

Alabama, whether mineral or otherwise, shall be subject to disposal only as agricultural lands. All lands which had been reported to the General Land Office prior to March 3, 1883, as containing coal and iron shall first be offered at public sale.

(Mar. 3, 1883, ch. 118, 22 Stat. 487; Feb. 25, 1920, ch. 85, §1, 41 Stat. 437.)

CODIFICATION

Section is from act Mar. 3, 1883, which contained an additional provision relating to pending homesteads, which was omitted because of its temporary nature.

AMENDMENTS

1920—The exception clause was inserted at beginning of this section because of act Feb. 25, 1920, which provided that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, shall be subject to disposition in the form and manner provided by such act.

TRANSFER OF FUNCTIONS

General Land Office abolished and functions transferred to Bureau of Land Management by Reorg. Plan No. 3 of 1946, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, and regulations thereunder. See note set out under section 1 of Title 43, Public Lands.

**§ 172. Certain Alabama lands subject to homestead entry**

All lands designated as agricultural in the reclassification of the public lands of Alabama by the Secretary of the Interior under authority of Act March 27, 1906 (chapter 1347, section 1, Thirty-fourth Statutes, page 88), shall be subject to homestead entry as such.

(Mar. 27, 1906, ch. 1347, §2, 34 Stat. 88.)

REFERENCES IN TEXT

Act March 27, 1906 (chapter 1347, section 1, Thirty-fourth Statutes, page 88), referred to in text, is not classified to the Code.

**CHAPTER 3A—LEASES AND PROSPECTING PERMITS**

SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 181. Lands subject to disposition; persons entitled to benefits; reciprocal privileges; helium rights reserved.
- 182. Lands disposed of with reservation of deposits of coal, etc.
- 183. Cancellation of prospecting permits.
- 184. Limitations on leases held, owned or controlled by persons, associations or corporations.
- 184a. Authorization of States to include in agreements for conservation of oil and gas resources lands acquired from United States.
- 185. Rights-of-way for pipelines through Federal lands.
- 186. Reservation of easements or rights-of-way for working purposes; reservation of right to dispose of surface of lands; determination before offering of lease; easement periods.
- 187. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases for protection of diverse interests in operation of mines, wells, etc.; State laws not impaired.
- 187a. Oil or gas leases; partial assignments.
- 187b. Oil or gas leases; written relinquishment of rights; release of obligations.

- Sec. 188. Failure to comply with provisions of lease.
- 188a. Surrender of leases.
- 189. Rules and regulations; boundary lines; State rights unaffected; taxation.
- 190. Oath; requirement; form; blanks.
- 191. Disposition of moneys received.
- 191a. Late payment charges under Federal mineral leases.
- 191b. Collection of unpaid and underpaid royalties and late payment interest owed by lessees.
- 192. Payment of royalties in oil or gas; sale of such oil or gas.
- 192a. Cancellation or modification of contracts.
- 192b. Application to contracts.
- 192c. Rules and regulations governing issuance of certain leases; disposition of receipts.
- 193. Disposition of deposits of coal, and so forth.
- 193a. Preference right of United States to purchase coal for Army and Navy; price for coal; civil actions; jurisdiction.
- 194. Repealed.
- 195. Enforcement.
- 196. Cooperative agreements; delegation of authority.

SUBCHAPTER II—COAL

- 201. Leases and exploration.
- 201-1 to 201b. Repealed or Omitted.
- 202. Common carriers; limitations of lease or permit.
- 202a. Consolidation of coal leases into logical mining unit.
- 203. Additional lands or deposits.
- 204. Repealed.
- 205. Consolidation of leases.
- 206. Noncontiguous coal or phosphate tracts in single lease.
- 207. Conditions of lease.
- 208. Permits to take coal for local domestic needs without royalty payments; corporation exclusion; area to municipalities for household use without profit.
- 208-1. Exploratory program for evaluation of known recoverable coal resources.
- 208-2, 208a. Repealed.
- 209. Suspension, waiver, or reduction of rents or royalties to promote development or operation; extension of lease on suspension of operations and production.

SUBCHAPTER III—PHOSPHATES

- 211. Phosphate deposits.
- 212. Surveys; royalties; time payable; annual rentals; term of leases; readjustment on renewals; minimum production; suspension of operation.
- 213. Royalties for use of deposits of silica, limestone, or other rock embraced in lease.
- 214. Use of surface of other public lands; acreage; forest lands exception.

SUBCHAPTER IV—OIL AND GAS

- 221 to 222i. Omitted.
- 223. Leases; amount and survey of land; term of lease; royalties and annual rental.
- 223a. Repealed.
- 224. Payments for oil or gas taken prior to application for lease.
- 225. Condition of lease, forfeiture for violation.
- 226. Lease of oil and gas lands.
- 226-1. Extension of noncompetitive oil or gas lease issued before September 2, 1960.
- 226-2. Limitations for filing oil and gas contests.
- 226-3. Lands not subject to oil and gas leasing.
- 226a, 226b. Repealed.
- 226c. Reduction of royalties under existing leases.
- 226d to 227. Omitted.
- 228. Prospecting permits and leases to persons of lands not withdrawn; terms and conditions of; fraud of claimants.

