

**Calendar No. 651**115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 884****[Report No. 115-364]**

To amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

APRIL 6 (legislative day, APRIL 4), 2017

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 14, 2018

Reported by Ms. MURKOWSKI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SMALL MINER WAIVERS TO CLAIM MAINTENANCE FEES.**  
 4

5 (a) AMENDMENTS TO OMNIBUS BUDGET RECONCILIATION ACT OF 1993.—  
 6

7 (1) IN GENERAL.—Section 10101(d) of the Om-  
 8 nibus Budget Reconciliation Act of 1993 (30 U.S.C.  
 9 28f(d)) is amended—

10 (A) in paragraph (2)—

11 (i) by redesignating subparagraphs  
 12 (A) and (B) as clauses (i) and (ii), respec-  
 13 tively, and indenting the clauses appro-  
 14 priately; and

15 (ii) by striking “(2) For purposes of”  
 16 and inserting the following:

17 “(2) DEFINITION OF RELATED PARTY.—

18 “(A) IN GENERAL.—In”; and

19 (B) in the undesignated matter following  
 20 subparagraph (A)(ii) of paragraph (2) (as so  
 21 redesignated); by striking “For purposes of”  
 22 and all that follows through the end of the sec-  
 23 tion and inserting the following:

1           “(B) ASSOCIATED DEFINITION.—For pur-  
 2           poses of subparagraph (A), the term ‘control’  
 3           includes—

4                     “(i) actual control;

5                     “(ii) legal control; and

6                     “(iii) the power to exercise control  
 7                     through or by common directors, officers,  
 8                     stockholders, a voting trust, or a holding  
 9                     company or investment company; or any  
 10                    other means.

11           “(3) DEFECTS IN APPLICATIONS.—If a small  
 12           miner waiver application is determined to be defec-  
 13           tive for any reason (including the failure to timely  
 14           file a small miner’s maintenance fee waiver applica-  
 15           tion or an affidavit of annual labor associated with  
 16           the application and required application fees), the  
 17           claimant shall have a period of 60 days after receipt  
 18           of written notification of the 1 or more defects pro-  
 19           vided by the Bureau of Land Management by reg-  
 20           istered mail—

21                     “(A) to cure any such defect; or

22                     “(B) to pay the \$100 claim maintenance  
 23                     fee due for that period.”.

1           (2) TECHNICAL CORRECTIONS.—Section 10101  
2 of the Omnibus Budget Reconciliation Act of 1993  
3 (30 U.S.C. 28f) is amended—

4           (A) in subsection (a)—

5           (i) in paragraph (1), in the second  
6 sentence, by striking “the Mining Law of  
7 1872 (30 U.S.C. 28 to 28c)” and inserting  
8 “sections 2319 through 2344 of the Re-  
9 vised Statutes (commonly known as the  
10 ‘Mining Law of 1872’) (30 U.S.C. 22 et  
11 seq.)”; and

12          (ii) in paragraph (2)—

13           (I) in the first sentence, by strik-  
14 ing “subsection (a)(1)” and inserting  
15 “paragraph (1)”; and

16           (II) in the second sentence, by  
17 striking “the Mining Law of 1872 (30  
18 U.S.C. 28 to 28c)” and inserting  
19 “sections 2319 through 2344 of the  
20 Revised Statutes (commonly known as  
21 the ‘Mining Law of 1872’) (30 U.S.C.  
22 22 et seq.)”;

23          (B) in subsection (b), in the first sentence,  
24 by striking “main tenance” and inserting  
25 “maintenance”; and

1           (C) in subsection (d)(1)(B), by striking  
 2           “the Mining Law of 1872 (30 U.S.C. 28–28e)”  
 3           and inserting “sections 2319 through 2344 of  
 4           the Revised Statutes (commonly known as the  
 5           ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.)”.

6           (b) TRANSITION RULES.—

7           (1) DEFINITIONS.—In this subsection:

8           (A) COVERED CLAIMHOLDER.—The term  
 9           “covered claimholder” means—

10           (i) the claimholder of the claims in the  
 11           State numbered AA023149, AA023163,  
 12           AA047913, AA047914, AA047915,  
 13           AA047916, AA047917, AA047918, and  
 14           AA047919 (as of December 29, 2004);

15           (ii) the claimholder of the claim in the  
 16           State numbered FF-0593215 (as of De-  
 17           cember 29, 2004);

18           (iii) the claimholder of the claims in  
 19           the State numbered FS-58607, FS-  
 20           58608, FS-58609, FS-58610, FS-58611,  
 21           FS-58613, FS-58615, FS-58616, FS-  
 22           58617, and FS-58618 (as of December  
 23           31, 2003); and

24           (iv) the claimholder of the claims in  
 25           the State numbered FF-53988, FF-

1           53989, and FF-53990 (as of December  
2           31, 1987).

3           (B) STATE.—The term “State” means the  
4           State of Alaska.

5           (2) TREATMENT OF COVERED  
6           CLAIMHOLDERS.—Each covered claimholder shall be  
7           considered to qualify for relief under section  
8           10101(d)(3) of the Omnibus Budget Reconciliation  
9           Act of 1993 (30 U.S.C. 28f(d)(3)), and shall have  
10          the opportunity to cure under that section, for any  
11          prior period during which, as applicable—

12                 (A) 1 or more defects existed in the small  
13                 miner’s maintenance fee waiver application;

14                 (B) an affidavit of annual labor associated  
15                 with a small miner’s maintenance fee waiver ap-  
16                 plication was not properly filed; or

17                 (C) there existed a failure to pay claim  
18                 maintenance fees.

