

## Public Law 31

## CHAPTER 65

## AN ACT

May 22, 1953  
[H. R. 4198]

To confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Submerged Lands Act".*

Submerged Lands  
Act.

## TITLE I

## DEFINITION

SEC. 2. When used in this Act—

(a) The term "lands beneath navigable waters" means—

"Lands beneath  
navigable waters."

(1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and

(3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;

(b) The term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 4 hereof but in no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico;

"Boundaries."

(c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

"Coast line."

(d) The terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however,* That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

"Grantees" and  
"lessees."

"Natural resources."

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

(f) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

(g) The term "State" means any State of the Union;

"Person."

(h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

## TITLE II

### LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

#### SEC. 3. RIGHTS OF THE STATES.—

Title and powers.

(a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

Claims of U. S.

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States hereby releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on the effective date of this Act, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

Leases in effect on June 5, 1950.

(c) The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full

term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however*, That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however*, That within ninety days from the effective date hereof (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

(d) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power;

(e) 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 and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

SEC. 4. SEAWARD BOUNDARIES.—The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.

Rights of U. S.  
respecting navigation,  
etc.

Surface waters  
west of 98th meridian.

SEC. 5. EXCEPTIONS FROM OPERATION OF SECTION 3 OF THIS ACT.—  
There is excepted from the operation of section 3 of this Act—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union (otherwise than by a general retention or cession of lands underlying the marginal sea); all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

SEC. 6. POWERS RETAINED BY THE UNITED STATES.—(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this Act.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

5 USC 485; 16  
USC 460d, 325e;  
30 USC 35, 36, 38,  
43, 46, 47, 51, 52;  
33 USC 701a-1,  
701c, 701f, 701j  
and notes, 708,  
709; 43 USC 321-  
323, 325, 327-329,  
372-498 passim,  
661, 766.

SEC. 7. Nothing in this Act shall be deemed to amend, modify, or repeal the Acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto.

SEC. 8. Nothing contained in this Act shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this Act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this Act.

Resources seaward of Continental Shelf.

SEC. 9. Nothing in this Act shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United

States, and the jurisdiction and control of which by the United States is hereby confirmed.

SEC. 10. Executive Order Numbered 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", is hereby revoked insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof.

18 FR 405.

SEC. 11. SEPARABILITY.—If any provision of this Act, or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3 (a) 1, 3 (a) 2, 3 (b) 1, 3 (b) 2, 3 (b) 3, or 3 (c) or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.

Approved May 22, 1953.

## Public Law 32

## CHAPTER 66

## JOINT RESOLUTION

To provide for proper participation by the United States Government in a national celebration of the fiftieth anniversary year of controlled powered flight occurring during the year from December 17, 1952, to December 17, 1953.

May 22, 1953  
[S. J. Res. 42]

Whereas two Americans, Orville and Wilbur Wright, of Dayton, Ohio, made the world's first successful controlled powered flight in a heavier-than-air craft at Kitty Hawk, North Carolina, on December 17, 1903; and

Whereas American inventiveness and competitive enterprise during the half-century since December 17, 1903, has developed the airplane into one of mankind's most powerful economic tools, into a social force which has recast the earth, into the most decisive element in the armor of the free world; and

Whereas the epochal contribution of the Wright Brothers is an historical milestone in world aviation leadership; and

Whereas the National Committee To Observe the Fiftieth Anniversary of Powered Flight desires and the President of the United States has directed the Federal Government to participate in a broad program of commemorative activities; and

Whereas it is the judgment of the Congress that a proper coordination of Government participation in this anniversary be achieved: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period from December 17, 1952, to December 17, 1953, be, and it is hereby, declared the fiftieth anniversary year of controlled powered flight.

50th anniversary  
of powered flight.

The President of the Senate shall appoint six Members and the Speaker of the House shall appoint six Members to compose a Joint Committee on Observance of the Fiftieth Anniversary Year of Controlled Powered Flight, and may appoint additional Members of their respective Houses, from time to time, to represent the Congress at principal national events during the fiftieth anniversary year of controlled flight.

Joint Committee  
on Observance.

When requested thereto by the joint committee appointed pursuant to this resolution, the Secretary of Defense is authorized and directed to arrange for the cooperation of and appropriate participation by the

## Public Law 85-303

## AN ACT

September 7, 1957  
[H. R. 6760]

To grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—*

(a) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, but does not include fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life, or waterpower, or the use of water for the production of power; and

Alaska,  
Offshore lands."Natural re-  
sources".

(b) The term "pierhead line" means a pierhead line established, now or in the future, by the Corps of Engineers of the Department of the Army: *Provided*, That the pierhead line shall be a line parallel to the existing line of mean low tide at such distance offshore from the line of mean low tide that said pierhead line shall encompass, to the landward, all stationary, manmade structures (but shall not encompass any part of breakwaters, bridges, or piers used for vessel dockage which part extends beyond such a parallel line marking the seaward extremity of other manmade structures) which were in existence as of February 1, 1957, to the seaward of the particular townsite for which the pierhead line is being established, and shall encompass no more: *And provided further*, That the determination of the location of a pierhead line by the Corps of Engineers shall be conclusive.

"Pierhead line".

