

THE PRINCIPAL LAWS

RELATING TO THE

ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL FORESTS

AND TO OTHER FOREST SERVICE ACTIVITIES

U.S. DEPARTMENT OF AGRICULTURE
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**THE PRINCIPAL LAWS RELATING TO THE
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**U.S. Department of Agriculture
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PREFACE

This handbook was prepared by the Division of Legislative Reporting and Liaison of the Forest Service in cooperation with the Division of Forestry and Soil Conservation of the Office of the General Counsel of the Department of Agriculture.

The handbook is divided into two major sections. The first section contains laws, or appropriate parts of laws, arranged on the basis of functional subject matter. The principal legislation existing on December 31, 1962, on each of seven major subject matters is included. This section is primarily for quick reference to statutory authorizations and limitations for the broad functional activities of the Forest Service. The parts of some of the laws included in this section are duplicated in the second section where the complete Act is presented.

The second section contains the complete wording as of December 31, 1962, of 29 principal laws relating to Forest Service activities.

In general, each law follows the wording of the statute or else the codified wording, and, except for a few statutory provisions of general application to the Department of Agriculture and to other Federal agencies, there are included only laws which pertain chiefly to functions of the Forest Service. Where deemed necessary, explanatory notes or cross references have been added. Preceding each provision of law under the functional organization and each major act there are cited the volumes and pages of the United States Statutes at Large and the titles and sections of the United States Code.

Not included in the compilation are minor acts and the numerous acts pertaining to particular national forests.

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FUNCTIONAL PROVISIONS

ESTABLISHMENT, CONSOLIDATION, AND PURPOSE

Creation by Executive action

Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471) (Creative Act)

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473)

* * * The President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interest. * * * The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Act of June 7, 1924 (43 Stat. 655; 16 U.S.C. 471(b), and 505)

The President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the Department of the Army or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the Department for which the lands were formerly reserved.

Restriction on additions to national forests by Executive action

Act of March 4, 1907 (34 Stat. 1271); *August 24, 1912* (37 Stat. 497); *June 15, 1926* (44 Stat. 745); 16 U.S.C. 471, 471a

Hereafter no national forest shall be created, nor shall any additions be made to one heretofore created within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, Wyoming, Arizona, or New Mexico, except by Act of Congress.

Additions to national forest lands in Montana by Executive action

Act of July 20, 1939 (53 Stat. 1071; 16 U.S.C. 471-b)

The President of the United States is authorized, in his discretion, to add to existing national forests, or to include within new national forests, by proclamation or Executive order, any unappropriated public lands of the United States situated in the State of Montana which, in his opinion, are chiefly valuable for the production of timber or the protection of watersheds: *Provided*, That the inclusion of such lands within a national forest shall be subject to any claim, entry, or appropriation under the public land laws then valid and subsisting and thereafter legally maintained.

Purpose of national forests

Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 475) (*Organic Act*)

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

Forest reserves designated national forests

Act of March 4, 1907 (34 Stat. 1269)

The forest reserves shall be known hereafter as national forests.

Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528) (*Multiple Use-Sustained Yield Act*)

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475). Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.

Land acquisition by purchase

Act of March 1, 1911 (36 Stat. 961), as amended by the **Acts of June 7, 1924** (43 Stat. 654); 16 U.S.C. 515, 516, 517, 521; also **Act of March 3, 1931** (46 Stat. 1516), as to Puerto Rico. (*Weeks Law and related statutes*)

The Secretary of Agriculture is authorized and directed to examine, locate, and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon.

The Secretary of Agriculture is hereby authorized to purchase in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

The Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

Subject to the provisions of the last preceding section, (i.e. sec. 10) the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (26 Stat. 1103), 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.

NOTE.—Title to lands or interest in lands upon which public money will be expended must be approved by the Attorney General. (R.S. 355 as amended, 40 U.S.C. 255).

Act of March 3, 1925 (43 Stat. 1133), as amended by the **Acts of April 24, 1950** (64 Stat. 86); **June 20, 1958** (72 Stat. 218); 16 U.S.C. 555

Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites re-

quired for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority.

Act of August 3, 1956 (70 Stat. 1034; 7 U.S.C. 428a)

The Department of Agriculture is authorized to acquire land, or interest therein, by purchase, exchange or otherwise, as may be necessary to carry out its authorized work: *Provided*, That no acquisition shall be made under this authority unless provision is made therefor in the applicable appropriation or other law.

NOTE.—The authority in Section 32(a) of Title III of the Bankhead-Jones Farm Tenant Act to acquire land was repealed by Section 102(b) of the Act of September 27, 1962.

Land acquisition by donation

Act of June 7, 1924 (43 Stat. 654; 16 U.S.C. 569). *Cross reference: See also donation clause in the Act of March 3, 1925, as amended, shown above*

To enable owners of land chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost or recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

Land acquisition by exchange

Act of March 20, 1922 (42 Stat. 465), as amended by the **Acts of February 28, 1925** (43 Stat. 1090); **June 11, 1960** (74 Stat. 205); 16 U.S.C. 485, 486 (*General Exchange Act for Public Lands*)

When the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of the Interior may patent not to exceed an equal value of such national forest land, in the same State surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

NOTE.—In addition to transferring certain functions from the Secretary of the Interior to the Secretary of Agriculture, the Act of June 11, 1960, cited above, also provided in Section 2 thereof "In no case covered by * * * [the March 20, 1922 Act] shall the exchange provide for the patenting of land by the United States without a reservation of minerals (1) unless the Secretary of Agriculture has obtained the advice of the Secre-

tary of the Interior that the land is non-mineral in character, or (2) unless the Secretary of the Interior approves the valuation and disposition of the minerals in the land to be patented”.

Act of March 1, 1911 (36 Stat. 962), as amended by the **Act of March 3, 1925** (43 Stat. 1215); 16 U.S.C. 516

* * * With the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purpose of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grant or to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this Act.

Act of October 23, 1962 (76 Stat. 1157; 16 U.S.C. 555a)

Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

Creation, administration, and disposal of lands within national grasslands and other lands acquired under Title III, Bankhead-Jones Farm Tenant Act

Secs. 31 and 32(c), Title III, Act of July 22, 1937 (50 Stat. 525); as amended by the **Act of July 28, 1942** (56 Stat. 725); **Sec. 102, Act of Sept. 27, 1962** (76 Stat. 607); 7 U.S.C. 1010, 1011

The Secretary is authorized and directed to develop a program of land conservation and land utilization in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, protecting fish and

wildlife, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare, but not to build industrial parks or establish private industrial or commercial enterprises.

To effectuate the program provided for in Section 31, the Secretary is authorized

* * * * *

To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of the Act, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

Administration, management, and consolidation of certain lands

Act of September 2, 1958 (72 Stat. 1571; 16 U.S.C. 521a)

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 hereby 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 Act 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).

Adding Taylor Grazing Act acquired lands to the national forests

Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1)

Lands heretofore or hereafter acquired under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), which are within the exterior boundaries of a national forest and which are determined by the Secretary of Agriculture to be suitable for administration as a part of the national forest may be set apart and reserved by the Secretary of the Interior by public land order as a part of such national forest. Lands so set apart and reserved shall be subject to the laws, rules, and regulations applicable to lands set apart and reserved from the public domain within such national forest.

Adjustment of land titles

Act of July 8, 1943 (57 Stat. 388), as amended by the Acts of March 3, 1952 (66 Stat. 11); **October 23, 1962** (76 Stat. 1157); 5 U.S.C. 567

If the Secretary of Agriculture shall find after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however,* That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

Quitclaim deeds to conveyed lands if not accepted in exchange

Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872)

Where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

NOTE.—The Act of June 11, 1960 (74 Stat. 205) transferred to the Secretary of Agriculture the authority of this section insofar as it related to lands conveyed in exchange involving Department of Agriculture lands.

NOTE.—Section 3 of the Act of July 6, 1960 (74 Stat. 334), entitled, "To provide for payment for lands heretofore conveyed to the United States as a basis for their lieu selections from the public domain, and for other purposes," provides that no reconveyance of land to which section 1 of the Act applies shall hereafter be made under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872).

Interchange of lands between Department of Agriculture and Department of Defense

Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b)

The Secretary of Agriculture with respect to national forest lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a national forest are authorized, subject to any applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided*, That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange.

Any national forest lands which are transferred to a military department in accordance with this Act shall be thereafter subject only to laws applicable to other lands within the military installation or other public works project for which such lands are required and any lands which are transferred to the Department of Agriculture in accordance with this Act shall become subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Condemnation of realty for public use

Act of August 1, 1888 (25 Stat. 357) as amended by the ***Acts of March 3, 1911*** (36 Stat. 1167); ***June 25, 1948*** (62 Stat. 986); 40 U.S.C. 257

In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, or such other officer, shall cause proceedings to be

commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

NOTE.—The Condemnation Act itself is not an authority to acquire land. Lands or interests therein may be acquired by condemnation only where such acquisition is otherwise authorized by statute; i.e., Weeks Law, Federal Highway Act, or other applicable statute.

Act of Feb. 26, 1931 (*46 Stat. 1421; 40 U.S.C. 258a*) (*Declaration of Taking Act*)

In any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing of said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commission or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

NOTE.—The purpose of the declaration of taking is to vest title immediately in the United States. It is a supplement to and can be used only in conjunction with condemnation proceedings. It may be filed at the time condemnation is requested or at any time prior to judgment in the proceedings.

JURISDICTION

Administration of national forests

Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472)

The Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any such lands.

NOTE.—Laws relating to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting are administered by the Secretary of the Interior.

Civil and criminal

Act of June 4, 1897 (30 Stat. 36); Section 12 of the Act of March 1, 1911 (36 Stat. 963); 16 U.S.C. 480

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

Arrests

Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 559)

All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the national forest is located, for trial; and upon

sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

Enforcement of State laws relating to livestock, forest fires and wildlife

Act of May 23, 1908 (35 Stat. 259; 16 U.S.C. 553)

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States and Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and, with respect to national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law.

Administering oaths

Act of January 31, 1925 (43 Stat. 803; 5 U.S.C. 521)

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture of the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

OCCUPANCY AND USE

Rules and regulations

Act of June 4, 1897 (30 Stat. 35), as amended by the Acts of February 1, 1905 (33 Stat. 628); October 23, 1962 (76 Stat. 1157); 16 U.S.C. 551

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of the Act of March 3, 1891, as amended, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and

any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

Act of June 7, 1924 (43 Stat. 655; 16 U.S.C. 471(b))

Any person who shall violate any rule or regulation promulgated under this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 529, 531) (*Multiple Use-Sustained Yield Act*)

The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act.

“Multiple use” means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

“Sustained yield of the several products and services” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

Rules and regulations (national grasslands and other Title III lands)

Title III, Act of July 22, 1937 (50 Stat. 525); *October 23, 1962* (76 Stat. 1157) 7 U.S.C. 1011 (b) and (f)

To effectuate the program provided for in section 21, the Secretary is authorized

* * * * *

To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.

* * * * *

To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of the

property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

Ingress and egress

Act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 478)

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such national forests.

Sale of timber

Act of June 4, 1897 (30 Stat. 35), as amended by the Acts of June 6, 1900 (31 Stat. 661); Feb. 1, 1905 (33 Stat. 628); June 30, 1906 (34 Stat. 684); March 3, 1925 (43 Stat. 1132); May 27, 1952 (66 Stat. 95); 16 U.S.C. 476

For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe. Before such sale shall take place, notice thereof shall be given by the said Secretary of Agriculture for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such national forest exists. In cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale. He may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber, cord wood and other forest products, not exceeding \$2,000 in appraised value. In cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Such timber before being sold, shall be marked

and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Secretary of Agriculture of his doings in the premises.

NOTE.—See sec. 3 of Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576b) relative to requiring deposits for planting, sowing, or timber stand improvement work.

Free use of timber

Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 477)

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, building, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes.

Exportation of timber

Act of April 12, 1926 (44 Stat. 242; 16 U.S.C. 616)

Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are hereby authorized to issue rules and regulations to carry out the purpose of this Act.

Term grazing permits and renewals

Act of April 24, 1950 (64 Stat. 88; 16 U.S.C. 580 1)

The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

Local grazing advisory boards

Act of April 24, 1950 (64 Stat. 87; 16 U.S.C. 580k)

(a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each

elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

Permits for summer homes, hotels, stores, etc.

Act of March 4, 1915 (38 Stat. 1101), as amended by the Act of July 28, 1956 (70 Stat. 708); 16 U.S.C. 497

The Secretary of Agriculture is authorized, under such regulations as he may make and upon such terms and conditions as he may deem proper, (a) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety; (b) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding five acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining summer homes and stores; (c) to permit the use and occupancy of suitable areas of land within the national forest, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes whenever such use is related to or consistent with other uses on the national forests; (d) to permit any State or political subdivision thereof, or any public or nonprofit agency, to use and occupy suitable areas of land within the national forests not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining any buildings, structures, or facilities necessary or desirable for education or for any public use or in connection with any public activity. The authority provided by this paragraph shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.

Permits to States and other public agencies

Act of September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c, 931d)

The head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

The authority conferred by this Act shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

Schools and churches within national forests*Act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 479)*

The settlers residing within the exterior boundaries of such national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church.

Permits for land adjacent to mineral springs*Act of February 28, 1899 (30 Stat. 908), as amended by the Act of February 1, 1905 (33 Stat. 628); 16 U.S.C. 495*

The Secretary of Agriculture * * * is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established, within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this Act.

Use of water resources*Act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 481)*

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder.

Act of May 28, 1940 (54 Stat. 224; 16 U.S.C. 552a-552d)

Whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is hereby, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power

of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws: *And provided further*, That the President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any of the lands so withdrawn to appropriation under an applicable public-land law.

Lands withdrawn under the provisions of this Act shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is hereby authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

Whenever national-forest lands are withdrawn under this Act, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

Any violation of the regulations issued under this Act shall be punished as is provided in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. 1089).

Irrigation and drainage

Sections 18-21 of the Act of March 3, 1891 (26 Stat. 1101), as amended by the Act of March 4, 1917 (39 Stat. 1197); May 28, 1926 (44 Stat. 668); Reorganization Plan No. 3, July 16, 1946 (11 F.R. 7876, 60 Stat. 1100), 43 U.S.C. 946-949

The right-of-way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right-of-way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right-of-way shall be so located as to interfere with the proper

occupation by the Government of any such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Any canal or ditch company desiring to secure the benefits of sections 18 to 21, inclusive, of the Act of March 3, 1891, as amended, shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer designated by the Secretary of the Interior of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights-of-way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

The provisions of section 18 to 21, inclusive, of the Act of March 3, 1891, as amended, shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps therein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the officer designated by the Secretary of the Interior or the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats filed before March 3, 1891, shall have the benefits of sections 18 to 21 inclusive, from the date of their filing, as though filed thereunder: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights therein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Nothing in sections 18 to 21 of the Act of March 3, 1891, as amended, shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Water transportation, domestic purposes, or development of power

Act of May 11, 1898 (30 Stat. 404), as amended by the Act of March 4, 1917 (39 Stat. 1197); 43 U.S.C. 951

Rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18 to 21, inclusive, of the Act of March 3, 1891, as amended, may be used for purposes of a public nature; and said rights of way may be used for purposes

of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose or irrigation or drainage.

Permits to use Government-owned or controlled structures and improvements and lands related thereto

Act of April 24, 1950 (64 Stat. 84; 16 U.S.C. 580d)

The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

Easements for power and communications facilities

Act of March 4, 1911 (36 Stat. 1253), as amended by the **Act of May 27, 1952** (66 Stat. 95); 16 U.S.C. 523

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the national forests of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such electrical, telephone and telegraph lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national forest only upon the approval of the chief officer of the department under whose supervision or control such national forest falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this Act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Permits for canals and ditches, dams, and reservoirs, electrical and water plants, tunnels or other water conduits, transmission, telephone, and telegraph lines

Act of February 15, 1901 (31 Stat. 790) as amended by the Act of July 16, 1947 (61 Stat. 327); 16 U.S.C. 522

The Secretary of Agriculture is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the national forests for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder for any one or more of the purposes herein named. Such permits shall be allowed within or through any national forest, only upon the approval of the chief officer of the department under whose supervision such national forest falls and upon a finding by him that the same is not in compatible with the public interest. Any permission given by the Secretary of Agriculture under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any national forest.

