

entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than \$5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under this chapter. (Pub. L. 87-347, § 9, Oct. 3, 1961, 75 Stat. 768; Pub. L. 89-238, § 1(5), Oct. 5, 1965, 79 Stat. 925.)

AMENDMENTS

1965—Subsec. (c). Pub. L. 89-238 deleted subsec. (c) which removed the eligibility of producers operating under a lease, contract, or permit obtained after Oct. 3, 1961, from another producer of lead and zinc who has placed a larger portion of his mining properties under lease, contract, or permit to other producers than he had placed at his highest production level since Jan. 1, 1956, to Oct. 3, 1961.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment of section by Pub. L. 89-238 effective on Jan. 1, 1966, see section 2 of Pub. L. 89-238, set out as a note under section 682 of this title.

Chapter 20.—CONVEYANCES TO OCCUPANTS OF UNPATENTED MINING CLAIMS

Sec.

- 701. Authorization to convey; acreage limitations; qualified applicants; payment; "qualified officer of the United States", defined.
- 702. "Qualified applicant", defined.
- 703. Withdrawal of lands in aid of a governmental unit.
- 704. Purchase of substitute lands; limitations; conditions; payment; conveyance of less than a fee.
- 705. Purchase price of conveyed interest; installment payments.
- 706. Liabilities of occupants; trespass; limitations.
- 707. Reservation of mineral rights.
- 708. Assignments; succession.
- 709. Disposition of payments and fees.

§ 701. Authorization to convey; acreage limitations; qualified applicants; payment; "qualified officer of the United States", defined.

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 rights 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 702 of this title, who applies therefor within the period ending June 30, 1971, and upon payment of an amount established in accordance with section 705 of this title.

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. (Pub. L. 87-851, § 1, Oct. 23, 1962, 76 Stat. 1127; Pub. L. 90-111, § 1, Oct. 23, 1967, 81 Stat. 311.)

REFERENCES IN TEXT

The mining laws, referred to in text, are classified generally to this title.

AMENDMENTS

1967—Pub. L. 90-111 extended from Oct. 23, 1967, to June 30, 1971, the period in which qualified individuals shall apply for conveyances authorized by this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 703, 704, 706 of this title.

§ 702. "Qualified applicant", defined.

For the purposes of this chapter a qualified applicant is a residential occupant-owner, as of October 23, 1962, 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. (Pub. L. 87-851, § 2, Oct. 23, 1962, 76 Stat. 1127.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 701 of this title.

§ 703. Withdrawal of lands in aid of a governmental unit.

Where the lands for which application is made under section 701 of this title 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. (Pub. L. 87-851, § 3, Oct. 23, 1962, 76 Stat. 1127.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 704 of this title.

§ 704. Purchase of substitute lands; limitations; conditions; payment; conveyance of less than a fee.

(a) If the Secretary of the Interior determines that conveyance of an interest under section 701 of this title is otherwise justified but the consent required by section 703 of this title 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 chapter (1) from the unappropriated and unreserved lands of the United States, or (2) from lands subject to classification under section 315f of Title 43. 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 705 of this title.

(b) Any conveyance of less than a fee made under this chapter 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. (Pub. L. 87-851, § 4, Oct. 23, 1962, 76 Stat. 1127.)

§ 705. Purchase price of conveyed interest; installment payments.

The Secretary of the Interior, prior to any conveyance under this chapter, 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. (Pub. L. 87-851, § 5, Oct. 23, 1962, 76 Stat. 1128.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701, 704 of this title.

§ 706. Liabilities of occupants; trespass; limitations.

(a) The execution of a conveyance as authorized by section 701 of this title 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 chapter 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 chapter, 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 chapter shall be construed as creating any liability for trespass to the United States which would not exist in the absence of this chapter. Relief under this section shall be limited to persons who file applications for conveyances pursuant to section 701 of this title within the period ending June 30, 1971. (Pub. L. 87-851, § 6, Oct. 23, 1962, 76 Stat. 1128; Pub. L. 90-111, § 2, Oct. 23, 1967, 81 Stat. 311.)

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-111 extended from Oct. 23, 1967 to June 30, 1971, the period in which relief shall be accorded under this section to individuals who apply for conveyances pursuant to section 701 of this title.

§ 707. Reservation of mineral rights.

In any conveyance under this chapter the mineral interests of the United States in the lands conveyed are reserved for the term of the estate conveyed. Minerals locatable under the mining laws or disposable under sections 601 to 604 of this title, are 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 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. (Pub. L. 87-851, § 7, Oct. 23, 1962, 76 Stat. 1128.)

REFERENCES IN TEXT

The mining laws, referred to in text, are classified generally to this title.

CROSS REFERENCES

Mineral Lands Leasing Act, see chapter 3A of this title.
Mineral Leasing Act for Acquired Lands, see chapter 7 of this title.

§ 708. Assignments; succession.

Rights and privileges to qualify as an applicant under this chapter shall not be assignable, but may pass through devise or descent. (Pub. L. 87-851, § 8, Oct. 23, 1962, 76 Stat. 1128.)

§ 709. Disposition of payments and fees.

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 the lands involved. (Pub. L. 87-851, § 9, Oct. 23, 1962, 76 Stat. 1128.)

Chapter 21.—METAL AND NONMETALLIC MINE SAFETY

Sec.

- 721. Definitions.
- 722. Mines subject to chapter; declination of jurisdiction.
- 723. Investigations of metal and nonmetallic mines to obtain information relating to health and safety conditions.
- 724. Admission of investigators to mines.
- 725. Health and safety standards.
 - (a) Development, revision, and promulgation.
 - (b) Publication in Federal Register; compliance with mandatory standards.
 - (c) Publication in Federal Register of proposed standards; submission of data, views, or arguments by interested persons; promulgation.
 - (d) Objections; requests for public hearings; publication in Federal Register; public hearings; evidence; findings; decision; review by United States Court of Appeals for the District of Columbia; petitions; record; conclusiveness of findings; determination; review by Supreme Court; stay of administrative decision.
 - (e) Same; provisions inapplicable to proposed mandatory standards recommended by Advisory Committee.
- 726. Advisory committees.
 - (a) Establishment; representation of interests.
 - (b) Compensation and travel expenses.