

107TH CONGRESS  
1ST SESSION

# H. R. 1085

To address certain anachronistic provisions of the general mining laws, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2001

Mr. RAHALL introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To address certain anachronistic provisions of the general  
mining laws, 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. SHORT TITLE.**

4       This Act may be cited as the “Mining Claim Mainte-  
5       nance Act of 2001”.

6       **SEC. 2. REFERENCES.**

7       Any reference in this Act to the “general mining  
8       laws” is a reference to those Acts which generally com-  
9       prise chapters 2, 12A, 16, 161 and 162 of title 30 of the  
10      United States Code.

# 1     **TITLE I—MINING CLAIM FEES**

## 2     **SEC. 101. MAINTENANCE FEE.**

3           (a) CLAIM MAINTENANCE FEE.—Except as provided  
4 in subsections (c), (d), and (e), the holder of each  
5 unpatented mining claim, mill or tunnel site located pursu-  
6 ant to the general mining laws, whether located before or  
7 after the enactment of this Act, shall pay to the Secretary  
8 of the Interior, on or before August 31 of each year, a  
9 claim maintenance fee of \$100 per claim. Such claim  
10 maintenance fee shall be in lieu of the assessment work  
11 requirement contained in the general mining laws and the  
12 related filing requirements contained in section 314 (a)  
13 of the Federal Land Policy and Management Act of 1976  
14 (43 U.S.C. 1744 (a) and (c)).

15           (b) TIME OF PAYMENT.—The claim maintenance fee  
16 payable pursuant to subsection (a) for any assessment  
17 year (as defined under the general mining laws) shall be  
18 paid before the commencement of the assessment year.  
19 The location fee imposed under section 102 shall be pay-  
20 able not later than 90 days after the date of location.

21           (c) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTE-  
22 NANCE FEES UNDER ENERGY POLICY ACT OF 1992.—  
23 This section shall not apply to any oil shale claims for  
24 which a fee is required to be paid under section 2511(e)(2)

1 of the Energy Policy Act of 1992 (106 Stat. 3111; 30  
2 U.S.C. 242).

3 (d) WAIVER FOR PATENT APPLICANTS.—(1) The  
4 Secretary may waive the claim maintenance fee required  
5 under this section for a claimant who certifies in writing  
6 to the Secretary that on the date the payment was due,  
7 the claimant and all related parties—

8 (A) had filed a patent application with the Sec-  
9 retary on or before September 30, 1994; and

10 (B) had fully complied with all requirements es-  
11 tablished under sections 2325 and 2326 of the Re-  
12 vised Statutes (30 U.S.C. 29 and 30) for vein or  
13 lode claims and sections 2329, 2330, 2331, and  
14 2333 of the Revised Statutes (30 U.S.C. 35, 36, and  
15 37) for placer claims, and section 2337 of the Re-  
16 vised Statutes (30 U.S.C. 42) for mill site claims, by  
17 that date.

18 (e) EXCEPTIONS FOR CLAIMANTS HOLDING 10 OR  
19 FEWER MINING CLAIMS.—

20 (1) IN GENERAL.—A claimant may elect to per-  
21 form the assessment work required under the gen-  
22 eral mining laws in lieu of paying the maintenance  
23 fee required under this section if the claimant who  
24 certifies in writing to the Secretary that on the date

1 the payment was due, the claimant and all related  
2 parties—

3 (A) are producing hard rock minerals  
4 under a valid notice or plan of operation which  
5 production results in not less than \$1,500 and  
6 not more than \$800,000 in gross revenues per  
7 year from a total of 10 or fewer claims, as cer-  
8 tified by the claimant;

9 (B) are performing exploration work to  
10 disclose, expose, or otherwise make known pos-  
11 sible valuable mineralization on a total of 10 or  
12 fewer claims under a valid notice or plan of op-  
13 eration; and

14 (C) have less than 10 acres of unreclaimed  
15 surface disturbance from such mining activity  
16 or such exploration work.

17 (2) CLAIMANTS ELECTING TO DO ASSESSMENT  
18 WORK.—A claimant holding 10 or fewer mining  
19 claims, who elects to do the assessment work re-  
20 quired by the general mining laws in lieu of paying  
21 the claim maintenance fee required under this sec-  
22 tion shall be required to meet the filing requirements  
23 of section 314(a) and (c) of the Federal Land Policy  
24 and Management Act (43 U.S.C. 1744 (a) and (c))  
25 on such 10 or fewer claims and shall certify the per-

1 performance of such assessment work to the Secretary  
2 of the Interior by August 31 of each year.

3 (3) DEFINITIONS.—For purposes of this sec-  
4 tion:

5 (1) With respect to any claimant, the term  
6 “related party” means—

7 (A) the spouse and dependent children  
8 (as defined in section 152 of the Internal  
9 Revenue Code of 1986), of the claimant;  
10 and

11 (B) a person who controls, is con-  
12 trolled by, or is under common control with  
13 the claimant.