NOTE.—The authority contained in this Act is used only for permitting use of rights-of-way for electrical plants, poles, and lines. Other revocable special use permits are issued under the general occupancy and use provisions of the Act of June 4, 1897.

Rights-of-way for pipelines

Act of Feb. 25, 1920 (41 Stat. 449), as amended by the Acts of August 21, 1935 (49 Stat. 678); August 12, 1953 (67 Stat. 557); 30 U.S.C. 185

Rights-of-way through the public lands, including the national forests of the United States, may be granted by the Secretary of the Interior for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 181 of this title, to the extent of the ground occupied by the said pipeline and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipelines shall be constructed, operated, and maintained as common carriers and shall accept, convey, transport, or purchase without discrimination, oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amounts as the Secretary of the Interior may, after a full

hearing with due notice thereof to the interested parties and a proper finding of facts, determine to be reasonable: *Provided*, That the common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality: *Provided further*, That the Government shall in express terms reserve and shall provide in every lease of oil lands that the leasee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipeline or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline, operating a lease or purchasing gas or oil under the provisions of said sections: *Provided further*, That no right-of-way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations and conditions prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

Railroads and highways

Act of March 3, 1899 (30 Stat. 1233; 16 U.S.C. 525)

In the form provided by existing law, the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any national forest or reservoir site when in his judgment the public interests will not to be injuriously affected thereby.

NOTE.—The Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934–939) grants rights-of-way to railroad companies through the public lands for railroad and station ground purposes. The Act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956) authorizes the Secretary of the Interior to permit the use of rights-of-way over the public lands for tramroads in connection with mining, quarrying, or cutting timber and manufacturing lumber. The 1875 Act and 1895 Act are made applicable to the national forests by the Act of March 3, 1899. The 1895 Act is made applicable to the Revested Oregon and California Railroad and the Reconveyed Coos Bay Wagon Road Grant Lands by the Acts of June 9, 1916 (39 Stat. 218) and February 26, 1919 (40 Stat. 1179).

Act of August 27, 1958 (72 Stat. 916; 23 U.S.C. 317)

(a) If the Secretary [of Commerce] determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration

of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or other roads including forest highways and forest development roads and trails.

Act of July 7, 1960 (74 Stat. 363; 40 U.S.C. 345c)

(a) Whenever a State or political subdivision of a State makes application therefor in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency having control over the affected real property of the United States may convey or otherwise transfer, with or without consideration, to such State or political subdivision for such highway, street, or alley widening purposes, such interest in such real property as he determines will not be adverse to the interests of the United States, subject to such terms and conditions as he deems necessary to protect the interests of the United States.

(b) As used in this section the term "executive agency" means any executive department or independent establishment in the executive branch of the Government of the United States, including any wholly owned Government corporation.

(c) Nothing in this section shall be deemed to authorize the conveyance or other transference of any interest in real property which can be transferred to a State or political subdivision of a State for highway purposes under Title 23 of the United States Code.

Water storage and transportation for municipal and mining purposes

Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 524)

Rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are hereby granted to citizens and corporations of the United States, for municipal and mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the

Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

Conveyance of Federal lands for airport purposes

Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115) (Federal Airport Act)

(a) Whenever the Administrator [of the Federal Aviation Agency] determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project under this Act, or for the operation of any public airport, he shall file with the head of the department or agency having control of such lands a request that such property interest therein as he may deem necessary be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. Such property interest may consist of the title to or any other interest in land or any easement through or other interest in air space.

(b) Upon receipt of a request from the Administrator [of the Federal Aviation Agency] under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Administrator of his determination within a period of four months after receipt of the Administrator's request. If such department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, such department or agency head is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested; but each such conveyance shall be made on the condition that the property interest conveyed shall automatically revert to the United States in the event that the lands in question are not developed, or cease to be used, for airport purposes.

Easements, grants, and dedications in the national grasslands and other lands acquired or administered under Title III, Bankhead-Jones Farm Tenant Act

Title III, Act of July 22, 1937 (50 Stat. 525; 7 U.S.C. 1011(d))

To effectuate the program provided for in Section 31, the Secretary is authorized

* * * * *

With respect to any land, or interest therein, acquired by, or transferred to, the Secretary for the purposes of this title to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

Game refuges

Act of August 11, 1916 (39 Stat. 446, 476), as amended by Act of June 25, 1948 (62 Stat. 860); 16 U.S.C. 683

The President of the United States is hereby authorized to designate such areas on any lands which have been, or which may here-

after be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams"; and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

Use of aircraft or motor vehicles prohibited for hunting certain wild horses or burros; pollution of watering holes

Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47)

Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public lands or ranges shall be fined not more than \$500, or imprisoned not more than six months, or both.

Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined not more than \$500, or imprisoned not more than six months, or both.

MINING AND OTHER SUBSURFACE USES

U.S. Mining Laws (also known as General Mining Laws)

EXPLANATORY NOTE: The U.S. Mining Laws, Act of May 10, 1872 (17 Stat. 91), as amended and supplemented, (30 U.S.C. 22-47), unless otherwise provided by law, apply to all mineral deposits in (1) national forest lands reserved from the public domain or which were acquired by exchange under the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), or similar law, by the terms of which "public land" or the timber thereon is granted in exchange for land of equal value, and (2) national grasslands and other Title III lands transferred from the public domain by Executive Order or otherwise for administration under Title III of the Bankhead-Jones Farm Tenant Act, except (a) oil, gas, oil shale, coal, potassium, sodium, phosphate, 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 sulphur in Louisiana and New Mexico, which are commonly referred to as the

“leasing act” minerals and (b) mineral materials (including but not limited to common varieties of sand, stone, gravel, pumice, pumicite, or cinders), which are commonly referred to as “common varieties”, and to deposits of petrified wood. The “leasing act” minerals in public lands are subject to disposal by the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287). Common varieties on lands reserved from the public domain are subject to disposal by the Secretary of Agriculture under the Materials Act of July 31, 1947, as amended and supplemented (30 U.S.C. 602–604, 611).

The mining laws do not apply to lands situated in Minnesota, Michigan, Wisconsin (30 U.S.C. 48); Alabama (30 U.S.C. 171); Missouri and Kansas (30 U.S.C. 49); and certain lands in Oklahoma (43 U.S.C. 1098, 1100, 1131). Similarly, they do not apply to lands within reclamation withdrawals (43 U.S.C. 416, 432); Federal power withdrawals, except under certain conditions (16 U.S.C. 818 and 30 U.S.C. 621); Federal game refuges; military reservations; or to lands otherwise specifically withdrawn from their operation. There are a number of acts which modify the mining laws as applied to local areas by prohibiting entry altogether or by limiting or restricting the use which may be made of the surface and the right, title, or interest which may pass through patent. (Legal advice may be required to determine whether or not the mining laws are applicable to a particular tract of national forest land or national grassland or other Title III land.)

The Act of July 23, 1955 (30 U.S.C. 612–615), limited the use of subsequently located mining claims prior to patent, to purposes of prospecting, mining, or processing, and uses reasonably incident thereto; provided for management and disposal of timber and other vegetative surface resources and management of other surface resources (except mineral deposits subject to location) by the United States; and provided for a determination of surface rights on claims existing prior to July 23, 1955.

Mining claims, location and entry

Act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 482)

Any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

Act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 478)

Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such national forests.

Mining claims, use of surface and surface resources*Act of July 23, 1955 (69 Stat. 368; 30 U.S.C. 612)*

(a) Any mining claim located under the mining laws of the United States subsequent to July 23, 1955, shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

(b) Rights under any mining claim located under the mining laws of the United States subsequent to July 23, 1955, shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes, or for access to adjacent land: *Provided, however*, That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided further*, That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided further*, That nothing in this section shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use and distribution of ground or surface waters within any unpatented mining claim.

(c) Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of buildings or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to issuance of patent therefor, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under subsection (b) of this section. Any severance or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management.

Surface rights determination on unpatented mining claims; waiver of surface rights

Act of July 23, 1955 (69 Stat. 369); as amended by the **Act of June 11, 1960** (74 Stat. 201); 30 U.S.C. 613-615

(a) The head of a Federal department or agency which has the responsibility for administering surface resources of any lands belonging to the United States may file as to such lands in the office of the Secretary of the Interior, or in such office as the Secretary of the Interior may designate, a request for publication of notice to mining claimants, for determination of surface rights, which request shall contain a description of the lands covered thereby, showing the section or sections of the public land surveys which embrace the lands covered by such request, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The filing of such request for publication shall be accompanied by an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's abstractors, or attorney's examination of those instruments which are shown by the tract indexes in the county office of record as affecting the lands described in said request, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if such address is disclosed by such instruments of record. "Tract indexes" as used herein shall mean those indexes, if any, as to surveyed lands identifying instruments, as affecting a particular legal subdivision of the public land surveys, and as to unsurveyed lands identifying instruments as affecting a particular probable legal subdivision according to a projected extension of the public land surveys.

Thereupon the Secretary of the Interior, at the expense of the requesting department or agency, shall cause notice to mining claimants to be published in a newspaper having general circulation in the county in which the lands involved are situated.

Such notice shall describe the lands covered by such request, as provided heretofore, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, rights as to such lands or

any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim—

- (1) the date of location;
- (2) the book and page of recordation of the notice or certificate of location;
- (3) the section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) whether such claimant is a locator or purchaser under such location; and
- (5) the name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any right, title, or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in this Act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in this Act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in this Act as to hereafter located unpatented mining claims.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within fifteen days after the date of first publication of such notice, the department or agency requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail or certified mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section, and shall cause a copy of such notice to be mailed by registered mail or certified mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice

to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section, shall fail to file a verified statement, as provided in such subsection (a), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section, (i) to constitute a waiver and relinquishment by such mining claimant of any right, title, or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 612 of this title as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in this Act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 612 of this title as to hereafter located unpatented mining claims.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section, then the Secretary of Interior shall fix a time and place for a hearing to determine the validity and effectiveness of any right or title to, or interest in or under such mining claim, which the mining claimant may assert contrary to or in conflict with the limitations and restrictions specified in section 612 of this title as to hereafter located unpatented mining claims, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise. Where verified statements are filed asserting rights to an aggregate of more than twenty mining claims, any single hearing shall be limited to a maximum of twenty mining claims unless the parties affected shall otherwise stipulate and as many separate hearings shall be set as shall be necessary to comply with this provision. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's so asserted right or interest under the mining claim, then no subsequent proceedings under this section shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the department or agency requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice to mining claimants which may be published as provided in subsection (a) of this section, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each heretofore located unpatented mining claim under which such person asserts rights—

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any department or agency requesting publication shall fail to comply with the requirements of subsection (a) of this section as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

The owner or owners of any unpatented mining claim heretofore located may waive and relinquish all rights thereunder which are contrary to or in conflict with the limitations or restrictions specified in this Act as to hereafter located unpatented mining claims. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter and prior to issuance of patent subject to the limitations and restrictions in this Act in all respects as if said mining claim had been located after enactment of this Act, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

Nothing in this Act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore

located, except as such rights may be limited or restricted as a result of a proceeding pursuant to this Act, or as a result of a waiver and relinquishment pursuant to this Act; and nothing in this Act shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law, or to limit or repeal any existing authority to include any reservation, limitation, or restriction in any such patent, or to limit or restrict any use of the lands covered by any patent or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law.

Mineral development on lands withdrawn for power development

Act of August 11, 1955 (69 Stat. 682) as amended by the Act of June 11, 1960 (74 Stat. 202); 30 U.S.C. 621 (Mining Claims Rights Restoration Act)

(a) All public lands belonging to the United States heretofore, now or hereafter withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes: *Provided*, That all power rights to such lands shall be retained by the United States: *Provided further*, That locations made under this Act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands shall also be subject to the provisions of the Act of April 8, 1948, Public Law 477 (Eightieth Congress, second session): *And provided further*, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within sixty days from the filing of the notice of location, notifies the locator by registered mail or certified mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the lands included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those

operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved, and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development.

NOTE.—For details of other sections of the Mining Claims Rights Restoration Act see 30 U.S.C. 622–625.

Relief for occupants of invalid claims

Act of October 23, 1962 (76 Stat. 1127; 30 U.S.C. 701–709)

The Secretary of the Interior may convey to any occupant of an unpatented mining claim which is determined by the Secretary to be invalid an interest, up to and including a fee simple, in and to an area within the claim of not more than (a) five acres or (b) the acreage actually occupied by him, whichever is less. The Secretary may make a like conveyance to any occupant of an unpatented mining claim who, after notice from a qualified officer of the United States that the claim is believed to be invalid, relinquishes to the United States all right in and to such claim which he may have under the mining laws. Any conveyance authorized by this section, however, shall be made only to a qualified applicant, as that term is defined in section 2 of this Act, who applies therefor within five years from the date of this Act and upon payment of an amount established in accordance with section 5 of this Act.

As used in this section, the term "qualified officer of the United States" means the Secretary of the Interior or an employee of the Department of the Interior so designated by him: *Provided*, That the Secretary may delegate his authority to designate qualified officers to the head of any other department or agency of the United States with respect to lands within the administrative jurisdiction of that department or agency.

Sec. 2. For the purposes of this Act a qualified applicant is a residential occupant-owner, as of the date of enactment of this Act, of valuable improvements in an unpatented mining claim which constitute for him a principal place of residence and which he and his predecessors in interest were in possession of for not less than seven years prior to July 23, 1962.

Sec. 3. Where the lands for which application is made under section 1 of this Act have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may convey an interest therein only with the consent of the head

of the governmental unit concerned and under such terms and conditions as said head may deem necessary.

Sec. 4. (a) If the Secretary of the Interior determines that conveyance of an interest under section 1 of this Act is otherwise justified but the consent required by section 3 of this Act is not given, he may, in accordance with such procedural rules and regulations as he may prescribe, grant the applicant a right to purchase, for residential use, an interest in another tract of land, five acres or less in area, from tracts made available by him for sale under this Act (1) from the unappropriated and unreserved lands of the United States, or (2) from lands subject to classification under section 7 of the Taylor Grazing Act (48 Stat. 1272), as amended (43 U.S.C. 315f). Said right shall not be granted until arrangements satisfactory to the Secretary have been made for termination of the applicant's occupancy of his unpatented mining claim and for settlement of any liability for the unauthorized use thereof which may have been incurred and shall expire five years from the date on which it was granted unless sooner exercised. The amount to be paid for the interest shall be determined in accordance with section 5 of this Act.

(b) Any conveyance of less than a fee made under this Act shall include provision for removal from the tract of any improvements or other property of the applicant at the close of the period for which the conveyance is made, or if it be an interest terminating on the death of the applicant, within one year thereafter.

Sec. 5. The Secretary of the Interior, prior to any conveyance under this Act, shall determine the fair market value of the interest to be conveyed, exclusive of the value of any improvements placed on the lands involved by the applicant or his predecessors in interest. Said value shall be determined as of the date of appraisal. In establishing the purchase price to be paid by the applicant for the interest, the Secretary shall take into consideration any equities of the applicant and his predecessors in interest, including conditions of prior use and occupancy. In any event the purchase price for any interest conveyed shall not exceed its fair market value nor be less than \$5 per acre. The Secretary may, in his discretion, allow payment to be made in installments.

Sec. 6. (a) The execution of a conveyance as authorized by section 1 of this Act shall not relieve any occupant of the land conveyed of any liability, existing on the date of said conveyance, to the United States for unauthorized use of the land in and to which an interest is conveyed.

(b) Except where a mining claim embracing land applied for under this Act by a qualified applicant was located at a time when the land included therein was withdrawn or otherwise not subject to such location, no trespass charges shall be sought or collected by the United States from any qualified applicant who has filed an application for land in the mining claim pursuant to this Act, based upon occupancy of such claim, whether residential or otherwise, for any period preceding the final administrative determination of the invalidity of the mining claim by the Secretary of the Interior or the voluntary relinquishment of the mining claim, whichever occurs earlier. Nothing contained in this Act shall be construed as creating any liability for trespass to the United States which would not exist in the absence of this Act. Relief under this section shall be limited to

persons who file application for conveyances pursuant to section 1 of this Act within five years from the date of its enactment.

