

free and unrestricted use of the airport, and (2) with the approval of the Secretary of the Interior, shall have the right to erect and install therein such structures and improvements as the heads of such departments and agencies deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft.

(e) That whenever the President may deem it necessary for military purposes, the Secretary of the Army may assume full control of the airport.

(May 24, 1928, ch. 728, § 2, 45 Stat. 728; June 23, 1938, ch. 601, § 1107(b), 52 Stat. 1027; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 85-726, title XIV, §§ 1401(b), 1402(a), Aug. 23, 1958, 72 Stat. 806.)

#### CODIFICATION

Section was previously classified to section 212 of former Title 49, Transportation.

#### AMENDMENTS

1958—Subsecs. (b), (c). Pub. L. 85-726, § 1402(a), substituted “Administrator of the Federal Aviation Agency” for “Civil Aeronautics Authority”.

1938—Subsecs. (b), (c). Act June 23, 1938, substituted “Civil Aeronautics Authority” for “Secretary of Commerce”.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of a Secretary of the Army.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726 provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which Administrator of Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office. Administrator appointed, qualified, and took office Oct. 31, 1958.

#### TRANSFER OF FUNCTIONS

For transfer of certain real property and functions relating to real property, insofar as they pertain to Air Force, from Secretary of the Army and Department of the Army to Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 14 [§ 2(17)], eff. July 1, 1948.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1443 of this title.

### § 1443. Cancellation of leases of public lands used as airports made under law in force May 24, 1928

With the consent of the lessee, the Secretary of the Interior is authorized to cancel any lease of public lands for use as public aviation fields or airports, made under law in force May 24, 1928, and to lease such lands to the lessee upon the conditions prescribed by section 1442 of this title.

(May 24, 1928, ch. 728, § 3, 45 Stat. 729.)

#### CODIFICATION

Section was previously classified to section 213 of former Title 49, Transportation.

## CHAPTER 31—DEPARTMENT OF THE INTERIOR

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Sec.

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### § 1451. Establishment

There shall be at the seat of government an executive department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

(R.S. § 437.)

#### CODIFICATION

R.S. § 437 derived from act Mar. 3, 1849, ch. 108, § 1, 9 Stat. 395.

Section was formerly classified to section 481 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### 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 below.

#### COMPENSATION OF SECRETARY

Compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

#### ORDER OF SUCCESSION

For order of succession in event of vacancy in office of Secretary, or during his absence or disability, see Ex. Ord. No. 11487, eff. Oct. 6, 1969, 34 F.R. 15593, set out as a note under section 3345 of Title 5, Government Organization and Employees.

#### EXECUTIVE ORDER NO. 9432

Ex. Ord. No. 9432, eff. Mar. 28, 1944, 9 F.R. 3411, which related to designation of Under Secretary and Assistant Secretaries of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909, formerly set out below.

#### EXECUTIVE ORDER NO. 9866

Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909, which related to designation of officers to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789, formerly set out below.

#### EXECUTIVE ORDER NO. 10156

Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789, which related to designation of certain officers of Department of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107, formerly set out below.

#### EXECUTIVE ORDER NO. 10753

Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107, which provided for succession to office of Secretary of the Interior, was superseded by Ex. Ord. No. 11487, eff. Oct. 6, 1969, 34 F.R. 15593, set out as a note under section 3345 of Title 5, Government Organization and Employees.

#### REORGANIZATION PLAN NO. 3 OF 1950

Eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, as amended June 1, 1971, Pub. L. 92-22, § 3, 85 Stat. 76.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

#### DEPARTMENT OF THE INTERIOR

##### SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [see 5 U.S.C. 551 et seq. and 701 et seq.] in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its Board of Directors or officers.

##### SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by an other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

##### SEC. 3. ASSISTANT SECRETARY OF THE INTERIOR

There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

##### SEC. 4. ADMINISTRATIVE ASSISTANT SECRETARY

[Repealed. Pub. L. 92-22, § 3, June 1, 1971, 85 Stat. 76. Section authorized appointment of Administrative Assistant Secretary of the Interior. See 43 U.S.C. 1453a and 5 U.S.C. 5315. Section 3 provided that such repeal be effective upon Senate confirmation of Presidential ap-