EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 301. Rules and regulations

The Secretary of the Interior is authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this subchapter for the purpose of carrying the same into effect.

(Dec. 29, 1916, ch. 9, § 11, 39 Stat. 865.)

§ 302. Repealed. Pub. L. 94–579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act Mar. 4, 1923, ch. 245, § 2, 42 Stat. 1445, related to additional entries, and lands in national forests.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976, except such effective date to be on and after tenth anniversary of date of approval of this Act, Oct. 21, 1976, insofar as homestead laws apply to public lands in Alaska.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

CHAPTER 8—TIMBER AND STONE LANDS

§§ 311 to 313. Repealed. Aug. 1, 1955, ch. 448, 69 Stat. 434

Section 311, acts June 3, 1878, ch. 151, § 1, 20 Stat. 89; Aug. 4, 1892, ch. 375, § 2, 27 Stat. 348; May 18, 1898, ch. 344, § 1, 30 Stat. 418, authorized sale of public lands valuable chiefly for timber or stone.

Section 312, acts June 3, 1878, ch. 151, § 2, 20 Stat. 89; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for applications for purchase of timber and stone lands.

Section 313, act June 3, 1878, ch. 151, § 3, 20 Stat. 90, provided for publication of applications to purchase timber and stone lands, patent and entry.

EXISTING RIGHTS AND CLAIMS

Act Aug. 1, 1955, provided that the repeal of sections 311 to 313 is subject to valid existing rights and claims.

CHAPTER 8A—GRAZING LANDS

SUBCHAPTER I—GENERALLY

Sec.
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SUBCHAPTER I—GENERALLY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 315m–2, 1751, 1752, 1903 of this title; title 16 section 460iii–3; title 25 section 621; title 30 section 601; title 50 App. section 561.

§ 315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights

In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: *Provided*, That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof. Nothing in this subchapter shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law validly affecting the public lands, and which is maintained pursuant to such law except as otherwise expressly provided in this subchapter nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this subchapter, would be a part of any grant to any State, nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this subchapter, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights. Neither this subchapter nor the Act of December 29, 1916 (39 Stat. 862; U.S.C., title 43, secs. 291 and following), commonly known as the ''Stock Raising Homestead Act'', shall be construed as limiting the authority or policy of Congress or the President to include in national forests public lands of the character described in section 471[1] of title 16, for the purposes set forth in section 475 of title 16, or such other purposes as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of ninety days after such notice shall have been given, nor until twenty days after such hearing shall be held: *Provided, however*, That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this subchapter shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district.

(June 28, 1934, ch. 865, § 1, 48 Stat. 1269; June 26, 1936, ch. 842, title I, § 1, 49 Stat. 1976; May 28, 1954, ch. 243, § 2, 68 Stat. 151.)

REFERENCES IN TEXT

The Stock Raising Homestead Act, referred to in text, is act Dec. 29, 1916, ch. 9, 39 Stat. 862, as amended, which was classified generally to subchapter X (§ 291 et seq.) of chapter 7 of this title and was repealed by Pub. L. 94–579, title VII, §§ 702, 704(a), Oct. 21, 1976, 90 Stat. 2787, 2792, except for sections 9 and 11 which are classified to sections 299 and 301, respectively, of this title. For complete classification of this Act to the Code, see Short Title note set out under section 291 of this title and Tables.

Section 471 of title 16, referred to in text, was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

AMENDMENTS

1954—Act May 28, 1954, struck out of first sentence provision limiting to one hundred and forty-two million acres the area which might be included in grazing districts.

1936—Act June 26, 1936, increased acreage which could be included in grazing districts from 80 million to 142 million acres.

SHORT TITLE

Act June 28, 1934, which enacted this subchapter, is popularly known as the ''Taylor Grazing Act''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315a, 1715 of this title.

§ 315a. Protection, administration, regulation, and improvement of districts; rules and regulations; study of erosion and flood control; offenses

The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of section 315 of this title, and he shall make such rules and regulations and establish such service, enter into such cooperative agreements, and do any and all things necessary to accomplish the purposes of this subchapter and to insure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior is authorized to continue the study of erosion and flood control and to perform such work as may be necessary amply to protect and rehabilitate the areas subject to the provisions of this subchapter, through such funds as may be made available for that purpose, and any willful violation of the provisions of this subchapter or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500.

(June 28, 1934, ch. 865, § 2, 48 Stat. 1270.)

[1] See References in Text note below.

