

competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder.

(May 21, 1930, ch. 307, § 3, 46 Stat. 374.)

#### § 304. Provisions authorized in lease

Any lease granted by the Secretary of the Interior pursuant to this chapter may, in the discretion of said Secretary, contain a provision giving the lessee the right, with the approval of said Secretary, to shut down the operation of any well or wells the operation of which has become unprofitable, to resume operations when such resumption may result in profit, and to abandon any well or wells that cease to produce oil and/or gas in paying quantities.

(May 21, 1930, ch. 307, § 4, 46 Stat. 374.)

#### § 305. Royalties under lease

The royalty to be paid to the United States under any lease to be issued, or agreement made pursuant to this chapter, shall be determined by the Secretary of the Interior, in no case to be less than 12½ per centum in amount or value of the production, nor for more than twenty years: *Provided*, That when the oil or gas is produced from land adjacent to the right of way the amount or value of the royalty to be paid to the United States shall be within the discretion of the Secretary of the Interior: *Provided further*, That when the daily average production of any oil well does not exceed ten barrels per day said Secretary may, in his discretion, reduce the royalty on subsequent production.

(May 21, 1930, ch. 307, § 5, 46 Stat. 374.)

#### § 306. Rules and regulations

The Secretary of the Interior is authorized and directed to adopt rules and regulations governing the exercise of the discretion and authority conferred by this chapter, which rules and regulations shall constitute a part of any application or lease hereunder.

(May 21, 1930, ch. 307, § 6, 46 Stat. 374.)

### CHAPTER 6—SYNTHETIC LIQUID FUEL DEMONSTRATION PLANTS

#### §§ 321 to 325. Omitted

##### CODIFICATION

Section 321, acts Apr. 5, 1944, ch. 172, § 1, 58 Stat. 190; Mar. 15, 1948, ch. 117, 62 Stat. 79; Sept. 22, 1950, ch. 988, § 1, 64 Stat. 905, authorized the Secretary of the Interior for not more than eleven years to construct, maintain, and operate plants producing synthetic liquid fuel from coal, oil shale, agricultural and forestry products and prescribed the size of the plants and amount of production.

Section 322, act Apr. 5, 1944, ch. 172, § 2, 58 Stat. 190, in order to carry out the 11 year demonstration plant program, authorized laboratory research and development, acquisition by purchase of license of secret processes, inventions, etc., acquisition of land, plants, etc., contracting for personnel, and cooperation with other

Federal and State agencies. See note for section 321 above.

Section 323, acts Apr. 5, 1944, ch. 172, § 3, 58 Stat. 191; Oct. 31, 1951, ch. 654, § 4(2), 65 Stat. 709, related to licenses and patent rights under the 11 year demonstration plant program. See note for section 321 above.

Section 324, act Apr. 5, 1944, ch. 172, § 4, 58 Stat. 191, provided that moneys received under this chapter for products and royalties from the 11 year demonstration plant program be paid into the Treasury as miscellaneous receipts and a report to Congress on all operations under this chapter be rendered by the Secretary on or before the first day of January of each year. See note for section 321 above.

Section 325, act Apr. 5, 1944, ch. 172, § 5, 58 Stat. 191, authorized the Secretary to issue rules and regulations to carry out the 11 year demonstration plant program under this chapter and provided that the authority and duties of the Secretary be exercised through the Bureau of Mines. See note for section 321 above.

##### AUTHORIZATION OF APPROPRIATIONS

Section 6 of act Apr. 5, 1944, as amended by acts Mar. 15, 1948, and Sept. 22, 1950, § 1, authorized appropriations of not to exceed \$87,600,000 to carry out the provisions of this chapter.

##### MORGANTOWN, W. VA., EXPERIMENT STATION

Section 2 of act Sept. 22, 1950, provided that out of the \$87,600,000 authorized to carry out this chapter, not to exceed \$2,600,000 be used for the construction and equipment of an experiment station in or near Morgantown, West Virginia, for research in mining, preparation, and utilization of coal, petroleum, natural gas, peat, and other minerals.

