

Amendment to the Amodei ANS to H.R. 1366
Offered by Rep. Huffman

Page 4, strike lines 13–14.

Page 6, after line 12, insert:

(b) CLAIM MAINTENANCE FEE FOR ADDITIONAL MILL SITES.—Section 10101(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) is amended, in the first sentence, by inserting “, except the holders of each mill site located under subsection (c) of section 2337 of the Revised Statutes (30 U.S.C. 42) 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 \$400 per site” after “respectively”.

Page 6, strike line 13 and insert “**SEC. 3. ABANDONED HARDROCK MINE FUND.**”.

Strike page 6, line 19 through page 7, line 2, and insert:

(b) SOURCE OF DEPOSITS.—Any amounts collected by the Secretary of the Interior pursuant to section 10101(a) or section 10102 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a), 28g) (other than funds appropriated for mining program administration) shall be deposited into the Fund.

Page 7, after line 16, insert:

SEC. 4. LIMITATION ON PATENTS.

(a) DETERMINATIONS REQUIRED.—No patent shall be issued by the United States for any mining claim, mill site, or tunnel site located pursuant to the general mining laws unless the Secretary of the Interior determines that—

- (1) a patent application was filed with the Secretary of the Interior with respect to the claim or site not later than September 30, 1994; and
- (2) all requirements applicable to the patent application under law were fully complied with by the date described in paragraph (1).

(b) RIGHT TO PATENT.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior makes the determinations under paragraphs (1) and (2) of subsection (a) with respect to a mining claim, mill site, or tunnel site, the claim holder shall be entitled to the issuance of a patent in the same manner and degree to which the claim holder would have been entitled to a patent before the date of enactment of this Act.

(2) WITHDRAWAL.—The claim holder shall not be entitled to the issuance of a patent if the determinations under paragraphs (1) and (2) of subsection (a) are withdrawn or invalidated by the Secretary of the Interior or, on review, by a court of the United States.

(c) PATENT REPEAL.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is repealed.

Page 7, line 17: strike “(c) CLERICAL AMENDMENTS”, and insert “**SEC. 5. CLERICAL AMENDMENTS**”.