b). Pub. L. 97–212, § 5(1), struck out pars. (1) and (2) designations, and substituted ''shall take such further action regarding the claim that is required under subsection (d) of this section'' for ''refer such matter to a hearing examiner appointed under section 3105 of title 5''.

Subsec. (c). Pub. L. 97–212, § 5(2), substituted ''proceeding'' for ''hearing''.

Subsec. (d). Pub. L. 97–212, § 5(3), substituted provisions relating to the filing of claims with the Secretary of the Interior in order to be eligible for compensation under this subchapter, the time for such filing, the time in which the Secretary must make his initial determination with respect to the claim, and the submission of evidence by the petitioner when reviewing an initial determination by the Secretary, for provisions relating to the time in which a hearing examiner has to render a decision.

Subsec. (e). Pub. L. 97–212, § 5(4), substituted provisions that if the decision of the Secretary is in favor of the commercial fisherman filing the claim, the Secretary shall award to such claimant reasonable attorney's fees and claim preparation fees incurred by claimant in pursuing such claim for provisions that upon a decision in favor of the claimant fisherman, the hearing examiner include in the award reasonable attorney's fees incurred by the claimant in pursuing such claim.

Subsec. (f). Pub. L. 97–212, § 5(5), substituted ''the Secretary'' for ''hearing examiner'' and ''proceeding'' for ''hearing'' wherever appearing. The amendment which directed the substitution of ''the Secretary'' for ''hearing examiner'' was executed by substituting ''the Secretary'' for ''the hearing examiner'', as the probable intent of Congress, to avoid repeating the article ''the'' before ''Secretary'' in two places.

Subsec. (g). Pub. L. 97–212, § 5(6), substituted ''Any proceeding conducted with respect to an initial determination on a claim under subsection (d)(3)(A) of this section shall be conducted within such United States judicial district as may be mutually agreeable to the claimant and the Secretary or, if no agreement can be reached, within the United States judicial district in which the home port of the claimant is located'' for ''A hearing conducted under this section shall be conducted within the United States judicial district within which the matter giving rise to the claim occurred, or, if such matter occurred within two or more districts, in any of the affected districts, or, if such matter occurred outside of any district, in the nearest district''.

Subsec. (h)(1). Pub. L. 97–212, § 5(7)(A), substituted provisions that the amount awarded in an initial determination by the Secretary under subsec. (d) be immediately disbursed by the Secretary if the claimant states in writing that he will not petition for review of the initial determination and he enters into an agreement with the Secretary to repay to the Secretary all or any part of the award that is not sustained upon later judicial review for provisions that upon a decision of the hearing examiner and in absence of judicial review, any amount to be paid would be certified to the Secretary who would promptly disburse the award and that such decision of the hearing examiner was not reviewable by the Secretary.

Subsec. (h)(2). Pub. L. 97–212, § 5(7)(B), inserted provision that any moneys recovered by the Secretary through subrogation shall be deposited into the Fund.

Subsec. (i). Pub. L. 97–212, § 5(8), substituted ''Any claimant or other person who suffers a legal wrong or who is adversely affected or aggrieved by a final determination of the Secretary under subsection (d) of this section, may, no later than 30 days after such determination is made, seek judicial review of the determination in the United States district court for such United States judicial district as may be mutually agreeable to the parties concerned or, if no agreement can be reached, in the United States district court for the United States judicial district in which is located the home port of the claimant'' for ''Any person who suffers legal wrong or who is adversely affected or aggrieved by the decision of a hearing examiner under this section may, no later than 60 days after such decision is made, seek judicial review of such decision in the United States court of appeals for the circuit in which the damage occurred, or if such damage occurred outside of any circuit, in the United States court of appeals for the nearest circuit''.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–212 applicable with respect to claims for damages filed on or after June 30, 1982, with the Secretary of Commerce under section 1845(a) of this title, with provision for the refiling of previously filed claims under certain circumstances, see section 9 of Pub. L. 97–212, set out as a note under section 1841 of this title.

