

117TH CONGRESS  
2D SESSION

# S. 4083

To modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2022

Mr. HEINRICH (for himself, Mr. BENNET, Mr. MERKLEY, Mr. LUJÁN, Mr. BOOKER, Mr. WYDEN, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To modify the requirements applicable to locatable minerals on public domain land, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Clean Energy Minerals Reform Act of 2022”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—LOCATABLE MINERAL DEPOSITS

- Sec. 101. Limitation on patents.
- Sec. 102. Fees.
- Sec. 103. Limitations.

TITLE II—ROYALTIES

- Sec. 201. Royalty.
- Sec. 202. Royalty relief.
- Sec. 203. Enforcement.
- Sec. 204. Review.

TITLE III—MINERAL ACTIVITIES

- Sec. 301. Permits.
- Sec. 302. Exploration permits.
- Sec. 303. Mining permits.
- Sec. 304. Financial assurances.
- Sec. 305. Transfer, assignment, or sale of right.
- Sec. 306. Operation and reclamation.
- Sec. 307. Land open to location.
- Sec. 308. State law.
- Sec. 309. Inspection and monitoring.
- Sec. 310. Tribal consultation.

TITLE IV—HARDROCK MINERALS RECLAMATION FUND

- Sec. 401. Establishment of Fund.
- Sec. 402. Abandoned mine land reclamation fee.

TITLE V—TRANSITION RULES, ADMINISTRATIVE PROVISIONS,  
AND MISCELLANEOUS PROVISIONS

- Sec. 501. Transition rules.
- Sec. 502. Enforcement.
- Sec. 503. Judicial review.
- Sec. 504. Uncommon varieties.
- Sec. 505. Review of uranium development on Federal land.
- Sec. 506. Effect.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPLICANT.**—The term “applicant” means  
4 any person that applies for—

5 (A) a permit under this Act; or

6 (B) a modification to, or a renewal of, a  
7 permit issued under this Act.

1           (2) BENEFICIATION.—The term “beneficiation”  
2 means—

3           (A) the crushing and grinding of locatable  
4 mineral ore; and

5           (B) any processes that are employed to  
6 free the mineral from other constituents, includ-  
7 ing physical and chemical separation tech-  
8 niques.

9           (3) CASUAL USE.—

10           (A) IN GENERAL.—The term “casual use”  
11 means mineral activities that ordinarily result  
12 in no or negligible disturbance of Federal land  
13 or resources.

14           (B) INCLUSIONS.—The term “casual use”  
15 includes the collection of geochemical, rock, soil,  
16 or mineral specimens using hand tools, hand  
17 panning, or nonmotorized sluicing.

18           (C) EXCLUSIONS.—The term “casual use”  
19 does not include—

20           (i) the use of mechanized earth-mov-  
21 ing equipment, suction dredging, or explo-  
22 sives;

23           (ii) the use of motor vehicles in areas  
24 closed to off-road vehicles;

1 (iii) the construction of roads or drill  
2 pads; or

3 (iv) the use of toxic or hazardous ma-  
4 terials or explosives.

5 (4) CLAIM HOLDER.—The term “claim holder”  
6 means a person holding a mining claim, millsite, or  
7 tunnel site that is—

8 (A) located under the general mining laws;  
9 and

10 (B) maintained in compliance with the  
11 general mining laws and this Act.

12 (5) CONTROL.—The term “control” means hav-  
13 ing the ability to determine the manner in which an  
14 entity conducts mineral activities.

15 (6) EXPLORATION.—

16 (A) IN GENERAL.—The term “exploration”  
17 means creating a surface disturbance (other  
18 than casual use) to evaluate the type, extent,  
19 quantity, or quality of minerals present.

20 (B) INCLUSIONS.—The term “exploration”  
21 includes mineral activities associated with sam-  
22 pling, drilling, or developing surface or under-  
23 ground workings to evaluate locatable mineral  
24 values.

1 (C) EXCLUSIONS.—The term “explo-  
2 ration” does not include the extraction of min-  
3 eral material for commercial use or sale.

4 (7) FEDERAL LAND.—The term “Federal land”  
5 means any land and any interest in land that is—

6 (A) owned by the United States; and

7 (B) open to location of mining claims  
8 under the general mining laws and this Act.

9 (8) FUND.—The term “Fund” means the  
10 Hardrock Minerals Reclamation Fund established by  
11 section 401(a).

12 (9) HARDROCK MINERAL.—The term “hardrock  
13 mineral” has the meaning given the term “locatable  
14 mineral” except that—

15 (A) legal and beneficial title to the mineral  
16 need not be held by the United States; and

17 (B) paragraph (13)(B) does not apply to  
18 this paragraph.

19 (10) INDIAN LAND.—The term “Indian land”  
20 means land that is—

21 (A) held in trust for the benefit of an In-  
22 dian Tribe or member of an Indian Tribe; or

23 (B) held by an Indian Tribe or member of  
24 an Indian Tribe, subject to a restriction by the  
25 United States against alienation.

1           (11) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

5           (12) LOCATABLE MINERAL.—

6           (A) IN GENERAL.—The term “locatable  
7           mineral” means any mineral—

8                   (i) the legal and beneficial title to  
9                   which remains in the United States; and

10                   (ii) that is not subject to disposition  
11                   under—

12                           (I) the Mineral Leasing Act (30  
13                           U.S.C. 181 et seq.);

14                           (II) the Geothermal Steam Act of  
15                           1970 (30 U.S.C. 1001 et seq.);

16                           (III) the Act of July 31, 1947  
17                           (commonly known as the “Materials  
18                           Act of 1947”) (30 U.S.C. 601 et  
19                           seq.); or

20                           (IV) the Act of August 7, 1947  
21                           (commonly known as the “Mineral  
22                           Leasing Act for Acquired Lands”) (30  
23                           U.S.C. 351 et seq.).

24           (B) EXCLUSIONS.—The term “locatable  
25           mineral” does not include any mineral that is—

1 (i) subject to a restriction against  
2 alienation imposed by the United States;  
3 and

4 (ii) held in trust by the United States  
5 for, or owned by, any Indian Tribe or  
6 member of an Indian Tribe, as defined in  
7 section 2 of the Indian Mineral Develop-  
8 ment Act of 1982 (25 U.S.C. 2101).

9 (13) MINERAL ACTIVITY.—The term “mineral  
10 activity” means any activity on a mining claim, mill-  
11 site, or tunnel site, or Federal land used in conjunc-  
12 tion with the activity, for, relating to, or incidental  
13 to, mineral exploration, mining, beneficiation, proc-  
14 essing, or reclamation activities for any locatable  
15 mineral.

16 (14) OPERATOR.—The term “operator”  
17 means—

18 (A) any person proposing, or authorized by  
19 a permit, to conduct mineral activities under  
20 this Act; and

21 (B) any agent of a person described in  
22 subparagraph (A).

23 (15) PERSON.—The term “person” means—

24 (A) an individual, Indian Tribe, partner-  
25 ship, association, society, joint venture, joint

1 stock company, firm, company, corporation, co-  
2 operative, trust, consortium, or other organiza-  
3 tion; and

4 (B) any instrumentality of a State or local  
5 government, including any publicly owned util-  
6 ity or publicly owned corporation of a State or  
7 local government.

8 (16) PROCESSING.—

9 (A) IN GENERAL.—The term “processing”  
10 means processes downstream of beneficiation  
11 used to prepare locatable mineral ore into the  
12 final marketable product.

13 (B) INCLUSIONS.—The term “processing”  
14 includes smelting and electrolytic refining.

