

Silver Buckle Holds Fast

In 2001 an Idaho-based mining company—Silver Buckle Mines, Inc.—which holds seventy-two active mining claims—sued to recover fees it claims were illegally assessed by the Bureau of Land Management (BLM). Before 2012, federal law required that holders of mining claims pay an annual maintenance fee on those claims. But in 2012, Congress briefly changed the law to require fees only on newer mining claims. (Congress changed the law back the year after). BLM collected fees from Silver Buckle even though Silver Buckle only owned older mining claims.

Silver Buckle sued, seeking a refund of those fees. The Government moved to dismiss, arguing that Congress’s withdrawal of the fee requirement in 2012 was simply “a scrivener’s error.” The Government also argued that Silver Buckle had voluntarily made the payments, and could not now seek reimbursement for what it had freely given to the Government.

The Court rejected both of the Government’s arguments. Although the Government was able to identify legislative history that allegedly supported the Government’s reading of the statute, this was not enough to justify rewriting the statute: “A federal court cannot reform the clear language of a statute based simply on its view of statutory history when there is no ambiguity to be found in the text.” The Court also rejected the Government’s defense that the payments were voluntary, holding that Silver Buckle’s complaint could not be read to support the Government’s argument:

Because the pleadings are to be liberally construed in favor of the non-movant in a motion to dismiss, when an affirmative defense that may be negated is raised in such a motion, the best course of action is to allow the action to continue—particularly when the complaint cannot be read as an affirmative admission of voluntary payment.

Read the full opinion [here](#).