Sec. 7. In any conveyance under this Act the mineral interests of the United States in the lands conveyed are hereby reserved for the term of the estate conveyed. Minerals locatable under the mining laws or disposable under the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601-604), are hereby withdrawn from all forms of entry and appropriation for the term of the estate. The underlying oil, gas and other leasable minerals of the United States are hereby reserved for exploration and development purposes, but without the right of surface ingress and egress, and may be leased by the Secretary under the mineral leasing laws.

Sec. 8. Rights and privileges to qualify as an applicant under this Act shall not be assignable, but may pass through devise or descent.

Disposal of certain minerals on lands reserved from the public domain

Act of Feb. 25, 1920 (41 Stat. 437); as amended by the Act of Feb. 7, 1927 (44 Stat. 1058); Aug. 8, 1946 (60 Stat. 950, 957); Sept. 2, 1960 (74 Stat. 790); 30 U.S.C. 181 (Mineral Leasing Act)

Deposits of coal, phosphate, sodium, potassium, oil, oil shale, 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) or gas and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the authority of the Weeks Law, 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 hereinafter provided, shall be subject to disposition in the form and manner provided by Chapter 3, Title 30, United States Code, 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 said sections.

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 said sections, 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.

NOTE.—This Act is commonly referred to as the Mineral Leasing Act and applies to (1) national forest lands reserved from the public domain or which were acquired by exchange under the Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), or similar law, by the terms of which "public land" or the timber thereon is granted in exchange for land of equal value, and (2)

national grasslands and other Title III, Bankhead-Jones Farm Tenant Act lands, reserved from the public domain. It does not apply to "acquired" lands in either category.

The Bureau of Land Management, Department of the Interior, is responsible for leasing under this Act. Technical administration of leases and permits is the responsibility of the U.S. Geological Survey. By interdepartmental agreement and pursuant to 43 C.F.R. 191.6 all applications to lease lands under Forest Service jurisdiction are referred to the Forest Service for review, recommendation, and special stipulations to protect the surface and surface functions.

Disposal of common varieties of mineral materials, petrified woods, and certain vegetative materials on lands reserved from the public domain

Act of July 31, 1947 (61 Stat. 681); as amended by the Acts of August 31, 1950 (64 Stat. 572); July 23, 1955 (69 Stat. 367); Sept. 25, 1962 (76 Stat. 587); 30 U.S.C. 601-604

Sec. 1. The Secretary, under such rules and regulations as he may prescribe, may dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, including for the purposes of this Act, land described in the Acts of August 28, 1937 (50 Stat. 874), and June 24, 1954 (68 Stat. 270), if the disposal of such mineral or vegetative materials (1) is not otherwise expressly authorized by law, including but not limited to, the Act of June 28, 1934 (48 Stat. 1269), as amended, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this Act and upon the payment of adequate compensation therefor, to be determined by the Secretary: *Provided, however*, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this Act, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the department headed by the Secretary or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, the Secretary may make disposals under this Act only with the consent of such other Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. As used in this Act, the word "Secretary" means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes or for the

purposes of Title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

Sec. 2. (a) The Secretary shall dispose of materials under this Act to the highest responsible qualified bidder after formal advertising and such other public notice as he deems appropriate: *Provided, however*, That the Secretary may authorize negotiation of a contract for the disposal of materials if—

(1) The contract is for the sale of less than two hundred fifty thousand board-feet of timber; or, if

(2) the contract is for the disposal of materials to be used in connection with a public works improvement program on behalf of a Federal, State, or local governmental agency and the public exigency will not permit the delay incident to advertising; or, if

(3) the contract is for the disposal of property for which it is impracticable to obtain competition.

(b) A report shall be made to Congress on January 1 and July 1 of each year of the contracts made under clauses (2) and (3) of subsection (a) of this section during the period since the date of the last report. The report shall—

(1) name each purchaser;

(2) furnish the appraised value of the material involved;

(3) state the amount of each contract;

(4) describe the circumstances leading to the determination that the contract should be entered into by negotiation instead of competitive bidding after formal advertising.

Act of July 23, 1955 (69 Stat. 368), as amended by the **Act of September 28, 1962** (76 Stat. 652); 30 U.S.C. 611

No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however*, That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in this Act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more. "Petrified wood" as used in this Act means agatized, opalized, petrified, or silicified wood, or any material formed by the replacement of wood by silica or other matter.

Act of September 28, 1962 (76 Stat. 652; 30 U.S.C. 611 note)

The Secretary of the Interior shall provide by regulation that limited quantities of petrified wood may be removed without charge from those public lands which he shall specify.

Mining and other subsurface uses on acquired lands

Act of March 4, 1917 (39 Stat. 1150; 16 U.S.C. 520)

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, develop-

ment, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), 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.

Section 402 of Reorganization Plan No. 3, of July 16, 1946 (60 Stat. 1097; 5 U.S.C. 133y-16)

The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the Act of March 4, 1917 (39 Stat. 1134, 1150, 16 U.S.C. 520) * * * are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

NOTE.—Functions relating to common varieties of mineral materials in acquired and certain other lands were transferred to the Secretary of Agriculture by Sec. 1(1) of Act of June 11, 1960 (74 Stat. 205).

Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351-359) (*Mineral Leasing Act for Acquired Lands*)

Sec. 2. As used in this Act "United States" includes Alaska. "Acquired lands" or "lands acquired by the United States" include all lands heretofore or hereafter acquired by the United States to which the "mineral leasing laws" have not been extended, including such lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961, 16 U.S.C., sec. 552). "Secretary" means the Secretary of the Interior. "Mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741, 48 U.S.C., sec. 432); the Act of February 25, 1920 (41 Stat. 437, 30 U.S.C. sec. 181); the Act of April 17, 1926 (44 Stat. 301, 30 U.S.C., sec. 271); the Act of February 7, 1927 (44 Stat. 1057, 30 U.S.C., sec. 281), and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts. "Lease" includes "prospecting permit" unless the context otherwise requires.

Sec. 3. Except where lands have been acquired by the United States for the development of the mineral deposits, by foreclosure

or otherwise for resale, or reported as surplus pursuant to the provisions of the Surplus Property Act of October 3, 1944 (50 U.S.C. sec. 1611 and the following), all deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulphur which are owned or may hereafter be acquired by the United States and which are within the lands acquired by the United States (exclusive of such deposits in such acquired lands as are (a) situated within incorporated cities, towns and villages, and national parks or monuments, (b) set apart for military or naval purposes, or (c) tidelands or submerged lands) may be leased by the Secretary under the same conditions as contained in the leasing provisions of the mineral leasing laws, subject to the provisions hereof. The provisions of the Act of April 17, 1926 (44 Stat. 301), as heretofore or hereafter amended, shall apply to deposits of sulfur covered by this Act wherever situated. No mineral deposit covered by this section shall be leased except with the consent of the head of the executive department, independent establishment, or instrumentality having jurisdiction over the lands containing such deposit, or holding a mortgage or deed of trust secured by such lands which is unsatisfied of record, and subject to such conditions as that official may prescribe to insure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered: *Provided*, That nothing in this Act is intended, or shall be construed, to apply to or in any manner affect any mineral rights, exploration permits, leases or conveyances nor minerals that are or may be in any tidelands; or submerged lands; or in lands underlying the three mile zone or belt involved in the case of the United States of America against the State of California now pending on application for rehearing in the Supreme Court of the United States; or in lands underlying such three mile zone or belt, or the continental shelf, adjacent or littoral to any part of the land within the jurisdiction of the United States of America.

* * * * *

Sec. 5. Where the United States does not own all of the mineral deposits under any lands sought to be leased and which are affected by this Act, the Secretary is authorized to lease the interest of the United States in any such mineral deposits when, in the judgment of the Secretary, the public interest will be best served thereby; subject, however, to the provisions of section 3 hereof. Where the United States does not own any interest or owns less than a full interest in the minerals that may be produced from any lands sought to be leased, and which are or will be affected by this Act and where, under the provisions of its acquisition, the United States is to acquire all or any part of such mineral deposits in the future, the Secretary may lease any interest of the United States then owned or to be acquired in the future in the same manner as provided in the preceding sentence.

* * * * *

Sec. 10. The Secretary of the Interior is authorized to prescribe such rules and regulations as are necessary and appropriate to carry out the purposes of this Act, which rules and regulations shall be the same as those prescribed under the mineral leasing laws to the extent that they are applicable.

RECEIPTS AND EXPENDITURES

Disposal of receipts; refunds of moneys erroneously collected

Act of March 4, 1907 (34 Stat. 1270); as amended by the Acts of March 4, 1911 (36 Stat. 1253); March 4, 1917 (39 Stat. 1149); June 7, 1924 (43 Stat. 655); May 29, 1928 (45 Stat. 993); 16 U.S.C. 499

All money received by or on account of the Forest Service for timber, or from any other source of national forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under the authority of section 9 of the Clarke-McNary Act, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of the Weeks Law shall be covered into the Treasury of the United States as a miscellaneous receipt, except for the amounts paid to States for the benefit of schools and roads and the amounts made available for forest roads and trails; and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

Percentage of receipts payable to States and counties

Act of May 23, 1908 (35 Stat. 260) and Section 13 of the Act of March 1, 1911 (36 Stat. 961), as amended by the Acts of June 30, 1914 (38 Stat. 441); September 21, 1944 (58 Stat. 737); and April 24, 1950 (64 Stat. 87); 16 U.S.C. 500

Twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the national forest is situated: *Provided*, That when any national forest is in more than one State or Territory or county, the distributive share to each from the proceeds of said forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber.

Disposition of receipts from national grassland and other Title III lands*Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1012)*

As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land acquired under the authority of Title III, Bankhead-Jones Farm Tenant Act, is held by the Secretary, 25 per centum of the net revenue received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to the counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

Disposition of receipts from disposal of common varieties*Act of July 31, 1947 (61 Stat. 681); as amended by the Acts of August 31, 1950 (64 Stat. 571); July 23, 1955 (69 Stat. 368); 30 U.S.C. 603*

All moneys received from the disposal of materials under this Act on public lands shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the lands from which the disposal of materials is made, and except that revenues from the revested Oregon and California Railroad lands and the reconveyed Coos Bay Wagon Road grant lands shall be disposed of in accordance with the Act of August 28, 1937 (50 Stat. 875) and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 353 of Title 48, shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school lands pursuant to sections 353 and 354 of Title 48.

Disposition of receipts from occupants of invalid claims*Act of October 23, 1962 (76 Stat. 1128; 30 U.S.C. 709)*

Payments of filing fees and survey costs, and the payments of the purchase price for patents in fee shall be disposed of by the Secretary of the Interior as are such fees, costs, and purchase prices in the disposition of public lands. All payments and fees for occupancy in conveyances of less than the fee, or for permits for life or shorter periods, shall be disposed of by the administering department or agency as are other receipts for the use of lands involved.

Disposition of receipts from mineral leasing on acquired lands*Act of August 7, 1947 (61 Stat. 915; 30 U.S.C. 355)*

All receipts derived from leases issued under the authority of this

Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands: *Provided, however,* That receipts from leases or permits for minerals in lands set apart for Indian use, including lands the jurisdiction of which has been transferred to the Department of the Interior by the Executive order for Indian use, shall be deposited in a special fund in the Treasury until final disposition thereof by the Congress.

Authorization for appropriating part of grazing receipts for range improvements

Act of April 24, 1950 (64 Stat. 85; 16 U.S.C. 580h)

Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

Receipts from forfeitures, judgments, compromises, or settlements

Act of June 20, 1958 (72 Stat. 217; 16 U.S.C. 579c)

Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided,* That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.

Expenditures from receipts for roads and trails**Act of March 4, 1913** (*37 Stat. 843; 16 U.S.C. 501*)

Ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

Reimbursement for damage to private property**Act of May 27, 1930** (*46 Stat. 387*), as amended by the **Act of Oct. 23, 1962** (*76 Stat. 1157*); *16 U.S.C. 574*

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of \$2,500 shall be made on any such claim.

Act of March 4, 1913 (*37 Stat. 843*); as amended by the **Acts of January 31, 1931** (*46 Stat. 1052*); **June 20, 1958** (*72 Stat. 216*); *16 U.S.C. 502*

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 to persons who are employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease.

Act of June 20 1958 (*72 Stat. 217; 16 U.S.C. 556c*)

Funds available to the Forest Service may be used in amounts not exceeding \$100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at or near the place in which such property is temporarily stored during services of the employee in connection with such casualties.

Expenditures for payment of rewards*Act of September 21, 1944 (58 Stat. 736; 16 U.S.C. 559a)*

The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

Expenditures for purchase of tree seed, cones, and nursery stock*Act of June 30, 1914 (38 Stat. 429), as amended by the Act of April 24, 1950 (64 Stat. 83; 16 U.S.C. 504)*

The provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest.

Expenditures on national forests created under authority of section 9 of the Clarke-McNary Act*Act of June 7, 1924 (43 Stat. 655; 16 U.S.C. 505)*

Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on national forests created under the authority of section 9 of the Clarke-McNary Act.

Sale of forest-tree seed and nursery stock to public agencies*Act of April 24, 1950 (64 Stat. 85; 16 U.S.C. 504a)*

The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

Cooperative funds

Act of June 30, 1914 (38 Stat. 430), as amended by the **Act of May 29, 1928** (45 Stat. 993); 16 U.S.C. 498

Hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements.

Cooperative assistance to owners of non-Federal lands and to national forest users

Act of March 3, 1925 (43 Stat. 1132); as amended by the **Act of April 24, 1950** (64 Stat. 83); 16 U.S.C. 572

(a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the

Forest Service appropriation from which initially paid or to appropriations for similar purpose currently available at the time of deposit: *Provided further*, That when by terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

Deposits required to cover cost of brush disposal

Act of August 11, 1916 (39 Stat. 462); as amended by the **Act of April 24, 1950** (64 Stat. 84); 16 U.S.C. 490

Purchasers of national forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is appropriated and shall remain available until expended: *Provided*, That any deposits in the excess of the amount expended for disposals shall be transferred to miscellaneous receipts, national forests fund, to be credited to the receipts of the year in which such transfer is made.

Deposits to defray cost of scaling services

Act of September 21, 1944 (58 Stat. 737; 16 U.S.C. 572a)

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund," which moneys are made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

Research grants

Act of September 6, 1958 (72 Stat. 1793; 42 U.S.C. 1891-1893)

Sec. 1. The head of each agency of the Federal Government, authorized to enter into contracts for basic scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, is hereby authorized, where it is deemed to be in furtherance of the objectives of the agency, to make grants to such institutions or organizations for the support of such basic scientific research.

Sec. 2. Authority to make grants or contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, shall include discretionary authority, where it is deemed to be in furtherance of the objectives of the agency, to vest in such institutions or organizations, without further obligation to the Government, or on such other terms and conditions as the agency deems appropriate, title to equipment purchased with such grant or contract funds.

Sec. 3. Each agency or department of the Federal Government exercising authority granted by this Act shall make an annual report on or before June 30th of each year to the appropriate committees of both Houses of Congress. Such report shall set forth therein, for the preceding year, the number of grants made pursuant to the authority provided in the first section of this Act, the dollar amount of such grants, and the institution in which title to equipment was vested pursuant to section 2 of this Act.

Advance of funds for cooperative research

Act of April 24, 1950 (64 Stat. 82), as amended by the Act of April 6, 1956 (70 Stat. 100); 16 U.S.C. 581i-1

For the purpose of fostering and stimulating participation with the Forest Service in forest, range, and watershed management research through investigations, experiments, tests, or such other means as he may deem advisable, and in order to aid in obtaining the fullest cooperation from States and other public and private agencies, organizations, institutions, and individuals, in effectuating such research the Secretary of Agriculture is authorized in accordance with such regulations as he may issue and when in his judgment such cooperative work will be stimulated or facilitated to make funds available to the cooperators without regard to the provisions of section 3648, Revised Statutes, prohibiting advances of public moneys.

Expenses for options to purchase lands

Act of August 3, 1956 (70 Stat. 1034; 7 U.S.C. 428a(b))

Appropriations for the Department of Agriculture which are available for the purchase of land may be expended for options to purchase land: *Provided*, That not to exceed \$1 may be expended for each option to purchase any particular tract or tracts of land unless otherwise provided in appropriation or other law.

Expenditures for administration of lands under contract for purchase

Act of September 21, 1944 (58 Stat. 737; 16 U.S.C. 527)

The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted * * * and lands transferred to the Forest Service for administration.