15 (17) SECRETARY.—The term “Secretary”  
16 means the Secretary of the Interior.

17 (18) SECRETARY CONCERNED.—The term  
18 “Secretary concerned” means—

19 (A) the Secretary of Agriculture (acting  
20 through the Chief of the Forest Service), with  
21 respect to National Forest System land; and

22 (B) the Secretary of the Interior (acting  
23 through the Director of the Bureau of Land  
24 Management), with respect to land managed by

1 the Bureau of Land Management or other Fed-  
2 eral land.

3 (19) TEMPORARY CESSATION.—The term “tem-  
4 porary cessation” means a halt in mine related pro-  
5 duction activities for a continuous period of not  
6 longer than 5 years.

7 (20) UNDUE DEGRADATION.—The term “undue  
8 degradation” means substantial irreparable harm to  
9 significant scientific, cultural, or environmental re-  
10 sources on public land.

## 11 **TITLE I—LOCATABLE MINERAL** 12 **DEPOSITS**

### 13 **SEC. 101. LIMITATION ON PATENTS.**

14 (a) DETERMINATIONS REQUIRED.—No patent shall  
15 be issued by the United States for any mining claim, mill-  
16 site, or tunnel site located under the general mining laws  
17 unless the Secretary determines that—

18 (1) a patent application was filed with the Sec-  
19 retary with respect to the claim not later than Sep-  
20 tember 30, 1994; and

21 (2) all requirements applicable to the patent ap-  
22 plication under law were fully complied with by the  
23 date described in paragraph (1).

24 (b) RIGHT TO PATENT.—

1           (1) IN GENERAL.—Subject to paragraph (2)  
2           and notwithstanding subsection (c), if the Secretary  
3           makes the determinations under paragraphs (1) and  
4           (2) of subsection (a) with respect to a mining claim,  
5           millsite, or tunnel site, the claim holder shall be enti-  
6           tled to the issuance of a patent in the same manner  
7           and degree to which the claim holder would have  
8           been entitled to a patent before the date of enact-  
9           ment of this Act.

10           (2) WITHDRAWAL.—The claim holder shall not  
11           be entitled to the issuance of a patent if the deter-  
12           minations under paragraphs (1) and (2) of sub-  
13           section (a) are withdrawn or invalidated by the Sec-  
14           retary or, on review, by a court of the United States.

15           (c) REPEAL.—Section 2325 of the Revised Statutes  
16 (30 U.S.C. 29) is repealed.

17 **SEC. 102. FEES.**

18           (a) CLAIM MAINTENANCE FEES.—

19           (1) IN GENERAL.—Not later than August 31,  
20           2023, and each August 31 thereafter, the holder of  
21           each unpatented mining claim, millsite, or tunnel  
22           site shall pay to the Secretary a maintenance fee of  
23           \$200 for each claim, millsite, or tunnel site.

24           (2) REQUIREMENTS.—The maintenance fees re-  
25           quired under paragraph (1) shall be in lieu of—

1 (A) the assessment work requirements  
2 under the general mining laws; and

3 (B) the related filing requirements under  
4 subsections (a) and (c) of section 314 of the  
5 Federal Land Policy and Management Act of  
6 1976 (43 U.S.C. 1744).

7 (3) TIMING OF INITIAL PAYMENT.—Notwith-  
8 standing paragraph (1), the maintenance fee payable  
9 for the initial assessment year in which the location  
10 is made shall be paid at the time the location notice  
11 is recorded with the Bureau of Land Management.

12 (4) CLAIM RELOCATION.—

13 (A) DEFINITION OF RELATED PARTY.—In  
14 this paragraph and paragraph (5), the term  
15 “related party” means—

16 (i) the spouse and qualifying child (as  
17 defined in section 152 of the Internal Rev-  
18 enue Code of 1986) of the claim holder;  
19 and

20 (ii) a person affiliated with the claim  
21 holder, including—

22 (I) a person controlled by, con-  
23 trolling, or under common control  
24 with, the claim holder; or

1 (II) a subsidiary, parent com-  
2 pany, partner, director, or officer of  
3 the claim holder.

4 (B) LIMITS ON RELOCATION.—

5 (i) IN GENERAL.—No claim, millsite,  
6 or tunnel site, or portion of a claim or site,  
7 may be relocated by a person or related  
8 party if the person or related party held  
9 the claim or site and subsequently relin-  
10 quished the claim or site or allowed the  
11 claim or site to become null and void.

12 (ii) DURATION.—The prohibition on  
13 relocation shall extend for a period of 10  
14 years beginning on the date the claim or  
15 site was relinquished or became null and  
16 void.

17 (5) WAIVER.—The maintenance fee required  
18 under paragraph (1) shall be waived for a claim  
19 holder who certifies in writing to the Secretary that  
20 on the date the maintenance fee was due, the claim  
21 holder and all related parties—

22 (A) held not more than 10 mining claims,  
23 millsites, tunnel sites, or any combination of  
24 claims and sites on Federal land; and

1 (B) can demonstrate that the claim holder  
2 and all related parties have performed assess-  
3 ment work required under section 2324 of the  
4 Revised Statutes (30 U.S.C. 28) to maintain  
5 the mining claims and sites held by the claim  
6 holder and all related parties for the assessment  
7 year ending on noon of September 1 of the cal-  
8 endar year in which payment of the mainte-  
9 nance fee was due.

10 (6) ADJUSTMENT.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), beginning on the date that is 5  
13 years after the date of enactment of this Act  
14 and every 5 years thereafter, the Secretary shall  
15 adjust the amount of maintenance fees required  
16 under paragraph (1) to reflect changes in the  
17 Consumer Price Index for all urban consumers  
18 published by the Department of Labor.

19 (B) MORE FREQUENT ADJUSTMENTS.—  
20 The Secretary may adjust the amount of the  
21 maintenance fees more frequently than specified  
22 in subparagraph (A) to reflect changes in the  
23 Consumer Price Index for all urban consumers  
24 published by the Department of Labor if the

1 Secretary determines an adjustment to be rea-  
2 sonable.

3 (C) NOTICE.—Not later than July 1 of any  
4 year in which an adjustment is made under this  
5 paragraph, the Secretary shall provide claim  
6 holders notice of the adjustment.

7 (D) APPLICATION.—An adjustment under  
8 this paragraph shall apply beginning in the first  
9 calendar year after the calendar year in which  
10 the adjustment is made.

11 (7) APPLICABLE LAW.—The co-ownership pro-  
12 visions of section 2324 of the Revised Statutes (30  
13 U.S.C. 28) shall remain in effect, except that the an-  
14 nual maintenance fee, as applicable, shall replace ap-  
15 plicable assessment requirements and expenditures.

16 (8) USE AND OCCUPANCY OF CLAIMS.—Timely  
17 performance of required assessment work or pay-  
18 ment of the maintenance fee under this subsection  
19 satisfies any obligation the claim holder has under  
20 the pedis possessio doctrine for any claim properly  
21 located in accordance with the general mining laws  
22 and applicable State law.

23 (b) LOCATION FEES.—

24 (1) IN GENERAL.—Subject to paragraph (2)  
25 and notwithstanding any other provision of law, for

1 each unpatented mining claim, millsite, or tunnel  
2 site located after the date of enactment of this Act,  
3 the locator shall, at the time the location notice is  
4 recorded with the Bureau of Land Management, pay  
5 to the Secretary a location fee of \$50 for each claim  
6 for each location notice recorded with the Bureau of  
7 Land Management.

