

§ 971c. Utilization or occupancy of Alaskan easements; consent of agency

Lands in Alaska within an easement established under sections 971a to 971e of this title by the Secretary of the Interior may not be utilized or occupied without the permission of the Secretary, or an officer or agency designated by him. If the lands crossed by an easement established under sections 971a to 971e of this title are under the jurisdiction of a Federal department or agency other than the Department of the Interior, or of a State, Territory, or other government subdivision or agency, such permission may be granted only with the consent of such department, agency, or other governmental unit.

(Aug. 1, 1956, ch. 848, § 3, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420b of Title 48, Territories and Insular Possessions.

§ 971d. Effect on valid existing Alaskan rights

Nothing in sections 971a to 971e of this title shall affect adversely any valid existing rights.

(Aug. 1, 1956, ch. 848, § 4, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420c of Title 48, Territories and Insular Possessions.

§ 971e. Definition of restored Alaskan lands

For the purposes of sections 971a to 971e of this title, the words "restored lands" include, without limiting the meaning thereof, those lands at Big Delta and Tok Junctions that are withdrawn by public land orders numbered 808 and 975 and that lie between the centerline of the Richardson and Glenn Highways and the land included within United States surveys 2727, 2728, 2770, 2771, 2772, 2773, 2774, 2723, 2724, 2725, and 2726.

(Aug. 1, 1956, ch. 848, § 5, as added Pub. L. 86-512, June 11, 1960, 74 Stat. 207.)

CODIFICATION

Section was formerly classified to section 420d of Title 48, Territories and Insular Possessions.

§§ 975, 975a. Repealed. Pub. L. 97-468, title VI, § 615(a)(1), Jan. 14, 1983, 96 Stat. 2577

Section 975, acts Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494; Nov. 1, 1978, Pub. L. 95-565, § 4(a), 92 Stat. 2399; Oct. 10, 1980, Pub. L. 96-423, § 15, 94 Stat. 1817, related to location, construction, and operation of Alaska Railroad and powers and duties of President in connection therewith, and security officers. Section was comprised of first and second paragraphs of section 1 of act Mar. 12, 1914. The first paragraph was included in the Act as originally enacted in 1914 and the second paragraph was added in 1980 by Pub. L. 96-423. Amendment of section 1 of act Mar. 12, 1914, by act Mar. 29, 1940, ch. 74, 54 Stat. 80, relating to Mount McKinley National Park, and providing for accommodations for visitors and residents, was set out as section 353a of Title 16, Conservation. Section was formerly classified to section 301 of Title 48, Territories and Insular Possessions.

Section 975a, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to telegraph and telephone lines in Alaska. Section was comprised of original second paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 302 of Title 48.

EFFECTIVE DATE OF REPEAL

Repeal effective on date of transfer of Alaska Railroad to State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(a) of Pub. L. 97-468.

RENTAL OF ALASKA RAILROAD LANDS; REPORT TO CONGRESS

Pub. L. 95-611, § 6, Nov. 8, 1978, 92 Stat. 3090, authorized the Secretary of Transportation to conduct an investigation and study to determine equitable rates to be charged for the rental of Alaska Railroad lands, required submission by the Secretary of a report on the results of such study to the Congress not later than one year after Nov. 8, 1978, and provided that, prior to 180 days after the receipt by Congress of such report, rental charges on lands rented by the Alaska Railroad were not to be increased by more than 100 per centum of the amount charged for such land on Jan. 1, 1977.

APPROPRIATIONS

Act Mar. 12, 1914, ch. 37, § 2, 38 Stat. 307, which provided that the cost of the work authorized by sections 975 to 975g should not exceed \$35,000,000, and that in executing the authority granted by those sections the President should not expend nor obligate the United States to expend more than that sum, and also appropriated the sum of \$1,000,000 to be used for carrying out the provisions of those sections, to continue available until expended, was repealed by section 615(a)(1) of Pub. L. 97-468.

