

104TH CONGRESS
1ST SESSION

H. R. 1580

To amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1995

Mr. YOUNG of Alaska (for himself, Mr. CALVERT, Mr. ORTON, Mrs. VUCANOVICH, Mr. CREMEANS, Mr. HAYWORTH, Mr. STUMP, Mr. SKEEN, Mr. CRAPO, Mr. EMERSON, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, 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 Law Reform
5 Act of 1995”.

1 TITLE I—FINDINGS AND PURPOSE;
2 DEFINITIONS

3 **SEC. 101. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds and declares that—

5 (1) a secure and reliable supply of locatable
6 minerals is essential to the industrial base of the
7 United States, national security, and balance of
8 trade;

9 (2) many of the deposits of locatable minerals
10 that may be commercially developed are on Federal
11 lands as that term is defined in this Act, and are
12 difficult and expensive to discover, mine, extract and
13 process;

14 (3) the national need for locatable minerals will
15 continue to expand, and without a strong mining in-
16 dustry the demand for the minerals will exceed do-
17 mestic sources of supply;

18 (4) mining of locatable minerals is an extremely
19 high-risk, capital-intensive endeavor, which, to at-
20 tract necessary investment, requires certainty and
21 predictability in access to Federal lands in establish-
22 ment of mining titles, and in the rights of owners of
23 mining claims or sites to develop minerals;

24 (5) it is the national interest to foster and en-
25 courage private enterprise in the development of a

1 domestic minerals industry to maintain and create
2 high-paying jobs and the various Federal, State, and
3 local taxes paid by the mining industry in the Unit-
4 ed States;

5 (6) the diversity in terrain, climate, biological,
6 chemical, and other physical conditions, and vari-
7 ation among the locatable minerals mined and the
8 methods of mining and processing, require that rec-
9 lamation standards be tailored to local and regional
10 conditions;

11 (7) there are extensive Federal and State envi-
12 ronmental standards that apply to mining operations
13 on Federal lands, including State programs for the
14 protection of ground water quality;

15 (8) every State containing Federal lands has
16 enacted laws and regulations governing the reclama-
17 tion of mined lands and, subject to the supremacy
18 clause of the United States Constitution, these laws
19 and regulations, including financial assurance re-
20 quirements, apply to mineral activities on Federal
21 lands;

22 (9) changes in the general mining laws of the
23 United States to provide more direct economic re-
24 turn to the United States and greater protection of
25 public resources are desirable, so long as the

1 changes do not act as a disincentive to development
2 of minerals, adversely affect employment in the min-
3 ing industry or in industries that provide goods and
4 services required for mining activities, interfere with
5 a secure and reliable domestic supply of minerals, or
6 adversely affect the balance of trade of the United
7 States; and

8 (10) mining claims, mill sites and tunnel sites
9 located under the general mining laws are property
10 interests, and any law or regulation that impairs ex-
11 isting property rights may expose the Federal Gov-
12 ernment to takings claims under the fifth amend-
13 ment to the United States Constitution.

14 (b) PURPOSE.—It is the purpose of this Act to—

15 (1) promote exploration for and the develop-
16 ment of a secure and reliable domestic source of
17 locatable minerals;

18 (2) provide for increased Federal revenue from
19 the location and production of locatable minerals
20 from Federal lands through fees, patent payments
21 and royalties;

22 (3) ensure that mineral activities on Federal
23 lands are conducted in compliance with all applicable
24 Federal and State environmental regulations and

1 standards, including standards governing mind land
2 reclamation;

3 (4) ensure that all Federal lands affected by
4 mineral activities under the general mining laws are
5 reclaimed as required by applicable laws;

6 (5) establish a program to reclaim abandoned
7 locatable mine sites on Federal lands; and

8 (6) recognize that unpatented mining claims,
9 mill sites and tunnel sites are property rights in the
10 fullest sense and avoid, to the greatest extent pos-
11 sible, claims of takings of existing property rights
12 under the general mining laws that could require
13 compensation under the fifth amendment to the
14 United States Constitution.

15 **SEC. 102. DEFINITIONS.**

16 When used in this Act:

17 (1) “Assessment year” means the annual period
18 commencing at 12 o’clock noon on the 1st day of
19 September and ending at 12 o’clock noon on the 1st
20 day of September of the following year.

21 (2) “Federal lands” means, except as provided
22 otherwise in title III, lands and interest in lands
23 owned by the United States that are open to mineral
24 location, or that were open to mineral location when

1 a mining claim or site was located and which have
2 not been patented under the general mining laws.

3 (3) “General mining laws” means those Acts
4 which generally comprise chapters 2, 11, 12, 12A,
5 15, and 16, and sections 161 and 162, of title 30
6 of the United States Code, all Acts heretofore en-
7 acted which are amendatory of or supplementary to
8 any of the foregoing Acts, and the judicial and ad-
9 ministrative decisions interpreting such Acts.

10 (4) “Locatable minerals” means those minerals
11 owned by the United States and subject to location
12 and disposition under the general minerals laws on
13 or after the effective date of this Act, but not includ-
14 ing any mineral held in trust by the United States
15 for any Indian or Indian tribe, as defined in section
16 2 of the Indian Mineral Development Act of 1982
17 (25 U.S.C. 2101), or any mineral owned by any In-
18 dian or Indian tribe, as defined in that section, that
19 is subject to a restriction against alienation imposed
20 by the United States, or any mineral owned by any
21 incorporated Native group, village corporation, or re-
22 gional corporation and acquired by the group or cor-
23 poration under the provisions of the Alaska Native
24 Claims Settlement Act (43 U.S.C. 1601 et seq.).

1 (5) “Mineral activities” means any activity on
2 Federal lands related to, or incidental to, exploration
3 for or development, mining, production,
4 beneficiation, or processing of any locatable mineral,
5 or reclamation of the impacts of such activities.

6 (6) “Mining claim or site”, except where pro-
7 vided otherwise, means a lode mining claim, placer
8 mining claim, mill site or tunnel site.

9 (7) “Operator” means any person conducting
10 mineral activities subject to this Act.

11 (8) “Person” means an individual, Indian tribe,
12 partnership, association, society, joint venture, joint
13 stock company, firm, company, limited liability com-
14 pany, corporation, cooperative or other organization,
15 and any instrumentality of State or local govern-
16 ment, including any publicly owned utility or publicly
17 owned corporation of State or local government.

18 (9) “Secretary” means (i) in titles II and V, the
19 Secretary of the Interior acting through the Bureau
20 of Land Management, (ii) in title IV, the Secretary
21 of Interior acting through the Bureau of Land Man-
22 agement or the Minerals Management Service, or
23 both, and (iii) elsewhere in this Act, the Secretary
24 of Agriculture, acting through the Forest Service,
25 with respect to lands under the jurisdiction of the

1 Secretary of Agriculture, and the Secretary of the
2 Interior, acting through the Bureau of Land Man-
3 agement, with respect to all other land subject to the
4 requirements of this Act.

5 TITLE II—DISPOSITION OF LOCATABLE
6 MINERAL DEPOSITS

7 **SEC. 201. CLAIM MAINTENANCE REQUIREMENTS.**

8 (a) MAINTENANCE FEE.—After the date of enact-
9 ment of this Act, the owner of each unpatented mining
10 claim or site located pursuant to the general mining laws,
11 whether located before or after the enactment of this Act,
12 shall pay in advance to the Secretary annually on or before
13 September 1, and until a patent has been issued therefor,
14 a maintenance fee of \$100 per mining claim or site. The
15 owner of each unpatented mining claim or site located
16 after the date of enactment of this Act pursuant to the
17 general mining laws shall pay to the Secretary, at the time
18 the copy of the notice or certificate of location is filed with
19 the Bureau of Land Management pursuant to section
20 314(b) of the Federal Land Policy and Management Act
21 of 1976 (43 U.S.C. 1744(b)), in addition to the location
22 fee required under subsection (f) of this section, an initial
23 maintenance fee of \$100 per mining claim or site for the
24 assessment year which includes the date of location of
25 such mining claim or site. If a mining claim or site is lo-

1 cated within 90 days before September 1 and the copy
2 of the notice or certificate of location is timely filed with
3 the Bureau of Land Management under subsection 314(b)
4 of the Federal Land Policy and Management Act of 1976
5 after September 1, the annual maintenance fee payable
6 under the first sentence of this subsection shall be paid
7 at the time such notice or certificate of location is filed,
8 in addition to the location fee and the initial \$100 mainte-
9 nance fee. No maintenance fee shall be required if the fee
10 is waived or the owner of the mining claim or site is ex-
11 empt as provided in section 202 of this Act.

12 (b) ASSESSMENT WORK REQUIREMENTS.—

13 (1) For the first five assessment years following
14 the assessment year which includes the date of loca-
15 tion of any unpatented mining claim or site located
16 on or after the date of enactment of this Act, or for
17 the first five assessment years following the assess-
18 ment year which includes the date of enactment of
19 this Act for any unpatented mining claim or site lo-
20 cated before the date of enactment, the annual
21 maintenance fee under subsection (a) of this section
22 shall be in lieu of the assessment work requirements
23 of the general mining laws and of any other Federal
24 law. Beginning with the sixth assessment year fol-
25 lowing the assessment year which includes such date

1 of location or enactment, such assessment work re-
2 quirements shall apply in addition to such annual
3 maintenance fee, subject to any suspension or
4 deferment of annual assessment work provided by
5 law.