§ 315b. Grazing permits; fees; vested water rights; permits not to create right in land

The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time in accordance with governing law. Grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such, as required by the naturalization laws, and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler, whose rights were acquired between January 1, 1934, and December 31, 1934, both dates, inclusive, except that no permittee complying with the rules and regulations laid down by the Secretary of the Interior shall be denied the renewal of such permit, if such denial will impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan. Such permits shall be for a period of not more than ten years, subject to the preference right of the permittees to renewal in the discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period so long as the emergency exists: *Provided further*, That nothing in this subchapter shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacture, or other purposes which has heretofore vested or accrued under existing law validly affecting the public lands or which may be hereafter initiated or acquired and maintained in accordance with such law. So far as consistent with the purposes and provisions of this subchapter, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this subchapter shall not create any right, title, interest, or estate in or to the lands.

(June 28, 1934, ch. 865, § 3, 48 Stat. 1270; Aug. 6, 1947, ch. 507, § 1, 61 Stat. 790; Oct. 21, 1976, Pub. L. 94–579, title IV, § 401(b)(3), 90 Stat. 2773.)

AMENDMENTS

1976—Pub. L. 94–579 substituted provisions authorizing fees to be fixed in accordance with governing law, for provisions authorizing fees to take into account public benefits to users of grazing districts over and above benefits accruing to users of forage resources and provisions requiring fees to consist of a grazing fee and a range-improvement fee.

1947—Act Aug. 6, 1947, provided for method to be used by Secretary of the Interior in fixing amount of grazing fees and by assessing a separate grazing fee and a range-improvement fee.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315i of this title.

§ 315c. Fences, wells, reservoirs, and other improvements; construction; permits; partition fences

Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

(June 28, 1934, ch. 865, § 4, 48 Stat. 1271.)

§ 315d. Grazing stock for domestic purposes; use of natural resources

The Secretary of the Interior shall permit, under regulations to be prescribed by him, the free grazing within such districts of livestock kept for domestic purposes; and provided that so far as authorized by existing law or laws hereinafter enacted, nothing contained in this subchapter shall prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for mineral, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and domestic purposes within areas subject to the provisions of this subchapter.

(June 28, 1934, ch. 865, § 5, 48 Stat. 1271.)

§ 315e. Rights of way; development of mineral resources

Nothing contained in this subchapter shall restrict the acquisition, granting or use of permits or rights of way within grazing districts under existing law; or ingress or egress over the public lands in such districts for all proper and lawful

purposes; and nothing contained in this subchapter shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of such districts under law applicable thereto.

(June 28, 1934, ch. 865, § 6, 48 Stat. 1272.)

§ 315f. Homestead entry within district or withdrawn lands; classification; preferences

The Secretary of the Interior is authorized, in his discretion, to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this subchapter or proper for acquisition in satisfaction of any outstanding lieu, exchange or script[1] rights or land grant, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public-land laws, except that homestead entries shall not be allowed for tracts exceeding three hundred and twenty acres in area. Such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry: *Provided*, That locations and entries under the mining laws including the Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], may be made upon such withdrawn and reserved areas without regard to classification and without restrictions or limitation by any provision of this subchapter. Where such lands are located within grazing districts reasonable notice shall be given by the Secretary of the Interior to any grazing permittee of such lands. The applicant, after his entry, selection, or location is allowed, shall be entitled to the possession and use of such lands: *Provided*, That upon the application of any applicant qualified to make entry, selection, or location, under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract to be classified, and such application, if allowed by the Secretary of the Interior, shall entitle the applicant to a preference right to enter, select, or locate such lands if opened to entry as herein provided.

(June 28, 1934, ch. 865, § 7, 48 Stat. 1272; June 26, 1936, ch. 842, title I, § 2, 49 Stat. 1976.)

REFERENCES IN TEXT

The mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Act of February 25, 1920, as amended, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§ 181 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

The public-land laws, referred to in text, are classified generally to this title.

AMENDMENTS

1936—Act June 26, 1936, amended section generally.

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 704.

§§ 315g, 315g–1. Repealed. Pub. L. 94–579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 315g, acts June 28, 1934, ch. 865, § 8, 48 Stat. 1272; June 26, 1936, ch. 842, title I, § 3, 49 Stat. 1976; June 19, 1948, ch. 548, § 1, 62 Stat. 533, related to acceptance of donations of grazing lands.

