

corded with the Bureau of Land Management. The location fee imposed under section 28g of this title shall be payable not later than 90 days after the date of location.

(c) Oil shale claims subject to claim maintenance fees under Energy Policy Act of 1992

This section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 3111; 30 U.S.C. 242).

(d) Waiver

(1) The claim maintenance fee required under this section may be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(A) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(B) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28-28e)¹ to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(2) For purposes of paragraph (1), with respect to any claimant, the term “related party” means—

(A) the spouse and dependent children (as defined in section 152 of title 26), of the claimant; and

(B) a person who controls, is controlled by, or is under common control with the claimant.

For purposes of this section, the term control includes actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

(3) If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: (A) cure such defect or defects, or (B) pay the \$100 claim maintenance fee due for such period.

(Pub. L. 103-66, title X, §10101, Aug. 10, 1993, 107 Stat. 405; Pub. L. 105-240, §116, Sept. 25, 1998, 112 Stat. 1570; Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-235.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in subsec. (a), are classified generally to this title.

The Mining Law of 1872 (30 U.S.C. 28-28e), referred to in subsecs. (a) and (d)(1)(B), probably means act May 10, 1872, ch. 152, 17 Stat. 91, as amended. That act was incorporated into the Revised Statutes as R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title. For complete classification of R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

CODIFICATION

Pub. L. 105-277, which directed the amendment of section 28f of title 30, United States Code, was executed by

making the amendment to section 10101 of Pub. L. 103-66, which is classified to this section, to reflect the probable intent of Congress. See 1998 Amendment notes below.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 amended first sentence generally. Prior to amendment, first sentence read as follows: “The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of \$100 per claim site.” See Codification note above.

Pub. L. 105-240 substituted “The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of \$100 per claim site.” for “The holder of each unpatented mining claim, mill or tunnel site located pursuant to the Mining Laws of the United States, whether located before or after August 10, 1993, shall pay to the Secretary of the Interior, on or before August 31 of each year, for years 1994 through 1998, a claim maintenance fee of \$100 per claim.”

Subsec. (d)(3). Pub. L. 105-277 added par. (3). See Codification note above.

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28, 28g, 28i, 28j, 28k of this title.

§ 28g. Location fee

Notwithstanding any other provision of law, for every unpatented mining claim, mill or tunnel site located after August 10, 1993, and before September 30, 2001, pursuant to the Mining Laws of the United States, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary of the Interior a location fee, in addition to the claim maintenance fee required by section 28f of this title, of \$25.00 per claim.

(Pub. L. 103-66, title X, §10102, Aug. 10, 1993, 107 Stat. 406; Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-235.)

REFERENCES IN TEXT

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

CODIFICATION

Pub. L. 105-277, which directed the amendment of section 28g of title 30, United States Code, was executed by making the amendment to section 10102 of Pub. L. 103-66, which is classified to this section, to reflect the probable intent of Congress. See 1998 Amendment note below.

AMENDMENTS

1998—Pub. L. 105-277 substituted “2001” for “1998”. See Codification note above.

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28f, 28i, 28j, 28k of this title.

§ 28h. Co-ownership

The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28)¹ shall remain in effect, except that in applying such provisions, the annual claim maintenance fee required under this Act shall, where applicable, replace applicable assessment requirements and expenditures.

(Pub. L. 103-66, title X, §10103, Aug. 10, 1993, 107 Stat. 406.)

REFERENCES IN TEXT

The Mining Law of 1872 (30 U.S.C. 28), referred to in text, probably means act May 10, 1872, ch. 152, 17 Stat. 91, as amended. That act was incorporated into the Revised Statutes as R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title. For complete classification of R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

This Act, referred to in text, is Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312, known as the Omnibus Budget Reconciliation Act of 1993. The annual claim maintenance fee required under this Act probably refers to the fee required under section 28f of this title. For complete classification of this Act to the Code, see Tables.

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28i, 28j, 28k of this title.

§ 28i. Failure to pay

Failure to pay the claim maintenance fee or the location fee as required by sections 28f to 28k of this title shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(Pub. L. 103-66, title X, §10104, Aug. 10, 1993, 107 Stat. 406.)

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

§ 28j. Other requirements

(a) Federal Land Policy and Management Act requirements

Nothing in sections 28f to 28k of this title shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b), and such requirements shall remain in effect with respect to claims, and mill or tunnel sites for which fees are required to be paid under this section.

(b) Omitted

(c) Fee adjustments

(1) The Secretary of the Interior shall adjust the fees required by sections 28f to 28k of this

title to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after August 10, 1993, or more frequently if the Secretary determines an adjustment to be reasonable.

(2) The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(3) A fee adjustment under this subsection shall begin to apply the first assessment year which begins after adjustment is made.

(Pub. L. 103-66, title X, §10105, Aug. 10, 1993, 107 Stat. 406.)

CODIFICATION

Section is comprised of section 10105 of Pub. L. 103-66. Subsec. (b) of section 10105 of Pub. L. 103-66 amended section 28 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28i, 28k of this title.

§ 28k. Regulations

The Secretary of the Interior shall promulgate rules and regulations to carry out the terms and conditions of sections 28f to 28k of this title as soon as practicable after August 10, 1993.

(Pub. L. 103-66, title X, §10106, Aug. 10, 1993, 107 Stat. 407.)

SIMILAR PROVISIONS

Similar provisions were contained in Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1378, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 28i, 28j of this title.

§ 29. Patents; procurement procedure; filing; application under oath, plat and field notes, notices, and affidavits; posting plat and notice on claim; publication and posting notice in office; certificate; adverse claims; payment per acre; objections; nonresident claimant's agent for execution of application and affidavits

A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 48, 50 to 52, 71 to 76 of this title and section 661 of title 43, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of sections 21, 22 to 24, 26 to 28, 29, 30, 33 to 48, 50 to 52, 71 to 76 of this title, and section 661 of title 43, may file in the proper land office an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the Director of the Bureau of Land Management, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments

¹ See References in Text note below.