Expenditures for establishment and protection of water rights

Act of September 21, 1944 (58 Stat. 737; 16 U.S.C. 526)

There are authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests.

Funds for expenses of advisory committees**Act of August 3, 1956** (70 Stat. 1033; 5 U.S.C. 541c)

Funds available for carrying out the activities of the Department of Agriculture shall be available for expenses of advisory committees, including travel expenses in accordance with the provisions of section 73b-2 title 5, U.S.C.

Erection of structures on non-Federal land**Act of April 24, 1950** (64 Stat. 83; 16 U.S.C. 571c)

Notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended (40 U.S.C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

Installation of telephones in residences of employees and co-operators**Act of April 24, 1950** (64 Stat. 85); *as amended by the Act of June 20, 1958* (72 Stat. 217); 16 U.S.C. 580f

Appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

Leasing range land for Forest Service reseeding**Act of April 25, 1950** (64 Stat. 85; 16 U.S.C. 580g)

Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment

may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

Sale of equipment and materials to cooperators

Act of September 21, 1944 (58 Stat. 736; 16 U.S.C. 580a)

The Forest Service may sell and distribute supplies, equipment, and materials to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks.

Expenditures for equipment; rentals to cooperators

Act of September 21, 1944 (58 Stat. 736; 16 U.S.C. 580)

Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. The Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received.

Traveling expenses—publication activities

Act of May 11, 1922 (42 Stat. 521); as amended by the Act of June 20, 1958 (72 Stat. 218); 16 U.S.C. 556

No part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law; nor shall any such funds be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public: *Provided*, That this prohibition shall not apply to scientific or technical articles prepared for or published in scientific publications.

Payment of sidewalk, curb, or street paving assessments

Act of October 23, 1962 (76 Stat. 1157)

Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

Providing recreation facilities for employees and families

Act of October 23, 1962 (76 Stat. 1157)

Not to exceed \$35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

Purchase of experimental materials and equipment

Act of April 24, 1950 (64 Stat. 83; 16 U.S.C. 580c)

The provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

Expenses for operation of aerial facilities and services

Act of September 21, 1944 (58 Stat. 736); as amended by the **Act of April 24, 1950** (64 Stat. 83); 16 U.S.C. 579a

The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

Establishment and availability of working capital fund

Act of August 3, 1956 (70 Stat. 1034); as amended by the **Act of October 23, 1962** (76 Stat. 1157); 16 U.S.C. 579b

There is established a working capital fund which shall be available without fiscal year limitation for expenses necessary, including the purchase or construction of buildings and improvements within the limitations thereon set forth in the appropriations for the Forest Service, for furnishing supply and equipment services in support of programs of the Forest Service. The Secretary of Agriculture is authorized to transfer to the fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such receivables, inventories, equipment, and other assets as he may determine, and as-

sume the liabilities in connection with such assets: *Provided*, That the fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.

Renting property from employees and providing for its care

Act of January 31, 1931 (46 Stat. 1052; 16 U.S.C. 502(a)-(b))

The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

(a) To hire or rent property from employees of the Forest Service for the use of officers of that service other than use by the employee from whom hired or rented, whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed \$3,000 in any one year.

(b) To provide forage, care and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

Use and care of Forest Service-owned pack stock by others

Act of June 20, 1958 (72 Stat. 216; 16 U.S.C. 502(c))

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service.

Quarters, heat, light, etc., for field employees

Act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a)

The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are hereby made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

Employment of men with equipment, etc.

Act of June 4, 1936 (49 Stat. 1422; 5 U.S.C. 542a)

Funds available for field work in the Department of Agriculture shall be available for employment by contract or otherwise of men

with equipment, boats, work animals, animal-drawn, and motor-propelled vehicles.

Sale of photographic reproductions and maps

Act of February 16, 1938 (52 Stat. 68; 7 U.S.C. 1337)

The Secretary may furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department to farmers and governmental agencies at the estimated cost of furnishing such reproductions, and to persons other than farmers at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This section shall not affect the power of the Secretary to make other disposition of such or similar materials under any other provision of existing law.

Equipment and subsistence

Act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 557)

The Secretary of Agriculture is authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

Act of August 3, 1956 (70 Stat. 1033; 5 U.S.C. 541d)

The Department of Agriculture is authorized to furnish subsistence to employees without consideration as, or deduction from, the compensation of such employees where warranted by emergency condition connected with the work under such regulations as the Secretary of Agriculture may prescribe.

Medical attention

Act of March 3, 1925 (43 Stat. 1133); as amended by the Act of April 24, 1950 (64 Stat. 86); 16 U.S.C. 557

The Secretary of Agriculture is authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service, medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial: *Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.

Act of September 21, 1944 (58 Stat. 736); as amended by the **Act of June 20, 1958** (72 Stat. 217); 16 U.S.C. 554b

Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.

Injury benefits for temporary employees

Act of April 24, 1950 (64 Stat. 86; 16 U.S.C. 580j)

Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U.S.C. 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as payments made hereunder but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

Lost persons

Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 575)

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

Care of graves of employees losing lives in forest fires**Act of September 21, 1944** (58 Stat. 736; 16 U.S.C. 554e)

Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service.

Interdepartmental work, services, etc.

Act of June 30, 1932 (47 Stat. 417), as amended by the **Acts of July 20, 1942** (56 Stat. 661); **June 26, 1943** (57 Stat. 219); **August 23, 1958** (72 Stat. 808); 31 U.S.C. 686 (*Economy Act*)

(a) Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided*, That the Department of the Army, Navy Department, Treasury Department, Federal Aviation Agency, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

(b) Amounts paid as provided in subsection (a) shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order, except as hereinafter provided. The Secretary of the Treasury shall establish such special working funds as may be necessary to carry out the provisions of this subsection. Such amounts paid shall be available for expenditure in furnishing the materials, supplies, or equipment, or in performing the work or services, or for the objects specified in such appropriations or funds. Where materials, supplies, or equipment are furnished from stocks on hand, the amounts received in payment therefor shall be credited to appropriations or funds, as may be authorized by other law, or, if

not so authorized, so as to be available to replace the materials, supplies, or equipment, except that where the head of any such department, establishment, bureau, or office determines that such replacement is not necessary the amounts paid shall be covered into the Treasury as miscellaneous receipts.

(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year or years for which the appropriation involved was made and thereafter until said appropriation lapses under the law to the surplus fund of the Treasury.

Act of September 6, 1950 (64 Stat. 765; 31 U.S.C. 686-1)

No funds withdrawn and credited pursuant to 31 U.S.C. 868 shall be available for any period beyond that provided by the Act appropriating such funds.

Contracts prior to appropriations

Act of June 30, 1932 (47 Stat. 473; 16 U.S.C. 557a)

The Secretary of Agriculture is authorized in connection with the administration of the national forests to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided*, That such contract shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further*, That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure.

Certain legal instruments not deposited in GAO

Act of June 15, 1940 (54 Stat. 398; 41 U.S.C. 20a)

Permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national forest products, use of national forest land, or other sources of national forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of Section 20, Title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year.

Tort claims procedure

Act of June 25, 1948 (625 Stat. 983-984); as amended by the **Acts of April 25, 1949** (63 Stat. 62); **May 24, 1949** (63 Stat. 106-107); **Sept. 23, 1950** (64 Stat. 987); **Sept. 8, 1959** (73 Stat. 471); 28 U.S.C. 2672, 2674, 2675, 2677

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$2,500 or less against the United States, occurring on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive of the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place, where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

An action shall not be instituted upon a claim against the United States which has been presented to a Federal agency, for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his authority, unless such Federal agency has made final disposition of the claim.

The claimant, however, may, upon fifteen days written notice, withdraw such claim from consideration of the Federal agency and commence action thereon. Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the Federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the Federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

Disposition of any claim by the Attorney General or other head of a Federal agency shall not be competent evidence of liability or amount of damages.

The Attorney General, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of any action thereon.

HIGHWAYS, FOREST DEVELOPMENT ROADS AND TRAILS

NOTE.—The laws relating to highways were revised, codified, and reenacted as *Title 23, United States Code*, "Highways", by the *Act of August 27, 1958* (72 Stat. 885). Subsequent to its reenactment, subsection (f) of section 120 and section 125 were amended by the *Act of September 21, 1959* (73 Stat. 613) and Sections 203, 205, and 305 were amended by the *Act of July 14, 1960* (74 Stat. 524, 525).

Definitions and declaration of policy

Sec. 101. The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards of railway-grade crossings.

The term "forest road or trail" means a road or trail wholly or partly within or adjacent to and serving the national forests.

The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

The term "highway" includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of international bridge or tunnel.

The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

The term "Secretary" means the Secretary of Commerce.

Emergency relief

Sec. 125. (a) An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of dis-

aster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed \$30,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is authorized. Pending such appropriation or replenishment the Secretary may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with the provisions of this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriations herein authorized when made.

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on the Federal-aid highway systems, including the Interstate System, in accordance with the provisions of this chapter. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary.

(c) The Secretary may expend funds from the emergency fund herein authorized, either independently or in cooperation with any other branch of the Government, State agency, organization, or person, for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are on any of the Federal-aid highway systems.

Federal share payable in connection with emergency relief

Sec. 120. (f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof, except that the Federal share payable on account of any repair reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof, whether or not such highways, roads, or trails are on any Federal-aid highway system. Any project agreement for which the final voucher has not been approved by the Secretary on or before the date of this Act may be modified to provide for the Federal share authorized herein.

Apportionment or allocation of funds

Sec. 202. (a) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized to be appropriated for such fiscal year for forest highways in the several states, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Sums authorized to be appropriated for forest development roads and trails shall be allocated by the Secretary of Agriculture according to the relative needs of the various national forests taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

Availability of funds

Sec. 203. Funds authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available for contract upon apportionment, or a date not earlier than one year preceding the beginning of the fiscal year for which authorized if no apportionment is required. Any amount remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated. Any funds heretofore or hereafter authorized for any fiscal year for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be deemed to have been expended if a sum equal to the total of the sums authorized for such fiscal year and previous fiscal years since and including the fiscal year ending June 30, 1955, shall have been obligated. Any of such funds released by payment of final voucher or modification of project authorizations shall be credited to the balance of unobligated authorizations and be immediately available for expenditure.

Forest highways

Sec. 204. (a) Funds available for forest highways shall be used by the Secretary to pay for the cost of construction and maintenance thereof. In connection therewith, the Secretary may enter into construction contracts and such other contracts with a State, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

Forest development roads and trails

Sec. 205. (a) Funds available for forest development roads and trails shall be used by the Secretary of Agriculture to pay for the cost of construction and maintenance thereof, including roads and trails, on experimental areas under Forest Service administration. In connection therewith, the Secretary of Agriculture may enter into contracts with a State or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost \$10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) Funds available for forest development roads and trails shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities.

Timber access road hearings

Sec. 211. With respect to any proposed construction of a timber access road from funds authorized for forest highways or forest development roads and trails, advisory public hearings may be held at a place of convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

Archeological and paleontological salvage

Sec. 305. Funds authorized to be appropriated to carry out this title to the extent approved as necessary by the highway department of any State, may be used for archeological and paleontological salvage in that State in compliance with the Act entitled "An Act for the preservation of American antiques", approved June 8, 1906 (34 Stat. 225), and State laws where applicable.

FLOOD CONTROL

NOTE.—The principal legislation relating to functions of the Forest Service in flood control work is the *Watershed Protection and Flood Control Act of August 4, 1954*, commonly known as P.L. 566. This law, with amendments, is printed in its entirety under the *Major Acts* section of this handbook. In addition to this Act, the Secretary of Agriculture is authorized to undertake emergency measures for run-off retardation and soil-erosion prevention by the *Act of June 28, 1938*, as amended by the *Act of May 17, 1950*, and to prosecute works of improvement on certain authorized watersheds under the *Act of December 22, 1944*, as amended.

Emergency measures for flood control

Act of June 28, 1938 (52 Stat. 1215); *May 17, 1950* (64 Stat. 163)

The Secretary of Agriculture is authorized in his discretion to undertake such emergency measures for run-off retardation and soil-erosion prevention as may be needed to safeguard lives and property from floods and the products of erosion on any watershed whenever fire or any other natural element or force has caused a sudden impairment of that watershed: *Provided*, That not to exceed \$300,000 out of any funds heretofore or hereafter appropriated for the prosecution by the Secretary of Agriculture of works of improvement or measures for run-off and water-flow retardation and soil-erosion prevention on watersheds may be expended during any one fiscal year for such emergency measures.

Authorized works of improvement for run-off and water-flow retardation and soil-erosion prevention

Act of December 22, 1944 (58 Stat. 905); *August 4, 1954* (68 Stat. 666); *September 27, 1962* (76 Stat. 608)

The following works of improvement for run-off and water-flow retardation, and soil-erosion prevention, are hereby adopted and authorized—the projects herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements. Nothing in this section shall be construed as approving or authorizing the acquisition of any land by the Federal Government until the legislature of the State in which the land lies shall have consented to the acquisition of lands by the United States for the purpose within the scope of this section. There shall be paid annually to the county in which any lands acquired under this section may lie, a sum equal to 1 per centum of the purchase price paid for the lands acquired in that county or, if not acquired by purchase, 1 per centum of their valuation at the time of their acquisition.

Works of improvement were authorized on the following watersheds:

Los Angeles River Basin	Little Sioux River Watershed
Santa Ynez River Watershed	Potomac River Watershed
Trinity River Basin (Texas)	Buffalo Creek Watershed (New York)
Little Tallahatchie River Watershed	Colorado River Watershed (Texas)
Yazoo River Watershed	Washita River Watershed
Coosa River Watershed (Above Rome, Georgia)	

NOTE.—Section 7 of P.L. 566 was amended by Section 106 of the Act of September 27, 1962 (76 Stat. 605), to provide that in connection with these eleven authorized watershed improvement programs the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of P.L. 566, as amended.

MAJOR ACTS OF CONGRESS RELATING TO FOREST SERVICE ACTIVITIES

CREATIVE ACT OF 1891

Act of March 3, 1891 (26 Stat. 1103) as amended by the Acts of March 4, and June 7, 1924 (43 Stat. 655); 16 U.S.C. 471

* * * * *

Sec. 24. The President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as national forests, and the President shall, by public proclamation, declare the establishment of such forests and the limits thereof.

NOTE.—Acts subsequent to the Creative Act placed restrictions on the authority to create national forests or additions within certain States. See Part 1, "Establishment, Consolidation, and Purpose."

ORGANIC ADMINISTRATION ACT OF 1897

Act of June 4, 1897 (30 Stat. 34, 35, 36), as amended by the Acts of June 6, 1900 (31 Stat. 661); February 1, 1905 (33 Stat. 628); June 30, 1906 (34 Stat. 684); March 3, 1925 (43 Stat. 1132, 1144); 1946 Reorg. Plan No. 3, July 16, 1946; 11 F.R. 7876 (60 Stat. 1100); May 27, 1952 (66 Stat. 95); October 23, 1962 (76 Stat. 1157); 16 U.S.C. 473-478, 479-482, 551

NOTE.—The following provisions originated as parts of Section 1 of the Sundry Civil Expenses Appropriation Act for Fiscal Year 1898.

The President of the United States is authorized and empowered to revoke, modify, or suspend any and all Executive orders and proclamations or any part thereof issued under authority of the Act of March 3, 1891 from time to time as he shall deem best for the public interests. By such modification he may reduce the area or change the boundary lines or may vacate altogether any order creating a national forest.

Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the Geological Survey in accordance with provisions of the Act of June 4, 1897, chapter 2, section 1, Thirtieth Statutes, page 34, shall have the same legal force and effect as surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, approved by the Secretary of the Interior or such officer as he may designate as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the Bureau of Land Management.

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of the Act of March 3, 1891, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place notice thereof shall be given by the said Secretary of Agriculture for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists. In cases of unusual emergency the Secretary

of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale. He may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisal, timber and cord wood and other forest products not exceeding \$2,000 in appraised value. In cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of Agriculture may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Secretary of Agriculture, in a separate account, and shall be covered into the Treasury. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Secretary of Agriculture and to the receiver in the land office in which such reservation shall be located of his doings in the premises.

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests.

