

AMENDMENTS

1955—Act July 23, 1955, required disposal under this subchapter of common varieties of sand, stone, gravel, pumice, pumicite, and cinders, and gave the Secretary of Agriculture the same authority as to lands under his jurisdiction as the Secretary of Interior possesses as to lands under his jurisdiction in the disposal of mining and vegetative materials.

SHORT TITLE

Act July 31, 1947, ch. 406, 61 Stat. 681, as amended, which is classified to this subchapter, is popularly known as the “Materials Act of 1947”.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with materials sales contracts under this subchapter and removal permits issued under this subchapter and enforcement functions of Secretary or other official in Department of Agriculture insofar as they involve lands and programs under jurisdiction of that Department related to compliance with removal of materials under this subchapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), eff. July 1, 1979, 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, set out in the Appendix to Title 5, Government Organization and Employees, Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§ 602. Bidding; advertising and other notice; conditions for negotiation of contract

(a) The Secretary shall dispose of materials under this subchapter to the highest responsible qualified bidder after formal advertising and such other public notice as he deems appropriate: *Provided, however,* That the Secretary may authorize negotiation of a contract for the disposal of materials if—

(1) the contract is for the sale of less than two hundred fifty thousand board-feet of timber; or, if

(2) the contract is for the disposal of materials to be used in connection with a public works improvement program on behalf of a Federal, State or local governmental agency and the public exigency will not permit the delay incident to advertising; or, if

(3) the contract is for the disposal of property for which it is impracticable to obtain competition.

(b) Repealed. Pub. L. 96-470, title I, §102(a), Oct. 19, 1980, 94 Stat. 2237.

(July 31, 1947, ch. 406, §2, 61 Stat. 681; Pub. L. 87-689, §1, Sept. 25, 1962, 76 Stat. 587; Pub. L. 94-273, §20, Apr. 21, 1976, 90 Stat. 379; Pub. L. 96-470, title I, §102(a), Oct. 19, 1980, 94 Stat. 2237.)

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-470 struck out subsec. (b) which required a report to be made to Congress on Apr.

1 and Oct. 1 of each year of the contracts made under subsec. (a)(2) and (3) during the period since the date of the last report, which report was to name each purchaser, furnish the appraised value of the material involved, state the amount of each contract, and describe the circumstances leading to the determination that the contract should be entered into by negotiation instead of competitive bidding after formal advertising.

1976—Subsec. (b). Pub. L. 94-273 substituted “April” for “January” and “October” for “July”.

1962—Pub. L. 87-689 designated existing provisions as subsec. (a), substituted therein provisions requiring the Secretary to dispose of materials after formal advertising and such other public notice as he deems appropriate, and authorizing negotiation of a contract for the sale of less than 250,000 board-feet of timber, or for materials to be used in connection with public works improvement program for a Federal, State, or local governmental agency where the public exigency will not permit the delay of advertising, or for property for which it is impracticable to obtain competition, for provisions requiring publication of notice once a week for 4 consecutive weeks in a newspaper of general circulation, and competitive bidding, in cases where the value was in excess of \$1,000, and permitting disposal upon such notice and in such manner as he prescribed where the value was \$1,000 or less, and added subsec. (b).

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other appropriate officer or entity in Departments of Agriculture and the Interior under this subchapter to Federal Inspector of Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 601 of this title.

§ 603. Disposition of moneys from disposal of materials

All moneys received from the disposal of materials under this subchapter shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials by the Secretary of Agriculture shall be disposed of in the same manner as other moneys received by the Department of Agriculture from the administration of the lands from which the disposal of materials is made, and except that revenues from the lands described in subchapter V of chapter 28 of title 43, shall be disposed of in accordance with said sections and except that moneys received from the disposal of materials from school section lands in Alaska, reserved under section 1 of the Act of March 4, 1915 (38 Stat. 1214), shall be set apart as separate and permanent funds in the Territorial Treasury, as provided for income derived from said school section lands pursuant to said Act.

(July 31, 1947, ch. 406, §3, 61 Stat. 681; Aug. 31, 1950, ch. 830, 64 Stat. 571; July 23, 1955, ch. 375, §2, 69 Stat. 368.)

REFERENCES IN TEXT

Subchapter V (§1181a et seq.) of chapter 28 of title 43, referred to in text, was in the original a reference to the Acts of Aug. 28, 1937 (50 Stat. 874), and June 24, 1954 (68 Stat. 270), as amended. For complete classification of these Acts to the Code, see Tables.

Act of March 4, 1915 (38 Stat. 1214), referred to in text, is act Mar. 4, 1915, ch. 181, 38 Stat. 1214, as amended. Section 1 of that Act, which made reservation of cer-

tain Alaska lands for educational purposes, covered disposition of proceeds or income derived from reserved lands, and set out the exclusion of certain lands, was classified to section 353 of Title 48, Territories and Insular Possessions, and was repealed by Pub. L. 85-508, §6(k), July 7, 1958, 72 Stat. 343. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1955—Act July 23, 1955, provided for the disposal of moneys received by the Secretary of Agriculture, and for the disposal of revenues from the lands described in sections 1181a to 1181j of title 43.

1950—Act Aug. 31, 1950, provided for setting apart as separate and permanent funds in the Territorial Treasury moneys received from disposal of materials from school section lands in Alaska.

TRANSFER OF FUNCTIONS

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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.

§ 604. Disposal of sand, peat moss, etc., in Alaska; contracts

Subject to the provisions of this subchapter, the Secretary may dispose of sand, stone, gravel, and vegetative materials located below high-water mark of navigable waters of the Territory of Alaska. Any contract, unexecuted in whole or in part, for the disposal under this subchapter of materials from land, title to which is transferred to a future State upon its admission to the Union, and which is situated within its boundaries, may be terminated or adopted by such State.

(July 31, 1947, ch. 406, §4, as added Aug. 31, 1950, ch. 830, 64 Stat. 572.)

TRANSFER OF FUNCTIONS

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SUBCHAPTER II—MINING LOCATIONS

§ 611. Common varieties of sand, stone, gravel, pumice, pumicite, or cinders, and petrified wood

No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws: *Provided, however*, That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in this subchapter and sections 601 and 603 of this title does not include deposits of such materials which are valuable because the deposit has some property giving it distinct and special value and does not include so-called "block pumice" which occurs in nature in pieces having one dimension of two inches or more. "Petrified wood" as used in this subchapter and sections 601 and 603 of this title means agatized, opalized, petrified, or silicified wood, or any material formed by the replacement of wood by silica or other matter.

(July 23, 1955, ch. 375, §3, 69 Stat. 368; Pub. L. 87-713, §1, Sept. 28, 1962, 76 Stat. 652.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to this title.

AMENDMENTS

1962—Pub. L. 87-713 defined "petrified wood", and provided that no deposit of petrified wood shall be deemed a valuable mineral deposit within the mining laws of the United States.

REGULATIONS FOR REMOVAL OF LIMITED QUANTITIES OF PETRIFIED WOOD

Section 2 of Pub. L. 87-713 provided that: "The Secretary of the Interior shall provide by regulation that limited quantities of petrified wood may be removed without charge from those public lands which he shall specify."

§ 612. Unpatented mining claims

(a) Prospecting, mining or processing operations

Any mining claim hereafter located under the mining laws of the United States shall not be used, prior to issuance of patent therefor, for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

(b) Reservations in the United States to use of the surface and surface resources

Rights under any mining claim hereafter located under the mining laws of the United States shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject, prior to issuance of patent therefor, to the right of the United States, its permittees,