Section 315g–1, Pub. L. 87–524, July 9, 1962, 76 Stat. 140, authorized lands acquired under former section 315g of this title which were parts of national forests to be continued in such status.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 315h. Cooperation with associations, land officials, and agencies engaged in conservation or propagation of wildlife; local hearings on appeals; acceptance and use of contributions

The Secretary of the Interior shall provide, by suitable rules and regulations, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wildlife interested in the use of the grazing districts. The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department. The Secretary of the Interior shall also be empowered to accept contributions toward the administration, protection, and improvement of lands within or without the exterior boundaries of a grazing district, moneys, so received to be covered into the Treasury as a special fund, which is appropriated and made available until expended, as the Secretary of the Interior may direct, for payment of expenses incident to said administration, protection, and improvement, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

(June 28, 1934, ch. 865, § 9, 48 Stat. 1273; June 19, 1948, ch. 548, § 2, 62 Stat. 533.)

AMENDMENTS

1948—Act June 19, 1948, substituted ''lands within or without the external boundaries of a grazing district'' for ''the district'' in third sentence, in order to permit acceptance of lands without boundaries of grazing district.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315i, 315m–3 of this title.

§ 315i. Disposition of moneys received; availability for improvements

Except as provided in sections 315h and 315j of this title, all moneys received under the authority of this subchapter shall be deposited in the Treasury of the United States as miscellaneous

receipts, but the following proportions of the moneys so received shall be distributed as follows: (a) 12½ per centum of the moneys collected as grazing fees under section 315b of this title during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the grazing districts producing such moneys are situated, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the grazing districts producing such moneys are situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area in said district; (b) 50 per centum of all moneys collected under section 315m of this title[1] during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the lands producing such moneys are located, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the lands producing such moneys are located: *Provided*, That if any leased tract is in more than one State or county, the distributive share to each from the proceeds of said leased tract shall be proportional to its area in said leased tract.

(June 28, 1934, ch. 865, § 10, 48 Stat. 1273; June 26, 1936, ch. 842, title I, § 4, 49 Stat. 1978; Aug. 6, 1947, ch. 507, § 2, 61 Stat. 790; Oct. 21, 1976, Pub. L. 94–579, title IV, § 401(b)(2), 90 Stat. 2773.)

REFERENCES IN TEXT

Section 315m of this title, referred to in text, was in the original ''said section'', referring back to section 315m cited in a preceding provision which was deleted by Pub. L. 94–579 without correction to phrase ''said section''.

AMENDMENTS

1976—Pub. L. 94–579 in cl. (b) struck out authorization of availability of 25 per centum of all moneys collected under section 315m of this title during any fiscal year for construction, etc., of range improvements.

1947—Act Aug. 6, 1947, reduced States' share of grazing fees collected under section 315b of this title from 50 to 12½ per centum and provided for distribution of grazing fees collected under section 315m of this title with 25 per centum available for range improvements and 50 per centum paid to the State.

1936—Act June 26, 1936, substituted ''under this subchapter during any fiscal year'' for ''from each grazing district during any fiscal year'', wherever appearing, ''in which the grazing districts or lands producing such moneys are situated'' for ''in which said grazing district is situated'' wherever appearing, and inserted in proviso ''or leased tract'' after ''grazing district'' wherever appearing.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

CROSS REFERENCES

Receipts from administration of lands leased from State, county, or private owner, see section 315m–4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m–1, 315m–4, 1751 of this title; title 31 section 6903.

[1] See References in Text note below.

§ 315j. Appropriation of moneys received; application of public-land laws to Indian ceded lands; application for mineral title to lands

When appropriated by Congress, 33⅓ per centum of all grazing fees received from each grazing district on Indian lands ceded to the United States for disposition under the public-land laws during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said lands are situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such grazing lands are situated. And the remaining 66⅔ per centum of all grazing fees received from such grazing lands shall be deposited to the credit of the Indians pending final disposition under applicable laws, treaties, or agreements. The applicable public land laws as to said Indian ceded lands within a district created under this subchapter shall continue in operation, except that each and every application for nonmineral title to said lands in a district created under this subchapter shall be allowed only if in the opinion of the Secretary of the Interior the land is of the character suited to disposal through the Act under which application is made and such entry and disposal will not affect adversely the best public interest, but no settlement or occupation of such lands shall be permitted until ninety days after allowance of an application.

(June 28, 1934, ch. 865, § 11, 48 Stat. 1273; Aug. 6, 1947, ch. 507, § 3, 61 Stat. 791.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

AMENDMENTS

1947—Act Aug. 6, 1947, provided that 33⅓ per centum of grazing fees on certain Indian lands be paid to the States and the remaining 66⅔ per centum of such fees be credited to the Indians.

CROSS REFERENCES

Receipts from administration of lands leased from State, county, or private owner, see section 315m–4 of this title.

Ute Indians, division of trust funds deposited in Treasury pursuant to this section, see section 672 of Title 25, Indians.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315i, 315m–1, 315m–4, 1751 of this title; title 25 section 672.