COMPENSATION FOR CERTAIN FISHING VESSEL AND GEAR DAMAGE; APPLICATION

Authority to owners or operators of fishing vessels and commercial fishermen failing to make application for compensation within the time limitations of this section or section 1980 of Title 22, Foreign Relations and Intercourse, to make application for compensation within the 60-day period beginning on Dec. 22, 1980, see section 240(a), (b)(1) of Pub. L. 96–561, title II, Dec. 22, 1980, 94 Stat. 3300, set out as a note under section 1980 of Title 22.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1842 of this title.

§ 1846. Repealed. Pub. L. 104–66, title I, § 1021(f), Dec. 21, 1995, 109 Stat. 713

Section, Pub. L. 95–372, title IV, § 406, Sept. 18, 1978, 92 Stat. 689, directed Secretary to submit annual reports to Congress setting forth Fishermen's Contingency Fund damage descriptions and compensation amounts and, in first annual report, to evaluate feasibility of (1) fine or penalty impositions, or (2) bonding requirements.

§ 1847. Repealed. Pub. L. 97–212, § 6(a), June 30, 1982, 96 Stat. 147

Section, Pub. L. 95–372, title IV, § 407, Sept. 18, 1978, 92 Stat. 690, related to survey of obstructions on Outer Continental Shelf and development of charts for commercial fishermen.

EFFECTIVE DATE OF REPEAL

Repeal effective June 30, 1982, and applicable with respect to claims for damages filed on or after such date, with the Secretary of Commerce under section 1845(a) of this title, see section 9(a) of Pub. L. 97–212, set out as an Effective Date of 1982 Amendment note under section 1841.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

§ 1861. Repealed. Pub. L. 99–367, § 2(b), July 31, 1986, 100 Stat. 774

Section, Pub. L. 95–372, title VI, § 601, Sept. 18, 1978, 92 Stat. 693, required Secretary of the Interior, within six months of Sept. 18, 1978, and in his annual report thereafter, to report to Comptroller General on shut-in and flaring oil and gas wells and required Comptroller Gen-

eral, within six months after receipt of report, to review and evaluate methodology used by Secretary in allowing wells to be shut-in or flare natural gas and submit his findings and recommendations to Congress.

§ 1862. Natural gas distribution

(a) Expanded participation by local distribution companies in acquisition of leases and development of natural gas resources

The purpose of this section is to encourage expanded participation by local distribution companies in acquisition of leases and development of natural gas resources on the Outer Continental Shelf by facilitating the transportation in interstate commerce of natural gas, which is produced from a lease located on the Outer Continental Shelf and owned, in whole or in part, by a local distribution company, from such lease to the service area of such local distribution company.

(b) Application and issuance of certificates of public convenience and necessity for transportation of natural gas

The Federal Energy Regulatory Commission shall, after opportunity for presentation of written and oral views, promulgate and publish in the Federal Register a statement of Commission policy which carries out the purpose of this section and sets forth the standards under which the Commission will consider applications for, and, as appropriate, issue certificates of public convenience and necessity, pursuant to section 717f of title 15, for the transportation in interstate commerce of natural gas, which is produced from a lease located on the Outer Continental Shelf and owned, in whole or in part, by a local distribution company, from such lease to the service area of such local distribution company. Such statement of policy shall specify the criteria, limitations, or requirements the Commission will apply in determing—[1]

(1) whether the application of any local distribution company qualifies for consideration under the statement of policy; and

(2) whether the public convenience and necessity will be served by the issuance of the requested certificate of transportation.

Such statement of policy shall also set forth the terms or limitations on which the Commission may condition, pursuant to section 717f of title 15, the issuance of a certificate of transportation under such statement of policy. To the maximum extent practicable, such statement shall be promulgated and published within one year after September 18, 1978.

(c) Definitions

For purposes of this section, the term—

(1) ''local distribution company'' means any person—

(A) engaged in the distribution of natural gas at retail, including any subsidiary or affiliate thereof engaged in the exploration and production of natural gas; and

(B) regulated, or operated as a public utility, by a State or local government or agency thereof;

(2) ''interstate commerce'' shall have the same meaning as such term has under section 717a(7) of title 15; and

(3) ''Commission'' means the Federal Energy Regulatory Commission.

(Pub. L. 95–372, title VI, § 603, Sept. 18, 1978, 92 Stat. 694.)