The settlers residing within the exterior boundaries of national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church.

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall

not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredation upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of the Act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

TRANSFER ACT OF 1905

Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472, 524, 554)

Sec. 1. The Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or pat-enting of any such lands.

Sec. 3. Forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the national forests respectively, are situated.

Sec. 4. Rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are hereby

granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

NOTE.—The following is quoted from a letter sent the Chief of the Forest Service by Secretary of Agriculture James Wilson on February 1, 1905, the date the above Transfer Act was approved by the President:

“In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources.

“The vital importance of forest reserves to the great industries of the western states will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

“You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home-builder first of all; upon whom depends the best permanent use of the lands and resources alike. The continued prosperity of the agricultural, lumbering, mining and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness and common sense.

“In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice; and where conflicting interests must be reconciled, the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.”

WEEKS LAW

Act of March 1, 1911 (36 Stat. 961-963), as amended by the Acts of March 4, 1913 (37 Stat. 855); June 30, 1914 (38 Stat. 441); June 7, 1924 (43 Stat. 654); March 3, 1925 (43 Stat. 1215); December 11, 1926 (44 Stat. 919); June 26, 1934 (48 Stat. 1225); April 24, 1950 (64 Stat. 87), September 21, 1950 (64 Stat. 872); 16 U.S.C. 480, 500, 513-519, 521, 552, and 563

Sec. 1. The consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

Sec. 2. The sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

Sec. 3. (This section provided annual appropriations for five years, ending June 30, 1915. Since then appropriations for carrying out the purposes of this Act have from time to time been made available in the appropriation Acts for the Department of Agriculture.)

Sec. 4. A commission, to be known as the National Forest Reservation Commission shall consist of the Secretary of the Army or as an alternate, the Chief of Engineers of the Army, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate and two Members of the House of Representatives, to be selected by the Speaker, and is authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission. The members of the commission shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

Sec. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

Sec. 6. The Secretary of Agriculture is authorized and directed to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the

commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon.

Sec. 7. The Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. *Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him. *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forest within whose exterior boundaries they are located, and be subject to all the provisions of this Act.

Sec. 8. The Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States: *Provided*, That in condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular.

Sec. 9. 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 National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encum-

bered, for the purposes of the Act: *Provided*, That 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 that such rules and regulations shall be expressed in and made part of the written instruments 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.

Sec. 10. 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 hereby 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 joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior 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.

Sec. 11. Subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (26 Stat. 1103), 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.

Sec. 12. The jurisdiction, both civil and criminal, over persons upon the lands acquired under this Act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

Sec. 13. Twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situ-

ated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein.

Sec. 14. In lieu of the permanent appropriation, annual appropriations from the general fund of the Treasury of a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, are authorized. Said appropriations shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

GENERAL EXCHANGE ACT

Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090); 16 U.S.C. 485, 486

Sec. 1. When the Public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

Sec. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquired the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface

for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

NOTE.—The foregoing Act applies to national forest lands established from the public domain. The exchange authority applicable to Weeks Law lands is set forth in section 7 of the Weeks Law.

CLARKE-McNARY ACT

Act of June 7, 1924 (43 Stat. 653), as amended and supplemented by the Acts of March 3, 1925 (43 Stat. 1127); April 13, 1926 (44 Stat. 242); May 5, 1944 (58 Stat. 216); September 21, 1944 (58 Stat. 736, 737); July 25, 1947 (61 Stat. 449); and October 26, 1949 (63 Stat. 909); 16 U.S.C. 471, 505, 515, 564, 565, 565a, 566, 566a-b, 567, 568, 568a, 569, and 570

Sec. 1. The Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor.

Sec. 2. If the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture, is authorized to make expenditures on the certificate of the State Forester, the State Director of Extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this Act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States.

(Authority conferred by sections 1 and 2 extended to Territories by Joint Resolution of February 20, 1931, 46 Stat. 1200.)

(The provisions of sections 3, 4, and 5 of this Act were extended

to the Territories and Possessions of the United States by Joint Resolution of April 13, 1926, 44 Stat. 250.)

Sec. 3. The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire. There is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$9,000,000 to enable the Secretary of Agriculture to carry out the provisions of this section and sections one and two of this Act: *Provided*, That the appropriation under this authorization shall not exceed \$6,300,000 for the fiscal year ending June 30, 1945, \$7,300,000 for the fiscal year ending June 30, 1946, and \$8,300,000 for the fiscal year ending June 30, 1947.

There is authorized to be appropriated annually not more than \$20,000,000 to enable the Secretary of Agriculture to carry out the provisions of sections one, two, and three of this Act: *Provided*, That the appropriation under this authorization shall not exceed \$11,000,000 for the fiscal year ending June 30, 1950; \$13,000,000 for the fiscal year ending June 30, 1951; \$15,000,000 for the fiscal year ending June 30, 1952; \$17,000,000 for the fiscal year ending June 30, 1953; and \$19,000,000 for the fiscal year ending June 30, 1954.

Notwithstanding any other provision of law, no funds heretofore or hereafter authorized to be appropriated to the Department of Agriculture or available under any other than the Act of June 7, 1924 (43 Stat. 653), shall be used for carrying out the programs or activities authorized by sections 1, 2, and 3 of said Act, as amended: *Provided*, That whenever the programs and activities being carried out under the provisions of sections 1, 2, and 3 of said Act are inadequate to the needs and purposes of programs and activities authorized by other law the use of funds specifically authorized to be appropriated to the Department of Agriculture or made available under other law shall not be prohibited to the extent that the programs and activities under said sections of the Act of June 7, 1924, are inadequate to accomplish the purposes of such other programs and activities.

Sec. 4. The Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing forests, windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon. The amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State official having charge

of the cooperative work for the State that State expenditures as provided for in this section have been made. There is hereby authorized to be appropriated to enable the Secretary of Agriculture to carry out the provisions of this section not more than \$1,000,000 for the fiscal year ending June 30, 1950; \$1,500,000 for the fiscal year ending June 30, 1951; \$2,000,000 for the fiscal year ending June 30, 1952; and \$2,500,000 for each subsequent fiscal year.

Sec. 5. The Secretary of Agriculture is hereby authorized and directed, in cooperation with the land grant colleges and universities of the various States or, in his discretion, with other suitable State agencies, to aid farmers through advice, education, demonstrations, and other similar means in establishing, renewing, protecting, and managing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in harvesting, utilizing and marketing the products thereof. Except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the appropriate State official that the State expenditures, as provided for in this section, have been made. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$500,000 to enable the Secretary of Agriculture to carry out the provisions of this section.

No part of any appropriation which is available for carrying out sections 4 and 5 of the Clarke-McNary Act shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof.

Appropriations for carrying out sections 4 and 5 of the Clarke-McNary Act and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock shall remain available for expenditure for not more than three fiscal years.

(The provisions of sections 1, 2, 6, and 7 of this Act were extended to Puerto Rico by Joint Resolution of March 3, 1931, 46 Stat. 1516, subject to the restriction that not to exceed 50,000 acres of land may be acquired in Puerto Rico under section 6.)

Sec. 6. Section 6 of the Act of March 1, 1911 (36 Stat. 961) is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal

Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon.

Sec. 7. To enable owners of land chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

Sec. 8. The Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911 (36 Stat. 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States.

Sec. 9. The President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation

of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the Department of the Army or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on the national forests created under this section. All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law. Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

McSWEENEY-McNARY ACT

Act of May 22, 1928 (45 Stat. 699), as amended and supplemented by the Acts of June 15, 1936 (49 Stat. 1515); May 31, 1944 (58 Stat. 265); June 25, 1949 (63 Stat. 271); April 24, 1950 (64 Stat. 87); August 31, 1951 (65 Stat. 233); August 8, 1953 (67 Stat. 489); June 13, 1956 (70 Stat. 269); September 25, 1962 (76 Stat. 579); 16 U.S.C. 581-581i

Sec. 1. The Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this Act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from co-operators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this Act, and in making refunds to contributors: *Provided further*, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are

hereby authorized: *Provided further*, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this Act making provision for investigations of forest tree and wood diseases, forest insects, and forest wildlife, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further*, That the provisions of this Act shall be construed as supplementing all other Acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.

Sec. 2. For conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

- Northeastern forest experiment station, in New England, New York, and adjacent States;
- Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;
- Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;
- Southern forest experiment station, in the Southern States;
- Central States forest experiment station in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;
- Lake States forest experiment station, in the Lake States and adjoining States;
- California forest experiment station, in California and in adjoining States;
- Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;
- Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;
- Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and
- Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States, and in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000 to carry out the provisions of this section.

The Secretary of Agriculture is further authorized to establish and maintain a forest experiment station in the Great Plains and Prairie States, to be known as the "Great Plains Forest Experiment Station," and to acquire by purchase, condemnation, donation, or otherwise such real property or interest therein as in his judgment is required for the use of said station, including the making of necessary expenditures in examining, appraising, and surveying any such

property and in doing all things incident to perfecting title thereto in the United States. There is authorized to be appropriated annually such additional sums as may be required for the purposes of this paragraph.

On and after August 31, 1951, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any forest research facility located within the United States, its Territories, or possessions.

Funds may be advanced to cooperators under such regulations as the Secretary may prescribe when such action will stimulate or facilitate cooperative work.

Sec. 3. For investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

Sec. 4. For investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$350,000.

Sec. 5. For such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wildlife, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$150,000.

Sec. 6. For such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$50,000.

Sec. 7. For such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$275,000.

Sec. 8. For experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000, and an additional

appropriation of not more than \$50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

Sec. 9. The Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State, Territory or possession of the United States, and either through them or directly with private and other agencies, in making and keeping current a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States and its Territories and possessions, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$1,000,000 annually to complete the initial survey authorized by this section: *Provided*, That the total appropriation of Federal funds under this section to complete the initial survey shall not exceed \$11,000,000. There is additionally authorized to be appropriated not to exceed \$2,500,000 annually to keep the survey current.

Sec. 10. For such investigations of cost and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

KNUTSON-VANDENBERG' ACT

Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576)

Sec. 1. The Secretary of Agriculture is hereby authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this Act: *Provided*, That nothing in this Act shall be deemed to restrict the authority of the said Secretary under other authority of law.

Sec. 2. There is authorized to be appropriated for each fiscal year after year ending June 30, 1934, not to exceed \$400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

Sec. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting

(including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

BANKHEAD-JONES FARM TENANT ACT

Act of July 22, 1937 (50 Stat. 525), as amended by the Acts of July 28, 1942 (56 Stat. 725); September 27, 1962 (76 Stat. 607); October 23, 1962 (76 Stat. 1157); 7 U.S.C. 1010-1012

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Title III

Sec. 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, protecting fish and wildlife, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare, but not to build industrial parks or establish private industrial or commercial enterprises.

Sec. 32. To effectuate the program provided for in section 31, the Secretary is authorized—

(a) (Repealed by Act of October 23, 1962.)

(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. *Provided, however*, That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of the Act, and that

the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of land-conservation and land-utilization programs, and the President is authorized to transfer such property to such agencies.

(d) With respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to assist in carrying out such plans by means of loans to State and local public agencies designated by the State legislature or the Governor, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities. Loans to State and local public agencies shall be made only if such plans have been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over such plans, or by the Governor if there is no such State agency. No appropriation shall be made for any single loan under this subsection in excess of \$250,000 unless such loan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Loans under this subsection shall be made under contracts which will provide, under terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than 30 years, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue. Repayment of principal and interest on such loans shall begin within 5 years.

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.

Sec. 33. As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title, 25 per centum of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

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WHITE PINE BLISTER RUST PROTECTION ACT

Act of April 26, 1940 (54 Stat. 168); 16 U.S.C. 594a

To promote the stability of white-pine forest-using industries, employment, and communities through the continuous supply of white- and sugar-pine timber, the Secretary of Agriculture is authorized in cooperation with such agencies as he may deem necessary to use such funds as have been, or may hereafter be made available for the purpose of controlling white-pine blister rust, by preventing the spread to, and eliminating white-pine blister rust from, all forest lands, irrespective of the ownership thereof, when in the judgment of the Secretary of Agriculture the use of such funds on such lands is necessary in the control of the white-pine blister rust: *Provided*, That in the discretion of the Secretary of Agriculture no expenditures from funds provided under this authorization shall be made on private or State lands (except where such lands are intermingled with those which are federally owned and it is necessary in order to protect the property of the United States to work on those parts of the private or State-owned lands that immediately adjoin Federal lands) until a sum, or sums, at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations concerned: *Provided further*, That no part of such appropriations shall be used to pay the cost or value of property injured or destroyed: *And provided further*, That any plan for the control and elimination of white-pine blister rust on lands owned by the United States or retained under restriction by the United States for Indian tribes and for individual Indians shall be subject to the approval of the Federal agency or Indian tribe having jurisdiction over such lands, and the Secretary of Agriculture may, in his discretion and out of any moneys made available under this Act, make allocations to said Federal agencies in such amounts as he may deem necessary for white-pine blister-rust control and elimination on lands so held or owned by the United States, the moneys so allocated to be expended by said agencies for the purposes specified.

SUSTAINED YIELD FOREST MANAGEMENT ACT

Act of March 29, 1944 (58 Stat. 132), as amended by the Act of June 11, 1960 (74 Stat. 201); 16 U.S.C. 583-583i

Sec. 1. In order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber; in order to provide for a continuous and ample supply of forest products; and in order to secure the benefits of forests in maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife, the Secretary of Agriculture and the Secretary of the Interior are severally authorized to establish by formal declaration, when in their respective judgments such action would be in the public interest, cooperative sustained-yield units which shall consist of fed-

erally owned or administered forest land under the jurisdiction of the Secretary establishing the unit and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by section 2 of this Act.

Sec. 2. The Secretary of Agriculture, with respect to forest land under his jurisdiction, and the Secretary of the Interior, with respect to forest land under his jurisdiction, are severally authorized for the purposes specified in section 1 of this Act, to enter into cooperative agreements with private owners of forest land within a cooperative sustained-yield unit, established pursuant to section 1 of this Act, providing for the coordinated management of such private forest land and of federally owned or administered forest lands within the sustained-yield unit involved.

Each cooperative agreement may give the cooperating private land-owner the privilege of purchasing without competitive bidding at prices not less than their appraised value, subject to periodic readjustments of stumpage rates and to such other conditions and requirements as the Secretary may prescribe, timber and other forest products from federally owned or administered forest land within the unit, in accordance with the provisions of sustained-yield management plans formulated or approved by the Secretary for the unit; shall limit the time, rate, and method of cutting or otherwise harvesting timber and other forest products from the land of the cooperating private landowner, due consideration being given to the character and condition of the timber, to the relation of the proposed cutting to the sustained-yield plan for the unit, and to the productive capacity of the land; shall prescribe the terms and conditions, but not the price, upon which the cooperating private landowner may sell to any person timber and other forest products from his land, compliance by the purchaser with such conditions to be required by the contract of sale; shall contain such provisions as the Secretary deems necessary to protect the reasonable interest of other owners of forest land within the unit; and shall contain such other provisions as the Secretary believes necessary to carry out the purposes of this Act.

Each cooperative agreement shall be placed on record in the county or counties in which the lands of the cooperating private landowner covered thereby are located, and the costs incident to such recordation may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit. When thus recorded, the agreement shall be binding upon the heirs, successors, and assigns of the owner of such land, and upon purchasers of timber or other forest products from such land, throughout the life of such cooperative agreement.

Sec. 3. The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedure in selling such timber or other forest products, to establish by formal declaration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit,

to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities.

Sec. 4. Each of the said Secretaries is further authorized in his discretion to enter into cooperative agreements with the other Secretary, or with any Federal agency having jurisdiction over federally owned or administered forest land, or with any State or local agency having jurisdiction over publicly owned or administered forest land, providing for the inclusion of such land in any coordinated plan of management otherwise authorized by the provisions of this Act when by such a cooperative agreement he may be aided in accomplishing the purposes of this Act; but no federally or publicly owned or administered forest land not under the jurisdiction of the Secretary establishing the sustained-yield unit concerned shall be included in any such plan except in pursuance of a cooperative agreement made under this section.

