

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 884

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED CLAIMHOLDER.—The term “covered claimholder” means—
7

8 (A) the claimholder of the claims in the
9 State numbered AA023149, AA023163,

1 AA047913, AA047914, AA047915, AA047916,
2 AA047917, AA047918, and AA047919 (as of
3 December 29, 2004);

4 (B) the claimholder of the claim in the
5 State numbered FF-059315 (as of December
6 29, 2004);

7 (C) the claimholder of the claims in the
8 State numbered FF-58607, FF-58608, FF-
9 58609, FF-58610, FF-58611, FF-58613,
10 FF-58615, FF-58616, FF-58617, and FF-
11 58618 (as of December 31, 2003); and

12 (D) the claimholder of the claims in the
13 State numbered FF-53988, FF-53989, and
14 FF-53990 (as of December 31, 1987).

15 (2) DEFECT.—The term “defect” includes a
16 failure—

17 (A) to timely file—

18 (i) a small miner maintenance fee
19 waiver application;

20 (ii) an affidavit of annual labor associ-
21 ated with a small miner maintenance fee
22 waiver application; or

23 (iii) an instrument required under sec-
24 tion 314(a) of the Federal Land Policy

1 and Management Act of 1976 (43 U.S.C.
2 1744(a)); and

3 (B) to pay the required application fee for
4 a small maintenance fee waiver application.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (4) STATE.—The term “State” means the State
8 of Alaska.

9 (b) TREATMENT OF COVERED CLAIMHOLDERS.—
10 Notwithstanding section 10101(d) of the Omnibus Budget
11 Reconciliation Act of 1993 (30 U.S.C. 28f(d)) and section
12 314(e) of the Federal Land Policy and Management Act
13 of 1976 (43 U.S.C. 1744(c)), each covered claimholder
14 shall, during the 60-day period beginning on the date on
15 which the covered claimholder receives written notification
16 from the Bureau of Land Management by registered mail
17 of the opportunity, have the opportunity—

18 (1)(A) to cure any defect in a small miner
19 maintenance fee waiver application (including the
20 failure to timely file a small miner maintenance fee
21 waiver application) for any prior period during which
22 the defect existed; or

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

1 (2) to cure any defect in the filing of any in-
2 strument required under section 314(a) of the Fed-
3 eral Land Policy and Management Act of 1976 (43
4 U.S.C. 1744(a)) (including the failure to timely file
5 any required instrument) for any prior period during
6 which the defect existed.

7 (c) REINSTATEMENT OF CLAIMS DEEMED FOR-
8 FEITED.—The Secretary shall reinstate any claim of a
9 covered claimholder as of the date declared forfeited and
10 void—

11 (1) under section 10104 of the Omnibus Budg-
12 et Reconciliation Act of 1993 (30 U.S.C. 28i) for
13 failure to pay the claim maintenance fee or obtain
14 a valid waiver under section 10101 of the Omnibus
15 Budget Reconciliation Act of 1993 (30 U.S.C. 28f);
16 or

17 (2) under section 314(c) of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C.
19 1744(c)) for failure to file any instrument required
20 under section 314(a) of that Act (43 U.S.C.
21 1744(a)) for any prior period during which the de-
22 fect existed if the covered claimholder—

23 (A) cures the defect; or

24 (B) pays the claim maintenance fee under
25 subsection (b)(1)(B).