8 (2) ADJUSTMENT.—

9 (A) IN GENERAL.—Subject to subpara-  
10 graph (B), beginning on the date that is 5  
11 years after the date of enactment of this Act  
12 and every 5 years thereafter, the Secretary shall  
13 adjust the amount of location fees required  
14 under paragraph (1) to reflect changes in the  
15 Consumer Price Index for all urban consumers  
16 published by the Department of Labor.

17 (B) MORE FREQUENT ADJUSTMENTS.—

18 The Secretary may adjust the amount of the lo-  
19 cation fees more frequently than specified in  
20 subparagraph (A) to reflect changes in the Con-  
21 sumer Price Index for all urban consumers pub-  
22 lished by the Department of Labor if the Sec-  
23 retary determines an adjustment to be reason-  
24 able.

1 (C) NOTICE.—Not later than July 1 of any  
2 year in which an adjustment is made under this  
3 paragraph, the Secretary shall provide claim  
4 holders notice of the adjustment.

5 (D) APPLICATION.—An adjustment under  
6 this paragraph shall apply beginning in the first  
7 calendar year after the calendar year in which  
8 the adjustment is made.

9 (3) EFFECT ON MAINTENANCE FEE.—The loca-  
10 tion fee required under paragraph (1) shall be in ad-  
11 dition to the maintenance fee required under sub-  
12 section (a).

13 (c) DISPOSITION OF FUNDS.—

14 (1) IN GENERAL.—Any amounts received under  
15 this section shall be used to pay the costs of admin-  
16 istering program operations under sections 2318  
17 through 2352 of the Revised Statutes (commonly  
18 known as the “Mining Law of 1872”) (30 U.S.C. 21  
19 et seq.) and this Act, without further appropriation.

20 (2) EXCESS AMOUNTS.—Any amounts in excess  
21 of the costs described in paragraph (1) for any fiscal  
22 year shall be deposited in the Fund.

23 (d) EFFECT OF SECTION.—Nothing in this section  
24 changes or modifies—

1 (1) section 314(b) of the Federal Land Policy  
2 and Management Act of 1976 (43 U.S.C. 1744(b));  
3 or

4 (2) the provisions of subsection (c) of section  
5 314 of the Federal Land Policy and Management  
6 Act of 1976 (43 U.S.C. 1744) relating to filings re-  
7 quired by subsection (b) of that section.

8 (e) AMENDMENT TO REVISED STATUTES.—Section  
9 2324 of the Revised Statutes (30 U.S.C. 28) is amended  
10 by inserting “or section 102(a)(5) of the Clean Energy  
11 Minerals Reform Act of 2022” after “Omnibus Budget  
12 Reconciliation Act of 1993”.

13 **SEC. 103. LIMITATIONS.**

14 (a) FAILURE TO COMPLY.—

15 (1) IN GENERAL.—The failure of the claim  
16 holder to perform assessment work or to pay a  
17 maintenance fee if required under section 102(a), to  
18 pay a location fee under section 102(b), or to file a  
19 timely notice of location shall—

20 (A) conclusively constitute a forfeiture of  
21 the mining claim, millsite, or tunnel site; and

22 (B) make the claim or site null and void by  
23 operation of law.

24 (2) EFFECT.—Forfeiture under paragraph (1)  
25 shall not relieve any person of any obligation under

1 this Act and applicable regulations, including re-  
2 clamation, and other applicable law.

3 (b) RELINQUISHMENT.—

4 (1) IN GENERAL.—A claim holder deciding not  
5 to pursue mineral activities on a mining claim, mill-  
6 site, or tunnel site, may relinquish the claim or site  
7 by notifying the Secretary of the intent to relinquish  
8 the claim or site.

9 (2) EFFECT.—A claim holder relinquishing a  
10 claim, millsite, or tunnel site under paragraph (1)  
11 shall be responsible for any obligation under this Act  
12 and applicable regulations, including reclamation,  
13 and other applicable law.

14 (c) USE OF MINING CLAIM.—

15 (1) IN GENERAL.—The continued use, occu-  
16 pancy, and retention of any mining claim, millsite,  
17 or tunnel site subject to this Act shall be exclusively  
18 for mineral activities as authorized under this Act.

19 (2) FAILURE TO USE FOR MINERAL ACTIVI-  
20 TIES.—If the claim holder cannot demonstrate to  
21 the Secretary that the mining claim, millsite, or tun-  
22 nel site has been used exclusively for mineral activi-  
23 ties, the Secretary shall declare the claim, millsite,  
24 or tunnel site null and void.

## TITLE II—ROYALTIES

### SEC. 201. ROYALTY.

(a) IN GENERAL.—Subject to subsection (c) and section 202, production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act shall be subject to a royalty established by the Secretary by regulation of not less than 5 percent, and not more than 8 percent, of the gross income from mining for production of all locatable minerals.

(b) ROYALTY RATE.—The regulation shall establish a reasonable royalty rate for each locatable mineral subject to a royalty under this section that may vary based on the locatable mineral concerned.

(c) NO ROYALTY FOR FEDERAL LAND SUBJECT TO EXISTING PERMIT.—No royalty under subsection (a) shall be required for production on Federal land that—

(1) is subject to an approved plan of operations or an operations permit on the date of the enactment of this Act; and

(2) produces valuable locatable minerals in commercial quantities on the date of enactment of this Act.

(d) FEDERAL LAND NOT SUBJECT TO EXISTING OPERATIONS PERMIT.—Production from any Federal land

1 not specifically approved for mineral extraction under a  
2 plan of operations or an operations permit in existence on  
3 the date of enactment of this Act shall be subject to the  
4 royalty described in subsection (a).

5 (e) DEPOSIT.—Amounts received by the United  
6 States as royalties under this section shall be deposited  
7 in the Fund.

8 **SEC. 202. ROYALTY RELIEF.**

9 (a) IN GENERAL.—Subject to subsection (b), in order  
10 to promote the greatest ultimate recovery pursuant to a  
11 mining permit or a plan of operations under which produc-  
12 tion in commercial quantities has occurred and in the in-  
13 terest of conservation of natural resources, the Secretary  
14 may reduce any royalty otherwise required for all or part  
15 of a mining operation, on a showing by clear and con-  
16 vincing evidence by the person conducting mineral activi-  
17 ties under the operations or mining permit or plan of oper-  
18 ations that, without the reduction in royalty, production  
19 would not occur.

20 (b) EFFECTIVE DATE.—Any reduction in a royalty  
21 provided for by this section shall not be effective until 60  
22 days after the date on which the Secretary—

23 (1) publishes public notice of the royalty reduc-  
24 tion; and

1           (2) submits to the Committee on Energy and  
2           Natural Resources of the Senate and the Committee  
3           on Natural Resources of the House of Representa-  
4           tives notice and a statement of the reasons for  
5           granting the royalty reduction.

6 **SEC. 203. ENFORCEMENT.**

7           (a) DUTIES OF THE SECRETARY.—

8           (1) IN GENERAL.—The Secretary shall establish  
9           a comprehensive inspection, collection, fiscal, and  
10          production accounting and auditing system—

11                   (A) to accurately determine royalties, in-  
12                   terest, fines, penalties, fees, deposits, and other  
13                   payments owed under this title and section 402;  
14                   and

15                   (B) to collect and account for such pay-  
16                   ments in a timely manner.

17          (2) INSPECTIONS.—The Secretary shall estab-  
18          lish procedures to ensure that authorized and prop-  
19          erly identified representatives of the Secretary will  
20          inspect at least once annually each mining claim  
21          that—

22                   (A) is producing or expected to produce a  
23                   significant quantity of locatable minerals in any  
24                   year; or

1 (B) has a history of noncompliance with  
2 this Act.