6 (2)(A) Section 1 of the Act of September 2,
7 1958 (30 U.S.C. 28-1), is amended by inserting
8 “mineral activities, environmental baseline monitor-
9 ing, and” after “without being limited to” and be-
10 fore “geological, geochemical and geophysical sur-
11 veys”.

12 (B) Section 2(d) of the Act of September 2,
13 1958 (30 U.S.C. 28-2(d)), is amended by inserting
14 “environmental baseline monitoring or” after “expe-
15 rience to conduct” and before “geological, geo-
16 chemical or geophysical surveys”.

17 (C) Section 2 of the Act of September 2, 1958
18 (30 U.S.C. 28-2), is amended by adding at the end
19 of the following new subsection:

20 “(e) The term ‘environmental baseline monitoring’
21 means activities for collecting, reviewing and analyzing in-
22 formation concerning soil, vegetation, wildlife, mineral,
23 air, water, cultural, historical, archeological or other re-
24 sources related to planning for or complying with Federal
25 and State environmental or permitting requirements appli-

1 cable to potential or proposed mineral activities on the
2 claim(s).”.

3 (c) MAINTENANCE FEE STATEMENT.—Each pay-
4 ment under subsection (a) of this section shall be accom-
5 panied by a statement which reasonably identifies the min-
6 ing claim or site for which the maintenance fee is being
7 paid. Such statement may include the name of the mining
8 claim or site, the serial number assigned by the Secretary
9 to such mining claim or site, the description of the book
10 and page in which the notice or certificate of location for
11 such mining claim or site is recorded under State law, any
12 combination of the foregoing, or any other information
13 that reasonably identifies the mining claim or site for
14 which the maintenance fee is being paid. The statement
15 required under this subsection shall be in lieu of any an-
16 nual filing requirements for mining claims or sites, under
17 any other Federal law, but shall not supersede any such
18 filing requirement under applicable State law.

19 (d) EFFECT OF COMPLIANCE AS AGAINST SUBSE-
20 QUENT LOCATORS.—

21 (1) Except as provided in paragraph (d)(2) of
22 this subsection, after the date of enactment of this
23 Act, compliance with the requirements of this section
24 and sections 202 and 203 shall, from the time the
25 location notice or certificate is posted on the land

1 under applicable State law, confer upon the owner of
2 any unpatented mining claim or site, whether lo-
3 cated before or after the date of enactment of this
4 Act, an exclusive right of possession, as against sub-
5 sequent locators, of the land included in such mining
6 claim or site for the purposes described in subsection
7 203(a). If more than one mining claim or site owned
8 or controlled by the same claim or site owner covers
9 substantially the same land, by reason of the loca-
10 tion of one or more mining claims or sites on such
11 land, the amendment or relocation of any such min-
12 ing claim or site, or otherwise, such exclusive right
13 of possession shall extend to all such mining claims
14 or sites, effective from the time the location notice
15 or certificate for the initial mining claim or site was
16 posted on such land under applicable State law. The
17 order of location, amendment, or relocation of any
18 such mining claims or sites on such land shall not
19 affect the validity of any such mining claim or site.
20 Such owner of the mining claim or site shall not be
21 required to be in actual, physical occupation of such
22 land and shall not be required to exclude rival loca-
23 tors from such land. Such exclusive right of posses-
24 sion shall be subject to applicable Federal law, in-
25 cluding the Multiple Mineral Development Act of

1 1954 (30 U.S.C. 521–31), the Materials Act of 1947
2 (30 U.S.C. 601–604) and the Surface Resources Act
3 of 1955 (30 U.S.C. 611–15) to the extent applicable,
4 and shall neither enlarge nor diminish any rights of
5 such owner of the mining claim or site as against
6 the United States in such land. This paragraph shall
7 supersede the common law doctrine of pedis
8 possessio.

9 (2) Conflicts over the right of exclusive posses-
10 sion of land included in any mining claim or site
11 shall be determined in proceedings between owners
12 of mining claims or sites under the provisions of sec-
13 tion 910 of the Revised Statutes (30 U.S.C. 53) and
14 other applicable law, including but not limited to the
15 following:

16 (A) Any conflict based upon circumstances
17 existing as of the date of enactment of this Act
18 between mining claims or sites located before
19 the date of enactment of this Act, which shall
20 be resolved under the law in effect on the day
21 prior to the date of enactment of this Act, in-
22 cluding the common law doctrine of pedis
23 possessio.

24 (B) Any conflict arising on or after the
25 date of enactment of this Act between mining

1 claims or sites located before, on or after the
2 date of enactment over whether either owner of
3 the mining claim or site has complied with the
4 requirements of this section or sections 202 or
5 203(a), which shall be resolved under this Act.

6 (e) FAILURE OF CO-OWNER TO CONTRIBUTE.—

7 Upon the failure of any one or more of several co-owners
8 of any mining claim or site to contribute such co-owner
9 or owners' portion of the location or maintenance fee
10 under this section, any co-owner who has paid such fee
11 may, after the payment due date, serve the delinquent co-
12 owner or owners with notice of such failure in writing or,
13 if such delinquent co-owner or owners cannot be located
14 after reasonable efforts, by publication in a general cir-
15 culation newspaper published in a location nearest the
16 mining claim or site at least once a week for at least 90
17 days. If at the expiration of 90 days after such notice in
18 writing or by publication, any delinquent co-owner fails or
19 refuses to contribute the owed portion, such co-owner or
20 owners' interest shall become the property of the owner
21 or co-owners who have paid the required fee.

22 (f) LOCATION FEE.—The owner of each unpatented
23 mining claim or site located on or after the date of enact-
24 ment of this Act pursuant to the general mining laws shall
25 pay to the Secretary, at the time the notice or certificate

1 of location is filed with the Bureau of Land Management
2 pursuant to subsection 314(b) of the Federal Land Policy
3 and Management Act of 1976 (43 U.S.C. 1744(b)), a loca-
4 tion fee of \$25.00 per claim.

5 (g) CREDIT AGAINST ROYALTY.—The annual claim
6 maintenance fee paid for any unpatented mining claim or
7 site on or before September 1 or any year shall be credited
8 against the amount of royalty required to be paid under
9 title IV for such mining claim or site during the following
10 assessment year.

11 (h) FEE ADJUSTMENTS AND DISPOSITION.—

12 (1) At the end of each period of five assessment
13 years after the date of enactment of this Act, the
14 Secretary shall adjust the maintenance fee and the
15 location fee required by this section by an amount
16 equal to the net adjustment in the implicit price
17 deflator for the gross national product established by
18 the United States Department of Commerce over the
19 preceding five year period, rounded up or down to
20 the nearest dollar.

21 (2) The Secretary shall provide owners of min-
22 ing claims or sites with notice by publication in the
23 Federal Register of any adjustment made under
24 paragraph (1) not later than January 1 of any as-
25 sessment year in which the adjustment is made.

1 (3) A fee adjustment under paragraph (1) shall
2 apply to the payment due for the next assessment
3 year after the assessment year in which notice is
4 given under paragraph (2).

5 (4) All maintenance and location fees received
6 by the Secretary under this section shall be paid into
7 the Treasury of the United States and be subject to
8 the provision of title I of Public Law 100–446, 102
9 Stat. 1774 (43 U.S.C. 1474) making receipts avail-
10 able for use by the Secretary for program operations
11 in Mining Law Administration.

12 (i) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEE UNDER ENERGY POLICY ACT OF 1992.—
13 This section shall not apply to any oil shale claims for
14 which a fee is required to be paid under paragraph
15 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C.
16 242(e)(2)).

18 (j) FAILURE TO COMPLY.—The failure of the owner
19 of the mining claim or site to pay the claim maintenance
20 fee or location fee for a mining claim or site on or before
21 the date such payment is due under subsection (a) or sub-
22 section (f) of this section shall constitute forfeiture of the
23 mining claim or site and such mining claim or site shall
24 be null and void, effective as of the day after the date
25 such payment is due: *Provided, however,* That, if such

1 maintenance fee or location fee is paid or tendered on or
2 before the 30th day after such payment was due under
3 subsection (a) or subsection (f) of this section, such min-
4 ing claim or site shall not be forfeited or null or void, and
5 such maintenance fee or location fee shall be deemed time-
6 ly paid.

7 (k) REPEAL OF OMNIBUS BUDGET RECONCILIATION
8 ACT FEE REQUIREMENTS.—Sections 10101 through
9 10106 of the Omnibus Budget Reconciliation Act of 1993
10 (30 U.S.C. 28f through 28k) are hereby repealed.

11 (l) CONFORMING AMENDMENT.—The third sentence
12 of section 2324 of the Revised Statutes (30 U.S.C. 28)
13 is amended by adding the words “Except as provided in
14 paragraph 201(b)(1) of The Mining Law Reform Act of
15 1995,” at the beginning of such sentence and deleting the
16 words “that is granted a waiver under section 10101 of
17 the Omnibus Budget Reconciliation Act of 1993,”.

18 (m) AMENDMENT OF FLPMA FILING REQUIRE-
19 MENTS.—

20 (1) Section 314(a) of the Federal Land Policy
21 and Management Act of 1976 (43 U.S.C. 1744(a))
22 is hereby repealed.

