

Calendar No. 651

115TH CONGRESS
2D 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.

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*]

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.—

7 (1) IN GENERAL.—Section 10101(d) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 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.”.

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

(A) in subsection (a)—

(i) in paragraph (1), in the second sentence, by striking “the Mining Law of 1872 (30 U.S.C. 28 to 28e)” and inserting “sections 2319 through 2344 of the Revised Statutes (commonly known as the ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.)”; and

(ii) in paragraph (2)—

(I) in the first sentence, by striking “subsection (a)(1)” and inserting “paragraph (1)”; and

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

(B) in subsection (b), in the first sentence, by striking “main tenance” and inserting “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

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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