§ 975b. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, authorized the President to withdraw, locate, and dispose of lands for town-site purposes along Alaskan railroad lines. Section was comprised of original fourth paragraph of act Mar. 12, 1914. Section was formerly classified to section 303 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

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

§§ 975c to 975g. Repealed. Pub. L. 97-468, title VI, § 615(a)(1), Jan. 14, 1983, 96 Stat. 2577

Section 975c, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to terminals, stations, and rights of way in Alaska. Section was comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 304 of Title 48, Territories and Insular Possessions.

Section 975d, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, required Alaskan patents to contain reserve for right of way. Section was comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 305 of Title 48.

Section 975e, act Mar. 12, 1914, ch. 37, § 3, 38 Stat. 307, related to disposition of proceeds of lease or sale of public lands in Alaska. Section was formerly classified to section 306 of Title 48.

Section 975f, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 307, related to authority of President as to Alaska Railroad, telegraphs, telephones, etc. Section was comprised of the third paragraph of section 1 of act Mar. 12, 1914. Section was formerly classified to section 307 of Title 48.

Section 975g, act Mar. 12, 1914, ch. 37, § 4, 38 Stat. 307, required officers, agents, etc., to make annual report as

to Alaska Railroad, telegraphs, telephones, etc., to President for transmittal to Congress. Section was formerly classified to section 308 of Title 48.

EFFECTIVE DATE OF REPEAL

Repeal effective on date of transfer of Alaska Railroad to State [Jan. 5, 1985], pursuant to section 1203 of Title 45, Railroads, see section 615(a) of Pub. L. 97-468.

EXECUTIVE ORDER NO. 11107

Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, which authorized the Secretary of the Interior to operate the Alaska Railroad and, subject to authority of the Interstate Commerce Commission, establish rates, was superseded by Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, formerly set out below.

EXECUTIVE ORDER NO. 12434

Ex. Ord. No. 12434, July 19, 1983, 48 F.R. 33229, related to the authority of the Secretary of Transportation to operate and administer the Alaska Railroad and to determine procedures for establishing rates for the Alaska Railroad, and to the authority of the Secretary of Transportation and Interstate Commerce Commission with respect to such rates. The Alaska Railroad was transferred to the State of Alaska on Jan. 5, 1985, and the State of Alaska has established the Alaska Railroad Corporation to manage and operate the Alaska Railroad.

CHAPTER 23—GRANTS OF SWAMP AND OVERFLOWED LANDS

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§ 981. Indemnity to States on sale of lands

Upon proof by the authorized agent of the State, before the Secretary of the Interior or such officer as he may designate, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands", within the true intent and meaning of the Act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits", approved September 28, 1850, the purchase money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at \$1.25 per acre, or less, and patents shall issue therefor. The decision of the Secretary or such officer shall be first approved by the Secretary of the Interior.

(R.S. § 2482; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act approved September 28, 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 9 Stat. 519, which is not classified to the Code.

CODIFICATION

R.S. § 2482 derived from act Mar. 2, 1855, ch. 147, § 2, 10 Stat. 634, 635.

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.

"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, which abolished General Land Office and Commissioner thereof and transferred functions of General Land Office to a new agency in Department of the Interior to be known as Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 982. Grant to States to aid in construction of levees and drains

To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A.D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however,* That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively.

(R.S. § 2479.)

CODIFICATION

R.S. § 2479 derived from acts Sept. 28, 1850, ch. 84, §§ 1, 4, 9 Stat. 520; Mar. 12, 1860, ch. 5, § 1, 12 Stat. 3; Feb. 19, 1874, ch. 30, 18 Stat. 16.

GRANTS NOT TO EXTEND TO ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Land grant under Alaska Statehood provisions in lieu of grant of land under this section (declared not to extend to Alaska), see section 6(l) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

§ 983. Lists and plats of lands, for governors of States

It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed