

valid 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.)

#### Editorial Notes

##### 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.

#### § 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.)

#### § 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Where the lands for which application is made under section 701 of this title have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, county, municipality, water district, or other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.)

#### § 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 con-

sent 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.)

#### § 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 admin-