3 (b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND  
4 TRANSPORTERS.—

5 (1) PAYMENT OF ROYALTIES.—

6 (A) IN GENERAL.—A person who is re-  
7 quired to make any royalty or other payment  
8 under this title or section 402 shall make pay-  
9 ment to the United States at such times and in  
10 such manner as the Secretary may by rule pre-  
11 scribe.

12 (B) LIABILITY FOR PAYMENTS.—

13 (i) DESIGNEES.—Any person who  
14 pays, offsets, or credits funds, makes ad-  
15 justments, requests and receives refunds,  
16 or submits reports with respect to pay-  
17 ments another person is required to make  
18 shall be considered the designee of the  
19 other person under this title or section  
20 402.

21 (ii) LIABILITY.—A designee shall be  
22 liable for any payment obligation under  
23 this title or section 402 of any person on  
24 whose behalf the designee undertakes the  
25 activities described in clause (i).

1 (iii) PRO RATA SHARE.—The person  
2 owning an interest in a claim, millsite, or  
3 tunnel site, or production from the claim  
4 or site, shall be liable for the pro rata  
5 share of the person of payment obligations  
6 under this title or section 402.

7 (2) SITE SECURITY.—

8 (A) IN GENERAL.—A person conducting  
9 mineral activities shall develop and comply with  
10 the site security provisions in the mining permit  
11 designed to protect from theft the locatable  
12 minerals that are produced or stored on a min-  
13 ing claim.

14 (B) MINIMUM STANDARDS.—The provi-  
15 sions shall conform with such minimum stand-  
16 ards as the Secretary may prescribe by rule,  
17 taking into account the variety of circumstances  
18 on mining claims.

19 (C) NOTIFICATION OF COMMENCEMENT OR  
20 RESUMPTION OF PRODUCTION.—Not later than  
21 the fifth business day after production begins in  
22 any place on a mining claim or production re-  
23 sumes after more than 90 days after production  
24 ceased or was suspended, the person conducting  
25 mineral activities shall notify the Secretary, in

1           the manner prescribed by the Secretary, of the  
2           date on which the production has begun or re-  
3           sumed.

4           (c) RECORDKEEPING AND REPORTING REQUIRE-  
5 MENTS.—

6           (1) IN GENERAL.—A claim holder, operator, or  
7           other person directly or indirectly involved in devel-  
8           oping, producing, processing, transporting, pur-  
9           chasing, or selling locatable or hardrock minerals,  
10          subject to this Act, through the point of first sale,  
11          the point of royalty or fee computation, or the point  
12          of smelting or other processing, whichever is later,  
13          shall establish and maintain any records, make any  
14          reports, and provide any information that the Sec-  
15          retary may reasonably require for the purposes of  
16          implementing this title or section 402 or determining  
17          compliance with rules or orders under this title or  
18          section 402.

19          (2) ACCESS.—On the request of any officer or  
20          employee duly designated by the Secretary con-  
21          ducting an audit or investigation pursuant to this  
22          section, the appropriate records, reports, or informa-  
23          tion that may be required by this section shall be  
24          made available for inspection and duplication by the  
25          officer or employee.

1           (3) DURATION OF RECORDKEEPING REQUIRE-  
2           MENT.—

3           (A) IN GENERAL.—Records required by  
4           the Secretary under this section shall be main-  
5           tained for 7 years after the records are gen-  
6           erated or amended unless the Secretary notifies  
7           the claim holder, operator, other person re-  
8           ferred to in paragraph (1), or record holder  
9           that the Secretary has initiated an audit or in-  
10          vestigation involving the records and that the  
11          records must be maintained for a longer period.

12          (B) ONGOING AUDIT OR INVESTIGATION.—  
13          In any case in which an audit or investigation  
14          is underway, records shall be maintained until  
15          the Secretary releases the claim holder, oper-  
16          ator, other person referred to in paragraph (1),  
17          or record holder subject to the recordkeeping  
18          and requirements of this Act of the obligation  
19          to maintain the records.

20          (d) AUDITS.—The Secretary may conduct such au-  
21          dits of all claim holders, operators, producers, trans-  
22          porters, purchasers, processors, or other persons directly  
23          or indirectly involved in the production or sales of  
24          locatable or hardrock minerals covered by this Act, as the  
25          Secretary considers necessary for the purposes of ensuring

1 compliance with the requirements of this title or section  
2 402.

3 (e) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—The Secretary may enter  
5 into cooperative agreements with the Secretary of  
6 Agriculture—

7 (A) to share information concerning the  
8 royalty management of locatable minerals;

9 (B) to carry out inspection, auditing, in-  
10 vestigation, or enforcement (not including the  
11 collection of royalties, civil or criminal penalties,  
12 or other payments) activities under this section  
13 in cooperation with the Secretary; and

14 (C) to carry out any other activity de-  
15 scribed in this section.

16 (2) ACCESS.—Subject to paragraph (3) and  
17 pursuant to a cooperative agreement, the Secretary  
18 of Agriculture shall, on request, have access to all  
19 royalty or fee accounting information in the posses-  
20 sion of the Secretary relating to the production, re-  
21 moval, or sale of locatable minerals from claims on  
22 Federal land.

23 (3) CONFIDENTIAL INFORMATION.—

24 (A) IN GENERAL.—Trade secrets, propri-  
25 etary information, and other confidential infor-

1           mation protected from disclosure under section  
2           552 of title 5, United States Code (commonly  
3           known as the “Freedom of Information Act”),  
4           shall be made available by the Secretary to  
5           other Federal agencies as necessary to ensure  
6           compliance with this Act and other Federal  
7           laws.

8                   (B) PROTECTION BY OTHER FEDERAL OF-  
9                   FICIALS.—The Secretary, the Secretary of Agri-  
10                  culture, and other Federal officials shall ensure  
11                  that information described in subparagraph (A)  
12                  is provided protection in accordance with sec-  
13                  tion 552 of title 5, United States Code.

14           (f) INTEREST.—

15                   (1) DEFINITION OF UNDERPAYMENT.—In this  
16                  subsection, the term “underpayment” means the dif-  
17                  ference between the royalty on the value of the pro-  
18                  duction or the fee under section 402 that should  
19                  have been received by the Secretary and the royalty  
20                  on the value of the production or the fee under sec-  
21                  tion 402 that was received by the Secretary, if the  
22                  royalty or fee that should have been received is  
23                  greater than the royalty or fee that was received.

24                   (2) NONPAYMENT AND UNDERPAYMENT.—

1           (A) NONPAYMENT.—In the case of mining  
2           claims or operations with respect to which roy-  
3           alty payments or the fee under section 402 are  
4           not received by the Secretary by the date that  
5           the payments are due, the Secretary shall  
6           charge interest on the nonpayment at the rate  
7           specified under subparagraph (C).

8           (B) UNDERPAYMENT.—In the case of an  
9           underpayment, interest shall be computed and  
10          charged only on the amount of the deficiency  
11          and not on the total amount, at the rate speci-  
12          fied under subparagraph (C).

13          (C) INTEREST RATE.—In the case of non-  
14          payment or underpayment, interest shall be  
15          charged at the rate applicable under section  
16          6621(a)(2) of the Internal Revenue Code of  
17          1986.

18          (g) EXPANDED ROYALTY OBLIGATIONS.—Each per-  
19          son liable for royalty payments under this section shall  
20          be jointly and severally liable for royalty on all locatable  
21          minerals lost or wasted from a mining claim located under  
22          the general mining laws and maintained in compliance  
23          with this Act if the loss or waste is due to negligence on  
24          the part of any such person or due to the failure to comply

1 with any rule, regulation, or order issued under this sec-  
2 tion.