19           (e) AMENDMENT TO FEDERAL LAND POLICY AND  
20           MANAGEMENT ACT OF 1976.—Section 314(e) of the Fed-  
21           eral Land Policy and Management Act of 1976 (43 U.S.C.  
22           1744(e)) is amended—

23                 (1) by striking “(e) The failure” and inserting  
24                 the following:

25                 “(e) FAILURE TO FILE.—

1           “~~(1) IN GENERAL.—~~Except as provided in para-  
2 graph ~~(2)~~, the failure~~”~~; and

3           ~~(2)~~ by adding at the end the following:

4           “~~(2) EXCEPTION.—~~If the owner of the mining  
5 claim or mill or tunnel site fails to timely file an in-  
6 strument required under subsection (a)—

7           “~~(A)~~ the Secretary shall provide to the  
8 owner by registered mail written notification of  
9 the failure to timely file; and

10           “~~(B)~~ the owner shall have a period of 60  
11 days after receipt of the notification described  
12 in subparagraph ~~(A)~~ to file such instrument.”.

13 **SECTION 1. SMALL MINER WAIVERS TO CLAIM MAINTENANCE FEES.**  
14

15           (a) *DEFINITIONS.—In this section:*

16           (1) *COVERED CLAIMHOLDER.—The term “covered*  
17 *claimholder” means—*

18           (A) *the claimholder of the claims in the*  
19 *State numbered AA023149, AA023163,*  
20 *AA047913, AA047914, AA047915, AA047916,*  
21 *AA047917, AA047918, and AA047919 (as of De-*  
22 *cember 29, 2004);*

23           (B) *the claimholder of the claim in the*  
24 *State numbered FF-059315 (as of December 29,*  
25 *2004);*

1           (C) the claimholder of the claims in the  
2           State numbered FF-58607, FF-58608, FF-  
3           58609, FF-58610, FF-58611, FF-58613, FF-  
4           58615, FF-58616, FF-58617, and FF-58618 (as  
5           of December 31, 2003); and

6           (D) the claimholder of the claims in the  
7           State numbered FF-53988, FF-53989, and FF-  
8           53990 (as of December 31, 1987).

9           (2) *DEFECT.*—The term “defect” includes a fail-  
10          ure—

11           (A) to timely file—

12           (i) a small miner maintenance fee  
13           waiver application;

14           (ii) an affidavit of annual labor asso-  
15           ciated with a small miner maintenance fee  
16           waiver application; or

17           (iii) an instrument required under sec-  
18           tion 314(a) of the Federal Land Policy and  
19           Management Act of 1976 (43 U.S.C.  
20           1744(a)); and

21           (B) to pay the required application fee for  
22           a small maintenance fee waiver application.

23           (3) *SECRETARY.*—The term “Secretary” means  
24          the Secretary of the Interior.



1           (4) *STATE*.—The term “State” means the State  
2           of Alaska.

3           (b) *TREATMENT OF COVERED CLAIMHOLDERS*.—Not-  
4           withstanding section 10101(d) of the Omnibus Budget Rec-  
5           onciliation Act of 1993 (30 U.S.C. 28f(d)) and section  
6           314(c) of the Federal Land Policy and Management Act of  
7           1976 (43 U.S.C. 1744(c)), each covered claimholder shall,  
8           during the 60-day period beginning on the date on which  
9           the covered claimholder receives written notification from  
10          the Bureau of Land Management by registered mail of the  
11          opportunity, have the opportunity—

12                 (1)(A) to cure any defect in a small miner main-  
13                 tenance fee waiver application (including the failure  
14                 to timely file a small miner maintenance fee waiver  
15                 application) for any prior period during which the  
16                 defect existed; or

17                 (B) to pay any claim maintenance fees due for  
18                 any prior period during which the defect existed; and

19                 (2) to cure any defect in the filing of any instru-  
20                 ment required under section 314(a) of the Federal  
21                 Land Policy and Management Act of 1976 (43 U.S.C.  
22                 1744(a)) (including the failure to timely file any re-  
23                 quired instrument) for any prior period during which  
24                 the defect existed.

1       (c) *REINSTATEMENT OF CLAIMS DEEMED FOR-*  
 2 *FEITED.—The Secretary shall reinstate any claim of a cov-*  
 3 *ered claimholder as of the date declared forfeited and void—*

4           (1) *under section 10104 of the Omnibus Budget*  
 5 *Reconciliation Act of 1993 (30 U.S.C. 28i) for failure*  
 6 *to pay the claim maintenance fee or obtain a valid*  
 7 *waiver under section 10101 of the Omnibus Budget*  
 8 *Reconciliation Act of 1993 (30 U.S.C. 28f); or*

9           (2) *under section 314(c) of the Federal Land*  
 10 *Policy and Management Act of 1976 (43 U.S.C.*  
 11 *1744(c)) for failure to file any instrument required*  
 12 *under section 314(a) of that Act (43 U.S.C. 1744(a))*  
 13 *for any prior period during which the defect existed*  
 14 *if the covered claimholder—*

15                   (A) *cures the defect; or*

16                   (B) *pays the claim maintenance fee under*  
 17 *subsection (b)(1)(B).*

Amend the title so as to read: “A bill to require the Bureau of Land Management to provide certain covered claimholders the opportunity to cure any defects in a small miner maintenance fee waiver application or pay the claim maintenance fee, and for other purposes.”.



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**A BILL**

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NOVEMBER 14, 2018

Reported with an amendment and an amendment to the  
title