§ 315k. Cooperation with governmental departments; coordination of range administration

The Secretary of the Interior is authorized to cooperate with any department of the Government in carrying out the purposes of this subchapter and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation.

(June 28, 1934, ch. 865, § 12, 48 Stat. 1274.)

§ 315*l*. Lands under national-forest administration

The President of the United States is authorized to reserve by proclamation and place under

national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this subchapter: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this subchapter shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this subchapter. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by sections 124 to 132 of title 5.[1]

(June 28, 1934, ch. 865, § 13, 48 Stat. 1274.)

REFERENCES IN TEXT

The public-land laws, referred to in text, are classified generally to this title.

Sections 124 to 132 of title 5, referred to in text, was in the original ''title 4 of the Act entitled 'An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes', approved March 3, 1933'', meaning Title IV of Part II (§§ 401–409) of the Legislative Appropriation Act, fiscal year 1933, as amended generally by section 16 of act Mar. 3, 1933, ch. 212, 47 Stat. 1517, which was classified to sections 124 to 132 of former Title 5, Executive Departments and Government Officers and Employees. Sections 124 to 131 of former Title 5 were repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, the first section of which enacted Title 5, Government Organization and Employees, and section 132 of former Title 5 was omitted as executed pursuant to its own terms.

§ 315m. Lease of isolated or disconnected tracts for grazing; preferences

The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this subchapter, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: *Provided*, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary: *Provided further*, That when public lands are restored from a withdrawal, the Secretary may grant an appropriate preference right for a grazing lease, license, or permit to users of the land for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to the time of their restoration.

(June 28, 1934, ch. 865, § 15, 48 Stat. 1275; June 26, 1936, ch. 842, title I, § 5, 49 Stat. 1978; May 28, 1954, ch. 243, § 1, 68 Stat. 151.)

AMENDMENTS

1954—Act May 28, 1954, inserted proviso authorizing Secretary to grant a preference right to users of withdrawn public lands for grazing purposes when lands are restored from withdrawal.

1936—Act June 26, 1936, inserted first proviso.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315i of this title; title 16 section 670e.

§ 315m–1. Lease of State, county, or privately owned lands; period of lease; rental

The Secretary of the Interior in his discretion is authorized to lease at rates to be determined by him any State, county, or privately owned lands chiefly valuable for grazing purposes and lying within the exterior boundaries of a grazing district when, in his judgment, the leasing of such lands will promote the orderly use of the district and aid in conserving the forage resources of the public lands therein: *Provided*, That no such leases shall run for a period of more than ten years and in no event shall the grazing fees paid the United States for the grazing privileges on any of the lands leased under the provisions of this section be less than the rental paid by the United States for any of such lands: *Provided further*, That nothing in this section shall be construed as authorizing the appropriation of any moneys except that moneys heretofore or hereafter appropriated for construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 315i and 315j of this title, may be made additionally available by Congress for the leasing of land under this section and sections 315m–2 to 315m–4 of this title.

(June 23, 1938, ch. 603, § 1, 52 Stat. 1033.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m–2, 315m–3, 315m–4 of this title.

§ 315m–2. Administration of leased lands

The lands leased under sections 315m–1 to 315m–4 of this title shall be administered under the provisions of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.

(June 23, 1938, ch. 603, § 2, 52 Stat. 1033.)

[1] See References in Text note below.

REFERENCES IN TEXT

Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), referred to in text, is act June 28, 1934, ch. 865, 48 Stat. 1269, as amended, known as the Taylor Grazing Act, which is classified principally to this subchapter (§ 315 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 315 of this title and Tables.

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m–1, 315m–3, 315m–4 of this title.

§ 315m–3. Availability of contributions received

Contributions received by the Secretary of the Interior under section 315h of this title, toward the administration, protection, and improvement of any district shall be additionally available for the leasing of lands under sections 315m–1 to 315m–4 of this title.

(June 23, 1938, ch. 603, § 3, 52 Stat. 1033.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m–1, 315m–2, 315m–4 of this title.

§ 315m–4. Disposition of receipts; availability for leasing of land

All moneys received by the Secretary of the Interior in the administration of leased lands as provided in section 315m–2 of this title shall be deposited in the Treasury of the United States as miscellaneous receipts, but are made available, when appropriated by the Congress, for the leasing of lands under sections 315m–1 to 315m–4 of this title and shall not be distributed as provided under sections 315i and 315j of this title.

(June 23, 1938, ch. 603, § 4, 52 Stat. 1033.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m–1, 315m–2, 315m–3 of this title.