3 (h) HEARINGS AND INVESTIGATIONS.—In carrying  
4 out this title and section 402, the Secretary may—

5 (1) conduct any investigation or other inquiry  
6 necessary and appropriate;

7 (2) conduct, after notice, any necessary and ap-  
8 propriate hearing or audit under rules prescribed by  
9 the Secretary; and

10 (3) administer oaths and issue subpoenas in  
11 conducting such proceedings.

12 (i) CIVIL PENALTIES.—

13 (1) FAILURE TO COMPLY WITH APPLICABLE  
14 LAW, RULES OR REGULATIONS, OR TO PERMIT IN-  
15 SPECTION.—

16 (A) IN GENERAL.—Except as provided in  
17 subparagraph (B), a person shall be liable for  
18 a penalty of up to \$500 per violation for each  
19 day the violation continues, dating from the  
20 date of the notice or report, if the person—

21 (i) after due notice of violation or  
22 after the violation has been reported under  
23 subparagraph (B)(i), fails or refuses to  
24 comply with any requirement of this title

1 or section 402 or any rule or regulation  
2 under this title or section 402; or

3 (ii) fails or refuses to permit inspec-  
4 tion authorized under this title.

5 (B) EXCEPTIONS.—A penalty under this  
6 paragraph may not be applied to any person  
7 who is otherwise liable for a violation of sub-  
8 paragraph (A) if—

9 (i) the violation was discovered and  
10 reported to the Secretary or the authorized  
11 representative of the Secretary by the lia-  
12 ble person and corrected within 20 days  
13 after the report (or such longer period to  
14 which the Secretary may agree); or

15 (ii) after the due notice of violation  
16 required under subparagraph (A)(i) has  
17 been given to the person by the Secretary  
18 or the authorized representative of the Sec-  
19 retary, the person has corrected the viola-  
20 tion within 20 days of the notification (or  
21 such longer period to which the Secretary  
22 may agree).

23 (2) FAILURE TO TAKE CORRECTIVE ACTION.—  
24 If corrective action is not taken within 40 days (or  
25 a longer period to which the Secretary may agree),

1 after due notice or submission of a report referred  
2 to in paragraph (1)(A)(i), the person shall be liable  
3 for a civil penalty of not more than \$5,000 per viola-  
4 tion for each day the violation continues, dating  
5 from the date of the notice or report.

6 (3) FAILURE TO MAKE PAYMENT OR TO PERMIT  
7 LAWFUL ENTRY, INSPECTION, OR AUDIT.—A person  
8 shall be liable for a penalty of up to \$10,000 per vio-  
9 lation for each day the violation continues if the per-  
10 son—

11 (A) knowingly or willfully fails to make  
12 any payment of any royalty under this title or  
13 fee under section 402 by the date as specified  
14 by law (including regulation or order);

15 (B) fails or refuses to permit lawful entry,  
16 inspection, or audit; or

17 (C) knowingly or willfully fails to comply  
18 with subsection (b)(2)(C).

19 (4) FALSE INFORMATION; UNAUTHORIZED RE-  
20 MOVAL OF LOCATABLE MINERAL.—A person shall be  
21 liable for a penalty of up to \$25,000 per violation  
22 for each day the violation continues in any case in  
23 which the person, in violation of this title or section  
24 402—

1 (A) knowingly or willfully prepares, main-  
2 tains, or submits false, inaccurate, or mis-  
3 leading reports, notices, affidavits, records,  
4 data, or other written information;

5 (B) knowingly or willfully takes or re-  
6 moves, transports, uses or diverts any locatable  
7 mineral from any land covered by a mining  
8 claim without having valid legal authority to do  
9 so; or

10 (C) purchases, accepts, sells, transports, or  
11 conveys to another, any locatable mineral know-  
12 ing or having reason to know that the locatable  
13 mineral was stolen or unlawfully removed or di-  
14 verted.

15 (5) HEARING.—No penalty under this sub-  
16 section shall be assessed until the person charged  
17 with a violation has been given the opportunity for  
18 a hearing on the record.

19 (6) DEDUCTION OF PENALTY FROM SUMS  
20 OWED BY UNITED STATES.—The amount of any  
21 penalty under this subsection, as finally determined,  
22 may be deducted from any sums owed by the United  
23 States to the person charged.

24 (7) COMPROMISE OR REDUCTION OF PEN-  
25 ALTIES.—On a case-by-case basis, the Secretary

1       may compromise or reduce civil penalties under this  
2       subsection.

3               (8) NOTICE.—

4                       (A) IN GENERAL.—Notice under this sub-  
5       section shall be by personal service by an au-  
6       thorized representative of the Secretary or by  
7       registered mail.

8                       (B) DESIGNEE FOR RECEIPT OF NO-  
9       TICE.—Any person may, in the manner pre-  
10      scribed by the Secretary, designate a represent-  
11      ative to receive any notice under this sub-  
12      section.

13               (9) REASONS ON RECORD FOR AMOUNT OF  
14      PENALTY.—In determining the amount of the pen-  
15      alty under this subsection, whether the penalty  
16      should be remitted or reduced, and by what amount,  
17      the Secretary shall state on the record the reasons  
18      for the determinations of the Secretary.

19               (10) REVIEW.—

20                       (A) IN GENERAL.—Any person who has re-  
21      quested a hearing in accordance with paragraph  
22      (5) within the time the Secretary has prescribed  
23      for such a hearing and who is aggrieved by a  
24      final order of the Secretary under this sub-  
25      section may seek review of the order in the

1 United States district court for the judicial dis-  
2 trict in which the violation allegedly took place.

3 (B) BASIS FOR REVIEW.—Review by the  
4 district court shall be only on the administrative  
5 record and not de novo.

6 (C) DEADLINE.—An action under this  
7 paragraph shall be barred unless the action is  
8 filed not later than the date that is 90 days  
9 after the date of issuance of the final order of  
10 the Secretary.

11 (11) FAILURE TO PAY PENALTY.—

12 (A) IN GENERAL.—Subject to subpara-  
13 graphs (B) and (C), if any person fails to pay  
14 an assessment of a civil penalty under this Act,  
15 the court shall have jurisdiction to award the  
16 amount assessed plus interest from the date of  
17 the expiration of the 90-day period referred to  
18 in paragraph (10)(C).

19 (B) APPLICATION.—Subparagraph (A) ap-  
20 plies—

21 (i) after the order making the assess-  
22 ment has become a final order and if the  
23 person does not file a petition for judicial  
24 review of the order in accordance with  
25 paragraph (10); or

1 (ii) after a court in an action brought  
2 under paragraph (10) has entered a final  
3 judgment in favor of the Secretary.

4 (C) ORDER TO PAY.—Judgment by the  
5 court shall include an order to pay.

6 (j) CRIMINAL PENALTIES.—Any person who commits  
7 an act for which a civil penalty is provided under sub-  
8 section (i)(4) shall, on conviction, be punished by a fine  
9 of not more than \$50,000 or by imprisonment for not  
10 more than 2 years, or both.

11 (k) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in sec-  
13 tion 201(b) with respect to the payment of royalties,  
14 the royalty required under section 201 or fee re-  
15 quired under section 402 shall take effect with re-  
16 spect to the production of minerals on or after the  
17 date of enactment of this Act.

18 (2) INITIAL PRODUCTION.—Any royalty pay-  
19 ments or fee payments under section 402 attrib-  
20 utable to production during the 1-year period begin-  
21 ning on the date of enactment of this Act shall be  
22 payable at the expiration of the 1-year period, to-  
23 gether with interest at the rate required under sub-  
24 section (f)(2)(C).

