

(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

**(b) Service-related disability**

If an entryman or claimant is honorably discharged and is unable to accomplish reclamation of, and payment for, desert land due to a disability incurred in the line of duty, the entryman or claimant may make proof without further reclamation or payments, under regulations prescribed by the Secretary of the Interior, and receive a patent for the land entered or claimed.

**(c) Filing requirement**

In order to obtain the protection of this section, the entryman or claimant shall, within 180 days after entry into military service, cause to be filed in the land office of the district where the claim is situated a notice communicating the fact of military service and the desire to hold the claim under this section.

(Oct. 17, 1940, ch. 888, title V, § 503, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2856.)

PRIOR PROVISIONS

A prior section 563, act Oct. 17, 1940, ch. 888, art. V, § 503, 54 Stat. 1187, related to death or incapacity during or resulting from service as affecting rights and perfection of rights, prior to the general amendment of this Act by Pub. L. 108-189. See section 566 of this Appendix.

**§ 564. Mining claims**

**(a) Requirements suspended**

The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) specified in subsection (b) shall not apply to a servicemember's claims or interests in claims, regularly located and recorded, during a period of military service and 180 days thereafter, or during any period of hospitalization or rehabilitation due to injuries or disabilities incurred in the line of duty.

**(b) Requirements**

The provisions in section 2324 of the Revised Statutes that shall not apply under subsection (a) are those which require that on each mining claim located after May 10, 1872, and until a patent has been issued for such claim, not less than \$100 worth of labor shall be performed or improvements made during each year.

**(c) Period of protection from forfeiture**

A mining claim or an interest in a claim owned by a servicemember that has been regularly located and recorded shall not be subject to forfeiture for nonperformance of annual assessments during the period of military service and for 180 days thereafter, or for any period of

hospitalization or rehabilitation described in subsection (a).

**(d) Filing requirement**

In order to obtain the protections of this section, the claimant of a mining location shall, before the end of the assessment year in which military service is begun or within 60 days after the end of such assessment year, cause to be filed in the office where the location notice or certificate is recorded a notice communicating the fact of military service and the desire to hold the mining claim under this section.

(Oct. 17, 1940, ch. 888, title V, § 504, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2856.)

PRIOR PROVISIONS

A prior section 564, acts Oct. 17, 1940, ch. 888, art. V, § 504, 54 Stat. 1187; Pub. L. 102-12, § 9(19), Mar. 18, 1991, 105 Stat. 40, related to desert-land entries and the suspension of requirements, prior to the general amendment of this Act by Pub. L. 108-189. See section 563 of this Appendix.

**§ 565. Mineral permits and leases**

**(a) Suspension during military service**

A person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may suspend all operations under the permit or lease for the duration of military service and for 180 days thereafter. The term of the permit or lease shall not run during the period of suspension, nor shall any rental or royalties be charged against the permit or lease during the period of suspension.

**(b) Notification**

In order to obtain the protection of this section, the permittee or lessee shall, within 180 days after entry into military service, notify the Secretary of the Interior by registered mail of the fact that military service has begun and of the desire to hold the claim under this section.

**(c) Contract modification**

This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

(Oct. 17, 1940, ch. 888, title V, § 505, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2857.)

PRIOR PROVISIONS

A prior section 565, act Oct. 17, 1940, ch. 888, art. V, § 505, 54 Stat. 1188; Pub. L. 102-12, § 9(20), Mar. 18, 1991, 105 Stat. 41, related to mining claims and the suspension of requirements, prior to the general amendment of this Act by Pub. L. 108-189. See section 564 of this Appendix.

**§ 566. Perfection or defense of rights**

**(a) Right to take action not affected**

This title [sections 561 to 571 of this Appendix] shall not affect the right of a servicemember to take action during a period of military service that is authorized by law or regulations of the Department of the Interior, for the perfection, defense, or further assertion of rights initiated or acquired before entering military service.

**(b) Affidavits and proofs**

**(1) In general**

A servicemember during a period of military service may make any affidavit or submit any