23 (2) Section 314(c) of the Federal Land Policy
24 and Management Act of 1976 (43 U.S.C. 1744(c))
25 is amended to read as follows:

1 “(c) FAILURE TO FILE AS CONSTITUTING FORFEIT-
2 URE; DEFECTIVE OR UNTIMELY FILING.—The failure to
3 timely file the copy of the notice or certificate of location
4 as required by subsection (b) shall constitute forfeiture of
5 the mining claim and such claim shall be null and void
6 by operation of law: *Provided, however,* That it shall not
7 be considered a failure to file if the notice or certificate
8 of location is defective or not timely filed for record under
9 other State or Federal laws permitting or requiring the
10 filing or recording thereof, or if the copy of the notice or
11 certificate is filed by or on behalf of some but not all of
12 the owners of the claim.”.

13 **SEC. 202. WAIVER AND EXEMPTION.**

14 (a) WAIVER OF FEE.—The maintenance fee provided
15 for in subsection 201(a) shall be waived for the owner of
16 a mining claim or site who certifies in writing to the Sec-
17 retary, on or before the date the payment is due, that,
18 as of the date such payment is due, such owner and all
19 related persons own not more than twenty-five unpatented
20 mining claims or sites. Any owner of a mining claim or
21 site that is not required to pay a maintenance fee under
22 this subsection shall continue to be subject to the assess-
23 ment work requirements of the general mining laws or of
24 any other State or Federal law, subject to any suspension
25 or deferment of annual assessment work provided by law,

1 for the assessment year following the filing of the certifi-
2 cation, and paragraph 201(b)(1) of this Act shall not
3 apply.

4 (b) RELATED PERSONS.—As used in subsection (a),
5 the term “related persons” includes—

6 (1) the spouse and dependent children (as de-
7 fined in section 152 of the Internal Revenue Code of
8 1986), of the owner of the mining claim or site; and

9 (2) a person controlled by, controlling, or under
10 common control with the owner of the mining claim
11 or site.

12 (c) EXEMPTION.—The owner of any mining claim or
13 site who certifies in writing to the Secretary on or before
14 the first day of any assessment year that access to such
15 mining claim or site was denied or impeded during the
16 prior assessment year by the action or inaction of any
17 local, State, or Federal governmental officer, agency, or
18 court, or by any Indian tribal authority, shall be exempt
19 from the maintenance fee and assessment work require-
20 ments of subsections (a) and (b) of section 201 for the
21 assessment year following the filing of the certification.

22 **SEC. 203. GOOD FAITH REQUIREMENT; RESIDENTIAL OCCU-**
23 **PANCY; DIVESTMENT AND REVERTER.**

24 (a) GOOD FAITH HOLDING OF MINING CLAIM OR
25 SITE.—The location, maintenance, and use of an

1 unpatented mining claim or site, whether located before
2 or after enactment of this Act, shall be for the purpose
3 of conducting mineral activities in good faith.

4 (b) RESIDENTIAL OCCUPANCY.—The Secretary shall
5 not prohibit residential occupancy of an unpatented min-
6 ing claim or site and shall not require removal of equip-
7 ment or facilities until mineral activities are completed,
8 if such occupancy is shown in a notice of intent or plan
9 of operations to be reasonably required to accomplish the
10 mineral activities described therein.

11 (c) REVERTER.—(1) Land patented under Section
12 204(a) shall revert to the United States if—

13 (A) the land is used for a purpose that is not
14 authorized under subsection (a);

15 (B) the unauthorized use is not discontinued
16 within a time period specified by the Secretary (but
17 not earlier than 90 days after the Secretary provides
18 the owner of the land with written notice pursuant
19 to paragraph (2) to discontinue the unapproved
20 use); and

21 (C) the Secretary elects to enforce the rever-
22 sionary interest in accordance with paragraph (2).

23 (2) The reversion under paragraph (1) shall take ef-
24 fect if—

1 (A) the Secretary files a declaration of reversion
2 in the office of the Bureau of Land Management
3 designated by the Secretary of the Interior;

4 (B) the Secretary records the declaration in the
5 office of the county recorder of the county in which
6 the lands subject to a reversion are situated; and

7 (C) not later than 30 days after recording the
8 declaration of reversion, the Secretary serves on the
9 owner of the land subject to reversion a recorded
10 copy of the declaration, the same manner that a
11 summons and complaint are served under the Fed-
12 eral Rules of Civil Procedure, and delivers payment
13 for fair market value of the surface interest at the
14 time of the reverter.

15 (3) The Secretary may renounce a reversion by filing
16 and recording a declaration of renouncement in the same
17 offices in which a declaration of reversion would have been
18 filed under paragraph (2). The Secretary may renounce
19 a reversion for any reason, including a case in which—

20 (A) a portion of the lands included in the pat-
21 ent have been used for solid waste disposal or for
22 any other purpose that may result in the disposal,
23 placement, or release of a hazardous substance;

24 (B) continuance of the reverter serves no public
25 purpose; or

1 (C) it would not be in the best interest of the
2 United States to exercise the reverter.

3 (4) Each patent to land acquired under section 2325,
4 2333, or 2337 of the Revised Statutes (30 U.S.C. 29, 37
5 or 42) that is subject to the limitations of this subsection
6 shall so state.

7 (d) REPEAL OF PATENTING MORATORIUM; PROCESS-
8 ING OF PATENT APPLICATIONS.—

9 (1) Sections 112 and 113 of Public Law 103-
10 332 are hereby repealed. The Secretary shall dili-
11 gently process all applications for patent and shall
12 make determinations for all such applications re-
13 garding patent issuance as expeditiously as possible.

14 (2) The provisions of this Act shall not apply
15 to any mining or mill site claim (A) for which a pat-
16 ent application was filed with the Secretary on or
17 before May 9, 1995.

18 TITLE III—SURFACE MANAGEMENT OF
19 MINERAL ACTIVITIES

20 **SEC. 301. PURPOSE; APPLICABILITY; OPERATING AND REC-**
21 **LAMATION STANDARDS.**

22 (a) PURPOSE.—It is the purpose of this title to pro-
23 vide for mineral entry, exploration, location and operations
24 pursuant to the general mining laws in a manner that will
25 not unduly hinder such activities or diminish rights, in-

1 cluding but not limited to all statutory and common law
2 rights of access, obtained under the general mining laws
3 or other authorities, but will assure that such activities
4 are conducted in a manner that will prevent unnecessary
5 and undue degradation of nonmineral surface resources on
6 Federal lands. Compliance with the provisions of this title
7 shall constitute compliance with: (i) the final sentence of
8 subsection 302(b) of the Federal Land Policy and Man-
9 agement Act (43 U.S.C. 1732(b)); and (ii) any standard
10 related to the management of surface resources within the
11 National Forest System contained in or derived from the
12 Organic Administration Act (16 U.S.C. 473 et seq.), the
13 Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528
14 et seq.), the Forest and Rangeland Renewable Resources
15 Planning Act of 1974 (16 U.S.C. 1601 et seq.), or any
16 other law applicable to Federal lands subject to this title
17 within the National Forest System.

18 (b) APPLICABILITY.—This title shall apply only to
19 mineral activities on those Federal lands where the surface
20 estate is managed by the Bureau of Land Management
21 or the United States Forest Service.

22 (c) OPERATIONS.—All mineral activities on Federal
23 lands shall be conducted so as to prevent unnecessary and
24 undue degradation of Federal lands by complying with ap-

1 plicable requirements of Federal and State environmental
2 protection laws, including but not limited to—

3 (1) the Atomic Energy Act of 1954 (42 U.S.C.
4 2011 et seq.);

5 (2) the Clean Air Act (42 U.S.C. 7401 et seq.);

6 (3) the Comprehensive Environmental Re-
7 sponse, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9601 et seq.);

9 (4) the Endangered Species Act of 1973 (16
10 U.S.C. 1531 et seq.);

11 (5) the Federal Land Policy and Management
12 Act of 1976 (43 U.S.C. 1701 et seq.);

13 (6) the Federal Mine Safety and Health Act of
14 1977 (30 U.S.C. 801 et seq.);

15 (7) the Federal Water Pollution Control Act
16 (commonly referred to as the “Clean Water Act”)
17 (33 U.S.C. 1251 et seq.);

18 (8) the Forest and Rangeland Renewable Re-
19 sources Planning Act of 1974 (16 U.S.C. 1600 et
20 seq.);

21 (9) the Migratory Bird Treaty Act (16 U.S.C.
22 703 et seq.);

23 (10) the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.);

1 (11) the National Historic Preservation Act (16
2 U.S.C. 470 et seq.);

3 (12) title XIV of the Public Health Service Act
4 (commonly referred to as the “Safe Drinking Water
5 Act”) (42 U.S.C. 300f et seq.);

6 (13) the Solid Waste Disposal Act (42 U.S.C.
7 6901 et seq.);

8 (14) the Toxic Substances Control Act (15
9 U.S.C. 2601 et seq.); and

10 (15) the Uranium Mill Tailings Radiation Con-
11 trol Act of 1978 (42 U.S.C. 7901 et seq.).

12 (d) RECLAMATION.—In order to prevent unnecessary
13 and undue degradation of surface resources, Federal lands
14 disturbed by mineral activities shall be reclaimed, to the
15 extent economically and technically practicable, in compli-
16 ance with the provisions of subsection 304(a).

17 (e) DESIGNATED LANDS.—Where any mineral activi-
18 ties are to be conducted on Federal lands administered
19 by the Bureau of Land Management or the Forest Service
20 specifically designated by any special Act of Congress that
21 applies a specific land management, resource protection
22 or reclamation standard (such as wild and scenic rivers
23 and designated wilderness) to such lands, such manage-
24 ment or protection standard shall apply to the extent of
25 any conflict with the provisions of this title.