§ 1863. Unlawful employment practices; regulations

Each agency or department given responsibility for the promulgation or enforcement of regulations under this chapter or the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.] shall take such affirmative action as deemed necessary to prohibit all unlawful employment practices and to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity, sale, or employment, conducted pursuant to the provisions of this chapter or the Outer Continental Shelf Lands Act. The agency or department shall promulgate such rules as it deems necessary to carry out the purposes of this section, and any rules promulgated under this section, whether through agency and department provisions or rules, shall be similar to those established and in effect under title VI and title VII of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq., 2000e et seq.].

(Pub. L. 95–372, title VI, § 604, Sept. 18, 1978, 92 Stat. 695.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, as amended, known as the Outer Continental Shelf Lands Act Amendments of 1978, which enacted this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amended sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 1348 and 1811 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Outer Continental Shelf Lands Act, referred to in text, is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of this title and Tables.

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI and VII of the Civil Rights Act of 1964 are classified generally to subchapters V (§ 2000d et seq.) and VI (§ 2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

§ 1864. Disclosure of financial interests by officers and employees of Department of the Interior

(a) Annual written statement

Each officer or employee of the Department of the Interior who—

(1) performs any function or duty under this chapter or the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.], as amended by this Act; and

[1] So in original. Probably should be ''determining—''.

(2) has any known financial interest in any person who (A) applies for or receives any permit or lease under, or (B) is otherwise subject to the provisions of this chapter or the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.],

shall, beginning on February 1, 1979, annually file with the Secretary of the Interior a written statement concerning all such interests held by such officer or employee during the preceeding[1] calendar year. Such statement shall be available to the public.

(b) "Known financial interest" defined; enforcement; report to Congress

The Secretary of the Interior shall—

(1) within ninety days after September 18, 1978—

(A) define the term ''known financial interest'' for purposes of subsection (a) of this section; and

(B) establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) Officers and employees in nonregulatory or nonpolicymaking positions

In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within the Department of the Interior which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Penalties

Any officer or employee who is subject to, and knowingly violates, this section shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(Pub. L. 95–372, title VI, § 605, Sept. 18, 1978, 92 Stat. 695.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), (2), was in the original ''this Act'', meaning Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, as amended, known as the Outer Continental Shelf Lands Act Amendments of 1978, which enacted this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amended sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 1348 and 1811 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

This Act, referred to in subsec. (a)(1), is Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, as amended. See note above.

[1] So in original. Probably should be ''preceding''.

The Outer Continental Shelf Lands Act, referred to in subsec. (a)(1), (2), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of this title and Tables.

§ 1865. Investigation of reserves of oil and gas in Outer Continental Shelf

The Secretary of the Interior shall conduct a continuing investigation to determine an estimate of the total discovered crude oil and natural gas reserves by fields (including proved and indicated reserves) and undiscovered crude oil and natural gas resources (including hypothetical and speculative resources) of the Outer Continental Shelf.

The Secretary of the Interior shall provide a biennial report to Congress on June 30 of every odd numbered year on the results of such investigation.

(Pub. L. 95–372, title VI, § 606, as added Pub. L. 99–367, § 2(c), July 31, 1986, 100 Stat. 774.)

PRIOR PROVISIONS

A prior section 1865, Pub. L. 95–372, title VI, § 606, Sept. 18, 1978, 92 Stat. 696, directed Secretary of the Interior to conduct a continuing investigation of reserves of oil and gas in the Outer Continental Shelf, specified items to be included in the investigation, provided for initial and subsequent reports to Congress, and required consultation with the Federal Trade Commission and information to be made available to the Federal Trade Commission, prior to repeal by Pub. L. 99–367, § 2(c).

§ 1866. Relationship to existing law

(a) Except as otherwise expressly provided in this chapter, nothing in this chapter shall be construed to amend, modify, or repeal any provision of the Coastal Zone Management Act of 1972 [16 U.S.C. 1451 et seq.], the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Mining and Mineral Policy Act of 1970 [30 U.S.C. 21a], or any other Act.

(b) Nothing in this chapter or any amendment made by this Act to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or any other Act shall be construed to affect or modify the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) which provide for the transferring and vesting of functions to and in the Secretary of Energy or any component of the Department of Energy.

