

115TH CONGRESS
1ST SESSION

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.

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

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,*

1 **SECTION 1. SMALL MINER WAIVERS TO CLAIM MAINTENANCE FEES.**
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3 (a) AMENDMENTS TO OMNIBUS BUDGET RECONCILIATION ACT OF 1993.—
 4

5 (1) IN GENERAL.—Section 10101(d) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)) is amended—

6 (A) in paragraph (2)—

7 (i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

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

9 “(2) DEFINITION OF RELATED PARTY.—

10 “(A) IN GENERAL.—In”; and

11 (B) in the undesignated matter following subparagraph (A)(ii) of paragraph (2) (as so redesignated), by striking “For purposes of” and all that follows through the end of the section and inserting the following:

12 “(B) ASSOCIATED DEFINITION.—For purposes of subparagraph (A), the term ‘control’ includes—

13 “(i) actual control;

14 “(ii) legal control; and

1 “(iii) the power to exercise control
2 through or by common directors, officers,
3 stockholders, a voting trust, or a holding
4 company or investment company, or any
5 other means.

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

16 “(A) to cure any such defect; or

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

19 “(2) TECHNICAL CORRECTIONS.—Section 10101
20 of the Omnibus Budget Reconciliation Act of 1993
21 (30 U.S.C. 28f) is amended—

22 (A) in subsection (a)—

23 (i) in paragraph (1), in the second
24 sentence, by striking “the Mining Law of
25 1872 (30 U.S.C. 28 to 28e)” and inserting

1 “sections 2319 through 2344 of the Re-
 2 vised Statutes (commonly known as the
 3 ‘Mining Law of 1872’) (30 U.S.C. 22 et
 4 seq.)”; and

5 (ii) in paragraph (2)—

6 (I) in the first sentence, by strik-
 7 ing “subsection (a)(1)” and inserting
 8 “paragraph (1)”; and

9 (II) in the second sentence, by
 10 striking “the Mining Law of 1872 (30
 11 U.S.C. 28 to 28e)” and inserting
 12 “sections 2319 through 2344 of the
 13 Revised Statutes (commonly known as
 14 the ‘Mining Law of 1872’) (30 U.S.C.
 15 22 et seq.)”;

16 (B) in subsection (b), in the first sentence,
 17 by striking “main tenance” and inserting
 18 “maintenance”; and

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

24 (b) TRANSITION RULES.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) COVERED CLAIMHOLDER.—The term
2 “covered claimholder” means—

3 (i) the claimholder of the claims in the
4 State numbered AA023149, AA023163,
5 AA047913, AA047914, AA047915,
6 AA047916, AA047917, AA047918, and
7 AA047919 (as of December 29, 2004);

8 (ii) the claimholder of the claim in the
9 State numbered FF-0593215 (as of De-
10 cember 29, 2004);

11 (iii) the claimholder of the claims in
12 the State numbered FS-58607, FS-
13 58608, FS-58609, FS-58610, FS-58611,
14 FS-58613, FS-58615, FS-58616, FS-
15 58617, and FS-58618 (as of December
16 31, 2003); and

17 (iv) the claimholder of the claims in
18 the State numbered FF-53988, FF-
19 53989, and FF-53990 (as of December
20 31, 1987).

21 (B) STATE.—The term “State” means the
22 State of Alaska.

23 (2) TREATMENT OF COVERED
24 CLAIMHOLDERS.—Each covered claimholder shall be
25 considered to qualify for relief under section

1 10101(d)(3) of the Omnibus Budget Reconciliation
 2 Act of 1993 (30 U.S.C. 28f(d)(3)), and shall have
 3 the opportunity to cure under that section, for any
 4 prior period during which, as applicable—

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

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

10 (C) there existed a failure to pay claim
 11 maintenance fees.

12 (c) AMENDMENT TO FEDERAL LAND POLICY AND
 13 MANAGEMENT ACT OF 1976.—Section 314(c) of the Fed-
 14 eral Land Policy and Management Act of 1976 (43 U.S.C.
 15 1744(c)) is amended—

16 (1) by striking “(c) The failure” and inserting
 17 the following:

18 “(c) FAILURE TO FILE.—

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

21 (2) by adding at the end the following:

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

1 “(A) the Secretary shall provide to the
2 owner by registered mail written notification of
3 the failure to timely file; and

4 “(B) the owner shall have a period of 60
5 days after receipt of the notification described
6 in subparagraph (A) to file such instrument.”.

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