1 (l) INJUNCTION AND SPECIFIC ENFORCEMENT AU-  
2 THORITY.—

3 (1) CIVIL ACTION BY ATTORNEY GENERAL.—In  
4 addition to any other remedy under law, the Attor-  
5 ney General or the designee of the Attorney General  
6 may bring a civil action in a district court of the  
7 United States, which shall have jurisdiction over  
8 such actions—

9 (A) to restrain any violation of this title or  
10 section 402; or

11 (B) to compel the taking of any action re-  
12 quired by or under this title or section 402.

13 (2) VENUE.—A civil action described in para-  
14 graph (1) may be brought only in the United States  
15 district court for the judicial district in which the  
16 act, omission, or transaction constituting a violation  
17 under this title or section 402 occurred, or in which  
18 the defendant is found or transacts business.

19 **SEC. 204. REVIEW.**

20 (a) IN GENERAL.—Not later than 5 years after the  
21 date of enactment of this Act and every 5 years thereafter,  
22 the Secretary shall complete a review and submit to the  
23 Committee on Energy and Natural Resources of the Sen-  
24 ate and the Committee on Natural Resources of the House

1 of Representatives a report addressing collections and im-  
2 pacts of the royalty and fees provided for by this Act.

3 (b) TOPICS.—The report shall address—

4 (1) the total revenues received (by category) on  
5 an annual basis as—

6 (A) claim maintenance fees;

7 (B) location fees;

8 (C) land use fees;

9 (D) royalties and related payments; and

10 (E) abandoned mine land fees;

11 (2) the disposition of the fees and royalties, in-  
12 cluding—

13 (A) the amount used for mining law pro-  
14 gram administration; and

15 (B) the amount used for abandoned mine  
16 land reclamation, including allocation by State  
17 and Indian Tribe;

18 (3) the effectiveness of the program under this  
19 Act in addressing abandoned mine land problems on  
20 Federal and non-Federal land;

21 (4) any impact on domestic locatable mineral  
22 exploration and production as a result of the fees  
23 and royalties; and

24 (5) any recommendations with respect to  
25 changes in Federal law (including regulations) relat-

1       ing to the amount or method of collection (including  
2       auditing, compliance, and enforcement) of the fees  
3       and royalties.

## 4   **TITLE III—MINERAL ACTIVITIES**

### 5   **SEC. 301. PERMITS.**

6       (a) IN GENERAL.—Except as provided in section  
7   501(a)(2), no person may engage in mineral activities on  
8   Federal land that may cause a disturbance of surface re-  
9   sources, including land, air, water, and fish and wildlife,  
10  unless a permit authorizing the activities was issued to  
11  the person under this title.

12       (b) EXCEPTIONS.—Notwithstanding subsection (a), a  
13  permit under this title shall not be required for mineral  
14  activities that are a casual use of the Federal land.

15       (c) NO MODIFICATION.—Nothing in this section en-  
16  larges, diminishes, establishes, repeals, or otherwise modi-  
17  fies any requirement of law that a mining claim, millsite,  
18  or tunnel site be valid in order for mineral activities to  
19  be undertaken.

20       (d) COORDINATION WITH NEPA PROCESS.—To the  
21  maximum extent practicable, the Secretary concerned  
22  shall conduct the permit processes under this Act in co-  
23  ordination with the timing and other requirements of sec-  
24  tion 102 of the National Environmental Policy Act of  
25  1969 (42 U.S.C. 4332).

1 **SEC. 302. EXPLORATION PERMITS.**

2 (a) IN GENERAL.—Except as provided in section  
3 501(a)(2), an exploration permit shall be required prior  
4 to conducting any exploration activities on Federal land  
5 that involve more than the casual use of the Federal land.

6 (b) LIMITATIONS.—An exploration permit under sub-  
7 section (a) shall not authorize the person to—

8 (1) remove any mineral for sale; or

9 (2) conduct any activity other than an activity  
10 required for—

11 (A) exploration for locatable minerals; or

12 (B) reclamation.

13 (c) REQUIREMENTS.—To be eligible for an explo-  
14 ration permit, a person shall submit to the Secretary con-  
15 cerned, in a manner prescribed by the Secretary con-  
16 cerned, an application for an exploration permit that con-  
17 tains—

18 (1) an exploration plan demonstrating that—

19 (A) the applicant will operate in accord-  
20 ance with this Act and applicable regulations;

21 (B) the formation of acid mine drainage  
22 will be avoided to the maximum extent prac-  
23 ticable; and

24 (C) mineral activities will be conducted in  
25 a manner that uses best management practices;

1           (2) a description of potential impacts to  
2 groundwater and surface water, including appro-  
3 priate hydrological assessments and analyses, as rea-  
4 sonably required by the Secretary;

5           (3) a reclamation plan for the proposed explo-  
6 ration activity demonstrating that the applicant will  
7 conduct reclamation activities in accordance with  
8 section 306;

9           (4) evidence of adequate financial assurance in  
10 accordance with section 304;

11           (5) the necessary documentation to demonstrate  
12 that the proposed exploration activity will comply  
13 with applicable Federal and State environmental  
14 laws (including regulations);

15           (6) a monitoring and evaluation plan to ensure  
16 compliance with reclamation and other requirements  
17 of this Act; and

18           (7) any other relevant information determined  
19 by the Secretary to be necessary to satisfy the re-  
20 quirements of this Act and other applicable law.

21 (d) PERMIT ISSUANCE.—

22           (1) APPROVAL.—

23           (A) IN GENERAL.—Subject to subpara-  
24 graph (B), the Secretary concerned shall ap-  
25 prove an application and issue an exploration

1 permit if the Secretary concerned determines  
2 that the application is in compliance with—

3 (i) this Act;

4 (ii) any regulations promulgated  
5 under this Act; and

6 (iii) any other applicable laws.

7 (B) CONDITIONS.—The Secretary con-  
8 cerned may reasonably condition the approval  
9 of such a permit to satisfy the requirements of  
10 this Act and applicable regulations.

11 (2) DENIAL.—The Secretary concerned shall  
12 deny the issuance of an exploration permit if the  
13 Secretary concerned determines that the permit does  
14 not meet the requirements of—

15 (A) this Act;

16 (B) any regulations promulgated under  
17 this Act; or

18 (C) other applicable laws.

19 (3) NOTICE.—Before approving or denying an  
20 exploration permit under this subsection, the Sec-  
21 retary concerned—

22 (A) shall provide public notice and an op-  
23 portunity for written comment; and

24 (B) may hold a public hearing.

25 (e) MODIFICATIONS TO PERMIT.—

1           (1) IN GENERAL.—The permit holder may sub-  
2           mit to the Secretary concerned an application to  
3           modify an exploration permit.

4           (2) APPROVAL.—

5           (A) IN GENERAL.—In determining whether  
6           to approve or disapprove a proposed modifica-  
7           tion to an exploration permit, the Secretary  
8           concerned shall make the same determinations  
9           as are required in the case of the original per-  
10          mit.

11          (B) EXCEPTIONS.—Subparagraph (A)  
12          shall not apply to minor modifications to an ex-  
13          ploration permit or instances in which the na-  
14          ture of the modifications make compliance with  
15          the requirements unnecessary, as determined by  
16          the Secretary concerned.

17          (3) MODIFICATIONS FROM SECRETARY CON-  
18          CERNED.—

19          (A) IN GENERAL.—The Secretary con-  
20          cerned may require reasonable modification to  
21          any permit on a determination that the require-  
22          ments of this Act or other applicable law cannot  
23          be met if the permit is followed as approved.

