

fied for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in subsection (a)(1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended [16 U.S.C. 791a et seq.], or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended [16 U.S.C. 818]: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended [16 U.S.C. 791a et seq.] or other Act of Congress.

**(d) Validity of existing rights; rights acquired by actual use and national forest lands unaffected**

Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands.

(Pub. L. 96-487, title XIII, §1328, Dec. 2, 1980, 94 Stat. 2489.)

**Editorial Notes**

**REFERENCES IN TEXT**

Act of June 1, 1938 (52 Stat. 609), referred to in subsec. (a)(1), is act June 1, 1938, ch. 317, 52 Stat. 609, which was classified to sections 682a to 682e of Title 43, Public Lands, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, 2789.

Act of May 3, 1927 (44 Stat. 1364), referred to in subsec. (a)(1), probably means act Mar. 3, 1927, ch. 323, 44 Stat. 1364, which was classified to section 687a of Title 43, and was repealed by Pub. L. 94-579, title VII, §703(b), Oct. 21, 1976, 90 Stat. 2789, 2791.

Act of May 14, 1898, referred to in subsec. (a)(1), is act May 14, 1898, ch. 299, 30 Stat. 409, which is classified to sections 607a and 615a of this title, sections 270, 270-4,

687a, 687a-2, 687a-3, 687a-4, 687a-5, and 942-1 to 942-9 of Title 43, and section 392 of Title 48, Territories and Insular Possessions. Section 270 of Title 43 was repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789. Section 270-4 of Title 43 was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Sections 687a and 687a-2 to 687a-5 of Title 43 were repealed by Pub. L. 94-579, title VII, §§703(a), 704(a), Oct. 21, 1976, 90 Stat. 2789, 2792. Section 392 of Title 48 was eliminated from the Code as obsolete. For complete classification of this Act to the Code, see Tables.

Act of March 3, 1891, referred to in subsec. (a)(1), is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which is classified to sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, former section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48; and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

The effective date of this Act, referred to in subsecs. (a) to (c), probably means the date of enactment of Pub. L. 96-487, which was approved Dec. 2, 1980.

This Act, referred to in subsec. (a)(2) and (3)(E), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(2), (3)(A) and (d), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Federal Power Act and that Act, referred to in subsec. (c), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of this title. Part I of the Federal Power Act of June 10, 1920 as amended, is classified generally to subchapter I (§791a et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

The Alaska Statehood Act, referred to in subsec. (d), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

Act of May 17, 1906, as amended, referred to in subsec. (d), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270-1 to 270-3 of Title 43, Public Lands, prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710. See section 1617 of Title 43.

**SUBCHAPTER VII—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS**

**§ 3231. Areas subject to national need recommendation process**

The process contained in this subchapter shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Refuge.

(Pub. L. 96-487, title XV, §1501, Dec. 2, 1980, 94 Stat. 2549.)

**§ 3232. Recommendations of President to Congress**

**(a) Recommendation**

At any time after December 2, 1980, the President may transmit a recommendation to the Congress that mineral exploration, develop-