1 **SEC. 302. AUTHORIZATION FOR MINERAL ACTIVITIES.**

2 (a) IN GENERAL.—Except as otherwise provided in
3 subsections (b) and (c) of this section, no person may en-
4 gage in mineral activities on Federal lands unless that per-
5 son has filed a plan of operations with, and received ap-
6 proval of the plan from, the Secretary in accordance with
7 section 303.

8 (b) NOTICE REQUIRED.—

9 (1) A person may engage in mineral activities
10 on Federal lands that cause only minor, short term,
11 readily reclaimable impacts on surface resources, in-
12 cluding but not limited to initial exploratory test
13 hole drilling and road construction, only after filing
14 with the Secretary a notice of intent to conduct such
15 activities.

16 (2) Such notice shall include—

17 (A) the name and mailing address of the
18 operator;

19 (B) when applicable, the name of the min-
20 ing claim(s) or site(s), and serial number(s) as-
21 signed to the mining claims(s) or site(s) on
22 which mineral activities are proposed;

23 (C) a statement describing the activities
24 proposed and their location in sufficient detail
25 to locate the operations on the ground, and giv-
26 ing the approximate date when activities will

1 begin. The statement shall include a description
2 and the location of any access routes to be con-
3 structed or improved and the type of equipment
4 to be used in their construction;

5 (D) a statement that reclamation of all
6 areas will be completed as required by sub-
7 section 301(d), and that mineral activities will
8 comply with the operations standard as re-
9 quired by subsection 301(c); and

10 (E) evidence of financial assurance as re-
11 quired by section 306.

12 (3) Failure of the operator to conduct mineral
13 activities in conformance with the notice and the re-
14 quirements of this title may cause the operator to be
15 subject to enforcement pursuant to section 308.

16 (4) The Secretary shall review the notice within
17 30 days of receipt. If the Secretary determines that
18 the proposed mineral activities will, or are likely to
19 cause more than minor, short term, readily reclaim-
20 able impacts on surface resources, the Secretary
21 shall provide a statement of reasons explaining why
22 the mineral activities cannot proceed under notice
23 and shall require in writing that the operator submit
24 a proposed plan of operations in accordance with the
25 requirements of this section. Failure of the Sec-

1 retary to respond in writing within 30 days of re-
2 ceipt of the notice shall be deemed to be approval
3 of the mineral activities proposed in the notice.

4 (5) The Secretary shall establish by regulation
5 from time to time additional categories of mineral
6 activities which may be conducted under notice
7 based on the amount of surface to be disturbed, the
8 type of equipment to be used, the time required for
9 reclamation, and other relevant factors.

10 (c) OTHER MINERAL ACTIVITIES.—Notwithstanding
11 the provisions of subsections (a) and (b), any person may
12 conduct mineral activities on Federal lands which cause
13 only a minimal disturbance of surface resources, including
14 but not limited to claim location; exploration; geological,
15 geophysical or geochemical surveys; environmental base-
16 line monitoring; activities related to the gathering of data
17 related to the preparation or analysis of a notice or plan
18 of operations under this title, or required under any other
19 applicable Federal or State environmental law or regula-
20 tion; and other activities designated by the Secretary,
21 without filing a notice or plan of operations with the Sec-
22 retary.

23 (d) TRANSFER OF RIGHTS.—An operator may trans-
24 fer, assign or sell any rights associated with a notice with-
25 out approval by the Secretary: *Provided*, That the succes-

1 sor in interest agrees in writing to assume the liabilities
2 and reclamation responsibilities established under sub-
3 section (b) and provide evidence of financial assurance as
4 required under section 306. The transfer, assignment or
5 sale shall not become effective prior to the filing of such
6 writing and evidence of financial assurance with the Sec-
7 retary. The financial assurance of the transferee shall be
8 substituted for the assurance previously submitted by the
9 transferor and the financial assurance of the transferor
10 shall be fully released.

11 **SEC. 303. PLAN OF OPERATIONS; CONTENT, REVIEW AND**
12 **APPROVAL.**

13 (a) PLAN OF OPERATIONS REQUIREMENTS.—A plan
14 of operations required under this title shall contain—

15 (1) the name and mailing address of the opera-
16 tor;

17 (2) when applicable, the name of the mining
18 claim(s) or site(s), and serial number(s) assigned to
19 the mining claim(s) or site(s) on which mineral ac-
20 tivities are proposed;

21 (3) a general description of the mineral activi-
22 ties proposed, including the anticipated periods dur-
23 ing which the proposed mineral activities will occur;

24 (4) a map showing existing and/or proposed
25 routes of surface access, or other means of access,

1 and identifying areas where surface disturbance will
2 occur;

3 (5) information describing the land and water
4 resources of the area expected to be disturbed by the
5 proposed mineral activities and any proposed mitiga-
6 tion measures necessary to comply with the require-
7 ments of this title;

8 (6) a reclamation plan which includes proposed
9 measures to reclaim Federal lands disturbed by the
10 proposed mineral activities as required under sub-
11 section 301(d);

12 (7) evidence of adequate financial assurance as
13 required under section 306; and

14 (8) a monitoring plan to assure compliance with
15 the requirements of the plan of operations.

16 (b) PLAN OF OPERATIONS REVIEW.—A proposed
17 plan of operations shall be submitted to the Secretary, who
18 shall promptly acknowledge receipt thereof to the opera-
19 tor. The Secretary shall promptly review the proposed plan
20 of operations and shall notify the operator within 30
21 days—

22 (1) that the plan of operations has been ap-
23 proved as submitted;

1 (2) of all changes in, or additions to the pro-
2 posed plan of operations necessary to comply with
3 the requirements of this title; or

4 (3) that a specified reasonable amount of time
5 is necessary to complete the review, setting forth the
6 circumstances which justify the additional time.

7 (c) MINERAL ACTIVITIES PENDING REVIEW.—Any
8 operator who has submitted a plan of operations under
9 this section may continue to conduct mineral activities
10 otherwise authorized pursuant to subsections (b) and (c)
11 of section 302 within the geographic area covered by the
12 proposed plan of operations pending its approval.

13 (d) PLAN OF OPERATIONS APPROVAL.—(1) The Sec-
14 retary shall approve a proposed plan of operations within
15 a reasonable period of time if—

16 (A) the proposed plan of operations substan-
17 tially complies with the requirements of this title;
18 and

19 (B) the applicant has complied with the re-
20 quirements of section 306 concerning financial as-
21 surance.

22 (2) If, after review, the Secretary determines that a
23 proposed plan of operations will not substantially comply
24 with the requirements of this title, the Secretary shall
25 specify all deficiencies in the proposed plan, shall request

1 the operator to modify the proposed plan to comply with
2 the requirements of this title and shall specify all nec-
3 essary modifications to the proposed plan.

4 (e) MODIFICATIONS TO AN APPROVED PLAN OF OP-
5 ERATIONS.—

6 (1) MINOR MODIFICATIONS.—At any time dur-
7 ing which mineral activities are being conducted
8 under an approved plan of operations, an operator
9 may make minor modifications to the approved plan
10 of operations by notifying the Secretary. Failure of
11 the Secretary to respond in writing within 30 days
12 of receipt of the proposed minor modification shall
13 be deemed to be approval of the minor modification.
14 For purposes of this title, a “minor modification” is
15 a change to the approved plan of operations that is
16 not likely to result in significant impacts to surface
17 resources different from those previously considered
18 in the approved plan of operations.

19 (2) REVIEW OF MINOR MODIFICATIONS.—If the
20 Secretary determines that a proposed minor modi-
21 fication may be significant, the Secretary shall pro-
22 vide a statement of reasons and may require the op-
23 erator to submit a significant modification to the
24 plan of operations pursuant to paragraph (3) of this
25 subsection.

1 (3) SIGNIFICANT MODIFICATION.—At any time
2 during activities under an approved plan of oper-
3 ations, the operator may propose a significant modi-
4 fication to the approved plan of operations. A sig-
5 nificant modification must be submitted, reviewed
6 and approved in the same manner as a plan of oper-
7 ations under this section, except that the modifica-
8 tion need not include information required under
9 subsection 303(a) if the modification requires no
10 change to such information: *Provided, however,* That
11 approval of such modification shall neither require
12 nor be denied or conditioned upon retrofit, redesign,
13 reconstruction, closure or change in the operation of
14 any facility, structure or mineral activity previously
15 approved. For purposes of this title, a “significant
16 modification” is a change to the approved plan of
17 operations which is likely to result in significant im-
18 pacts to surface resources different from those pre-
19 viously considered in the approved plan of oper-
20 ations.

21 (4) REQUEST BY SECRETARY.—At any time
22 during which mineral activities are being conducted
23 under an approved plan of operations, the Secretary
24 may request that an operator submit a modification
25 to the approved plan of operations together with a

1 written determination that such modification is nec-
2 essary to prevent unnecessary and undue degrada-
3 tion of Federal lands as required by section 301.
4 The Secretary's determination that a modification is
5 necessary shall be subject to notice to the operator
6 and a right to a hearing at the request of the opera-
7 tor. If the Secretary has requested a modification
8 under this paragraph, mineral activities may con-
9 tinue in accordance with the approved plan of oper-
10 ations until the modification is submitted, reviewed,
11 and approved.