1                   (B) REQUIREMENTS FOR DETERMINA-  
2                   TION.—A determination under subparagraph  
3                   (A) shall be—  
4                   (i) based on a written finding; and  
5                   (ii) subject to notice and hearing re-  
6                   quirements established by the Secretary  
7                   concerned.

8 **SEC. 303. MINING PERMITS.**

9           (a) IN GENERAL.—Except as provided in section  
10 501(a)(2), a mining permit shall be required prior to con-  
11 ducting mineral activities on Federal land, other than cas-  
12 ual use or exploration on the Federal land.

13           (b) REQUIREMENTS.—To be eligible for a mining per-  
14 mit, a person shall submit to the Secretary concerned, in  
15 a manner prescribed by the Secretary concerned, an appli-  
16 cation for a mining permit that contains—

17                   (1) a description of the condition of the land  
18                   and water resources of the area before mining activi-  
19                   ties are initiated;

20                   (2) an operations plan demonstrating that—

21                               (A) the applicant will operate in accord-  
22                               ance with this Act and applicable regulations;

23                               (B) the formation of acid mine drainage  
24                               will be avoided to the maximum extent prac-  
25                               ticable; and

1 (C) mineral activities will be conducted in  
2 a manner that uses best management practices;

3 (3) a description of potential impacts to  
4 groundwater and surface water, including appro-  
5 priate hydrological assessments and analyses, as rea-  
6 sonably required by the Secretary;

7 (4) a reclamation plan for the proposed mineral  
8 activities demonstrating that the applicant will con-  
9 duct reclamation activities in accordance with sec-  
10 tion 306;

11 (5) evidence of adequate financial assurance  
12 under section 304, including, if required, a trust  
13 fund as required under section 304(i);

14 (6) the necessary documentation to demonstrate  
15 that the proposed mineral activities will comply with  
16 applicable Federal and State environmental laws (in-  
17 cluding regulations);

18 (7) a monitoring and evaluation plan to ensure  
19 compliance with reclamation and other requirements  
20 of this Act; and

21 (8) any other relevant information determined  
22 by the Secretary concerned to be necessary to satisfy  
23 the requirements of this Act and other applicable  
24 law.

25 (c) PERMIT ISSUANCE.—

1 (1) APPROVAL.—

2 (A) IN GENERAL.—Subject to subpara-  
3 graph (B), the Secretary concerned shall ap-  
4 prove a permit application and issue a mining  
5 permit if the Secretary concerned determines  
6 that the application is in compliance with—

7 (i) this Act;

8 (ii) any regulations promulgated  
9 under this Act; and

10 (iii) other applicable laws.

11 (B) CONDITIONS.—The Secretary con-  
12 cerned may reasonably condition the approval  
13 of such a permit to satisfy the requirements of  
14 this Act and applicable regulations.

15 (2) DENIAL.—The Secretary concerned shall  
16 deny the issuance of a mining permit if the Sec-  
17 retary concerned determines that the permit does  
18 not meet the requirements of—

19 (A) this Act;

20 (B) any regulations promulgated under  
21 this Act; or

22 (C) other applicable laws.

23 (3) NOTICE.—Before approving or denying a  
24 mining permit under this subsection, the Secretary  
25 concerned—

1 (A) shall provide public notice and an op-  
2 portunity for written comment; and

3 (B) may hold a public hearing.

4 (d) TERM OF PERMIT; CONTINUATION.—

5 (1) IN GENERAL.—An operations permit  
6 shall—

7 (A) be for a term of 30 years; and

8 (B) continue for so long thereafter as  
9 locatable minerals are produced in commercial  
10 quantities from the permit area in compliance  
11 with the requirements of this Act and other ap-  
12 plicable law.

13 (2) CONTINUATION.—No permit shall expire be-  
14 cause operations or production have ceased pursuant  
15 to an approved temporary cessation or been sus-  
16 pended pursuant to any order of, or with the consent  
17 of, the Secretary concerned.

18 (e) MODIFICATIONS TO PERMIT.—

19 (1) REQUEST FROM PERMIT HOLDER.—

20 (A) IN GENERAL.—A mining permit holder  
21 may submit to the Secretary concerned an ap-  
22 plication to modify the mining permit.

23 (B) APPROVAL.—

24 (i) IN GENERAL.—In determining  
25 whether to approve or disapprove a pro-

1           posed modification to a mining permit, the  
 2           Secretary concerned shall make the same  
 3           determinations as are required in the case  
 4           of an original mining permit.

5           (ii) EXCEPTIONS.—Clause (i) shall  
 6           not apply to minor modifications to a min-  
 7           ing permit or instances in which the nature  
 8           of the modifications make compliance with  
 9           the requirements unnecessary, as deter-  
 10          mined by the Secretary concerned.

11          (2) MODIFICATIONS FROM SECRETARY CON-  
 12          CERNED.—

13           (A) IN GENERAL.—The Secretary con-  
 14           cerned may require reasonable modification to  
 15           any permit on a determination that the require-  
 16           ments of this Act or other applicable law cannot  
 17           be met if the permit is followed as approved.

18           (B) REQUIREMENTS FOR DETERMINA-  
 19           TION.—A determination under subparagraph  
 20           (A) shall be—

21                   (i) based on a written finding; and

22                   (ii) subject to notice and hearing re-  
 23                   quirements established by the Secretary  
 24                   concerned.

25          (f) LAND USE FEES.—

1           (1) IN GENERAL.—In the case of Federal land  
2 included in a mining permit approved under this sec-  
3 tion after the date of enactment of this Act, or Fed-  
4 eral land added pursuant to a modification to a per-  
5 mit or plan of operations if the modification is ap-  
6 proved after the date of enactment of this Act, not  
7 later than August 31 of each year, the operator shall  
8 pay a land use fee in an amount established by the  
9 Secretary by regulation that is equal to 4 times the  
10 claim maintenance fee imposed section 102(a)(1) for  
11 each 20 acres of Federal land that is included within  
12 the mine permit area.

13           (2) ADDITIONAL FEE.—The land use fee im-  
14 posed under this subsection shall be in addition to  
15 the claim maintenance fees imposed under section  
16 102(a).

17           (3) AUTHORIZED ACTIVITIES.—Upon approval  
18 by the Secretary concerned of a mining permit and  
19 upon payment of the land use fee as required by this  
20 subsection, the operator may use and occupy all  
21 Federal land within the mine permit area for such  
22 uses as are approved in the mining permit if the  
23 uses are undertaken in accordance with all applica-  
24 ble law.

1           (4) ADJUSTMENT.—Land use fees imposed  
2 under this subsection shall be adjusted as necessary  
3 to correspond to any adjustment in the claim main-  
4 tenance fees imposed under section 102(a).

5           (5) DISPOSITION OF FUNDS.—Any amounts re-  
6 ceived under this subsection shall be deposited in the  
7 Fund.

8 (g) TEMPORARY CESSATION OF OPERATIONS.—

9           (1) IN GENERAL.—An operator conducting min-  
10 eral activities under this title may not temporarily  
11 cease mineral activities for a period of greater than  
12 180 days unless—

13                   (A) the Secretary concerned has approved  
14 the temporary cessation; or

15                   (B) the temporary cessation is permitted  
16 under the exploration or mining permit.

17           (2) MULTIPLE TEMPORARY CESSATIONS.—The  
18 Secretary concerned may approve more than 1 tem-  
19 porary cessation for mineral activities under a per-  
20 mit.

21           (3) INTERIM MANAGEMENT PLAN.—Any oper-  
22 ator temporarily ceasing mineral activities shall fol-  
23 low an interim management plan approved by the  
24 Secretary concerned.