- Sec.  
229. Preference right to permits or leases of claimants of lands bona fide entered as agricultural land; terms and conditions.
- 229a. Water struck while drilling for oil and gas.
- 230 to 233. Repealed.
- 233a. Permits or leases of certain lands in Oklahoma; retention of royalties.
- 234 to 236. Repealed.
- 236a. Lands in naval petroleum reserves and naval oil-shale reserves; effect of other laws.
- 236b. Existing leases within naval petroleum reserves not affected.
237. Omitted.

#### SUBCHAPTER V—OIL SHALE

241. Leases of lands.
242. Oil shale claims.

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251. Leases to claimants of withdrawn lands; terms and conditions; acreage; annual rentals and royalties; fraud of claimants.

#### SUBCHAPTER VII—SODIUM

261. Prospecting permits; lands included; acreage.
262. Leases to permittees; survey of lands; royalties and annual rentals.
263. Permits to use or lease of nonmineral lands for camp sites, and other purposes; annual rentals; acreage.

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271. Prospecting permits; lands included; acreage.
272. Leases to permittees; privileges extended to oil and gas permittees.
273. Lease of lands not covered by permits or leases; acreage; rental.
274. Lands containing coal or other minerals.
275. Laws applicable.
276. Application of subchapter to Louisiana and New Mexico only.

#### SUBCHAPTER IX—POTASH

281. Prospecting permits for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium; authorization; acreage; lands affected.
282. Leases to permittees of lands showing valuable deposits; royalty.
283. Lands containing valuable deposits not covered by permits or leases; authority to lease; acreage; conditions; renewals; exemptions from rentals and royalties; suspension of operations.
284. Lands containing coal or other minerals in addition to potassium deposits; issuance of prospecting permits and leases; covenants in potassium leases.
285. Laws applicable.
286. Disposition of royalties and rents from potassium leases.
287. Extension of prospecting permits.

#### SUBCHAPTER I—GENERAL PROVISIONS

### § 181. Lands subject to disposition; persons entitled to benefits; reciprocal privileges; helium rights reserved

Deposits of coal, phosphate, sodium, potassium, oil, oil shale, gilsonite (including all vein-type solid hydrocarbons), or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Appalachian Forest Act, approved March 1, 1911 (36 Stat. 961), and those in incorporated cities, towns, and villages and in national parks and monuments,

those acquired under other Acts subsequent to February 25, 1920, and lands within the naval petroleum and oil-shale reserves, except as herein-after provided, shall be subject to disposition in the form and manner provided by this chapter to citizens of the United States, or to associations of such citizens, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, or in the case of coal, oil, oil shale, or gas, to municipalities. Citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this chapter.

The term "oil" shall embrace all nongaseous hydrocarbon substances other than those substances leasable as coal, oil shale, or gilsonite (including all vein-type solid hydrocarbons).

The term "combined hydrocarbon lease" shall refer to a lease issued in a special tar sand area pursuant to section 226 of this title after November 16, 1981.

The term "special tar sand area" means (1) an area designated by the Secretary of the Interior's orders of November 20, 1980 (45 FR 76800-76801) and January 21, 1981 (46 FR 6077-6078) as containing substantial deposits of tar sand.

The United States reserves the ownership of and the right to extract helium from all gas produced from lands leased or otherwise granted under the provisions of this chapter, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof.

(Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437; Feb. 7, 1927, ch. 66, § 5, 44 Stat. 1058; Aug. 8, 1946, ch. 916, § 1, 60 Stat. 950; Pub. L. 86-705, § 7(a), Sept. 2, 1960, 74 Stat. 790; Pub. L. 97-78, § 1(1), (4), Nov. 16, 1981, 95 Stat. 1070.)

#### REFERENCES IN TEXT

The Appalachian Forest Act, referred to in the first undesignated paragraph, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, also popularly known as the Weeks Law, which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of Title 16, Conservation, and amended sections 480 and 500 of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 552 of Title 16 and Tables.

#### AMENDMENTS

1981—Pub. L. 97-78, in first par., substituted "gilsonite (including all vein-type solid hydrocarbons)," for "native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried)", and added, after first par. three paragraphs which defined "oil", "combined hydrocarbon lease", and "special tar sand area", respectively.

1960—Pub. L. 86-705 included deposits of native asphalt, solid and semisolid bitumen, and bituminous rock.

1946—Act Aug. 8, 1946, reenacted: existing par., less three provisos, as first sentence of first par., inserting "potassium" after "sodium", which was also included in the 1927 amendment, and substituting provision for