

**§ 155. Withdrawal, reservation, or restriction of public lands for defense purposes; “public lands” defined; exception**

Notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after February 28, 1958 the provisions hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii: *Provided*, That—

(1) for the purposes of this Act, the term “public lands” shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the Outer Continental Shelf, as defined in section 1331 of this title, and Federal lands and waters off the coast of the Territories of Alaska and Hawaii;

(2) nothing in this Act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

(3) nothing in this Act shall be deemed to be applicable to the warning areas over the Federal lands and waters of the Outer Continental Shelf and Federal lands and waters off the coast of the Territory of Alaska reserved for use of the military departments prior to August 7, 1953, and

(4) nothing in this section, section 156, or section 157 of this title shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sawwave Mountain.

(Pub. L. 85-337, § 1, Feb. 28, 1958, 72 Stat. 27.)

REFERENCES IN TEXT

This Act, referred to in pars. (1), (2), and (3), is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 27, which enacted sections 155 to 158 of this title and section 2671 of Title 10, Armed Forces, and amended section 472 of former Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Tables.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

**§ 156. Approval by Congress necessary for withdrawal, reservation, or restriction of over 5,000 acres for any Department of Defense project or facility**

No public land, water, or land and water area shall, except by Act of Congress, on and after

February 28, 1958 be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.], if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate for any one defense project or facility of the Department of Defense since February 28, 1958, or since the last previous Act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later.

(Pub. L. 85-337, § 2, Feb. 28, 1958, 72 Stat. 28.)

REFERENCES IN TEXT

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.

**§ 157. Application for withdrawal, reservation, or restriction; specifications**

Any application filed on and after February 28, 1958 for a withdrawal, reservation, or restriction, the approval of which will, under section 156 of this title, require an Act of Congress, shall specify—

(1) the name of the requesting agency and intended using agency;

(2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;

(3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;

(4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(5) whether the proposed use will result in contamination of any or all of the requested withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;

(6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;

(7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and

(8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights

under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

(Pub. L. 85-337, § 3, Feb. 28, 1958, 72 Stat. 28.)

**§ 158. Mineral resources on withdrawn lands; disposition and exploration**

All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

(Pub. L. 85-337, § 6, Feb. 28, 1958, 72 Stat. 30.)

**CHAPTER 7—HOMESTEADS**

**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

161 to 176. Repealed or Transferred.

177. Patents for lands in New Mexico held under color of title.

178. Patents for lands in New Mexico; lands contiguous to Spanish or Mexican land grants.

179, 180. Repealed.

**SUBCHAPTER II—RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY**

181 to 191. Repealed.

**SUBCHAPTER III—LANDS SUBJECT TO ENTRY**

201 to 208. Repealed.

209. Extension of public-land laws to certain lands in Oklahoma.

210. Recognition of equitable claims on certain lands in Oklahoma; validation of homestead entries.

**SUBCHAPTER IV—LIMITATION AS TO AMOUNT AND ADDITIONAL AND ENLARGED ENTRIES**

211 to 224. Repealed.

**SUBCHAPTER V—LEAVES OF ABSENCE AND EXCUSSES FOR NONRESIDENCE OR NONCULTIVATION**

231 to 243a. Repealed.

**SUBCHAPTER VI—FINAL PROOF GENERALLY**

251 to 256b. Repealed.

**SUBCHAPTER VII—PAYMENTS AND REFUNDS**

261 to 263. Repealed.

**SUBCHAPTER VIII—ALASKA HOMESTEADS**

270 to 270-11. Repealed.

270-12. Disposal by United States of coal, oil, or gas deposits reserved to United States; entry, reentry, etc., on lands for prospecting, mining, and removal.

Sec.

270-13 to 270-17. Repealed.

**SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD**

271 to 284. Repealed.

**SUBCHAPTER X—STOCK-RAISING HOMESTEAD**

291 to 298. Repealed.

299. Reservation of coal and mineral rights.

300. Repealed.

301. Rules and regulations.

302. Repealed.

**SUBCHAPTER I—GENERAL PROVISIONS**

**§§ 161 to 164. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 161, R.S. §2289; Mar. 3, 1891, ch. 561, §5, 26 Stat. 1097, related to entry of unappropriated public lands.

Section 162, R.S. §2290; Mar. 3, 1891, ch. 561, §5, 26 Stat. 1097; Oct. 28, 1921, ch. 114, §1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to application for entry on public lands, and contents for affidavit for application.

Section 163, R.S. §2295; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to record of application, registration, and return to Bureau of Land Management.

Section 164, R.S. §2291; June 6, 1912, ch. 153, 37 Stat. 123, related to issuance, etc., of certificate or patent for entered lands.

**EFFECTIVE DATE OF REPEAL**

Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, provided that the repeal made by section 702 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.

**§ 165. Transferred**

**CODIFICATION**

Section, act Mar. 3, 1891, ch. 561, §7, 26 Stat. 1098, which related to suspension of entries for correction of clerical errors, was transferred to section 1165 of this title.

**§§ 166 to 175. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787**

Section 166, acts May 14, 1880, ch. 89, §3, 21 Stat. 141; June 6, 1900, ch. 821, 31 Stat. 683; Aug. 9, 1912, ch. 280, 37 Stat. 267, related to time for settlers to file application and for perfection of entry, marriage of entrywoman, and preferential right of entry.

Section 167, acts Apr. 6, 1914, ch. 51, 38 Stat. 312; Mar. 1, 1921, ch. 90, 41 Stat. 1193, related to marriage of entryman to entrywoman.

Section 168, act Oct. 17, 1914, ch. 325, 38 Stat. 740, related to marriage of entrywoman to alien.

Section 169, R.S. §2297; Mar. 3, 1881, ch. 153, 21 Stat. 511; June 6, 1912, ch. 153, 37 Stat. 124; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to failure to establish residence and reversion of entered lands to Federal Government.

Section 170, act Oct. 22, 1914, ch. 335, 38 Stat. 766, related to rights of wife on abandonment by husband.

Section 171, R.S. §2292, related to rights inuring to infant children on death of both mother and father.