SEC. 2. (a) Except as provided in section 3, there is granted to the Territory of Alaska (hereinafter called the "Territory") all the right, title, and interest of the United States in and to all lands within the Territory of Alaska, including improvements thereon and natural resources thereof, lying offshore of surveyed townsites in the Territory, between the line of mean high tide and the pierhead line. For the purposes of this Act, the term "line of mean high tide" shall mean the meander line as heretofore established by Government survey, or, in the event that such a survey has not been made, the present line of mean high tide. Upon the acceptance by the Secretary of the Interior (hereinafter called the "Secretary") at any future time of the survey of any other townsite in the Territory, all the right, title, and interest of the United States in and to the lands, including improvements thereon and natural resources thereof, lying offshore of that surveyed townsite, between the line of mean high tide and the pierhead line, shall pass to the Territory, in the same manner and subject to the same conditions as set forth in this Act for lands lying offshore of townsites which are now surveyed.

Grant of U. S.  
title, etc."Line of mean  
high tide".

(b) The Territory may manage and dispose of any tract of land acquired by it under subsection (a) of this section, and of any revenues or proceeds therefrom, in such manner as the legislature of the Territory may direct, except that in the disposition, by sale, lease, or otherwise, of any tract which is occupied or developed for municipal, business, residential, or other beneficial purposes on the date of approval of this Act, the Territory shall afford a preference right to the occupant thereof on the date of approval of this Act, or his successor in interest, or, if the Territory deems it more advisable, shall dispose of the tract to the incorporated town or independent school district to which it is adjacent. If such an occupied or developed tract is conveyed to an incorporated town or school district, the town or district shall, in its disposition of the tract, afford a similar prefer-

Management and  
disposal.

ence right to the occupant of the tract. Where the tract is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of this subsection, be considered the occupant of the tract: *Provided*, That all oil, gas, or other minerals shall be reserved to the Territory in the event that any part or all of said granted lands are sold or disposed of to a political subdivision or to any other person or organization, such minerals to be subject to exploitation under mineral lease from the Territory only.

**Restrictions.**

(c) The Territory shall not be authorized to manage or dispose of any tract of land granted to the Territory under this Act until the Secretary of the Army has submitted to the Secretary of the Interior and the Governor of the Territory maps showing the pierhead line established by the Corps of Engineers with respect to the tract so granted.

(d) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of such lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

**Submerged lands Act, effect.**

Sec. 3. Any lands which are (1) within the purview of section 2 (a) of this Act, and (2) situated to the seaward of the "coastline" as that term is defined in section 2 (c) of the Submerged Lands Act of 1953 (67 Stat. 29), shall be subject to the said Submerged Lands Act and, as to such lands, the Territory shall have equal title, right, and interest as is accorded to States which are subject to that Act in relation to their similar lands; all other lands which come within the purview of section 2 (a) of this Act shall be subject to the provisions of this Act. There are excepted from the operation of the first sentence of this section and the operation of subsection (a) of section 2 of this Act—

43 USC 1301.

6/22/53

**Exceptions.**

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from the Territory of Alaska or from any party in whom title has vested under the laws applicable to the Territory, or the law of the United States, all lands expressly retained by or ceded to the United States, all lands acquired by the United States by gift or by proceedings under eminent domain, all lands filled in, built up, or otherwise reclaimed by the United States for its own use as long as so used, and any rights the United States has in lands presently and actually occupied by the United States under claim of rights;

(b) the lands underlying war housing project ALASKA-50083 located in Juneau, Alaska, together with such easements in, over, through, and upon the adjacent tidal flats as may be necessary to continue the existing main sewer line to deep water;

(c) any land which, on the date of approval of this Act, is held, or any land in which, on the date of approval of this Act, any interest is held, by the United States for the benefit of any tribe, band, or group of Indians, Aleuts, and Eskimos or for individual Indians, Aleuts, and Eskimos;

(d) all oil and gas deposits located in the submerged lands along the Arctic coast of naval petroleum reserve numbered 4 between the line of mean high tide and the pierhead line; and

(e) all structures and improvements, constructed by the United States in the exercise of its navigational servitude.

SEC. 4. (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of the waters over and lands transferred under subsection (a) of section 2 for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, disposition, use, and development of the lands and natural resources which are specifically vested in the Territory by subsection (a) of section 2 of this Act.

Retention of  
rights by U. S.

(b) In time of war or when necessary for national defense, and when the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the natural resources granted under subsection (a) of section 2, or to acquire and use any portion of the lands granted thereby, by proceeding in accordance with due process of law and paying just compensation therefor.

National de-  
fense.

SEC. 5. Nothing contained in this Act shall affect any right which may have been acquired under any law of the United States in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time at which they were acquired: *Provided, however,* That nothing contained in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this Act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this Act.

Prior rights.

SEC. 6. (a) The Secretary is hereby authorized to survey for the purposes of this Act the exterior boundaries of any area in the Territory which is now or in the future occupied as a town, village, or city, notwithstanding the fact that the lands within that area may not be subject to disposal under the public land laws, and upon his acceptance of a survey for such area, the area shall be deemed a surveyed townsite for the purposes of this Act.

Survey.

(b) The Secretary of the Army is authorized and directed to cause such pierhead lines to be established as may be requested by the Secretary of the Interior as necessary to carry out the terms of this Act.

Establishment of  
pierhead lines.

Approved September 7, 1957.

## Public Law 85-304

### AN ACT

To amend the Act of June 9, 1880, entitled "An Act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city".

September 7, 1957  
[H. R. 8928]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of June 9, 1880, entitled "An Act to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city" (21 Stat. 171), is hereby amended by the insertion of a period immediately after "fifth principal meridian of Iowa", and by the deletion of all thereafter.

Council Bluffs,  
Iowa.

Approved September 7, 1957.