12 (f) TERM.—An approved plan of operations shall re-
13 main in effect as approved until the mineral activities sub-
14 ject to the approved plan of operations are completed or
15 until the plan of operations is modified.

16 (g) TRANSFER OF RIGHTS.—An operator may trans-
17 fer, assign, or sell any rights associated with an approved
18 plan of operations without approval by the Secretary: *Pro-*
19 *vided*, That the successor in interest agrees in writing to
20 assume the liabilities and reclamation responsibilities es-
21 tablished by the approved plan of operations and provide
22 evidence of financial assurance as required under section
23 306. The transfer, assignment, or sale shall not become
24 effective prior to the filing of such writing and evidence
25 of financial assurance with the Secretary. The financial

1 assurance of the transferee shall be substituted for the as-
2 surance previously submitted by the transferor, and the
3 financial assurance of the transferor shall be fully re-
4 leased.

5 **SEC. 304. RECLAMATION PLAN.**

6 A reclamation plan submitted with a proposed plan
7 of operations pursuant to section 303 shall include appro-
8 priate measures to comply with substantive reclamation
9 requirements of the State in which the proposed mineral
10 activities will be located to the extent that those require-
11 ments are not in conflict with the purposes of the general
12 mining laws and this Act, and the applicable provisions
13 of State and Federal environmental protection laws, in-
14 cluding those Federal laws listed in subsection 301(c). A
15 proposed reclamation plan that complies with such State
16 and Federal requirements shall be deemed sufficient to
17 prevent unnecessary and undue degradation and to comply
18 with subsection 301(d), and certification or other approval
19 issued by a State or Federal agency of compliance with
20 such laws shall be deemed compliance with this section.

21 **SEC. 305. TRANSITION RULES.**

22 (a) **APPLICABILITY TO EXISTING OPERATIONS.**—
23 Mineral activities for which an operator is authorized to
24 proceed under notice or for which a plan of operations has
25 been approved prior to the date of enactment of this Act

1 shall continue under the terms and conditions of such no-
2 tice or plan. Notices which were filed within 30 days of
3 the effective date of enactment, and plans of operations
4 which have been submitted before but not approved on the
5 date of enactment of this Act, shall be reviewed based on
6 the law existing on the day prior to the date of enactment
7 of this Act. Significant modifications to approved plans
8 of operations shall be submitted, reviewed, and approved
9 pursuant to the applicable requirements of this title: *Pro-*
10 *vided, however,* That approval of such modifications shall
11 neither require nor be conditioned upon retrofit, redesign,
12 reconstruction or change in the operation of any facility,
13 structure or mineral activity previously approved.

14 (b) FINANCIAL ASSURANCE AND ENFORCEMENT.—
15 Notwithstanding the provisions of subsection (a), the en-
16 forcement provisions of section 308 shall apply to all min-
17 eral activities on the effective date of this Act and, within
18 one year after the effective date of this Act, all operators
19 operating under notice or a plan of operations shall submit
20 to the Secretary evidence of adequate financial assurance
21 as may be required under section 306.

22 **SEC. 306. FINANCIAL ASSURANCE.**

23 (a) EVIDENCE OF FINANCIAL ASSURANCE.—(1)
24 Prior to the commencement of any mineral activities re-
25 quiring a plan of operations, an operator shall furnish evi-

1 dence to the Secretary of a bond, surety, self-insurance
2 or other financial assurance (including the use of bonding
3 pools or a financial assurance instrument posted with a
4 State or another Federal agency) in an amount sufficient
5 to cover the reasonably estimated cost to complete rec-
6 lamation as required by the plan of operations.

7 (2)(A) Prior to conducting notice activities subject to
8 subsection 302(b), the operator shall comply with the fi-
9 nancial assurance requirements promulgated by the Sec-
10 retary applicable to such notice activities. Such require-
11 ments shall allow operators or owners of mining claims
12 or sites to use bonding pools to statewide or nationwide
13 bonds. Statewide or nationwide bonds shall be in amounts
14 fixed by regulation that cover notice activities at multiple
15 locations statewide or nationwide, as appropriate.

16 (B) For such notice activities conducted between the
17 date of enactment of this Act and the effective date of
18 such regulations, the operator or owner of the mining
19 claim or site shall provide evidence of financial assurance,
20 in the form and manner authorized by the Secretary's reg-
21 ulations in effect on the date of enactment of this Act,
22 in an amount sufficient to cover the reasonably estimated
23 cost of reclamation required as a result of such notice ac-
24 tivities.

1 (b) REVIEW AND ADJUSTMENT.—Not later than five
2 years after the financial assurance is provided, and each
3 five years thereafter, or at the request of the operator,
4 the Secretary shall review its adequacy and may increase
5 or decrease the amount of the financial assurance based
6 upon changed circumstances, including a determination by
7 the Secretary that a portion of the reclamation has been
8 completed.

9 (c) FINANCIAL ASSURANCE FOR INCREMENTS.—Fi-
10 nancial assurance for increments of mineral activities may
11 be authorized if the financial assurance for an increment
12 covers all reclamation costs within the area covered by the
13 notice or plan of operations for that increment. After rec-
14 lamation is completed, an operator may apply for, and the
15 Secretary may grant, release of the financial assurance for
16 the completed increment.

17 **SEC. 307. FEDERAL AND STATE AUTHORITY AND COOPERA-**
18 **TION.**

19 (a) COOPERATIVE AGREEMENTS.—

20 (1) Upon request from a State, the Secretary
21 shall enter into a cooperative agreement with that
22 State for joint administration of the requirements of
23 this title relating to mineral activities requiring a no-
24 tice or plan of operations, financial assurances, rec-
25 lamation, inspection and enforcement if the Sec-

1 retary determines in writing that such State has the
2 capability to implement the agreement in a manner
3 consistent with the purposes of this title. A coopera-
4 tive agreement may cover (i) some or all of the re-
5 sponsibilities enumerated in this paragraph, and (ii)
6 some or all mineral activities on Federal land within
7 a State.

8 (2) Under a cooperative agreement, a State and
9 the Secretary may jointly administer mineral activi-
10 ties on Federal lands. The State and the Secretary
11 shall make an independent and timely decision re-
12 garding individual plans of operation under this
13 title, but in no event shall the State's authority
14 under applicable Federal environmental protection
15 statutes be restricted.

16 (3) Under a cooperative agreement, the State
17 may conduct inspections and monitoring activities,
18 and take enforcement actions deemed necessary to
19 determine or require compliance with the require-
20 ments of this Act, other than recommending civil ac-
21 tions under section 308. The Secretary may not take
22 enforcement action where a State under a coopera-
23 tive agreement already has initiated appropriate en-
24 forcement action unless the State requests that the

1 Secretary recommend initiation of a civil action
2 under section 308.

3 (4) Under a cooperative agreement, the finan-
4 cial assurance sufficient to cover reclamation of Fed-
5 eral lands shall be calculated based on the comple-
6 tion of both the Federal and State reclamation re-
7 quirements, and may be held as one bond. The fi-
8 nancial assurance shall be approved by both the Sec-
9 retary and the State prior to approval of a plan of
10 operations, and the Secretary and the State may
11 agree that the financial assurance may not be re-
12 leased without Federal and State concurrence. Fi-
13 nancial assurance that duplicates financial assurance
14 required under other State or Federal law shall not
15 be required under this title.

16 (5) if a cooperative agreement is entered into
17 pursuant to this section, the Secretary shall, subject
18 to appropriations, reimburse the State for its regu-
19 latory costs in an amount approximating, but not ex-
20 ceeding, the reasonably estimated amount the Sec-
21 retary would have reasonably expended absent a co-
22 operative agreement.

23 (6) Each cooperative agreement entered into
24 pursuant to this section shall provide that (i) the
25 Secretary shall take appropriate action, including

1 termination of the agreement, upon a determination
2 that State performance under the agreement is not
3 in substantial compliance with the agreement or the
4 requirements of this title, and (ii) prior to taking
5 any such action, the Secretary shall provide notice to
6 the State allowing the State a reasonable time to
7 come into substantial compliance.

8 (b) EXISTING AGREEMENTS.—Any cooperative
9 agreement or memorandum of understanding between the
10 Secretary and any State related to the surface manage-
11 ment of mineral activities on Federal lands subject to this
12 Act in existence on the date of enactment of this Act shall
13 continue in force unless the Secretary determines such
14 agreement or memorandum of understanding is inconsis-
15 tent with the provisions of this title.

16 **SEC. 308. ENFORCEMENT, ADMINISTRATIVE AND JUDICIAL**
17 **REVIEW.**

18 (a) INSPECTIONS.—The Secretary, or a State if the
19 State has entered into a cooperative agreement pursuant
20 to section 307, shall conduct a minimum of one complete
21 inspection each year of mineral activities for which a plan
22 of operations or notice is required under section 302 to
23 ensure compliance with the terms of the plan or notice.
24 The operator shall grant access at reasonable times and
25 under reasonable circumstances to the appropriate des-

1 igned representative of the Secretary or State when re-
2 quested. The Secretary or the State must give reasonable
3 notice to the operator before commencing any inspection.
4 The Secretary or the State may inspect more frequently,
5 if warranted, and may modify the inspection schedule as
6 necessary for mineral activities that are conducted on a
7 seasonal basis.