(Pub. L. 95–372, title VI, § 608, Sept. 18, 1978, 92 Stat. 698.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, as amended, known as the Outer Continental Shelf Lands Act Amendments of 1978, which enacted this chapter, sections 1344 to 1356 of this title, and section 237 of Title 30, Mineral Lands and Mining, amended sections 1331 to 1334, 1337, 1340, and 1343 of this title, sections 1456, 1456a, and 1464 of Title 16, Conservation, and section 6213 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 1348 and 1811 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (a), is title III of Pub. L. 89–454 as added by

Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under 4321 of Title 42 and Tables.

The Mining and Mineral Policy Act of 1970, referred to in subsec. (a), is Pub. L. 91–631, Dec. 31, 1970, 84 Stat. 1876, which is classified to section 21a of Title 30, Mineral Lands and Mining.

This Act, referred to in subsec. (b), is Pub. L. 95–372, Sept. 18, 1978, 92 Stat. 629, as amended. See note above.

The Outer Continental Shelf Lands Act, referred to in subsec. (b), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of this title and Tables.

The Department of Energy Organization Act, referred to in subsec. (b), is Pub. L. 95–91, Aug. 4, 1977, 91 Stat. 565, as amended, which is classified principally to chapter 84 (§ 7101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 42 and Tables.

CHAPTER 37—PUBLIC RANGELANDS IMPROVEMENT

Sec.
1901. Congressional findings and declaration of policy.
1902. Definitions.
1903. Rangelands inventory and management; public availability.
1904. Range improvement funding.
(a) Authorization of additional appropriations.
(b) Availability of unappropriated funds for subsequent fiscal years.
(c) Fund limitations for prescribed uses; distribution, consultation and coordination; public hearings and meetings; interested parties; priority of cooperative agreements with range users.
(d) Environmental assessment record and environmental impact statement requirements.
1905. Grazing fees; economic value of use of land; fair market value components; annual percentage change limitation.
1906. Authority for cooperative agreements and payments effective as provided in appropriations.
1907. National Grasslands; exemptions.
1908. Experimental stewardship program.
(a) Scope of program.
(b) Report to Congress.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1752 of this title.

§ 1901. Congressional findings and declaration of policy

(a) The Congress finds and declares that—

(1) vast segments of the public rangelands are producing less than their potential for livestock, wildlife habitat, recreation, forage, and water and soil conservation benefits, and for that reason are in an unsatisfactory condition;

(2) such rangelands will remain in an unsatisfactory condition and some areas may decline further under present levels of, and funding for, management;

(3) unsatisfactory conditions on public rangelands present a high risk of soil loss, desertification,[1] and a resultant underproductivity for large acreages of the public lands; contribute significantly to unacceptable levels of siltation and salinity in major western watersheds including the Colorado River; negatively impact the quality and availability of scarce western water supplies; threaten important and frequently critical fish and wildlife habitat; prevent expansion of the forage resource and resulting benefits to livestock and wildlife production; increase surface runoff and flood danger; reduce the value of such lands for recreational and esthetic purposes; and may ultimately lead to unpredictable and undesirable long-term local and regional climatic and economic changes;

(4) the above-mentioned conditions can be addressed and corrected by an intensive public rangelands maintenance, management, and improvement program involving significant increases in levels of rangeland management and improvement funding for multiple-use values;

(5) to prevent economic disruption and harm to the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and leases on the public lands which is based on a formula reflecting annual changes in the costs of production;

(6) the Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331 et seq.), continues to be successful in its goal of protecting wild free-roaming horses and burros from capture, branding, harassment, and death, but that certain amendments are necessary thereto to avoid excessive costs in the administration of the Act, and to facilitate the humane adoption or disposal of excess wild free-roaming horses and burros which because they exceed the carrying capacity of the range, pose a threat to their own habitat, fish, wildlife, recreation, water and soil conservation, domestic livestock grazing, and other rangeland values;

(b) The Congress therefore hereby establishes and reaffirms a national policy and commitment to:

(1) inventory and identify current public rangelands conditions and trends as a part of the inventory process required by section 1711(a) of this title;

(2) manage, maintain and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values in accordance with management objectives and the land use planning process established pursuant to section 1712 of this title;

(3) charge a fee for public grazing use which is equitable and reflects the concerns addressed in paragraph (a)(5) above;

(4) continue the policy of protecting wild free-roaming horses and burros from capture,

[1] So in original.