§ 315n. State police power not abridged

Nothing in this subchapter shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be, by this subchapter, impaired or restricted, and all laws heretofore enacted by the respective States or any thereof, or that may hereafter be enacted as regards public health or public welfare, shall at all times be in full force and effect: *Provided, however*, That nothing in this section shall be construed as limiting or restricting the power and authority of the United States.

(June 28, 1934, ch. 865, § 16, 48 Stat. 1275.)

§ 315*o*. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 649

Section, act June 28, 1934, ch. 865, § 17, as added June 26, 1936, ch. 842, § 6, 49 Stat. 1978, authorized the President to select a Director of Grazing and the Secretary of the Interior to appoint assistant directors and employees.

§ 315*o*–1. Board of grazing district advisers; composition; meetings; duties

(a) In order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions in the several grazing districts, there shall be an advisory board of local stockmen in each such district, the members of which shall be known as grazing district advisers. Each such board shall consist of not less than five nor more than twelve members, exclusive of wildlife representatives, one such representative to be appointed by the Secretary, in his discretion, to membership on each such board. Except for such wildlife representatives, the names of the members of each district advisory board shall be recommended to the Secretary by the users of the range in that district through an election conducted under rules and regulations prescribed by the Secretary. No grazing district adviser so recommended, however, shall assume office until he has been appointed by the Secretary and has taken an oath of office. The Secretary may, after due notice, remove any grazing district adviser from office if in his opinion such removal would be for the good of the service.

(b) Each district advisory board shall meet at least once annually at a time to be fixed by the Secretary of the Interior, or by such other officer to whom the Secretary may delegate the function of issuing grazing permits, and at such other times as its members may be called by such officer. Each board shall offer advice and make a recommendation on each application for such a grazing permit within its district: *Provided*, That in no case shall any grazing district adviser participate in any advice or recommendation concerning a permit, or an application therefor, in which he is directly or indirectly interested. Each board shall further offer advice or make recommendations concerning rules and regulations for the administration of this subchapter, the establishment of grazing districts and the modification of the boundaries thereof, the seasons of use and carrying capacity of the range, and any other matters affecting the administration of this subchapter within the district. Except in a case where in the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district.

(June 28, 1934, ch. 865, § 18, as added July 14, 1939, ch. 270, 53 Stat. 1002; amended 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

''Secretary of the Interior'' substituted for ''Director of Grazing'' in subsec. (b) on authority of section 403 of

Reorg. Plan No. 3 of 1946, which abolished Grazing Service and transferred functions of Grazing Service to a new agency in Department of the Interior to be known as Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 315*o*–2. Animals and equipment for field employees

The Secretary of the Interior may require field employees of the Bureau of Land Management to furnish horses and miscellaneous equipment necessary for the performance of their official work and may provide at Government expense forage, care, and housing for such animals and equipment.

(Dec. 18, 1942, ch. 769, 56 Stat. 1067; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

TRANSFER OF FUNCTIONS

''Bureau of Land Management'' substituted for ''Grazing Service'' on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished Grazing Service and transferred functions of Grazing Service to a new agency to be known as Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 315p. Repealed. Pub. L. 94–579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Aug. 24, 1937, ch. 744, 50 Stat. 748, authorized issuance of patents for lands acquired under exchange provisions of former section 315g of this title.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94–579 provided that the repeal made by that section is effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under section 1701 of this title.

§ 315q. Withdrawal of lands for war or national defense purposes; payment for cancellation of permits or licenses

Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.

(July 9, 1942, ch. 500, 56 Stat. 654; May 28, 1948, ch. 353, § 1, 62 Stat. 277.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

AMENDMENTS

1948—Act May 28, 1948, inserted ''or national defense'' between ''war'' and ''purposes'' wherever appearing.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 2 of act May 28, 1948, provided that: ''This amendment [amending this section] is to take effect as of July 25, 1947.''

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315r of this title; title 10 section 2661.

§ 315r. Rental payments in advance in case of withdrawal of lands for war or national defense purposes

In administering the provisions of section 315q of this title, payments of rentals may be made in advance.

(Oct. 29, 1949, ch. 787, title III, § 301, 63 Stat. 996.)

CODIFICATION

Section was not enacted as a part of act June 28, 1934, known as the Taylor Grazing Act, which comprises this subchapter.

SUBCHAPTER II—ALASKA

§ 316. Declaration of policy

It is declared to be the policy of Congress in promoting the conservation of the natural resources of Alaska to provide for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock under such regulations as may be considered necessary and consistent with the purposes and provisions of this subchapter. In effectuating this policy the use of these lands for grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection,

development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

(Mar. 4, 1927, ch. 513, § 1, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471 of Title 48, Territories and Insular Possessions.

