

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Interior of authority vested in President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

§ 127. Change of boundaries of land districts

The President is authorized to change and reestablish the boundaries of land districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land offices or land districts.

(R.S. § 2253.)

CODIFICATION

R.S. § 2253 derived from act June 29, 1870, ch. 171, 16 Stat. 171.

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§ 128. Division or change of boundaries; continuance of business of original district

In case of the division of existing land districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land office, after such lands have been made part of another district by any Act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

(R.S. § 2254.)

CODIFICATION

R.S. § 2254 derived from act May 31, 1872, ch. 241, 17 Stat. 192.

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.

§ 129. Office rent and clerk hire for consolidated land offices

The Secretary of the Interior is authorized to make a reasonable allowance for office rent for each consolidated land office; and when satisfied of the necessity therefor, to approve the employment of one or more clerks, at a reasonable per diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 84¹ of this title, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land

offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

(R.S. § 2255; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Section 84 of this title, referred to in text, was repealed by Pub. L. 86-649, title II, § 202(b), July 14, 1960, 74 Stat. 507. See section 1734 of this title.

CODIFICATION

R.S. § 2255 derived from act Feb. 18, 1861, ch. 38, § 2, 12 Stat. 131.

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Words "by the register" following "to approve the employment" omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

§ 130. Entry of public lands in States where no land offices exist

Public lands situated in States in which there are no land offices may be entered at the Bureau of Land Management, subject to the provisions of law touching the entry of public lands; and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Secretary of the Interior, or such officer as he may designate, for lands entered by cash entry shall be covered into the Treasury.

(Mar. 3, 1877, ch. 102, § 1, 19 Stat. 315; June 19, 1878, ch. 329, § 1, 20 Stat. 201; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

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"Bureau of Land Management" substituted for "General Land Office" and "Secretary of the Interior, or such officer as he may designate," substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note set out under section 1 of this title.

CHAPTER 6—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY

Sec. 141.	Repealed.
142.	Rights of occupants or claimants of oil- or gas-bearing lands; exceptions to withdrawals.
143.	Repealed.
144.	Entries on land withdrawn as valuable for oil or gas validated.
145.	Sale of lands withdrawn.
146.	Patents to purchasers of lands withdrawn.
147.	Disposition of proceeds of sale of withdrawn lands.

¹ See References in Text note below.

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148. Repealed.
149. Exchange of private lands included in Indian reservation for other lands.
150. Withdrawals of land for Indian reservations prohibited.
151. Opening of lands restored to entry after withdrawals.
152. Restoration of lands previously withdrawn.
153. Reservation of lands in North Dakota.
154. Vacation of withdrawals under reclamation law; lands valuable for minerals; reservation of rights, ways, and easements; rules and regulations.
155. Withdrawal, reservation, or restriction of public lands for defense purposes; "public lands" defined; exception.
156. Approval by Congress necessary for withdrawal, reservation, or restriction of over 5,000 acres for any Department of Defense project or facility.
157. Application for withdrawal, reservation, or restriction; specifications.
158. Mineral resources on withdrawn lands; disposition and exploration.

§ 141. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act June 25, 1910, ch. 421, § 1, 36 Stat. 847, authorized the withdrawal and reservation of lands for water-power sites and other purposes.

EFFECTIVE DATE OF REPEAL

Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, provided that this section is repealed 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.

EX. ORD. NO. 10355. DELEGATION OF AUTHORITY

Ex. Ord. No. 10355, eff. May 26, 1952, 17 F.R. 4831, as amended by Pub. L. 101-509, title V, § 529 [title I, § 112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454, provided:

SECTION 1. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, I hereby delegate to the Secretary of the Interior the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 [this section], and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States in the continental United States or Alaska for public purposes, including the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.

(b) All orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register, General Services Administration, for filing and for publication in the FEDERAL REGISTER.

(c) No order affecting land under the administrative jurisdiction of any executive department or agency of the Government other than the Department of the Interior shall be issued by the Secretary of the Interior under the authority of this order without the prior approval or concurrence, so far as the order affects such land, of the head of the department or agency concerned, or of such officer of the department or agency concerned as the head thereof may designate for such purpose: *Provided*, that such officer is required to be appointed by the President by and with the advice and consent of the Senate.

(d) Any disagreement between two or more executive departments or agencies with respect to any proposed

withdrawal or reservation shall be referred to the Director of the Bureau of the Budget [now Office of Management and Budget] for consideration and adjustment. The Director may, in his discretion, submit the matter to the President for his determination.

SEC. 2. The Secretary of the Interior is authorized to issue such rules and regulations, and to prescribe such procedures, as he may from time to time deem necessary or desirable for the exercise of the authority delegated to him by this order.

SEC. 3. The Secretary of the Interior is authorized to redelegate the authority delegated to him by this order to one or more of the following-designated officers: the Deputy Secretary of the Interior and the Assistant Secretaries of the Interior.

SEC. 4. This order supersedes Executive Order No. 9337 of April 24, 1943, entitled "Authorizing the Secretary of the Interior to Withdraw and Reserve Lands of the Public Domain and Other Lands Owned or Controlled by the United States".

EX. ORD. NO. 12688. TRANSFER AUTHORITY
CHOCTAWHATCHEE NATIONAL FOREST, FLORIDA

Ex. Ord. No. 12688, Aug. 15, 1989, 54 F.R. 34129, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to ensure that excess property under the control of the Department of Defense within and adjacent to the Choctawhatchee National Forest, Florida, is transferred to the Department of Agriculture for inclusion in the National Forest, it is hereby ordered as follows:

The Secretary of Defense is hereby delegated the President's authority under Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to transfer such property within or adjacent to the boundaries of Choctawhatchee National Forest, Florida, that is no longer required for military purposes, to the Secretary of Agriculture to be restored to national forest status. To the extent this order delegates the President's authority under Pub. L. No. 668, 76th Cong., 3d Sess., 54 Stat. 655 (1940), to the Secretary of Defense, it supersedes Executive Order No. 10355 [set out above], which delegates the President's authority to revoke withdrawals and reservations of public lands to the Secretary of the Interior. The Secretary of Defense will document the transaction by letter of transfer between the Departments. The Secretary of Defense, 30 days prior to taking any action to transfer property pursuant to this order, shall notify the Secretary of the Interior of the effective date and time for "opening" of the lands to relevant land laws. The authority delegated by this order may be further redelegated within the Department of Defense.

GEORGE BUSH.

§ 142. Rights of occupants or claimants of oil- or gas-bearing lands; exceptions to withdrawals

This section and section 141¹ of this title shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil- or gas-bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this section and section 141¹ of this title all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the

¹ See References in Text note below.