

fied applicant was located at a time when the land included therein was withdrawn or otherwise not subject to such location, no trespass charges shall be sought or collected by the United States from any qualified applicant who has filed an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 Minerals locatable under the mining laws or disposable under subchapter I of chapter 15 of this title, are withdrawn from all forms of entry and appropriation for the term of the estate.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 and the mineral leasing laws, referred to in text, are classified generally to 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

#### §§ 721 to 740. Repealed. Pub. L. 95-164, title III, § 306(a), Nov. 9, 1977, 91 Stat. 1322

This chapter, covering the operation of only metal and nonmetallic mines, is covered by section 801 et seq. of this title following the enactment of Pub. L. 95-164 which brought the operation of all coal and other mines under a single legislative canopy.

Section 721, Pub. L. 89-577, §2, Sept. 16, 1966, 80 Stat. 772, defined "commerce", "mine", "operator", "Secretary", and "Board". See section 802 of this title.

Section 722, Pub. L. 89-577, §3, Sept. 16, 1966, 80 Stat. 773, described mines to be covered and empowered Secretary of the Interior to decline jurisdiction if effect of the mine on commerce was not sufficiently substantial. See section 801 et seq. of this title.

Section 723, Pub. L. 89-577, §4, Sept. 16, 1966, 80 Stat. 773, related to investigations of metal and nonmetallic mines to obtain information relating to health and safety conditions. See section 811 of this title.

Section 724, Pub. L. 89-577, §5, Sept. 16, 1966, 80 Stat. 773, related to admission of investigators to mines. See section 813 of this title.

Section 725, Pub. L. 89-577, §6, Sept. 16, 1966, 80 Stat. 774, related to development of health and safety standards. See section 811 of this title.

Section 726, Pub. L. 89-577, §7, Sept. 16, 1966, 80 Stat. 775, related to advisory committees. See section 812 of this title.

Section 727, Pub. L. 89-577, §8, Sept. 16, 1966, 80 Stat. 775, related to findings and orders. See section 814 of this title.

Section 728, Pub. L. 89-577, §9, Sept. 16, 1966, 80 Stat. 777, related to review of orders by Secretary of the Interior. See section 815 of this title.

Section 729, Pub. L. 89-577, §10, Sept. 16, 1966, 80 Stat. 778, created Federal Metal and Nonmetallic Mine Safety Board of Review. See section 823 of this title.

Section 730, Pub. L. 89-577, §11, Sept. 16, 1966, 80 Stat. 779, related to review functions of Federal Metal and Nonmetallic Mine Safety Board of Review. See section 823 of this title.

Section 731, Pub. L. 89-577, §12, Sept. 16, 1966, 80 Stat. 781, related to judicial review of final orders of Federal Metal and Nonmetallic Mine Safety Board of Review. See section 816 of this title.

Section 732, Pub. L. 89-577, §13, Sept. 16, 1966, 80 Stat. 782, related to accident and related reports to Secretary of the Interior. See section 813 of this title.

Section 733, Pub. L. 89-577, §14, Sept. 16, 1966, 80 Stat. 782, related to penalties to be imposed for violations of the chapter. See section 820 of this title.

Section 734, Pub. L. 89-577, §15, Sept. 16, 1966, 80 Stat. 782, related to programs of education and training for employers and employees. See section 825 of this title.

Section 735, Pub. L. 89-577, §16, Sept. 16, 1966, 80 Stat. 782, related to State plans and cooperation with State agencies. See section 811 of this title.

Section 736, Pub. L. 89-577, §17, Sept. 16, 1966, 80 Stat. 783, related to administration of chapter by Bureau of Mines of Department of the Interior. See section 557a of Title 29, Labor.

Section 737, Pub. L. 89-577, §18, Sept. 16, 1966, 80 Stat. 784, related to non-applicability of Administrative Procedure Act to proceedings under chapter. See section 815 of this title.

Section 738, Pub. L. 89-577, §19, Sept. 16, 1966, 80 Stat. 784, related to effect of chapter on State laws. See section 811 of this title.

Section 739, Pub. L. 89-577, §20, Sept. 16, 1966, 80 Stat. 784, related to annual report of Secretary of the Interior to Congress. See section 557a of Title 29, Labor.

Section 740, Pub. L. 89-577, §21, Sept. 16, 1966, 80 Stat. 784, authorized appropriations necessary to carry out chapter. See section 824 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective 120 days after Nov. 9, 1977, see section 307 of Pub. L. 95-164, set out as an Effective Date of 1977 Amendment note under section 801 of this title.