8 (b) COMPLIANCE ORDERS.—

9 (1) Whenever, on the basis of any inspection
10 authorized by subsection (a), the Secretary finds
11 that the operator is in violation of any term or con-
12 dition of a plan of operations or notice, the Sec-
13 retary may issue an order requiring the operator to
14 comply with such requirement, or may request the
15 Attorney General to bring a civil action in accord-
16 ance with subsection (c): *Provided, however,* That
17 the Secretary shall not request commencement of a
18 civil action if (i) the violation is corrected within 30
19 days, and (ii) the violation is neither causing nor
20 likely to cause irreparable harm to the environment
21 or a threat to human health or safety.

22 (2) Any order issued under this subsection shall
23 state with reasonable specificity the nature of the
24 violation and shall require compliance within a rea-
25 sonable period of time specified in the order. The

1 Secretary may extend the time specified for compli-
2 ance for a reasonable period, considering the serious-
3 ness of the violation and any good faith efforts to
4 comply with the terms and conditions of the plan of
5 operation.

6 (c) CIVIL ACTIONS.—At the request of the Secretary,
7 the Attorney General may institute a civil action in the
8 district court of the United States for the district in which
9 the affected operation is located for a temporary restrain-
10 ing order, injunction, civil penalties as provided in sub-
11 section (d), or other appropriate remedy, when the opera-
12 tor (i) violates or refuses to comply with an order issued
13 by the Secretary under subsection (b), or (ii) refuses to
14 allow an inspection authorized under subsection (a).

15 (d) CIVIL PENALTIES.—An operator that fails to
16 comply with the requirements applicable to mineral activi-
17 ties conducted under notice pursuant to section 302 or the
18 terms or conditions of a plan of operations approved under
19 section 302, after notice of such failure and expiration of
20 a reasonable period allowed for abatement as specified
21 pursuant to subsection (b), is subject to a civil penalty
22 of not more than \$5,000 for each day of the continuance
23 of such noncompliance. In determining the amount of the
24 penalty, the Court shall consider the existence of previous
25 violations at the operation, the seriousness of the violation,

1 the likelihood of irreparable harm to the environment and
2 any hazard to the health or safety of the public, whether
3 the operator was negligent, and the good faith of the oper-
4 ator.

5 (e) ADMINISTRATIVE REVIEW.—

6 (1) Any operator issued a compliance order
7 under this section may apply to the Secretary for re-
8 view of the order within 30 days of receipt thereof,
9 or as the case may be, within 30 days of such order
10 being modified.

11 (2) The Secretary shall provide an opportunity
12 for a hearing on the record at the request of the op-
13 erator.

14 (3) Pending completion of any review proceed-
15 ings under this subsection, the operator may file
16 with the Secretary a written request that the Sec-
17 retary grant temporary relief from any order issued
18 under this section, supported by a detailed statement
19 of reasons for such relief. The Secretary shall expe-
20 ditiously issue an order or decision granting or deny-
21 ing such relief.

22 (f) FINAL AGENCY ACTION.—Final agency action
23 under this title shall be subject to judicial review pursuant
24 to 5 U.S.C. 701–706 and 28 U.S.C. 1331.

1 SEC. 309. SAVINGS CLAUSE.

2 The provisions of this title shall supersede any provi-
3 sion of the general mining laws or the Federal Land Policy
4 and Management Act, and any standard related to the
5 management of surface resources within the National For-
6 est System contained in or derived from the Organic Ad-
7 ministration Act (16 U.S.C. 473 et seq.), the Multiple-
8 Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.),
9 the Forest and Rangeland Renewable Resources Planning
10 Act of 1974 (16 U.S.C. 1601 et seq.), or any other law
11 applicable to Federal lands subject to this title within the
12 National Forest System, and any rules promulgated under
13 such laws, only to the extent that such laws or rules con-
14 flict or are inconsistent with the provisions of this title.
15 Orders, rules and regulations in effect as of the date of
16 enactment of this Act which govern surface management
17 of mineral activities shall remain in effect under the au-
18 thority of this title.

19 TITLE IV—ROYALTY**20 SEC. 401. ROYALTY.**

21 (a) IN GENERAL.—The production and sale of
22 locatable minerals (including associated minerals) from
23 any unpatented mining claim (other than those from Fed-
24 eral lands to which subsection 204(b) applies) or any min-
25 ing claim patented under subsection 204(a) shall be sub-
26 ject to a royalty of three percent of the net proceeds from

1 such production mined and sold from such claim: *Pro-*
2 *vided*, That for any mine with an annual gross yield of
3 less than \$500,000 the royalty shall be waived: *And pro-*
4 *vided further*, That no royalty shall be payable pursuant
5 to this title with respect to minerals processed at a facility
6 by the same person or entity which extracted the minerals
7 if an urban development action grant has been made
8 under section 119 of the Housing and Community Devel-
9 opment Act of 1974 with respect to any portion of such
10 facility. The obligation to pay royalties hereunder shall ac-
11 crue only upon the sale of locatable minerals or mineral
12 products produced from a mining claim subject to such
13 royalty, and not upon the stockpiling of the same for fu-
14 ture processing.

15 (b) DEFINITIONS.—For the purposes of this title, the
16 term—

17 (1) “gross yield” shall mean—

18 (A) in the case of sales of gold and silver
19 ore, concentrates or bullion, or the sales of
20 other locatable minerals in the form of ore or
21 concentrates, the actual proceeds of sale of such
22 ore, concentrates or bullion;

23 (B) in the case of sales of beneficiated
24 products from locatable minerals other than
25 those subject to section 401(b)(1)(A), such as

1 cathode, anode or copper rod or wire, or other
2 products fabricated from the locatable minerals,
3 the gross income from mining derived from the
4 first commercially marketable product deter-
5 mined in the same manner as under section 613
6 of the Internal Revenue Code;

7 (C) in the event that ore, concentrates,
8 beneficiated or fabricated products or locatable
9 minerals are used or consumed and are not sold
10 in an arms length transaction, the reasonable
11 fair market value of the ore, concentrates,
12 beneficiated or fabricated products at the mine
13 or wellhead determined from the first applicable
14 of the following:

15 (i) published or other competitive sell-
16 ing prices of locatable minerals of like kind
17 and grade;

18 (ii) any proceeds of sale;

19 (iii) value received in exchange for any
20 thing or service; or

21 (iv) the value of any locatable min-
22 erals in kind or used or consumed in a
23 manufacturing process or in providing a
24 service; and

1 (D) without limiting the foregoing, the
2 profits or losses incurred in connection with for-
3 ward sales, futures or commodity options trad-
4 ing, metal loans, or any other price hedging or
5 speculative activity or arrangement shall not be
6 included in gross yield.

7 (2) “net proceeds” shall mean gross yield, less
8 the following deductions for costs incurred prior to
9 sale or value determination, and none other:

10 (A) the actual cost of extracting the
11 locatable mineral;

12 (B) the actual cost of transporting the
13 locatable mineral from the claim to the place or
14 places of reduction, beneficiation, refining, and
15 sale;

16 (C) the actual cost of reduction,
17 beneficiation, refining, and sale of the locatable
18 mineral.

19 (D) the actual cost of marketing and deliv-
20 ering the locatable mineral and the conversion
21 of the locatable mineral into money;

22 (E) the actual cost of maintenance and re-
23 pairs of—

24 (i) all machinery, equipment, appara-
25 tus, and facilities used in the mine;

1 (ii) all crushing, milling, leaching, re-
2 fining, smelting, and reduction works,
3 plants, and facilities; and

4 (iii) all facilities and equipment for
5 transportation;

6 (F) the actual cost for support personnel
7 and support services at the mine site, including
8 without limitation, accounting, assaying, draft-
9 ing and mapping, computer services surveying,
10 housing, camp, and office expenses, safety, and
11 security;

12 (G) the actual cost of engineering, sam-
13 pling, and assaying pertaining to development
14 and production;

15 (H) the actual cost of permitting, reclama-
16 tion, environmental compliance and monitoring;

17 (I) the actual cost of fire and other insur-
18 ance on the machinery, equipment, apparatus,
19 works, plants, and facilities mentioned in sub-
20 paragraph (E);

21 (J) depreciation of the original capitalized
22 cost of the machinery, equipment, apparatus,
23 works, plants, and facilities listed in subpara-
24 graph (E). The annual depreciation charge shall
25 consist of amortization of the original cost in

1 the manner consistent with the Internal Reve-
2 nue Code of 1986, as amended from time to
3 time. The probable life of the property rep-
4 resented by the original cost must be considered
5 in computing the depreciation charge;

6 (K) all money expended for premiums for
7 industrial insurance, and the owner paid cost of
8 hospital and medical attention and accident
9 benefits and group insurance for all employees
10 engaged in the production or processing of
11 locatable minerals;

12 (L) all money paid as contributions or pay-
13 ments under State unemployment compensation
14 law, all money paid as contributions under the
15 Federal Social Security Act, and all money paid
16 to State government in real property taxes and
17 severance or other taxes measured or levied on
18 production, or Federal excise tax payments and
19 payments as fees or charges for use of the Fed-
20 eral lands from which the locatable minerals are
21 produced; and

22 (M) the actual cost of the developmental
23 work in or about the mine or upon a group of
24 mines when operated as a unit; and

1 (c) LIMITATIONS AND ALLOCATIONS OF NET PRO-
2 CEEDS, GROSS YIELD, AND ALLOWABLE COSTS.—

3 (1) The several deductions listed in paragraph
4 (b)(2) are intended to allow a reasonable allowance
5 for overhead: *Provided*, That they do not include any
6 expenditures for salaries, or any portion of salaries,
7 of any person not actually engaged in—

8 (A) the working of the mine;

9 (B) the operating of the leach pads, ponds,
10 plants, mills, smelters, or reduction works;

11 (C) the operating of the facilities or equip-
12 ment for transportation; or

13 (D) superintending the management of any
14 of those operations described in subparagraphs
15 (A)–(C).