SHORT TITLE

Act Mar. 4, 1927, ch. 513, which is classified to this subchapter, is popularly known as the ''Alaska Livestock Grazing Act''.

§ 316a. Definitions

As used in this subchapter—

(1) The term ''person'' means individual, partnership, corporation, or association.

(2) The term ''district'' means any grazing district established under the provisions of section 316b of this title.

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''lessee'' means the holder of any lease.

(Mar. 4, 1927, ch. 513, § 2, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471a of Title 48, Territories and Insular Possessions.

§ 316b. Grazing districts

(a) The Secretary may establish grazing districts upon any public lands outside of the Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments which, in his opinion, are valuable for the grazing of livestock. Such districts may include such areas of surveyed and unsurveyed lands as he determines may be conveniently administered as a unit, even if such areas are neither contiguous nor adjacent.

(b) The Secretary, after the establishment of a district, is authorized to lease the grazing privileges therein in accordance with the provisions of this subchapter.[1]

(Mar. 4, 1927, ch. 513, § 3, 44 Stat. 1452.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original ''this title'' and has been translated as if the reference was to ''this Act'' to reflect the probable intent of Congress inasmuch as the act of Mar. 4, 1927, was not divided into titles.

CODIFICATION

Section was formerly classified to section 471b of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 316a of this title.

§ 316c. Alteration of grazing districts

After any district is established the area embraced therein may be altered in any of the following ways:

(1) The Secretary may add to such districts any public lands which, in his opinion, should be made a part of the district.

(2) The Secretary, subject to existing rights of any lessee, may exclude from such district any lands which he determines are no longer valuable for grazing purposes or are more valuable for other purposes.

(3) The Secretary may enter into cooperative agreement with any person, in respect of the administration, as a part of a district, of lands owned by such person which are contiguous or adjacent to such district or any part thereof.

(Mar. 4, 1927, ch. 513, § 4, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471c of Title 48, Territories and Insular Possessions.

§ 316d. Notice of establishment and alteration of grazing district; hearings

Before establishing or altering a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the district proposed to be established or altered is located, a notice describing the boundaries of the proposed district or the proposed alteration, announcing the date on which he proposes to establish such district or make such alteration and the location and date of hearings required under this section. No such alteration shall be made until after public hearings are held with respect to such alteration in each such judicial division after the publishing of such notice.

(Mar. 4, 1927, ch. 513, § 5, 44 Stat. 1453; July 18, 1968, Pub. L. 90–403, § 1, 82 Stat. 358.)

CODIFICATION

Section was formerly classified to section 471d of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Pub. L. 90–403 required publication of notice of alteration of a grazing district in each judicial division in which the district proposed to be altered is located, the notice to describe the boundaries of the proposed alteration and location and date of requisite hearings, and also public hearings with respect to the alteration to be held in each such judicial division prior to making the alteration.

§ 316e. Preferences

In considering applications to lease grazing privileges the Secretary shall, as far as is consistent with the efficient administration of the grazing district, prefer (1) natives, (2) other occupants of the range, and (3) settlers over all other applicants.

(Mar. 4, 1927, ch. 513, § 6, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471e of Title 48, Territories and Insular Possessions.

§ 316f. Terms and conditions of lease

(a) Period of lease

A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-

[1] See References in Text note below.

five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred.

(b) Size of leasehold

Leases shall be made for grazing on a definite area except where local conditions or the administration of grazing privileges makes more practicable a lease based on the number of stock to be grazed.

(c) Terms for surrender of lease

Each lease shall provide that the lessee may surrender his lease, and, if he has complied with the terms and conditions of the lease to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender. The lease shall specify the length of time of notice, which shall not exceed one year.

(d) Terms for renewal of lease

Each lease shall provide that the lessee may negotiate for renewal of such lease, subject to the provisions of this subchapter, at any time during the final five years of the term of such lease.

(Mar. 4, 1927, ch. 513, § 7, 44 Stat. 1453; July 18, 1968, Pub. L. 90–403, § 2, 82 Stat. 358.)

CODIFICATION

Section was formerly classified to section 471f of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90–403, § 2(a), substituted provisions for reasonable term of leases, limited to fifty-five years, and based on all factors relevant to exercise of grazing privileges for prior provisions for twenty year leases, except where land may be required for other than grazing purposes within a ten year period, and for shorter term leases as desired by applicant.

Subsec. (d). Pub. L. 90–403, § 2(b), added subsec. (d).