**CHAPTER 22—MINE SAFETY AND HEALTH**

- | Sec. |  | Sec. |  |
|------|--|------|--|
| 801. | Congressional findings and declaration of purpose.   |      | (g) Untrained miners.  |
| 802. | Definitions.   |      | (h) Duration of citations and orders.  |
| 803. | Mines subject to coverage.   | 815. | Procedure for enforcement. <ul style="list-style-type: none"> <li>(a) Notification of civil penalty; contest.</li> <li>(b) Failure of operator to correct violation; notification; contest; temporary relief.</li> <li>(c) Discrimination or interference prohibited; complaint; investigation; determination; hearing.</li> <li>(d) Contest proceedings; hearing; findings of fact; affirmance, modification, or vacatur of citation, order, or proposed penalty; procedure before Commission.</li> </ul>   |
| 804. | Interim Compliance Panel. <ul style="list-style-type: none"> <li>(a) Establishment; composition.</li> <li>(b) Compensation; travel and subsistence expenses.</li> <li>(c) Cooperation of Federal agencies.</li> <li>(d) Quorum; voting; selection of chairman.</li> <li>(e) Appointment of administrative law judges; provisions applicable.</li> <li>(f) Functions; hearings; notice and review; termination; annual report.</li> </ul>   | 816. | Judicial review of Commission orders. <ul style="list-style-type: none"> <li>(a) Petition by person adversely affected or aggrieved; temporary relief.</li> <li>(b) Petition by Secretary for review or enforcement of final Commission orders.</li> <li>(c) Stay of order or decision of Commission or Panel.</li> </ul>  |
|      | <b>SUBCHAPTER I—GENERAL</b>  | 817. | Procedures to counteract dangerous conditions. <ul style="list-style-type: none"> <li>(a) Withdrawal orders.</li> <li>(b) Notice to mine operators; further investigation; findings and decision by Secretary.</li> <li>(c) Form and content of orders.</li> <li>(d) Findings; duration of orders.</li> <li>(e) Reinstatement, modification, and vacatur of orders.</li> </ul>   |
| 811. | Mandatory safety and health standards. <ul style="list-style-type: none"> <li>(a) Development, promulgation, and revision.</li> <li>(b) Emergency temporary mandatory standards.</li> <li>(c) Modification of standards.</li> <li>(d) Judicial review.</li> <li>(e) Distribution of copies of proposed standards or regulations.</li> </ul>  | 818. | Injunctions. <ul style="list-style-type: none"> <li>(a) Civil action by Secretary.</li> <li>(b) Jurisdiction; relief; findings of Commission or Secretary.</li> </ul>  |
| 812. | Advisory committees. <ul style="list-style-type: none"> <li>(a) Committee on coal or other mine safety research; establishment; membership; chairman; functions; conflicts of interest.</li> <li>(b) Committee on coal or other mine health research; establishment; membership; chairman; functions; conflicts of interest.</li> <li>(c) Additional advisory committees; chairman; conflicts of interest.</li> <li>(d) Compensation; travel and subsistence expenses.</li> </ul>  | 819. | Posting of orders and decisions. <ul style="list-style-type: none"> <li>(a) Mine office; bulletin board.</li> <li>(b) Distribution of orders, citations, notices, and decisions.</li> <li>(c) Compliance.</li> <li>(d) Filing; designation of health and safety officers.</li> </ul>   |
| 813. | Inspections, investigations, and record-keeping. <ul style="list-style-type: none"> <li>(a) Purposes; advance notice; frequency; guidelines; right of access.</li> <li>(b) Notice and hearing; subpoenas; witnesses; contempt.</li> <li>(c) Records of employee exposure to toxic materials or harmful physical agents; undue exposure.</li> <li>(d) Accident investigations; records.</li> <li>(e) Collecting information without unreasonable burden on operators.</li> <li>(f) Participation of representatives of operators and miners in inspections.</li> <li>(g) Immediate inspection; notice of violation or danger; determination.</li> <li>(h) Records and reports; compilation and publication; availability.</li> <li>(i) Spot inspections.</li> <li>(j) Accident notification; rescue and recovery activities.</li> <li>(k) Safety orders; recovery plans.</li> </ul> | 820. | Penalties. <ul style="list-style-type: none"> <li>(a) Civil penalty for violation of mandatory health or safety standards.</li> <li>(b) Civil penalty for failure to correct violation for which citation has been issued.</li> <li>(c) Liability of corporate directors, officers, and agents.</li> <li>(d) Criminal penalties.</li> <li>(e) Unauthorized advance notice of inspections.</li> <li>(f) False statements, representations, or certifications.</li> <li>(g) Violation by miners of safety standards relating to smoking.</li> <li>(h) Equipment falsely represented as complying with statute, specification, or regulations.               <ul style="list-style-type: none"> <li>(i) Authority to assess civil penalties.</li> <li>(j) Payment of penalties; interest.</li> </ul> </li> <li>(k) Compromise, mitigation, and settlement of penalty.               <ul style="list-style-type: none"> <li>(l) Inapplicability to black lung benefit provisions.</li> </ul> </li> </ul> |
| 814. | Citations and orders. <ul style="list-style-type: none"> <li>(a) Issuance and form of citations; prompt issuance.</li> <li>(b) Follow-up inspections; findings.</li> <li>(c) Exempt persons.</li> <li>(d) Findings of violations; withdrawal order.</li> <li>(e) Pattern of violations; abatement; termination of pattern.</li> <li>(f) Respirable dust concentrations; dust control person or team.</li> </ul>  | 821. | Entitlement of miners to full compensation.  |
|      |  | 822. | Representation of Secretary in civil litigation by Solicitor of Labor.   |
|      |  | 823. | Federal Mine Safety and Health Review Commission. <ul style="list-style-type: none"> <li>(a) Establishment; membership; chairman.</li> <li>(b) Terms; personnel; administrative law judges.</li> <li>(c) Delegation of powers.</li> <li>(d) Proceedings before administrative law judge; administrative review.</li> </ul>   |