Sec. 5. Before any sustained-yield unit authorized by section 1 or section 3 of this Act shall be established, and before any cooperative agreement authorized by section 2 or section 4 of this Act shall be entered into, advance notice thereof shall be given by registered mail or by certified mail to each landowner whose land is proposed to be included and by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of the federally owned or administered forest land involved. This notice shall state: (1) the location of the proposed unit; (2) the name of each proposed cooperator; (3) the duration of the proposed cooperative agreement or agreements; (4) the location and estimated quantity of timber on the land of each proposed cooperator and on the Federal land involved; (5) the expected rate of cutting of such timber; and (6) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice for the presentation of the advantages and disadvantages of the proposed action to the community or communities affected.

Before any sale agreement made without competition and involving more than \$500 in stumpage value of federally owned or administered timber shall be entered into under this Act, advance notice thereof shall be given by publication once weekly for four consecutive weeks in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit concerned. This notice shall state: (1) the quantity and appraised value of the timber; (2) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice if requested by the State or county where the timber is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and (3) the place where any request for a public hearing shall be made.

Such requests need be considered only if received at the place designated in the notice not later than fifteen days after the first publication of such notice. If a request for a hearing is received within the time designated, notice of the holding of the hearing shall be given not less than ten days before the time set for such hearing, in the same manner as provided for the original notice.

The determination made by the Secretary having jurisdiction upon the proposals considered at any such hearing, which determination may include the modification of the terms of such proposals, together with the minutes or other record of the hearing, shall be available for public inspection during the life of any coordinated plan of management or agreement entered into in consequence of such determination.

Sec. 6. In addition to any other remedy available under existing law, upon failure of any private owner of forest land which is subject to a cooperative agreement entered into pursuant to this Act to comply with the terms of such agreement, or upon failure of any purchaser of timber or other forest products from such land to comply with the terms and conditions required by such agreement to be included in the contract of sale, the Attorney General, at the request of the Secretary concerned, is authorized to institute against such owner or such purchaser a proceeding in equity in the proper district court of the United States, to require compliance with the terms and conditions of said cooperative agreement; and jurisdiction is hereby conferred upon said district courts to hear and determine such proceedings, to order compliance with the terms and conditions of cooperative agreements entered into pursuant to this Act, and to make such temporary and final orders as shall be deemed just in the premises. As used in this section the term "owner" shall include the heirs, successors, and assigns of the landowner entering into the cooperative agreements.

Sec. 7. Whenever used in this Act, the term "federally owned or administered forest land" shall be construed to mean forest land in which, or in the natural resources of which, the United States has a legal or equitable interest of any character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this Act; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned.

Sec. 8. The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this Act. Each Secretary may delegate any of his powers and duties under this Act to other officers or employees of his department.

Sec. 9. Nothing contained in this Act shall be construed to abrogate or curtail any authority upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this Act.

Sec. 10. Funds available for the protection or management of federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this Act, and there are hereby authorized to be appropriated such additional sums for the purposes of this Act as the Congress may from time to time deem necessary, but such additional sums shall not exceed \$150,000 for the Department of Agriculture and \$50,000 for the Department of the Interior, for any fiscal year.

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

Act of September 21, 1944 (58 Stat. 736, 741); Ex. Ord. No. 9577, June 29 1945 (10 F.R. 4253); October 28, 1949 (63 Stat. 927); April 24, 1950 (64 Stat. 83); June 20, 1958 (72 Stat. 217); 16 U.S.C. 500, 501, 526, 527, 554b, 554c, 559a, 572a, 579a, 580, 580a; 5 U.S.C. 514d, 520a, 541b, 543b, 552a, 564a, 565b, 571-574

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Title II

Sec. 201. The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

Sec. 202. Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.

Sec. 203. The Forest Service may sell and distribute supplies, equipment, and materials to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks.

Sec. 204. Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is affected. The

Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received.

Sec. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

Sec. 206. Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service.

Sec. 207. (Repealed.)

Sec. 208. No part of any appropriation which is available for carrying out the Cooperative Farm Forestry Act (repealed by Act of August 25, 1950; 16 U.S.C. 568b) and section 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567-568) shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof.

Sec. 209. Appropriations for carrying out the Cooperative Farm Forestry Act (16 U.S.C. 568b) and sections 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567-568) and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

Sec. 210. The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund," which moneys are hereby made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

Sec. 211. The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911 (16 U.S.C. 521), and the Act of June 7, 1924 (16 U.S.C. 471, 499, 505, 564-570), and lands transferred to the Forest Service for administration.

Sec. 212. The sixth paragraph under the heading "Forest Service" of the Act of May 23, 1908, as amended (16 U.S.C. 500), and the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 501), are each amended by adding at the end thereof the following: "In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber".

Sec. 213. There are hereby authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests.

* * * * *

Title VII

* * * * *

Sec. 702. (a) The head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which the Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary, transfer to the Department for direct expenditure such sums as may be necessary for the performance of such work.

(b) Not to exceed 7 per centum of the amounts appropriated for any fiscal year for the miscellaneous expenses of the work of any bureau, division, or office of the Department of Agriculture shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 7 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency.

Sec. 703. The Department of Agriculture is authorized to erect, alter, and repair such buildings and other public improvements as may be necessary to carry out its authorized work: *Provided*, That no building or improvement shall be erected or altered under this authority unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

Sec. 704. The Department of Agriculture is authorized to subscribe for such newspapers as may be necessary to carry out its authorized work: *Provided*, That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

Sec. 705. (a) The Secretary of Agriculture is authorized to delegate to such officers as he shall designate the authority to expend such contingent funds as may be appropriated to the Department.

(b) The Department of Agriculture is authorized to contract for stenographic reporting services.

(c) Employees of the Department of Agriculture stationed abroad may, with the approval of the Secretary of Agriculture, enter into leases for official quarters, for periods not exceeding one year, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance.

Sec. 706. (a) * * * The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise, without regard to the Classification Act of 1949: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(b) The Department of Agriculture is authorized to pay actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Department of Agriculture: *Provided*, That such expenditures shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

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Sec. 708. The Secretary of Agriculture is authorized to make copies of bibliographies prepared by the Department library, microfilm and other photographic reproductions of books and other library materials in the Department and sell such bibliographies and reproductions at such prices (not less than estimated total cost of furnishing same) as he may determine, the money received from such sales to be deposited in the Treasury to the credit of the applicable appropriation current at the time the materials are furnished or payment therefor is received.

Sec. 709. The Secretary of Agriculture may delegate to such officers as he shall designate the authority to employ personnel in the departmental service wherever located.

Sec. 710. The Secretary of Agriculture may delegate to such officers as he shall designate the function of authorizing payment of expenses of the transfer of household goods of employees on change of official stations.

Sec. 711. Unless otherwise provided herein or by other statute, the measure and character of cooperation authorized herein on the part of the Federal Government and on the part of the cooperator shall be such as may be prescribed by the Secretary, unless otherwise provided for in the applicable appropriation.

* * * * *

FOREST PEST CONTROL ACT

Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1 to 594-5)

Sec. 1. In order to protect and preserve forest resources of the United States from ravages of bark beetles, defoliators, blights, wilts, and other destructive forest insect pests and diseases, and thereby enhance the growth and maintenance of forests, promote the stability of forest-using industries and employment associated therewith, aid in fire control by reducing the menace created by dying and dead trees injured or killed by insects or disease, conserve forest cover on watersheds, and protect recreational and other values of forests, it shall be the policy of the Government of the United States independently and through cooperation with the governments of States, Territories, and possessions, and private timber owners to prevent, retard, control, suppress, or eradicate incipient, potential, or emergency outbreaks of destructive insects and diseases on, or threatening, all forest lands irrespective of ownership.

Sec. 2. The Secretary of Agriculture is authorized either directly or in cooperation with other departments of the Federal Government, with any State, Territory, or possession, organization, person, or public agency, subject to such conditions as he may deem necessary and

using such funds as have been, or may hereafter be, made available for these purposes, to conduct surveys on any forest lands to detect and appraise infestations of forest insect pests and tree diseases, to determine the measures which should be applied on such lands, in order to prevent, retard, control, suppress, or eradicate incipient, threatening, potential, or emergency outbreaks of such insect or disease pests, and to plan, organize, direct, and carry out such measures as he may deem necessary to accomplish the objectives and purposes of this Act: *Provided*, That any operations planned to prevent, retard, control, or suppress insects or diseases on forest lands owned, controlled, or managed by other agencies of the Federal Government shall be conducted with the consent of the agency having jurisdiction over such land.

Sec. 3. The Secretary of Agriculture may, in his discretion and out of any money made available pursuant to this Act, make allocations to Federal agencies having jurisdiction over lands held or owned by the United States in such amounts as he may deem necessary to retard, control, suppress, or eradicate injurious insect pests or plant diseases affecting forests on said lands.

Sec. 4. No money appropriated to carry out the purposes of this Act shall be expended to prevent, retard, control, or suppress insect or disease pests on forest lands owned by persons, associations, corporations, States, Territories, possessions, or subdivisions thereof until such contributions toward the work as the Secretary may require have been made or agreed upon in the form of funds, services, materials, or otherwise.

Sec. 5. There are hereby authorized to be appropriated for the purposes of this Act such sums as the Congress may from time to time determine to be necessary. Any sums so appropriated shall be available for necessary expenses, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles; but such sums shall not be used to pay the cost or value of any property injured or destroyed. Materials and equipment necessary to control, suppress, or eradicate infestations of forest insects or tree diseases may be procured without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) under such procedures as may be prescribed by the Secretary of Agriculture, when deemed necessary in the public interest.

Sec. 6. The provisions of this Act are intended to supplement, and shall not be construed as limiting or repealing, existing legislation.

Sec. 7. This Act may be cited as the "Forest Pest Control Act".

MINERAL LEASING ACT FOR ACQUIRED LANDS

Act of August 7, 1947 (61 Stat. 913-915) 30 U.S.C. 351-359

Sec. 1. This Act may be cited as the "Mineral Leasing Act for Acquired Lands".

Sec. 2. As used in this Act "United States" includes Alaska. "Acquired lands" or "land acquired by the United States" include all lands heretofore or hereafter acquired by the United States to which the

“mineral leasing laws” have not been extended, including such lands acquired under the provisions of the Act of March 1, 1911 (16 U.S.C. 480, 500, 513-519, 521, 552, and 563). “Secretary” means the Secretary of the Interior. “Mineral leasing laws” shall mean the Act of October 20, 1914 (48 U.S.C. 432-445 and 446-452); the Act of February 25, 1920 (30 U.S.C. 181-184, 185-188, 189-192, 193, 194, 201, 202-209, 211-214, 223, 224-226, 226d-229a, 241, 251, 261-263); the Act of April 17, 1926 (30 U.S.C. 271-276); the Act of February 7, 1927 (30 U.S.C. 281-287), and all Acts heretofore or hereafter enacted which are amendatory or supplementary to any of the foregoing Acts. “Lease” includes “prospecting permit” unless the context otherwise requires.

Sec. 3. Except where lands have been acquired by the United States for the development of the mineral deposits, by foreclosure or otherwise for resale, or reported as surplus pursuant to the provisions of the Surplus Property Act of 1944, all deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur which are owned or may hereafter be acquired by the United States and which are within the lands acquired by the United States (exclusive of such deposits in such acquired lands as are (a) situated within incorporated cities, towns and villages, national parks or monuments, (b) set apart for military or naval purposes, or (c) tidelands or submerged lands) may be leased by the Secretary under the same conditions as contained in the leasing provisions of the mineral leasing laws subject to the provisions hereof. The provisions of the Act of April 17, 1926 shall apply to deposits of sulfur covered by this Act wherever situated. No mineral deposit covered by this Section shall be leased except with the consent of the head of the executive department, independent establishment, or instrumentality having jurisdiction over the lands containing such deposit, or holding a mortgage or deed of trust secured by such lands which is unsatisfied of record, and subject to such conditions as that official may prescribe to insure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered: *Provided*, That nothing in this Act is intended, or shall be construed, to apply to or in any manner affect any mineral rights, exploration permits, leases or conveyances nor minerals that are or may be in any tidelands; or submerged lands; or in lands underlying the three mile zone or belt involved in the case of the United States of America against the State of California now pending on application for rehearing in the Supreme Court of the United States; or in lands underlying such three mile zone or belt, or the continental shelf, adjacent or littoral to any part of the land within the jurisdiction of the United States of America.

Sec. 4. Nothing herein contained shall be deemed or construed to (a) amend, modify, or change any existing law authorizing or requiring the sale of acquired lands, or (b) empower any commission, bureau, or agency of the Government to make a reservation of the minerals in the sale of any acquired land: *Provided*, That any such sale or conveyance of lands shall be made by the agency having jurisdiction thereof, subject to any lease theretofore made, covering the mineral deposits underlying such lands: *Provided further*, That nothing in this chapter is intended, or shall be construed to affect in any manner any provision of the Act of June 30, 1938 amending the Act of June 4, 1920.

Sec. 5. Where the United States does not own all of the mineral deposits under any lands sought to be leased and which are affected by this Act, the Secretary is authorized to lease the interest of the United States in any such mineral deposits when, in the judgment of the Secretary, the public interest will be best served thereby; subject, however, to the provisions of section 3 hereof. Where the United States does not own any interest or owns less than a full interest in the minerals that may be produced from any lands sought to be leased, and which are or will be affected by this Act and where, under the provisions of its acquisition, the United States is to acquire all or any part of such mineral deposits in the future, the Secretary may lease any interest of the United States then owned or to be acquired in the future in the same manner as provided in the preceding sentence.

Sec. 6. All receipts derived from leases issued under the authority of this Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands: *Provided, however,* That receipts from leases or permits for minerals in lands set apart for Indian use, including lands the jurisdiction of which has been transferred to the Department of the Interior by the Executive order for Indian use, shall be deposited in a special fund in the Treasury until final disposition thereof by the Congress.

Sec. 7. Upon request by the Secretary, the heads of all executive departments, independent establishments, or instrumentalities having jurisdiction over any of the lands referred to in section 2 of this Act shall furnish to the Secretary the legal description of all of such lands, and all pertinent abstracts, title papers, and other documents in the possession of such agencies concerning the status of the title of the United States to the mineral deposits that may be found in such lands.

Abstracts, title papers, and other documents furnished to the Secretary under this section shall be recorded promptly in the Bureau of Land Management in such form as the Secretary shall deem adequate for their preservation and use in the administration of this Act, whereupon the originals shall be returned promptly to the agency from which they were received. Duly authenticated copies of any such abstracts, title papers, or other documents may, however, be furnished to the Secretary, in lieu of the originals, in the discretion of the agency concerned.

Sec. 8. Nothing contained in this Act shall be construed to affect the rights of the State or other local authorities to exercise any right which they may have with respect to properties covered by leases issued under this Act, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

Sec. 9. Nothing in this Act shall affect any rights acquired by any lessee of lands subject to this Act under the law as it existed prior to August 7, 1947, and such rights shall be governed by the law in effect at the time of their acquisition; but any person qualified to hold a lease who, on August 7, 1947, had pending an application for an oil and gas lease for any lands subject to this Act which on the date the application was filed was not situated within the known geo-

logic structure of a producing oil or gas field, shall have a preference right over others to a lease of such lands without competitive bidding. Any person holding a lease on lands subject hereto, which lease was issued prior to August 7, 1947, shall be entitled to exchange such lease for a new lease issued under the provisions of this Act, at any time prior to the expiration of such existing lease.

Sec. 10. The Secretary of the Interior is authorized to prescribe such rules and regulations as are necessary and appropriate to carry out the purposes of this Act, which rules and regulations shall be the same as those prescribed under the mineral leasing laws to the extent that they are applicable.