§ 316g. Grazing fees

(a) The Secretary shall determine for each lease the grazing fee to be paid. Such fee shall—

(1) Be fixed on the basis of the area leased or on the basis of the number and kind of stock permitted to be grazed;

(2) Be fixed, for the period of the lease, as a seasonal or annual fee, payable annually or semi-annually on the date specified in the lease;

(3) Be fixed with due regard to the general economic value of the grazing privileges, and in no case shall exceed such value; and

(4) Be moderate.

(b) If the Secretary determines such action to be for the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, he may grant an extension of time for making payment of any grazing fee undue any lease, reduce the amount of any such payment, or release or discharge the lessee from making such payment.

(Mar. 4, 1927, ch. 513, § 8, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471g of Title 48, Territories and Insular Possessions.

§ 316h. Dispositions of receipts

All moneys received during any fiscal year on account of such fees in excess of the actual cost of administration of this subchapter shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended in such manner as the Legislature of the Territory may direct for the benefit of public education and roads.

(Mar. 4, 1927, ch. 513, § 9, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471h of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

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.

§ 316i. Assignment of leases

The lessee may, with the approval of the Secretary, assign in whole or in part any lease, and to the extent of such assignment be relieved from any liability in respect of such lease, accruing subsequent to the effective date of such assignment.

(Mar. 4, 1927, ch. 513, § 10, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471i of Title 48, Territories and Insular Possessions.

§ 316j. Improvements to leasehold

(a) Authorization

The Secretary may authorize a lessee to construct and/or maintain and utilize upon any area included within the provisions of his lease any fence, building, corral, reservoir, well or other improvements needed for the exercise of the grazing privileges of the lessee within such area; but any such fence shall be constructed as to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(b) Removal of improvement upon termination of lease

The lessee shall be given ninety days from the date of termination of his lease for any cause to remove from the area included within the provisions of his lease any fence, building, corral, or other removable range improvement owned or controlled by him.

(c) Payment for improvement upon termination of lease

If such lessee notifies the Secretary on or before the termination of his lease of his determination to leave on the land any improvements the construction or maintenance of which has been authorized by the Secretary, no other person shall use or occupy under any grazing lease, or entry under any public land law, the land on which any such improvements are located until there has been paid to the person entitled thereto the value of such improvements as determined by the Secretary.

(Mar. 4, 1927, ch. 513, § 11, 44 Stat. 1454.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (c), are classified generally to this title.

CODIFICATION

Section was formerly classified to section 471j of Title 48, Territories and Insular Possessions.

§ 316k. Penalties

Within one year from the date of the establishment of any district the Secretary shall give notice by publication in one or more newspapers of general circulation in each judicial division in which such district or any part thereof is located that after the date specified in such notice it shall be unlawful for any person to graze any class of livestock on lands in such district except under authority of a lease made or permission granted by the Secretary; and any person who willfully grazes livestock on such lands after such date and without such authority shall, upon conviction, be punished by a fine of not more than $500.

(Mar. 4, 1927, ch. 513, § 12, 44 Stat. 1454.)

CODIFICATION

Section was formerly classified to section 471k of Title 48, Territories and Insular Possessions.

§ 316*l*. Stock driveways and free grazing

(a) Establishment, maintenance and regulation

The Secretary may establish and maintain, and regulate the use of, stock driveways in districts and may charge a fee for or permit the free use of such driveways.

(b) Grazing of livestock free of charge

The Secretary may permit any person, including prospectors and miners, to graze free of charge a small number of livestock upon any land included within any grazing district.

(c) Grazing allotments to Eskimos or other native or half-breed

The Secretary may in his discretion grant a permit or lease for a grazing allotment without charge on unallotted public lands to any Eskimo or other native or half-breed. Whenever such native or half-breed grazes his livestock through cooperative agreement on allotment held by other lessee or permittee, any grazing fees charged for said allotment shall be reduced in proportion to the relative number of such native owned livestock to the total number on said allotment.

(Mar. 4, 1927, ch. 513, § 13, 44 Stat. 1454.)

CODIFICATION

Section was formerly classified to section 471*l* of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 316m of this title.

§ 316m. Hearing and appeals

(a) Any lessee of or applicant for grazing privileges, including any person described in subsection (c) of section 316*l* of this title, may procure a review of any action or decision of any officer or employee of the Interior Department in respect of such privileges, by filing with such officer as the Secretary of the Interior may designate of the local land office an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. Upon the filing of any such application such officer of such land office shall proceed to review such action or decision as nearly as may be in accordance with the rules of practice then applicable to applications to contest entries under the public land law. Subject to such rules of practice, appeals may be taken by any party in interest from the decision of such officer to the Secretary.

