

For complete classification of R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

#### CODIFICATION

Pub. L. 111-88, 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 2009 Amendment note below.

Pub. L. 110-161, which directed the amendment of section 28 of title 30, United States Code, “in section 28f(a),” 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 2007 Amendment note below.

Pub. L. 108-108, which directed the amendment of section 28 of title 30, United States Code, “in section 28f(a),” 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 2003 Amendment note below.

Pub. L. 107-63, 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 2001 Amendment note below.

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.

Pub. L. 105-240, 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 note below.

#### AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-6, §1403(1), substituted “before, on, or after August 10, 1993” for “on or after August 10, 1993”.

Subsec. (a)(2). Pub. L. 113-6, §1403(2), struck out “located” after “United States”, substituted “subsection (a)(1)” for “subsection (a)”, and inserted at end “Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 to 28e) and the related filing requirements contained in section 1744(a) and (c) of title 43.”

2011—Subsec. (a)(1). Pub. L. 112-74, §430(1)(A), designated existing provisions as par. (1) and substituted “The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of \$100 per claim or site, respectively.” 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, on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in Appropriations Acts, a claim maintenance fee of \$100 per claim or site”.

Subsec. (a)(2). Pub. L. 112-74, §430(1)(B), added par. (2).

Subsec. (b). Pub. L. 112-74, §430(2), substituted “The claim maintenance fee under subsection (a) shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management.” for “The claim maintenance fee payable pursuant to subsection (a) of this section for any assessment year shall be paid before the commencement of the assessment year, except that for the initial assessment year in which the location is made, the locator shall pay the claim maintenance fee at the

time the location notice is recorded with the Bureau of Land Management.”

2009—Subsec. (a). Pub. L. 111-88 substituted “, to the extent provided in advance in Appropriations Acts,” for “for years 2004 through 2008.”. See Codification note above.

Pub. L. 111-8, which directed the removal of the modifications made by Pub. L. 110-161, was executed by inserting “for years 2004 through 2008” after “before September 1 of each year”. See 2007 Amendment note below.

2007—Subsec. (a). Pub. L. 110-161 struck out “for years 2004 through 2008” after “before September 1 of each year”. See Codification note above.

2003—Subsec. (a). Pub. L. 108-108 substituted “for years 2004 through 2008” for “for years 2002 through 2003”. See Codification note above.

2001—Subsec. (a). Pub. L. 107-63 substituted “The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2003, a claim maintenance fee of \$100 per claim or 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 September 1 of each year for years 1999 through 2001, a claim maintenance fee of \$100 per claim or site.” See Codification note above.

1998—Subsec. (a). Pub. L. 105-277 added first sentence and struck out former first sentence which 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.” See Codification note above.

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.

#### § 28g. Location fee

Notwithstanding any other provision of law, for every unpatented mining claim, mill or tunnel site located after August 10, 1993, to the extent provided in advance in Appropriations Acts, 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; Pub. L. 107-63, title I, (2), Nov. 5, 2001, 115 Stat. 419; Pub. L. 108-108, title I, (2), Nov. 10, 2003, 117 Stat. 1245;

Pub. L. 110-161, div. F, title I, (3), Dec. 26, 2007, 121 Stat. 2101; Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 704; Pub. L. 111-88, div. A, title I, Oct. 30, 2009, 123 Stat. 2907.)

#### CODIFICATION

Pub. L. 111-88, 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 2009 Amendment note below.

Pub. L. 110-161, which directed the amendment of section 28 of title 30, United States Code, “in section 28g”, 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 2007 Amendment note below.

Pub. L. 108-108, which directed the amendment of section 28 of title 30, United States Code, “in section 28g”, 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 2003 Amendment note below.

Pub. L. 107-63, which directed the amendment of section 28f(a) of title 30, United States Code, in section 28g, 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 2001 Amendment note below.

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

2009—Pub. L. 111-88 substituted “, to the extent provided in advance in Appropriations Acts,” for “and before September 30, 2008.”. See Codification note above.

Pub. L. 111-8, which directed the removal of the modifications made by Pub. L. 110-161, was executed by inserting “and before September 30, 2008,” before “pursuant to”. See 2007 Amendment note below.

2007—Pub. L. 110-161 struck out “and before September 30, 2008,” before “pursuant to”. See Codification note above.

2003—Pub. L. 108-108 substituted “2008” for “2003”. See Codification note above.

2001—Pub. L. 107-63 substituted “2003” for “2001”. See Codification note above.

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.

### § 28h. Co-ownership

The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28)<sup>1</sup> 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,

<sup>1</sup> See References in Text note below.

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.

### § 28i. Failure to pay

Failure to pay the claim maintenance fee or the location fee as required by sections 28f to 28l 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; Pub. L. 111-88, div. A, title I, Oct. 30, 2009, 123 Stat. 2908.)

#### CODIFICATION

Pub. L. 111-88, which directed the amendment of section 28i of title 30, United States Code, was executed by making the amendment to section 10104 of Pub. L. 103-66, which is classified to this section, to reflect the probable intent of Congress. See 2009 Amendment note below.

#### SIMILAR PROVISIONS

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

#### AMENDMENTS

2009—Pub. L. 111-88 substituted “28l” for “28k”. See Codification note above.

### § 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.