### CHAPTER 7—LEASE OF MINERAL DEPOSITS WITHIN ACQUIRED LANDS

Sec.	
351.	Definitions.
352.	Deposits subject to lease; consent of department heads; lands excluded.
353.	Sale of lands unaffected; reservation of mineral rights; sale subject to prior lease; naval petroleum reserves unaffected.
354.	Lease of partial or future interests in deposits.
355.	Disposition of receipts.
356.	Furnishing description of lands and title documents; recordation of documents; authenticated copies.
357.	State or local government rights; taxation.
358.	Rights under prior leases; priority of pending applications; exchange of leases.
359.	Rules and regulations.
360.	Authority to manage certain mineral leases.

##### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 188, 192c, 541d, 1003, 1005 of this title; title 16 sections 90c-1, 283b, 460q-5, 460v-4, 460dd-2; title 33 section 701c-3.

#### § 351. Definitions

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

(Aug. 7, 1947, ch. 513, §2, 61 Stat. 913; Pub. L. 97-78, §1(9)(a), Nov. 16, 1981, 95 Stat. 1072.)

#### REFERENCES IN TEXT

Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 552 of Title 16 and Tables.

Act of October 20, 1914, referred to in text, is act Oct. 20, 1914, ch. 330, 38 Stat. 741, known as the Alaska Coal Lands Act, which was repealed by Pub. L. 86-252, §1, Sept. 9, 1959, 73 Stat. 490. The subject matter of this Act is generally covered by subchapters I to VII (§181 et seq.) of chapter 3A of this title. For complete classification of this Act to the Code prior to repeal, see Tables.

Act of February 25, 1920, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

Act of April 17, 1926, referred to in text, is act Apr. 17, 1926, ch. 158, 44 Stat. 301, as amended, which is classified generally to subchapter VIII (§271 et seq.) of chapter 3A of this title. For complete classification of this Act to the Code, see Tables.

Act of February 7, 1927, referred to in text, is act Feb. 7, 1927, ch. 66, 44 Stat. 1057, as amended, which enacted subchapter IX (§281 et seq.) of chapter 3A of this title, amended sections 181 and 193 of this title, and repealed subchapter VII (§141 et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1981—Pub. L. 97-78 inserted definition of "oil".

#### SHORT TITLE

Section 1 of act Aug. 7, 1947, provided: "That this Act [enacting this chapter] may be cited as the 'Mineral Leasing Act for Acquired Lands'."

#### ADMISSION OF ALASKA AS STATE

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

#### OUTER CONTINENTAL SHELF LANDS; DEFINITION

Definition of "outer Continental Shelf" with respect to jurisdiction of United States, and mineral leases on submerged lands of such shelf, see section 1331 et seq. of Title 43, Public Lands.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title.

### § 352. Deposits subject to lease; consent of department heads; lands excluded

Except where lands have been acquired by the United States for the development of the min-

eral 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, gilsonite (including all vein-type solid hydrocarbons), 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, or (b) 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. Coal or lignite under acquired lands set apart for military or naval purposes may be leased by the Secretary, with the concurrence of the Secretary of Defense, to a governmental entity (including any corporation primarily acting as an agency or instrumentality of a State) which produces electrical energy for sale to the public if such governmental entity is located in the State in which such lands are located. The provisions of subchapter VIII of chapter 3A of this title shall apply to deposits of sulfur covered by this chapter 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 chapter 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.

(Aug. 7, 1947, ch. 513, §3, 61 Stat. 914; Pub. L. 94-377, §12, Aug. 4, 1976, 90 Stat. 1090; Pub. L. 97-78, §1(9)(b), Nov. 16, 1981, 95 Stat. 1072.)

#### REFERENCES IN TEXT

The Surplus Property Act of October 3, 1944, referred to in text, is act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed, effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108