16 (2) Ores or solutions of locatable minerals may
17 be extracted from mines comprised of mining claims
18 and lands other than mining claims. Ore or solutions
19 of locatable minerals may be commingled with ores
20 or solutions from lands other than mining claims:
21 *Provided*, That the operator shall first sample, weigh
22 or measure, and assay the same in accordance with
23 accepted industry standards. In the event of such
24 production from mines comprised of mining claims
25 and other lands and/or in the event of commingling

1 as provided under this paragraph, gross yield, allow-
2 able costs and net proceeds for royalty purposes
3 shall be allocated in proportion to mineral products
4 recovered from the mining claims in accordance with
5 accepted industry standards.

6 (d) LIABILITY FOR ROYALTY PAYMENTS.—The
7 owner or co-owners of a mining claim subject to the roy-
8 alty required under this section shall be liable for royalty
9 due to the United States on locatable minerals produced
10 and sold during the period of ownership to the extent of
11 the interest in such claim owned. As used in this sub-
12 section, “owner” or “co-owner” shall mean the person or
13 persons owning the right to mine locatable minerals from
14 such claim and receiving the net proceeds of such sale.
15 Any person who makes any royalty payment attributable
16 to the interest of the owner or co-owners liable therefor
17 shall not become liable to the United States for such roy-
18 alty as a result of making such payment on behalf of such
19 owner or co-owners.

20 (e) TIME AND MANNER OF PAYMENT.—

21 (1) Royalty payments for production from any
22 mining claim subject to the royalty required in this
23 section shall be due to the United States at the end
24 of the month following the end of the calendar quar-
25 ter in which the net proceeds from the sale of such

1 production are received by the owner or co-owners.
2 Royalty payments may be made based upon good
3 faith estimates of the gross yield, net proceeds and
4 the quantity of ore, concentrates, or other
5 beneficiated or fabricated products of locatable min-
6 erals, subject to adjustment when the actual annual
7 gross yield, net proceeds and quantity are deter-
8 mined by the owner of the mining claim or site or
9 co-owners.

10 (2) Each royalty payment or adjustment shall
11 be accompanied by a statement containing—

12 (A) the name and Bureau of Land Man-
13 agement serial number of the mining claim or
14 claims from which ores, concentrates, solutions
15 or beneficiated products of locatable minerals
16 subject to the royalty required in this section
17 were produced and sold for the period covered
18 by such payment or adjustment;

19 (B) the estimated (or actual, if deter-
20 mined) quantity of such ore, concentrates, solu-
21 tions or beneficiated or fabricated products pro-
22 duced and sold from such mining claim or
23 claims for such period;

24 (C) the estimated (or actual, if deter-
25 mined) gross yield from the production and sale

1 of such ore, concentrates, solutions or
2 beneficiated products for such period;

3 (D) the estimated (or actual, if deter-
4 mined) net proceeds from the production and
5 sale of such ores, concentrates, solutions or
6 beneficiated products for such period, including
7 an itemization of the applicable deductions de-
8 scribed in paragraph (b)(2); and

9 (E) the estimated (or actual, if deter-
10 mined) royalty due to the United States, or ad-
11 justment due to the United States or such
12 owner or co-owners, for such period.

13 (3) In lieu of receiving a refund under sub-
14 section (g), the owner or co-owners may elect to
15 apply any adjustment due to such owner or co-own-
16 ers as an offset against royalties due from such
17 owner or co-owners to the United States under this
18 Act, regardless of whether such royalties are due for
19 production and sale from the same mining claim or
20 claims.

21 (f) RECORDKEEPING AND REPORTING REQUIRE-
22 MENTS.—

23 (1) An owner, operator, or other person directly
24 involved in the conduct of mineral activities, trans-
25 portation, purchase, or sale of locatable minerals,

1 concentrates, or products derived therefrom, subject
2 to the royalty required in this section, through the
3 point of royalty computation, shall establish and
4 maintain any records, make any reports, and provide
5 any information that the Secretary may reasonably
6 require for the purposes of implementing this section
7 or determining compliance with regulations or orders
8 under this section. Upon the request of the Sec-
9 retary when conducting an audit or investigation
10 pursuant to subsection (h), the appropriate records,
11 reports, or information which may be required by
12 this section shall be made available for inspection
13 and duplication by the Secretary.

14 (2) Records required by the Secretary under
15 this section shall be maintained for three years after
16 the records are generated unless the Secretary noti-
17 fies the record holder that he or she has initiated an
18 audit or investigation specifically identifying and in-
19 volving such records and that such records must be
20 maintained for a longer period. When an audit or in-
21 vestigation is under way, such records shall be main-
22 tained until the earlier of the date that the Secretary
23 releases the record holder of the obligation to main-
24 tain such records or the date that the limitations pe-

1 riod applicable to such audit or investigation under
2 subsection (h) expires.

3 (g) INTEREST ASSESSMENTS.—In any case in which
4 royalty payments are not received by the Secretary on the
5 date that such payments are due, or when such payments
6 are less than the amount due, the Secretary shall charge
7 interest on such late payments computed at the rate pub-
8 lished by the Department of the Treasury as the “Treas-
9 ury Current Value of Funds Rate.” In the case of an
10 underpayment or partial payment, interest shall be com-
11 puted and charged only on the amount of the deficiency
12 and not on the total amount, and only for the number
13 of days such payment is late. No other late payment or
14 underpayment charge or penalty shall be charged. In any
15 case in which royalty payments are made in excess of the
16 amount due, or amounts are held by the Secretary pending
17 the outcome of any appeal in which the Secretary does
18 not prevail, the Secretary shall promptly refund such over-
19 payments or pay such amounts to the person or persons
20 entitled thereto, together with interest thereon for the
21 number of days such overpayment or amounts were held
22 by the Secretary, with the addition of interest charged
23 against the United States computed at the rate published
24 by the Department of the Treasury as the “Treasury Cur-
25 rent Value of Funds Rate.”

1 (h) AUDITS, PAYMENT DEMANDS AND LIMITA-
2 TIONS.—

3 (1) The Secretary may conduct, after notice,
4 any audit reasonably necessary and appropriate to
5 verify the payments required under this section.

6 (2) Any billing or demand letter for royalty due
7 on locatable minerals produced and sold from any
8 mining claim subject to royalty required by this sec-
9 tion must be sent or issued not later than three
10 years after the date such royalty was due and must
11 specifically identify the production involved, the roy-
12 alty allegedly due and the basis for the claim. No ac-
13 tion, proceeding or claim for royalty due on locatable
14 minerals produced and sold, or relating to such pro-
15 duction, may be brought by the United States, in-
16 cluding but not limited to any claim for additional
17 royalties or claim of the right to offset the amount
18 of such additional royalties against amounts owed to
19 any person by the United States, unless judicial suit
20 or administrative proceedings are commenced to re-
21 cover specific amounts claimed to be due prior to the
22 expiration of three years from the date such royalty
23 is alleged to have been due.

24 (i) TRANSITIONAL RULES.—Any mining claim for
25 which a patent is issued pursuant to subsection 204(b)

1 shall not be subject to the obligation to pay the royalty
2 pursuant to this section. Royalty payments for any claim
3 processed under subsection 204(b) shall be suspended
4 pending final determination of the right to patent. For
5 any claim that does not qualify for the issuance of a patent
6 under subsection 204(b), royalties shall be payable under
7 this section on—

8 (1) previous production between the date of en-
9 actment of this Act and the date of such final deci-
10 sion denying the issuance of a patent, plus interest
11 computed at the rate published by the Department
12 of the Treasury as the “Treasury Current Value of
13 Funds Rate”; and

14 (2) production subsequent to the date of such
15 decision.

16 (j) DISBURSEMENT OF REVENUES.—The receipts
17 from royalties collected under this section shall be dis-
18 bursed as follows:

19 (1) One-half of such receipts shall be paid into
20 the Treasury of the United States and deposited as
21 miscellaneous receipts.

22 (2) One-quarter of such receipts shall be paid
23 by the Secretary of the Treasury to the State in
24 which the mining claim from which production oc-
25 curred is located.

1 (3) One-quarter of such receipts shall be paid
2 into a State Fund or the Federal Fund in accord-
3 ance with title V; until termination as provided in
4 section 506.

5 (k) NO IMPLIED COVENANTS.—The owner of a min-
6 ing claim subject to the provisions of this title shall have
7 no obligation, express or implied, to explore for, develop,
8 produce or market locatable minerals as a result of the
9 obligation to pay a royalty hereunder, and the timing, na-
10 ture, extent and manner of exploring, developing, mining
11 and marketing such locatable minerals shall be in the sole
12 discretion of the claim owner.

13 TITLE V—ABANDONED LOCATABLE MINERALS
14 MINE RECLAMATION PROGRAM

15 **SEC. 501. ABANDONED LOCATABLE MINERALS MINE REC-**
16 **LAMATION FUND.**

17 (a) STATE FUND.—Any State within which proceeds
18 are collected pursuant to title IV from a mining claim and
19 which wishes to become eligible to receive such proceeds
20 allocated by paragraph 401(j)(3) shall establish and main-
21 tain an interest-bearing abandoned locatable mineral mine
22 reclamation fund (hereinafter referred to in this title as
23 “State Fund”) to accomplish the purposes of this title.