14 (2) The term “control” includes actual  
15 control, legal control, and the power to exercise  
16 control, through or by common directors, offi-  
17 cers, stockholders, a voting trust, or a holding  
18 company or investment company, or any other  
19 means.

20 **SEC. 102. LOCATION FEE.**

21 Notwithstanding any other provision of law, for every  
22 unpatented mining claim, mill or tunnel site located after  
23 the date of enactment of this title, pursuant to the general  
24 mining laws, the locator shall, at the time the location no-  
25 tice is recorded with the Bureau of Land Management,

1 pay to the Secretary of the Interior a location fee, in addi-  
2 tion to the claim maintenance fee required by section 101,  
3 of \$25.00 per claim.

4 **SEC. 103. CO-OWNERSHIP.**

5 The co-ownership provisions of the general mining  
6 laws shall remain in effect, except that in applying such  
7 provisions, the annual claim maintenance fee required  
8 under this title shall, where applicable, replace applicable  
9 assessment requirements and expenditures.

10 **SEC. 104. FAILURE TO PAY.**

11 Failure to pay the claim maintenance fee or the loca-  
12 tion fee on the date due as required by this title shall con-  
13 clusively constitute a forfeiture of the unpatented mining  
14 claim, mill or tunnel site by the claimant and the claim  
15 shall be deemed null and void by operation of law.

16 **SEC. 105. OTHER REQUIREMENTS.**

17 (a) FEDERAL LAND POLICY AND MANAGEMENT ACT  
18 REQUIREMENTS.—Nothing in this title shall change or  
19 modify the requirements of section 314(b) of the Federal  
20 Land Policy and Management Act of 1976 (43 U.S.C.  
21 1744(b)), of the Federal Land Policy and Management  
22 Act of 1976 (43 U.S.C. 1744(c)) related to filings required  
23 by section 314(b), and such requirements shall remain in  
24 effect with respect to claims, and mill or tunnel sites for  
25 which fees are required to be paid under this section.

1 (b) REVISED STATUTES SECTION 2324.—The third  
2 sentence of section 2324 of the Revised Statutes (30  
3 U.S.C. 28) is amended by inserting after “On each claim  
4 located after the tenth day of May, eighteen hundred and  
5 seventy-two,” the following: “that is granted a waiver  
6 under section 101 (d) or (e) of the Mining Claim Mainte-  
7 nance Act of 2001”.

8 (c) FEE ADJUSTMENTS.—(1) The Secretary of the  
9 Interior shall adjust the fees required by this title to re-  
10 flect changes in the Consumer Price Index published by  
11 the Bureau of Labor Statistics of the Department of  
12 Labor every 5 years after the date of the enactment of  
13 this Act, or more frequently if the Secretary determines  
14 an adjustment to be reasonable.

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

18 (3) A fee adjustment under this subsection shall  
19 begin to apply the first assessment year (as defined under  
20 the general mining laws) which begins at noon on the first  
21 day of September after the adjustment is made.

22 **SEC. 106. REGULATIONS.**

23 The Secretary of the Interior shall promulgate rules  
24 and regulations to carry out the terms and conditions of

1 this title as soon as practicable after the date of the enact-  
2 ment of this title.

3           **TITLE II—LIMITATION ON**  
4                           **PATENTS**

5 **SEC. 201. MINING CLAIMS**

6           After the date of enactment of this Act, no patent  
7 shall be issued by the United States for any mining claim  
8 located under the general mining laws or under this Act  
9 unless the Secretary determines that, for the claim  
10 concerned—

11                   (1) a patent application was filed with the Sec-  
12 retary on or before September 30, 1994; and

13                   (2) all requirements established under sections  
14 2325 and 2326 of the Revised Statutes (30 U.S.C.  
15 29 and 30) for vein or lode claims and sections  
16 2329, 2330, 2331, and 2333 of the Revised Statutes  
17 (30 U.S.C. 35, 36, and 37) for placer claims were  
18 fully complied with by that date.

19 If the Secretary makes the determinations referred to in  
20 paragraphs (1) and (2) for any mining claim, the holder  
21 of the claim shall be entitled to the issuance of a patent  
22 in the same manner and degree to which such claim holder  
23 would have been entitled to prior to the enactment of this  
24 Act, unless and until such determinations are withdrawn

1 or invalidated by the Secretary or by a court of the United  
2 States.

3 **SEC. 202. MILL SITES.**

4 After the date of enactment of this Act, no patent  
5 shall be issued by the United States for any mill site claim  
6 located under the general mining laws unless the Secretary  
7 determines that for the mill site concerned—

8 (1) a patent application for such land was filed  
9 with the Secretary on or before September 30, 1994;  
10 and

11 (2) all requirements applicable to such patent  
12 application were fully complied with by that date.

13 If the Secretary makes the determinations referred  
14 to in paragraphs (1) and (2) for any mill site claim, the  
15 holder of the claim shall be entitled to the issuance of a  
16 patent in the same manner and degree to which such claim  
17 holder would have been entitled to prior to the enactment  
18 of this Act, unless and until such determinations are with-  
19 drawn or invalidated by the Secretary or by a court of  
20 the United States.

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