(b) The Secretary shall take no action which will adversely affect rights under any lease pursuant to this subchapter until notifying the holder of such lease that such action is proposed and giving such holder an opportunity for a hearing.

(Mar. 4, 1927, ch. 513, § 14, 44 Stat. 1454; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; July 18, 1968, Pub. L. 90–403, § 3, 82 Stat. 358.)

REFERENCES IN TEXT

The public land law, referred to in subsec. (a), is classified generally to this title.

CODIFICATION

Section was formerly classified to section 471m of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Pub. L. 90–403 designated existing provisions as subsec. (a) and added subsec. (b).

TRANSFER OF FUNCTIONS

"Secretary" substituted for "Commissioner of the General Land Office" and "such officer as the Secretary of the Interior may designate" and "such officer" substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished General Land Office and Commissioner thereof and transferred functions of General Land Office to a new agency in Department of the Interior to be known as Bureau of Land Management, and functions of Commissioner of General Land Office to Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 316n. Administration

(a) The Secretary shall promulgate all rules and regulations necessary to the administration of this subchapter,[1] shall execute its provisions, and may (1) in accordance with the civil service laws appoint such employees and in accordance with chapter 51 and subchapter III of chapter 53 of title 5 fix their compensation, and (2) make such expenditures (including expenditures for personal service and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary efficiently to execute the provisions of this subchapter.[1]

(b) The Secretary of Agriculture is authorized to continue investigations, experiments and demonstrations for the welfare, improvement,

[1] See References in Text note below.

and increase of the reindeer industry in Alaska, and upon the request of the Secretary of the Interior to cooperate in matters pertaining to the care of plant and animal life, including reindeer.

(Mar. 4, 1927, ch. 513, § 15, 44 Stat. 1455; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original ''this title'' and has been translated as if the reference was to ''this Act'' to reflect the probable intent of Congress inasmuch as the act of Mar. 4, 1927, was not divided into titles.

The civil service laws, referred to in subsec. (a), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

In subsec. (a), ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification act of 1949, as amended'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 471n of Title 48, Territories and Insular Possessions.

AMENDMENTS

1949—Subsec. (a). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, § 8, Sept. 6, 1966, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 316*o*. Laws applicable

Laws now applicable to lands or resources in the Territory of Alaska shall continue in force and effect to the same extent and in the same manner after March 4, 1927, as before, and nothing in this subchapter shall preclude or prevent ingress or egress upon the lands in districts for any purpose authorized by any such law, including prospecting for and extraction of minerals.

(Mar. 4, 1927, ch. 513, § 16, 44 Stat. 1455.)

CODIFICATION

Section was formerly classified to section 471*o* of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

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.

CHAPTER 9—DESERT-LAND ENTRIES

Sec.
321. Entry right generally; extent of right to appropriate waters.
322. Desert lands defined; question how determined.
323. Application to certain States.
324. Assignment of entries.
325. Resident citizenship of State as qualification for entry.
326. Unsurveyed lands not subject to entry; preferential right of entry after survey.
327. Filing irrigation plan; association of entrymen.
328. Expenditures and cultivation requirements.
329. Issue of patent on final proof; citizenship requirement as to patentee; limit as to amount of holding.
330. Desert-land entry in addition to homestead entry.
331. Reclamation requirements waived in favor of disabled soldiers, etc.
332. Omitted.
333. Extension of time for completion of irrigation works.
334. Further extension of time for final proofs.
335. Further extension in cases not covered by sections 333 and 334 of this title.
336. Further extension in addition to that authorized by sections 333 to 335 of this title.
336a to 336d. Repealed or Omitted.
337. Entry, after expenditures, perfected as homestead entry.
338. Election to perfect entry; final proof.
339. Perfection of title to entry; supplementary provisions to sections 335, 337, and 338.

§ 321. Entry right generally; extent of right to appropriate waters

It shall be lawful for any citizen of the United States, or any person of requisite age ''who may be entitled to become a citizen, and who has filed his declaration to become such'' and upon payment of 25 cents per acre—to file a declaration under oath with the officer designated by the Secretary of the Interior of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one-half section, by conducting water upon the same, within the period of three years thereafter: *Provided, however*, That the right to the use of water by the person so conducting the same, on or to any tract of desert land of three hundred and twenty acres shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said one-half section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the officer designated by the Secretary of the Interior of the reclamation of said tract of land in the manner aforesaid, and upon the payment to such officer of the additional sum of $1 per acre for a tract of land not exceeding three hundred and twenty acres to any one person, a patent for the same shall be issued to him. Except as provided in section 3 of the Act of June 16,