ANDERSON-MANSFIELD REFORESTATION AND REVEGETATION ACT

Act of October 11, 1949 (63 Stat. 762; 16 U.S.C. 581j, 581k)

Whereas the national forests of the United States contain approximately eighty million acres of the Nation's commercial timber lands and approximately eighty-three million acres of the Nation's important grazing lands; and

Whereas these national forest lands comprise the principal source of water supply for domestic, irrigation, and industrial purposes for thousands of communities, farms, and industries, and good forest and other vegetative cover is essential for watershed protection; and

Whereas these lands annually supply approximately four billion board-feet of forest products through twenty-seven thousand sales transactions and the demand for national forest timber is steadily increasing; and

Whereas these lands are the sole or main source of summer range for ten million cattle and sheep grazed by thirty thousand livestock permittees whose livelihood is wholly or partially dependent upon livestock grazed on national-forest ranges; and

Whereas these lands contain over four million acres of denuded and unsatisfactorily stocked timberlands and an additional four million acres of seriously depleted range lands; and

Whereas all of these lands are potentially capable of producing an important part of the timber and forage needs of local communities, and contributing to the protection of water sheds, thereby alleviating flood damage and insuring a continuing water supply, increasing opportunity for local employment, bringing greater stability to local communities, and increasing returns to counties in the national forests from their share of national forests receipts, together with other benefits; and

Whereas these lands will not restock or revegetate satisfactorily or within a reasonable time except through reforestation and revegetation or other measures to induce restocking or revegetation; and

Whereas it is practical to reforest these denuded and unsatisfactorily stocked timber lands and revegetate these seriously depleted range lands in a period of fifteen years; and

Whereas it is necessary to provide reasonable continuity of reforestation and revegetation programs in order to insure effective, efficient, and economical operations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the declared policy of the Congress to accelerate and provide a continuing basis for the needed reforestation and revegetation of national forest lands and other lands under administration or control of the Forest Service of the Department of Agriculture in order to obtain the benefits hereinbefore enumerated.

Sec. 2. For the purpose of carrying out the provisions of this joint resolution on national forest lands and other lands under the administration or control of the Forest Service of the Department of Agriculture, including the acquisition of land or interests therein for nurseries, there is hereby authorized to be appropriated to remain available until December 31 of the ensuing fiscal year, \$3,000,000 for the fiscal year ending June 30, 1951; \$5,000,000 for the fiscal year ending June 30, 1952; \$7,000,000 for the fiscal year ending June 30, 1953; \$8,000,000 for the fiscal year ending June 30, 1954; \$10,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for reforestation; and \$1,500,000 for the fiscal year ending June 30, 1951; \$1,750,000 for the fiscal year ending June 30, 1952; \$2,000,000 for the fiscal year ending June 30, 1953; \$2,500,000 for the fiscal year ending June 30, 1954; \$3,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for range revegetation.

GRANGER-THYE ACT

Act of April 24, 1950 (64 Stat. 82-88), as amended by the Act of April 6, 1956 (70 Stat. 100); June 20, 1958 (72 Stat. 217, 218); 16 U.S.C. 490, 504, 504a, 555, 557, 571c, 572, 579a, 580c-580l, 581, and 581i-1

Sec. 1. Notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended (40 U.S.C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided,* That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

Sec. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U.S.C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500.:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, when-

ever, in the discretion of the Secretary of Agriculture, such method is in the public interest”.

Sec. 3. The provisions of section 3709, Revised Statutes (41 U.S.C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

Sec. 4. Section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736, 16 U.S.C. 579a), is hereby amended to read as follows:

“SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising”.

Sec. 5. Section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U.S.C. 572), is hereby amended to read as follows:

“SEC. 1. (a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

“(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

“(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work

undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share".

Sec. 6. So much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U.S.C. 490), as provides: "That hereafter deposits may be received from timber purchases in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.", is hereby amended to read as follows: "Purchasers of national forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made".

Sec. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

Sec. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

Sec. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

Sec. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U.S.C. 679), appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

Sec. 11. Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease of agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

Sec. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including

the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

Sec. 13. Section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purchase for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority".

Sec. 14. There are hereby authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

Sec. 15. Section 6 of the Act of March 3, 1925 (43 Stat. 1133; 16 U.S.C. 557), is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed".

Sec. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U.S.C. 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period

in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation Act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

Sec. 17. (a) Section 2 of the Act of March 3, 1925 (43 Stat. 1132; 16 U.S.C. 571); the second proviso in section 1 of the Act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581); and section 1 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 573), are hereby repealed.

(b) The second proviso in section 13 of the Act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

Sec. 18. (a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such

board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

Sec. 19. The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

Sec. 20. For the purpose of fostering and stimulating participation with the Forest Service in forest, range, and watershed management research through investigations, experiments, tests, or such other means as he may deem advisable, and in order to aid in obtaining

the fullest cooperation from States and other public and private agencies, organizations, institutions, and individuals, in effectuating such research the Secretary of Agriculture is authorized in accordance with such regulations as he may issue and when in his judgment such cooperative work will be stimulated or facilitated to make funds available to the cooperators without regard to the provisions of section 529 of Title 31, prohibiting advances of public moneys.

COOPERATIVE FOREST MANAGEMENT ACT

Act of August 25, 1950 (64 Stat. 473), as amended by the Act of September 25, 1962 (76 Stat. 569); 16 U.S.C. 568c, 658d

Sec. 1. The Secretary of Agriculture is hereby authorized to cooperate with State foresters or equivalent officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private forest landowners and operators, and processors of primary forest products with respect to the management of forest lands and the harvesting, marketing, and processing of forest products, and, where necessary to avoid uneconomic duplication of certain technical and training services, to make such services available to private agencies and persons. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or equivalent official of the State, Territory, or possession. The provisions of this Act and the plan agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section.

Sec. 2. There is hereby authorized to be appropriated annually, to enable the Secretary to carry out the provisions of this Act, the sum of \$5,000,000. Apportionment among the participating States administrative expenses in connection with cooperative action with such States, and the amount to be expended by the Secretary to make technical services available to private persons and agencies, shall be determined by the Secretary after consultation with a national advisory board of not less than five State foresters or equivalent officials selected by a majority of the State foresters or equivalent officials of all States, Territories, or possessions participating in the program. The amount paid by the Federal Government to any State, Territory, or possession for cooperative action in the State, Territory, or possession shall not exceed during any fiscal year the amount expended by the cooperating State, Territory, or possession for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make such expenditures on the certificate of the appropriate official of the State, Territory, or possession that the expenditures as herein provided have been made: *Provided*, That it is the intent of Congress that the Secretary may continue to cooperate with persons and private agencies in furnishing technical forestry services under existing authority.

Sec. 3. The Act of May 18, 1937 (50 Stat. 188), known as the Cooperative Farm Forestry Act, is hereby repealed effective June 30, 1951.

Sec. 4. This Act shall be known as the Cooperative Forest Management Act.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT (P.L. 566)

Act of August 4, 1954 (68 Stat. 666), as amended by the Acts of August 7, 1956 (70 Stat. 1088); August 12, 1958 (72 Stat. 563); September 2, 1958 (72 Stat. 1605); May 13, 1960 (74 Stat. 131); June 29, 1960 (74 Stat. 254); August 30, 1961 (75 Stat. 408); September 27, 1962 (76 Stat. 605, 608); 16 U.S.C. 1001-1007

Sec. 1. Erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

Sec. 2. For the purposes of this Act, the following terms shall mean: The "Secretary"—the Secretary of Agriculture of the United States. "Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land-treatment measures) or

(2) the conservation, development, utilization, and disposal of water in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

“Local organization”—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users’ association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary.

Sec. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided*, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

Sec. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

(1) acquire, or with respect to interests in land to be acquired by condemnation provide assurances satisfactory to the Secretary that they will acquire, without cost to the Federal Government, such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance: *Provided*, That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further*, That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: *Provided further*, That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one

hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: *Provided further*, That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds.

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife or recreational development, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act: *Provided*, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act not to exceed 30 per centum of the total estimated cost of such reservoir structure where the local organization gives reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided further*, That the local organization shall agree prior to initiation of construction or modification of any reservoir structure including such water supply storage to repay the cost of such water supply storage for anticipated future demands: *And provided further*, That the entire amount of the cost paid by the Secretary for such water supply storage for anticipated future demands shall be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for water supply purposes, except that (1) no repayment of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8.

(3) make arrangements satisfactory to the Secretary for

defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture.

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement.

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 8.

Sec. 5. (1) At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: *Provided*, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: *Provided further*, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure.

(3) Whenever the estimated Federal contribution to the construction cost of works of improvement in the plan for any watershed or subwatershed area shall exceed \$250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of \$250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes reclamation or irrigation works or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and

the Secretary of the Army, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies, including the Department of the Interior and the Department of the Army.

Sec. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

Sec. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examination and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: *Provided*, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section: *Provided further*, That in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of this Act or any amendments hereafter made thereto.

Sec. 8. The Secretary is authorized to make loans or advancements (a) to local organizations to finance the local share of costs of carrying out works of improvement provided for in this Act, and (b) to State and local agencies to finance the local share of costs of carrying out works of improvement (as defined in section 2 of this Act) in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented: *Provided*, That the works of improvement in connection with said eleven watershed improvement programs shall be integral parts of watershed or subwatershed work plans agreed upon by the Secretary of Agriculture and the concerned State and local agencies. Such loans or advancements shall be made under con-

tracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed five million dollars.

Sec. 9. The provisions of this Act shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

Sec. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended. No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 3 or clause (a) of section 8 of this Act shall be available for any works of improvement pursuant to this Act or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 8.

Sec. 11. This Act may be cited as the "Watershed Protection and Flood Prevention Act".

Sec. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.

MULTIPLE USE MINING ACT

Act of July 23, 1955 (69 Stat. 367-372), as amended by the Act of June 11, 1960 (74 Stat. 201); 30 U.S.C. 601, 603, 611-615

Sec. 1. The Secretary, under such rules and regulations as he may prescribe, may dispose of mineral materials (including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (including but not limited to yucca, manzanita, mesquite, cactus, and timber or other forest products) on public lands of the United States, including, for the purposes of this Act, land described in the Acts of August 28, 1937 (43 U.S.C. 1181a-1181f) and June 24, 1954 (43 U.S.C. 1181g-1181j), if the disposal of such mineral or vegetative materials (1) is not otherwise expressly authorized by law, including but not limited to, the Act of June 28, 1934 as amended (43 U.S.C. 315-315m, 315n 315o-1, and 1171), and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of this Act and upon the payment of adequate compensation therefor, to be determined by the Secretary: *Provided, however,* That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit, to take and remove, without charge, materials and resources subject to this Act, for use other than for commercial or industrial purposes or resale. Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the department headed by the Secretary or of a State, Territory, county, municipality, water district or other local governmental subdivision or agency, the Secretary may make disposals under this subchapter only with the consent of such other Federal department or agency or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national park, or national monument or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. As used in this Act, the word "Secretary" means the Secretary of the Interior except that it means the Secretary of Agriculture where the lands involved are administered by him for national forest purposes or for the purposes of Title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

Sec. 2. Section 3 of the Act of July 31, 1947 (61 Stat. 681) as amended by the Act of August 31, 1950 (64 Stat. 571), is amended to read as follows:

"All moneys received from the disposal of materials under this Act shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the

lands from which the disposal of materials is made, and except that revenues from the lands described in the Acts of August 28, 1937 (43 U.S.C. 1181a-1181f) and June 24, 1954 (43 U.S.C. 1181g-1181j) shall be disposed of in accordance with said Acts and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 1 of the Act of March 4, 1915 (48 U.S.C. 353), shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school section lands pursuant to said Act”.

Sec. 3. A deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders shall not be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. “Common varieties” as used in this Act does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called “block pumice” which occurs in nature in pieces having one dimension of two inches or more.

Sec. 4. (a) Any mining claim hereafter located under the mining laws of the United States shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

(b) Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees, and licensees, to use so much of the surface thereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* That any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided further,* That if at any time the locator requires more timber for his mining operations than is available to him from the claim after disposition of timber therefrom by the United States, subsequent to the location of the claim, he shall be entitled, free of charge, to be supplied with timber for such requirements from the nearest timber administered by the disposing agency which is ready for harvesting under the rules and regulations of that agency and which is substantially equivalent in kind and quantity to the timber estimated by the disposing agency to have been disposed of from the claim: *Provided further,* That nothing in this Act shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership,

control, appropriation, use, and distribution of ground or surface waters within any unpatented mining claim.

(c) Except to the extent required for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or for the construction of buildings or structures in connection therewith, or to provide clearance for such operations or uses, or to the extent authorized by the United States, no claimant of any mining claim hereafter located under the mining laws of the United States shall, prior to issuance of patent therefor, sever, remove or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under the preceding subsection (b). Any severance or removal of timber which is permitted under the exceptions of the preceding sentence, other than severance or removal to provide clearance, shall be in accordance with sound principles of forest management.

Sec. 5. (a) The head of a Federal department or agency which has the responsibility for administering surface resources of any lands belonging to the United States may file as to such lands in the office of the Secretary of the Interior, or in such office as the Secretary of the Interior may designate, a request for publication of notice to mining claimants, for determination of surface rights, which request shall contain a description of the lands covered thereby, showing the section or sections of the public land surveys which embrace the lands covered by such request, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The filing of such request for publication shall be accompanied by an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's abstractor's, or attorney's examination of those instruments which are shown by the tract indexes in the county office of record as affecting the lands described in said request, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if such address is disclosed by such instruments of record. "Tract indexes" as used herein shall mean those indexes, if any, as to surveyed lands identifying instruments as affecting a

particular legal subdivision of the public land surveys, and as to unsurveyed lands identifying instruments as affecting a particular probable legal subdivision according to a projected extension of the public land surveys.

Thereupon the Secretary of the Interior, at the expense of the requesting department or agency, shall cause notice to mining claimants to be published in a newspaper having general circulation in the county in which the lands involved are situated.

Such notice shall describe the lands covered by such request, as provided heretofore, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, rights as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim—

- (1) the date of location;
- (2) the book and page of recordation of the notice or certificate of location;
- (3) the section or sections of the public land surveys which embrace such mining claims; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) whether such claimant is a locator or purchaser under such location; and
- (5) the name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

Such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any right, title, or interest under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or if in a weekly paper, in nine consecutive issues, or if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this

section 5, shall fail to file a verified statement, as provided within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 5, (i) to constitute a waiver and relinquishment by such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims, and (ii) to constitute a consent by such mining claimant that such mining claim, prior to issuance of patent therefor, shall be subject to the limitations and restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims, and (iii) to preclude thereafter, prior to issuance of patent, any assertion by such mining claimant of any right or title to or interest in or under such mining claim contrary to or in conflict with the limitations or restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims.

Within fifteen days after the date of first publication of such notice, the department or agency requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail or by certified mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 5, and shall cause a copy of such notice to be mailed by registered mail or by certified mail to each person whose name and address is set forth in the title or abstract company's or title abstrator's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 5, then the Secretary of Interior shall fix a time and place for a hearing to determine the validity and effectiveness of any right or title to, or interest in or under such mining claim, which the mining claimant may assert contrary to or in conflict with the limitations and restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise: Where verified statements are filed asserting rights to an aggregate of more than twenty mining claims, any single hearing shall be limited to a maximum of twenty mining claims unless the parties affected shall otherwise stipulate and as many separate hearings shall be set as shall be necessary to comply with this provision. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's so asserted right or interest under the mining claim, then no subsequent proceedings under this section shall have any

force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the department or agency requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice to mining claimants which may be published as provided in subsection (a) of this section 5, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each heretofore located unpatented mining claim under which such person asserts rights—

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 5 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 5, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any department or agency requesting publication shall fail to comply with the requirements of subsection (a) of this section 5, as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

Sec. 6. The owner or owners of any unpatented mining claim heretofore located may waive and relinquish all rights thereunder which are contrary to or in conflict with the limitations or restrictions specified in section 4 of this Act as to hereafter located unpatented mining claims. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter and prior

to issuance of patent subject to the limitations and restrictions in section 4 of this Act in all respects as if said mining claim had been located after enactment of this Act, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

Sec. 7. Nothing in this Act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore located, except as such rights may be limited or restricted as a result of a proceeding pursuant to section 5 of this Act, or as a result of a waiver and relinquishment pursuant to section 6 of this Act; and nothing in this Act shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law, or to limit or repeal any existing authority to include any reservation, limitation, or restriction in any such patent, or to limit or restrict any use of the lands covered by any patented or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law.

AGRICULTURE ACT OF 1956

Act of May 28, 1956 (70 Stat. 207; 16 U.S.C. 568e-568g)

* * * * *

Sec. 401. (a) The Congress finds and declares that building up and maintaining a level of timber growing stocks adequate to meet the Nation's domestic needs for a dependable future supply of industrial wood is essential to the public welfare and security; that assisting in improving and protecting the more than fifty million acres of idle non-Federal and Federal lands for this purpose would not only add to the economic strength of the Nation, but also bring increased public benefits from other values associated with forest cover; and that it is the policy of the Congress that the Secretary of Agriculture in order to encourage, promote, and assure fully adequate future resources of readily available timber should assist the States in undertaking needed programs of tree planting.

