

## AMENDMENTS

1926—Act Dec. 11, 1926, amended act Mar. 1, 1911, constituting section 517 of this title, by inserting text of this section as a proviso thereof.

**§ 518. Acquisition of lands not defeated by rights-of-way, easements, and reservations**

Such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of this Act. Such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed.

(Mar. 1, 1911, ch. 186, § 9, 36 Stat. 962; Mar. 4, 1913, ch. 145, § 1 (part), 37 Stat. 855; Pub. L. 94-588, § 17(a)(5), Oct. 22, 1976, 90 Stat. 2962.)

## REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which enacted this section, former sections 513 and 514 of this title, and sections 515 to 517a, 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

## AMENDMENTS

1976—Pub. L. 94-588 struck out “the National Forest Reservation Commission and” after “in the opinion of”.

1913—Act Mar. 4, 1913, amended act Mar. 1, 1911, generally to provide that acquisition of lands under this section would not be defeated by rights of way, easements, and reservations retained by the owner from whom title is received.

**§ 519. Agricultural lands included in tracts acquired; sale for homesteads**

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such rules and regulations as he may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest,

or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

(Mar. 1, 1911, ch. 186, § 10, 36 Stat. 962; Pub. L. 86-509, § 1(k), June 11, 1960, 74 Stat. 205.)

## REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which enacted this section, former sections 513 and 514 of this title, and sections 515 to 518, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

## CODIFICATION

“Such rules and regulations as he may prescribe” was substituted for “such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe” in view of the transfer of functions under this section to the Secretary of Agriculture from the Secretary of the Interior by section 1(k) of Pub. L. 86-509, set out as a note under section 2201 of Title 7, Agriculture.

**§ 519a. Transfer of forest reservation lands for military purposes**

If any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended, within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture may, and he is, authorized to convey full title to said lands to the State of Mississippi or the Department of the Army: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended.

(Mar. 2, 1935, ch. 21, 49 Stat. 37; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

## REFERENCES IN TEXT

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

## CODIFICATION

The words “with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911 [16 U.S.C. 513]”, which appeared immediately following the first reference to the Secretary of Agriculture, have been omitted as obsolete. Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation

Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

#### § 520. Regulations as to mineral resources

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven, known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

(Mar. 4, 1917, ch. 179, 39 Stat. 1150; 1946 Reorg. Plan No. 3, §402, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1099; Pub. L. 86-509, §1(7), June 11, 1960, 74 Stat. 205.)

#### REFERENCES IN TEXT

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

#### TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture with respect to uses of mineral deposits under this section transferred to Secretary of the Interior by section 402 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees, which provided that mineral development on such lands shall be authorized by Secretary of the Interior only when he is advised by Secretary of Agriculture that such development will not interfere with purposes for which land was acquired and only in accordance with such conditions as may be specified by Secretary of Agriculture in order to protect such purposes.

For provisions concerning crediting and distribution of revenues and access to title records, see text of Reorg. Plan No. 3 of 1946.

Functions of Secretary of the Interior under section 402 of Reorg. Plan No. 3 of 1946, with respect to use and disposal from lands under jurisdiction of Secretary of Agriculture of those mineral materials which Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under sections 601 to 604 and 611 to 615 of Title 30, Mineral Lands and Mining, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

#### § 521. Lands acquired to be reserved, held, and administered as national forest lands; designation

Subject to the provisions of section 519 of this title the lands acquired under this Act shall be

permanently reserved, held, and administered as national forest lands under the provisions of section 471<sup>1</sup> of this title and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes.

(Mar. 1, 1911, ch. 186, §11, 36 Stat. 963.)

#### REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the Weeks Law, which enacted this section, former sections 513 and 514 of this title, and sections 515 to 519, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Section 471 of this title, referred to in text, was in the original a reference to section 24 of act Mar. 3, 1891, ch. 561, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.

#### § 521a. Administration, management, and consolidation of certain lands

In order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture, for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: *Provided*, That nothing in this section shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460).

(Pub. L. 85-862, Sept. 2, 1958, 72 Stat. 1571.)

#### REFERENCES IN TEXT

The Weeks Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, which enacted former sections 513 and 514 and sections 515 to 519, 521, 552, and 563 of this title and amended sections 480 and 500 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Act June 24, 1954, referred to in text, is act June 24, 1954, ch. 357, 68 Stat. 270, which is classified principally to subchapter III (§2631 et seq.) of chapter 44 of Title 43,

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