

was outstanding on it at the time of the survey a mineral lease or leases entered into by the United States, or an application therefor, is hereby granted by the United States to such State under this section as if it had not been so leased; and the State shall succeed the position of the United States as lessor under such lease or leases.

(3) Any such numbered school section which is surveyed on or after July 11, 1956, and on which there is outstanding at the time of such survey a mineral lease or leases entered into by the United States, shall (unless excluded from the provisions of this section by subsection (c) of this section for a reason other than the existence of an outstanding lease) be granted to the State concerned immediately upon completion of such survey; and the State shall succeed to the position of the United States as lessor under such lease or leases.

(4) The Secretary of the Interior shall, upon application by a State, issue patents to the State for the lands granted by this section and section 871 of this title, in accordance with section 871a<sup>1</sup> of this title. Such patent shall, if the lease is then outstanding, include a statement that the State succeeded to the position of the United States as lessor at the time the title vested in the State.

(5) Where at the time rents, royalties, and bonuses accrue the lands or deposits covered by a single lease are owned in part by the State and in part by the United States, the rents, royalties, and bonuses shall be allocated between them in proportion to the acreage in said lease owned by each.

(6) As used in this subsection, "lease" includes "permit" and "lessor" includes "grantor".

(Jan. 25, 1927, ch. 57, § 1, 44 Stat. 1026; May 2, 1932, ch. 151, § 1, 47 Stat. 140; Apr. 22, 1954, ch. 169, 68 Stat. 57; July 11, 1956, ch. 572, 70 Stat. 529.)

#### REFERENCES IN TEXT

Section 871a of this title, referred to in subsec. (d)(4), was repealed by Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792.

#### AMENDMENTS

1956—Subsec. (d). Act July 11, 1956, provided that numbered school sections under mineral leases may be granted to a State, whether or not the sections are mineral in character, and added subpar. (6).

1954—Subsec. (c). Act Apr. 22, 1954, § 2, substituted "Except as provided in subsection (d) of this section, any" for "any".

Subsec. (d). Act Apr. 22, 1954, § 1, added subsec. (d).

1932—Subsec. (b). Act May 2, 1932, inserted "hereafter" in two places and "not heretofore disposed of by the State" after "mineral deposits in such lands".

Subsec. (c). Act May 2, 1932, inserted "reservation" before "application".

#### EFFECTIVE DATE OF 1932 AMENDMENT

Act May 2, 1932, ch. 151, § 2, 47 Stat. 141, provided that: "This amendatory Act [amending this section] shall take effect as of January 25, 1927; and in any case in which a State has selected lieu lands since such date under the Act approved February 28, 1891 (26 Stat. 796) [sections 851 and 852 of this title], and still retains title thereto, such State may, within ninety days after the date of the enactment of this Act [May 2, 1932], relin-

quish to the United States all right, title, and interest in such lands and shall thereupon be entitled to all the benefits of the Act of January 25, 1927 [sections 870 and 871 of this title], as amended by this Act."

#### 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.

#### § 871. Certain grants and laws unaffected

Nothing contained in section 870 of this title is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and said section shall not apply to indemnity or lieu selections or exchanges or the right after January 25, 1927, to select indemnity for numbered school sections in place lost to the State under the provisions of said section or any Acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are continued in full force and effect.

(Jan. 25, 1927, ch. 57, § 2, 44 Stat. 1027.)

#### § 871a. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act June 21, 1934, ch. 689, 48 Stat. 1185, authorized issuance of patents to numbered school sections granted for support of common schools.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792, provided that the repeal made by section 705(a) 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.

#### § 872. Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; reconveyances

Where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(Apr. 28, 1930, ch. 219, § 6, 46 Stat. 257; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section, with respect to execution of quitclaim deeds for lands conveyed to United States in connection with exchange transactions involving lands under jurisdiction

<sup>1</sup> See References in Text note below.