24 (b) FEDERAL FUND.—There is established on the
25 books of the Treasury of the United States an interest-

1 bearing fund to be known as the Abandoned Locatable
2 Minerals Mine Reclamation Fund (hereinafter referred to
3 in this title as “Federal Fund”) which shall consist of pro-
4 ceeds allocated by paragraph 401(j)(3) from mining
5 claims in a State where a State Fund has not been estab-
6 lished or maintained under subsection (a).

7 **SEC. 502. ALLOCATION AND PAYMENTS.**

8 (a) STATE FUND.—Proceeds collected pursuant to
9 title IV and allocated by paragraph 401(j)(3) shall be paid
10 by the Secretary of the Treasury to the State Fund estab-
11 lished pursuant to subsection 501(a) for the State where
12 the mining claim from which the production occurred is
13 located. Payments to States under this subsection with re-
14 spect to any moneys received by the United States, shall
15 be made not later than the last business day of the month
16 in which such moneys are warranted by the United States
17 Treasury to the Secretary of the Interior as having been
18 received, except for any portion of such moneys which is
19 under challenge, which shall be placed in a suspense ac-
20 count pending resolution of such challenge. Such warrants
21 shall be issued by the United States Treasury not later
22 than 10 days after receipt of such moneys by the Treas-
23 ury. Moneys placed in a suspense account which are deter-
24 mined to be due the United States shall be payable to a
25 State Fund not later than fifteen days after such challenge

1 is resolved. Any such amount placed in a suspense account
2 pending resolution shall bear interest until the challenge
3 is resolved. In determining the amount of payments to
4 State Funds under this section, the amount of such pay-
5 ments shall not be reduced by any administrative or other
6 costs incurred by the United States.

7 (b) FEDERAL FUND.—Proceeds collected pursuant to
8 title IV, and allocated by paragraph 401(j)(3), from min-
9 ing claims located in the State which has not established
10 or maintained a State Fund, and such proceeds from min-
11 ing claims located in a State for which the Secretary’s au-
12 thority has expired under subsection 506(a), shall be cred-
13 ited to the Federal Fund and distributed in accordance
14 with subsection (c).

15 (c) TRANSITION.—Prior to the time a State estab-
16 lishes a State Fund pursuant to subsection 501(a), any
17 proceeds collected from a mining claim within such State
18 shall be deposited into the Federal Fund and allocated to
19 such State. Once a State establishes a State Fund under
20 subsection 501(a), the State allocation in the Federal
21 Fund with accrued interest shall be paid by the Secretary
22 of the Treasury to the State Fund in accordance with sub-
23 section (a). Commencing three years after the date of en-
24 actment of this Act, the Secretary of the Treasury shall
25 distribute proceeds then accrued or which are thereafter

1 credited to the Federal Fund equally among all States
2 which maintain a State Fund established under subsection
3 501(a), and for which the Secretary of the Treasury's au-
4 thority has not expired under subsection 506(a).

5 **SEC. 503. ELIGIBLE AREA.**

6 (a) IN GENERAL.—Subject to subsection (b), lands
7 and water eligible for reclamation under this title shall be
8 Federal lands that—

9 (1) have been adversely affected by past min-
10 eral activities on lands abandoned and left inad-
11 equately reclaimed prior to the date of enactment of
12 this Act; and

13 (2) for which the State determines there is no
14 identifiable party with a continuing reclamation re-
15 sponsibility under State or Federal laws.

16 (b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—
17 The following areas shall not be eligible for expenditures
18 from a State Fund:

19 (1) Any area subject to a plan of operations
20 submitted or approved prior to, on or after the date
21 of enactment of this Act which includes remining or
22 reclamation of the area adversely affected by past
23 locatable mineral activities.

24 (2) Any area affected by coal mining eligible for
25 reclamation expenditures pursuant to section 404 of

1 the Surface Mining Control and Reclamation Act
2 (30 U.S.C. 1234).

3 (3) Any area designated for remedial action
4 pursuant to the Uranium Mill Tailings Radiation
5 Control Act of 1978 (42 U.S.C. 7912).

6 (4) Any area that was listed on the National
7 Priorities List pursuant to the Comprehensive Envi-
8 ronmental Response, Compensation and Liability
9 Act of 1980 (42 U.S.C. 9605) prior to the date of
10 enactment of this Act, or where the Environmental
11 Protection Agency has initiated or caused to be initi-
12 ated a response action pursuant to that Act.

13 **SEC. 504. USES AND OBJECTIVES OF FUNDS.**

14 (a) USE OF FUNDS.—Moneys in a State Fund shall
15 be used for the reclamation of eligible areas. For purposes
16 of this section, reclamation includes—

17 (1) backfilling, fencing, sealing, or otherwise
18 controlling abandoned underground mine entries to
19 protect public health and safety;

20 (2) abatement, treatment or control of water
21 pollution;

22 (3) shaping, grading, contouring and
23 revegetation of land to prevent erosion and sedi-
24 mentation, or to enhance fish and wildlife habitat;

1 (4) removal or control of toxic or hazardous
2 materials;

3 (5) analysis, curation and preservation of struc-
4 tures, buildings, sites or objects listed or eligible for
5 listing pursuant to the National Historic Preserva-
6 tion Act (16 U.S.C. 470a); and

7 (6) control or reclamation of surface subsidence
8 due to abandoned underground mines.

9 (b) PRIORITIES.—Expenditures of moneys from a
10 State Fund shall reflect the following priorities in the
11 order stated, but shall not preclude, where feasible and
12 appropriate, a combination of these priorities for cost-ef-
13 fective reclamation:

14 (1) The protection of public health, safety, gen-
15 eral welfare and property from extreme danger from
16 the adverse effects of past mineral activities.

17 (2) The protection of public health, safety, and
18 general welfare from the adverse effects of past min-
19 eral activities.

20 (c) LIABILITY.—No State, or a contractor for such
21 State engaged in approved reclamation work under this
22 title, or any other entity authorized by a State to conduct
23 approved reclamation activities, shall be liable under any
24 provision of Federal law for any costs or damages as a
25 result of action taken or omitted in the course of carrying

1 out reclamation pursuant to this section. This subsection
2 shall not preclude liability for costs and damages as a re-
3 sult of gross negligence or intentional misconduct. For
4 purposes of the preceding sentence, reckless, willful or
5 wanton misconduct shall constitute gross negligence.

6 **SEC. 505. REPORT TO CONGRESS.**

7 Each year, each State with a State Fund under sub-
8 section 501(a) shall submit a report to the Congress pro-
9 viding an accounting of the Fund, including identifying
10 sites for which moneys in the Fund have been spent dur-
11 ing the preceding year and sites for which moneys shall
12 be allocated in the following year, the amounts spent or
13 expected to be spent on each such site, and an estimate
14 of the number of eligible areas that remain to be reclaimed
15 in the State.

16 **SEC. 506. SUNSET PROVISIONS.**

17 (a) **TERMINATION OF AUTHORITY.**—The Secretary of
18 the Treasury’s authority to allocate funds to a State Fund
19 under section 502 shall expire on the date that the State
20 submits an annual report to the Congress pursuant to sec-
21 tion 505 which reports that there are no areas in the State
22 which remain to be reclaimed.

23 (b) **TERMINATION OF FUND.**—Upon the termination
24 of authority as provided in subsection (a) with respect to
25 all State Funds, the Federal Fund shall also be termi-

1 nated, and all proceeds thereafter remaining in the Fed-
2 eral Fund shall be paid into the Treasury of the United
3 States and deposited as miscellaneous receipts.

4 TITLE VI—ADMINISTRATIVE PROVISIONS

5 **SEC. 601. EFFECTIVE DATE.**

6 The provisions of this Act shall take effect on the
7 date of enactment of this Act, except as otherwise provided
8 in this Act.

9 **SEC. 602. EFFECT ON FEDERAL AND STATE LAWS.**

10 (a) EFFECT ON THE GENERAL MINING LAWS.—The
11 provisions of this Act shall supersede the general mining
12 laws only to the extent such laws conflict with the require-
13 ments of this Act. Where no such conflict exists, the gen-
14 eral mining laws, including all judicial and administrative
15 decisions interpreting them, shall remain in full force and
16 effect.

17 (b) EFFECT ON OTHER FEDERAL AND STATE
18 LAWS.—Except as provided in subsection (a), nothing in
19 this Act shall be construed—

20 (1) as superseding, modifying, amending or re-
21 pealing any other provision of Federal law, State law
22 or Federal or State regulation enacted pursuant
23 thereto, not expressly superseded, modified, amended
24 or repealed;

1 (2) without limiting the foregoing, as affecting
2 or intended to affect or in any way interfere with or
3 modify the laws of the States relating to the owner-
4 ship, control, appropriation, use and distribution of
5 ground or surface waters or the regulation by States
6 of surface or ground water quality; and

7 (3) as affecting or modifying in any way the
8 rights, obligations or liabilities of any person under
9 other provision of law.

10 **SEC. 604. SEVERABILITY.**

11 If any provision of this Act or the applicability there-
12 of to any person or circumstances is held invalid, the re-
13 mainder of this Act and the application of such provision
14 to other persons or circumstances shall not be affected
15 thereby.

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