(b) Any State forester or equivalent State official may submit to the Secretary of Agriculture a plan for forest land tree planting and reforestation for the purpose of effecting the policy hereinbefore stated.

(c) When the Secretary of Agriculture has approved the plan, he is authorized and directed to assist the State in carrying out such plan, which assistance may include giving of advice and technical assistance and furnishing financial contributions: *Provided*, That, for the non-Federal forest land tree planting and reforestation, the financial contribution expended by the Federal Government during any fiscal year to assist the State to carry out the plan shall not exceed the amount expended by the State for the same purposes during the same fiscal year, and the Secretary of Agriculture is authorized to make financial contributions on the certificate of the State official in charge of the

administration of the plan as to the amount of expenditures made by the State.

(d) In any plan that coordinates forest lands under the jurisdiction of any Federal agency other than the Department of Agriculture, the Secretary of Agriculture shall obtain the cooperation and assistance of the Federal agency having jurisdiction and the appropriate State forester in the approval and carrying out of the plan.

(e) The Secretary of Agriculture may prescribe such rules and regulations as may be appropriate to carry out the purposes of this section.

(f) There are authorized to be appropriated such sums as may be necessary to carry out the objects of this section, such sums to remain available until expended.

FOREST SERVICE OMNIBUS ACT OF 1958

Act of June 20, 1958 (72 Stat. 216; 16 U.S.C. 502, 554(b), 555, 556, 556(b), 556(c), 565(b), 579(c), 580(f))

Sec. 1. The Act of March 4, 1913, as amended (16 U.S.C. 502), is hereby amended by substituting for the last proviso of subsection (c) the following: "*And provided further, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 to persons who were employees of the Forest Service prior to the time the equipment was obtained or \$2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease,*" and by changing the designation of that subsection from (c) to (d) and inserting a new subsection (c) as follows:

"(c) To contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service".

Sec. 2. Funds available to the Forest Service may be used in amounts not exceeding \$100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at or near the place in which such property is temporarily stored during services of the employees in connection with such casualties.

Sec. 3. Funds available to the Forest Service may be used, in accordance with regulations prescribed by the Secretary of Agriculture (hereinafter referred to in this Act as Secretary) for expenses of transporting automobiles of employees of that Service between points in Alaska in connection with transfers of official stations of such employees to meet the needs of the Service.

Sec. 4. Section 202 of the Act of September 21, 1944 (16 U.S.C. 554b), is hereby amended to read as follows: "Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest

Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available”.

Sec. 5. The Secretary is authorized, subject to such conditions as he may prescribe, to transfer, without reimbursement or at such prices and upon such terms as he may impose, to States and political subdivisions or agencies thereof fire lookout towers and other structures or improvements used by the Forest Service for fire prevention or suppression purposes, and the land used in connection therewith if such land is outside national forest boundaries, when they are no longer needed by the Forest Service for such purposes but are of value to the State or political subdivision or agency thereof in its fire protection system: *Provided*, That if any property so transferred is not put to use for the purpose for which it was transferred within two years from the date of transfer, or if, within fifteen years from the date of transfer, any such property should cease to be used for the purpose for which it was transferred for a period of two years, title thereto shall revert to and immediately revert in the United States.

Sec. 6. Section 10 of the Act of April 24, 1950 (64 Stat. 82), is hereby amended to read as follows: “Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U.S.C. 679), appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business”.

Sec. 7. Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided*, That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.

Sec. 8. The proviso in the Act of May 11, 1922, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, under the item “General expenses, Forest Service”, limiting the expenditure of funds for publication (42 Stat. 507, 521; 16 U.S.C. 556) is hereby amended by substituting for the phrase “*And provided further*,” the phrase “*Provided further*” and adding a further

proviso so that the limiting provisions shall read "*Provided further*, That hereafter no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public: *And provided further*, That this prohibition shall not apply to scientific or technical articles prepared for or published in scientific publications".

Sec. 9. Section 5 of the Act of March 3, 1925, as amended (16 U.S.C. 555), is hereby further amended by changing the amount in the last proviso to \$50,000.

TOWNSITE ACT

Act of July 31, 1958 (72 Stat. 438; 7 U.S.C. 1012a; 16 U.S.C. 478a)

Areas of not to exceed six hundred and forty acres for any one application may be set aside and designated by the Secretary of Agriculture as a townsite from any national forest land or lands administered by the Secretary of Agriculture under Title III of the Bankhead-Jones Farm Tenant Act, upon application and, after public notice, satisfactory showing of need therefor by any county, city, or other local governmental subdivision. Areas so designated may be divided into town lots and offered for sale by the Secretary of Agriculture at public sale to the highest bidder for not less than the appraised value thereof: *Provided*, That any of such lots as may be offered for sale at a public sale and for which there is no satisfactory bid may be disposed of by the Secretary of Agriculture at private sale for not less than the appraised value thereof: *Provided, further*, That any persons now occupying any of such lands on which improvements have been constructed by him or his predecessor pursuant to a permit or other authorization from the Federal Government shall be given the opportunity of purchasing such lands at the appraised value: *And provided further*, That no more than three such town lots may be sold at either public or private sale to any person or private corporation, firm, or agency.

WEEKS ACT STATUS FOR CERTAIN LANDS

Act of September 2, 1958 (72 Stat. 1571; 16 U.S.C. 521a)

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, expecting (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 hereby 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 Act 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).

RESEARCH GRANTS

Act of September 6, 1958 (72 Stat. 1793; 42 U.S.C. 1891-1893)

Sec. 1. The head of each agency of the Federal Government authorized to enter into contracts for basic scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, is hereby authorized, where it is deemed to be in furtherance of the objectives of the agency, to make grants to such institutions or organizations for the support of such basic scientific research.

Sec. 2. Authority to make grants or contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education, or at nonprofit organizations whose primary purpose is the conduct of scientific research, shall include discretionary authority, where it is deemed to be in furtherance of the objectives of the agency, to vest in such institutions or organizations, without further obligation to the Government, or on such other terms and conditions as the agency deems appropriate, title to equipment purchased with such grant or contract funds.

Sec. 3. Each agency or department of the Federal Government exercising authority granted by this Act shall make an annual report on or before June 30th of each year to the appropriate committees of both Houses of Congress. Such report shall set forth therein, for the preceding year, the number of grants made pursuant to the authority provided in the first section of this Act, the dollar amount of such grants, and the institutions in which title to equipment was vested pursuant to section 2 of this Act.

FUNCTIONS TRANSFER (INTERIOR TO AGRICULTURE)

Act of June 11, 1960 (74 Stat. 205; 5 U.S.C. 511)

Sec. 1. Except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

(a) The functions of the Secretary of the Interior under the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

(i) The function of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947 (61 Stat. 681),

as amended by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

Sec. 2. (a) In no case covered by subsections (a), (b), (e), (g), and (h) of section 1 hereof shall the exchange provide for the patenting of land by the United States without a reservation of minerals (1) unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that the land is nonmineral in character, or (2) unless the Secretary of the Interior approves of the valuation and disposition of the minerals in the lands to be patented. A sale of land covered by subsection (j) of section 1 hereof shall be made by the Secretary of Agriculture without a reservation of minerals only after consultation with, and the approval of, the Secretary of the Interior as to the valuation and disposition of the minerals. No lands of the United States shall be exchanged in any case covered by subsection (f) of section 1 hereof unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that such lands are nonmineral in character.

(b) Nothing in this Act shall be construed to authorize the Secretary of Agriculture to determine or adjudicate the validity or invalidity of any mining claim or part thereof.

(c) Nothing in subsection (1) of section 1 hereof shall be construed to authorize the Secretary of Agriculture to dispose of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur, or to dispose of any minerals which would be subject to disposal under the mining laws if said laws were applicable to the lands in which the minerals are situated.

(d) Upon approval by the Secretary of Agriculture pursuant to the provisions of this Act of any exchange or sale, respectively, of national forest lands under the provisions of law referred to in subsections (a), (b), (e), (f), (g), and (j), of section 1, hereof, the Secretary of the Interior, upon the recommendation of the Secretary of Agriculture, shall issue the patent therefor.

(e) All conveyances under the Act referred to in subsection (h) of section 1 hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.

MULTIPLE USE-SUSTAINED YIELD ACT

Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531)

Sec. 1. It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (16 U.S.C. 475). Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forests lands or to affect the use or administration of Federal lands not within national forests.

Sec. 2. The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of this Act.

Sec. 3. In the effectuation of this Act the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.

Sec. 4. As used in this Act, the following terms shall have the following meanings:

(a) "Multiple use" means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

FOOD AND AGRICULTURE ACT OF 1962

Act of September 27, 1962 (76 Stat. 604-610; 16 U.S.C. 590(g), 1004; 7 U.S.C. 1010, 1011; 33 U.S.C. 701b note)

Title I. Land-use Adjustment

Sec. 101. The Soil Conservation and Domestic Allotment Act (49 Stat. 163), as amended, is further amended by adding a new subsection at the end of section 16 of said Act to read as follows:

"(e) (1) For the purpose of promoting the conservation and economic use of land, the Secretary, without regard to the foregoing provisions of this Act, except those relating to the use of the services of State and local communities, is authorized to enter into agreements, to be carried out during such period not to exceed ten years as he may determine, with farm and ranch owners and operators providing for changes in cropping systems and land uses and for practices or measures to be carried out primarily on any lands owned or operated by them and regularly used in the production of crops (including crops such as tame hay, alfalfa, and clovers, which do not require annual

tillage, and including lands covered by conservation reserve contracts under subtitle B of the Soil Bank Act) for the purpose of conserving and developing soil, water, forest, wildlife, and recreation resources. Such agreement shall include such terms and conditions as the Secretary may deem desirable to effectuate the purposes of this subsection and may provide for payments, the furnishing of materials and services, and other assistance in amounts determined by the Secretary to be fair and reasonable, in consideration of the obligations undertaken by the farm and ranch owners and operators and the rights acquired by the Secretary: *Provided*, That agreements for the establishment of tree cover may not provide for annual payments with respect to such land for a period in excess of five years".

* * * * *

Sec. 102. (a) Section 31 of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended, is amended by striking out "including the retirement of lands which are submarginal or not primarily suitable for cultivation," and by inserting following "natural resources," the phrase "*protecting fish and wildlife*," and striking out the period at the end thereof and inserting "*, but not to build industrial parks or establish private industrial or commercial enterprises*".

(b) Subsection (a) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act, as amended, is repealed.

(c) Section 32(e) of Title III of the Bankhead-Jones Farm Tenant Act, as amended, is amended to read as follows:

"(e) to cooperate with Federal, State, territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to assist in carrying out such plans by means of loans to State and local public agencies designated by the State legislature or the Governor, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities. Loans to State and local public agencies shall be made only if such plans have been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over such plans, or by the Governor if there is no such State agency. No appropriation shall be made for any single loan under this subsection in excess of \$250,000 unless such loan has been approved by resolution adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Loans under this subsection shall be made under contracts which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than 30 years, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue. Repayment of principal and interest on such loans shall begin within 5 years".

Sec. 103. The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows:

“(1) Paragraph (1) of section 4 of said Act is amended by changing the semicolon at the end thereof to a colon and adding the following: “*Provided*, That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further*, That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: *Provided further*, That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: *Provided further*, That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds”.

(2) Clause (A) of paragraph 2 of section 4 of said Act is amended to read as follows: “(A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife or recreational development, and” * * *

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Sec. 106. The last proviso of section 7 of the Watershed Protection and Flood Prevention Act, (68 Stat. 666), as amended, is amended to read as follows:

“Provided further, That in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, the Secretary of Agriculture is authorized to prosecute additional works of improvement for the conservation, development, utilization, and disposal of water in accordance with the provisions of section 4 of this Act or any amendments hereafter made thereto”.

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ASSISTANCE TO STATES IN FORESTRY RESEARCH (McINTIRE-STENNIS ACT)

Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a-582a-7)

Sec. 1. It is hereby recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry.

Sec. 2. In order to promote research in forestry, the Secretary of Agriculture is hereby authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of forestry research. Such assistance shall be in accordance with plans to be agreed upon in advance by the Secretary and (a) land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862 (12 Stat. 503), as amended, and the Hatch Act of March 2, 1887 (24 Stat. 440), as amended, and (b) other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school; however, an appropriate State representative designated by the State's Governor shall, in any agreement drawn up with the Secretary of Agriculture for the purposes of this Act, certify those eligible institutions of the State which will qualify for assistance and shall determine the proportionate amounts of assistance to be extended these certified institutions.

Sec. 3. To enable the Secretary to carry out the provisions of this Act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary but not exceeding in any one fiscal year one-half the amount appropriated for Federal forestry research conducted directly by the Department of Agriculture for the fiscal year preceding the year in which the budget is presented for such appropriation. Funds appropriated and made

available to the States under this Act shall be in addition to allotments or grants that may be made under other authorizations.

Sec. 4. The amount paid by the Federal Government to any State-certified institutions eligible for assistance under this Act shall not exceed during any fiscal year the amount available to and budgeted for expenditure by such college or university during the same fiscal year for forestry research from non-Federal sources. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the college or university having charge of the forestry research for which the expenditures as herein provided are to be made. If any or all of the colleges or universities certified for receipt of funds under this Act fails to make available and budget for expenditure for forestry research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this Act, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the college or university shall be reapportioned by the Secretary to other eligible colleges or universities of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying colleges and universities of other States participating in the forestry research program.

Sec. 5. Apportionments among participating States and administrative expenses in connection with the program shall be determined by the Secretary after consultation with a national advisory board of not less than seven officials of the forestry schools of the State-certified eligible colleges and universities chosen by a majority of such schools. In making such apportionments consideration shall be given to pertinent factors including but not limited to, areas of non-Federal commercial forest land and volume of timber cut annually from growing stock.

Sec. 6. The Secretary is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act and to furnish such advice and assistance through a cooperative State forestry research unit in the Department of Agriculture as will best promote the purposes of this Act. The Secretary is further authorized and directed to appoint an advisory committee which shall be constituted to give equal representation to Federal-State agencies concerned with developing and utilizing the Nation's forest resources and to the forest industries. The Secretary and the national advisory board shall seek at least once each year the counsel and advice of the advisory committee to accomplish effectively the purposes of this Act.

Sec. 7. The term "forestry research" as used in this Act shall include investigations relating to: (1) Reforestation and management of land for the production of crops of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6)

utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

Sec. 8. The term "State" as used in this Act shall include Puerto Rico.

FOREST SERVICE OMNIBUS ACT OF 1962

Act of October 23, 1962 (76 Stat. 1157; 16 U.S.C. 551, 555a, 555b, 574, 574d, 579b; 5 U.S.C. 567; 7 U.S.C. 1011(f))

Sec. 1. Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

Sec. 2. The Act of July 8, 1943 (57 Stat. 388), as amended (5 U.S.C. 567), is further amended by striking out the words "within twenty years".

Sec. 3. Not to exceed \$35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

Sec. 4. The Act of June 11, 1906 (34 Stat. 233), as amended and supplemented (16 U.S.C. 506-508, 509), is hereby repealed.

Sec. 5. The provision of the Act of August 10, 1912 (37 Stat. 269, 287; 16 U.S.C. 489), which reads, "That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven" is repealed.

Sec. 6. The Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551) is amended by deleting from the second full paragraph on page 35 the portion thereof reading "as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States" and inserting in lieu thereof "by a fine of not more than \$500 or imprisonment for not more than six months, or both".

Sec. 7. Section 32(f) of the Act of July 22, 1937 (50 Stat. 526; 7 U.S.C. 1011 (f)) is amended to make the last sentence thereof read as follows: "Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both".

Sec. 8. Section 2 of the Act of May 27, 1930 (46 Stat. 387; 16 U.S.C. 574) is amended by changing the amount in the proviso from \$500 to \$2,500.

Sec. 9. Funds available to the Forest Service shall be available for expenses of, or payment of assesment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

Sec. 10. Section 13 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1034; 16 U.S.C. 579b) is hereby amended by deleting from the second sentence thereof the comma after the word "assets" and the words "but such capitalization shall not exceed \$25,000,000".