

Public Law 85-771

AN ACT

August 27, 1958
[S. 2517]

To amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes.

Public lands.
Grants.

Deficiencies in
grants to State by
reason of settle-
ments, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2275 of the Revised Statutes, as amended (43 U. S. C. 851), is amended to read as follows:

"SEC. 2275. Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the claims of such settlers; and if such sections or either of them have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory where sections sixteen or thirty-six are, prior to survey, included within any Indian, military, or other reservation, or are, prior to survey, otherwise disposed of by the United States: *Provided*, That the selection of any lands under this section in lieu of sections granted or reserved to a State or Territory shall be a waiver by the State or Territory of its right to the granted or reserved sections. And other lands of equal acreage are also hereby appropriated and granted, and may be selected, in accordance with the provisions of section 2276 of the Revised Statutes, by said State or Territory to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservation: *Provided, however*, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein."

SEC. 2. Section 2276 of the Revised Statutes (43 U. S. C., sec. 852) is amended to read as follows:

Selections.
43 USC 851.

"SEC. 2276. (a) The lands appropriated by section 2275 of the Revised Statutes, shall be selected from any unappropriated, surveyed public lands within the State or Territory where such losses or deficiencies occur subject to the following restrictions:

Restrictions.

"(1) No lands mineral in character may be selected by a State or Territory except to the extent that the selection is being made as indemnity for mineral lands lost to the State or Territory because of appropriation prior to survey;

"(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is being made as indemnity for lands on such a structure lost to the State or Territory because of appropriation prior to survey; and

"(3) Lands subject to a mineral lease or permit may be selected, but only if all of the lands subject to that lease or permit are selected and if none of the lands subject to that lease or permit are in a producing or producible status; where lands subject to a mineral lease or permit are selected, the State or Territory shall succeed to the position of the United States thereunder.

"(b) Where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided*, That the States or Territories which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships.

School lands.

"(c) Notwithstanding the provisions of the Act of September 27, 1944 (58 Stat. 748), as amended (43 U. S. C., sec. 282) on the revocation not later than 10 years after the date of approval of this Act, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State or Territory in which the lands are situated shall have a preferred right of application for selection under this section, subject to the requirements of existing law, except as against the prior existing valid settlement rights and preference rights conferred by existing law other than the said Act of September 27, 1944, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

Revocation.

"(d) (1) The term 'unappropriated public lands' as used in this section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulfur, but otherwise subject to appropriation, location, selection, entry, or purchase under the non-mineral laws of the United States; and lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection.

"Unappropriated public lands".

"(2) The determination, for the purposes of this section of the mineral character of lands lost to a State or Territory shall be made as of the date of application for selection and upon the basis of the best evidence available at that time."

Determination of mineral lands.

SEC. 3. Section 1 of the Act of March 4, 1915, as amended (48 U. S. C., sec. 353), is further amended by the deletion of the first proviso and the substitution of the following in its place: "*Provided*, That where settlement with a view to homestead entry has been made upon any part of the sections reserved before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any Act of Congress or included

38 Stat. 1215.
Reservation of homestead lands.

43 USC 851, 852.

within any Indian, military, or other reservation or are wanting or fractional in quantity, other lands, nonmineral in character, may be designated and reserved in lieu thereof in the manner provided by sections 2275 and 2276 of the Revised Statutes: *Provided further*, That the Territory may select mineral lands (including lands on the known geologic structure of a producing oil or gas field and lands subject to a mineral lease or permit) to be reserved for it to the same extent as a State may select such lands to be granted to it under subsection (a) of section 2276 of the Revised Statutes (43 U. S. C., sec. 852) :".

Approved August 27, 1958.

Public Law 85-772

AN ACT

August 27, 1958
[H. R. 8606]

To amend the Civil Service Retirement Act with respect to annuities of survivors of employees who are elected as Members of Congress.

Civil Service
Retirement Act,
amendments.
70 Stat. 749.
5 USC 2256.

5 USC 2260.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6 (f) of the Civil Service Retirement Act is amended by striking out the words "Member service" in the last sentence and inserting in lieu thereof "civilian service".

(b) Section 10 (c) of such Act is amended by striking out "If an employee dies after completing at least five years of civilian service, or a Member dies after completing at least five years of Member service", and inserting in lieu thereof the following: "If an employee or a Member dies after completing at least five years of civilian service".

(c) Section 10 (d) of such Act is amended by striking out "If an employee dies after completing five years of civilian service or a Member dies after completing five years of Member service" and inserting in lieu thereof the following: "If an employee or a Member dies after completing at least five years of civilian service".

5 USC 2254.

(d) Section 4 of such Act is amended by adding at the end thereof a new subsection as follows:

"(h) For purposes of survivor annuity, deposits authorized by subsections (c) and (d) may also be made by the survivor of an employee or Member."

Effective date.

(e) The amendments made by this section shall take effect as of March 1, 1958.

George M. Fay.

SEC. 2. (a) In the administration of the Civil Service Retirement Act, George Morris Fay shall be considered to have retired for disability under the provisions of such Act on May 31, 1957, the date of his separation from service as an employee of the United States Senate, to have elected a reduced annuity, and to have designated his wife, Dorothy D. Fay, to receive an annuity after his death equal to 50 per centum of the annuity which he would have received upon such retirement in the absence of such election.

(b) No annuity shall be payable under this section—

(1) until there shall have been repaid to the Civil Service Retirement and Disability Fund the amount of any lump-sum benefit heretofore paid on account of the death of the said George Morris Fay, or

(2) for any period prior to the first day of the month in which this Act is enacted.

Approved August 27, 1958.