1 **SEC. 304. FINANCIAL ASSURANCES.**

2 (a) IN GENERAL.—Before beginning any mineral ac-  
3 tivities requiring an exploration or mining permit under  
4 this Act, an operator shall provide to the Secretary con-  
5 cerned evidence of a bond, surety, or other financial assur-  
6 ance approved by the Secretary concerned in an amount  
7 determined, after public notice and comment, by the Sec-  
8 retary concerned to be sufficient to ensure the completion  
9 of reclamation under section 306 and the restoration of  
10 any land or water adversely affected by the mineral activi-  
11 ties if the work (including any interim stabilization and  
12 infrastructure maintenance activities) would be performed  
13 by the Secretary concerned (or a third party retained by  
14 the Secretary concerned) in the event of forfeiture.

15 (b) LAND AND WATER COVERED.—The financial as-  
16 surance shall cover—

17 (1) all land within the initial permit area;

18 (2) all affected water that may require restora-  
19 tion, treatment, or other management as a result of  
20 mineral activities; and

21 (3) all land added and water affected pursuant  
22 to any permit modification.

23 (c) REVIEW.—Not later than 3 years after the date  
24 on which an operator provides financial assurance in an  
25 amount determined under subsection (a) and not later

1 than every 3 years thereafter, the Secretary concerned  
2 shall—

3           (1) review the financial assurance to determine  
4 if the amount of the financial assurance is adequate  
5 for purposes of this section; and

6           (2) if the Secretary concerned determines that  
7 the amount of the financial assurance is not ade-  
8 quate, adjust the amount of the financial assurance  
9 in accordance with this section.

10 (d) REDUCTION.—

11           (1) IN GENERAL.—The Secretary concerned  
12 may reduce the amount of the financial assurance  
13 required if the Secretary concerned determines that  
14 a portion of the reclamation is completed in accord-  
15 ance with section 306.

16           (2) NOTICE.—Before reducing or releasing the  
17 amount of financial assurance pursuant to this sub-  
18 section, the Secretary concerned shall provide public  
19 notice and a reasonable opportunity for public notice  
20 and comment in accordance with subsection (g).

21 (e) INCREMENTAL FINANCIAL ASSURANCE.—

22           (1) IN GENERAL.—The Secretary concerned  
23 may authorize amounts of financial assurance for in-  
24 cremental mineral activities if—

1           (A) no mineral activities are allowed be-  
2           yond the activities for which financial assurance  
3           is provided;

4           (B) the financial assurance for an incre-  
5           ment covers all reclamation costs within the  
6           permit area for the increment; and

7           (C) the amount and terms of the financial  
8           assurance for each increment are reviewed an-  
9           nually.

10          (2) REVIEW.—Notwithstanding subsection (c),  
11          the Secretary concerned shall—

12           (A) review at least on an annual basis the  
13           amount and terms of the financial assurance  
14           for any increment; and

15           (B) adjust the financial assurance as ap-  
16           propriate.

17          (f) DURATION.—The financial assurance required  
18          under this section shall be held for the duration of the  
19          mineral activities and for an additional period to cover the  
20          responsibility of the operator for reclamation, long-term  
21          maintenance, and effluent treatment as specified in sub-  
22          section (h).

23          (g) RELEASE.—Subject to subsections (h) and (i),  
24          the Secretary concerned may, after public notice and a  
25          reasonable opportunity for public comment and after in-

1 spection, release in whole or in part the financial assur-  
2 ance required under this section if the Secretary concerned  
3 determines that—

4           (1) reclamation covered by the financial assur-  
5           ance has been accomplished as required by this Act  
6           and other applicable law; and

7           (2) the terms and conditions of any other appli-  
8           cable Federal and State requirements have been ful-  
9           filled.

10       (h) RELEASE OF FINANCIAL ASSURANCE FOR  
11 WATER.—If the Secretary concerned does not require the  
12 establishment of a trust fund or other long-term funding  
13 mechanism under subsection (i), the portion of the finan-  
14 cial assurance attributable to the estimated cost of treat-  
15 ment of any discharge or other water-related condition re-  
16 sulting from mineral activities shall not be released until  
17 the public has been provided notice and an opportunity  
18 to comment in accordance with subsection (g) and—

19           (1) the discharge has ceased for a period of at  
20           least 5 years, as determined through ongoing moni-  
21           toring and testing; or

22           (2) if the discharge continues, the operator has  
23           met all applicable effluent limitations and water  
24           quality standards for a period of at least 5 years.

25       (i) LONG-TERM FINANCIAL ASSURANCES.—

1           (1) IN GENERAL.—Notwithstanding subsections  
2           (d) and (g), if any discharge or other water-related  
3           condition resulting from mineral activities requires  
4           treatment in order to meet the applicable effluent  
5           limitations and water quality standards, the finan-  
6           cial assurance shall cover the estimated cost of  
7           maintaining the treatment for the period that will be  
8           needed after the cessation of mineral activities.

9           (2) LONG-TERM FUNDING MECHANISMS.—

10           (A) IN GENERAL.—The Secretary con-  
11           cerned shall, if determined necessary by the  
12           Secretary concerned, require the operator to es-  
13           tablish a trust fund or other funding mecha-  
14           nism to provide financial assurances to ensure  
15           the continuation of long-term treatment or  
16           other management to achieve water quality  
17           standards and for other long-term, post-mining  
18           maintenance or monitoring requirements.

19           (B) AMOUNT.—The amount of funding  
20           shall be adequate to provide for construction,  
21           long-term operation, maintenance, or replace-  
22           ment of any treatment facilities and infrastruc-  
23           ture, for as long as the treatment and facilities  
24           are needed after mine closure.

1           (C) LIABILITY.—Nothing in this para-  
2           graph allows any person to transfer any liability  
3           arising from mineral activities to any other per-  
4           son.

5           (j) REPORT.—

6           (1) IN GENERAL.—Not later than 3 years after  
7           the date of enactment of this Act, the Secretary, in  
8           consultation with the Secretary of Agriculture and  
9           the Administrator of the Environmental Protection  
10          Agency, shall conduct a review and submit to the  
11          Committee on Energy and Natural Resources of the  
12          Senate and the Committee on Natural Resources of  
13          the House of Representatives a report regarding the  
14          sufficiency of financial assurances for locatable min-  
15          erals activities (including exploration and mining) on  
16          Federal land.

17          (2) TOPICS.—The report shall address—

18                (A) methods for establishing financial as-  
19                surances levels;

20                (B) the type, level, and adequacy of finan-  
21                cial assurances required for exploration activi-  
22                ties;

23                (C) for each mine on Federal land—

24                       (i) the dates of approval of any plan  
25                       of operation or mining permit;

- 1 (ii) the acreage involved;
- 2 (iii) the expected life of the mine;
- 3 (iv) the type, level, and adequacy of fi-
- 4 nancial assurance; and
- 5 (v) whether the mine is expected to
- 6 require long-term water treatment or
- 7 maintenance after mine closure;
- 8 (D) the effectiveness of various types of fi-
- 9 nancial assurances; and
- 10 (E) the availability of and costs associated
- 11 with various types of financial assurances.

12 (3) RECOMMENDATIONS.—The report shall in-

13 clude any recommendations for modifications to

14 Federal law or applicable regulations to improve the

15 effectiveness of financial assurances for locatable

16 mineral activities described in paragraph (1).

17 **SEC. 305. TRANSFER, ASSIGNMENT, OR SALE OF RIGHT.**

18 The Secretary concerned shall approve the transfer,

19 assignment, or sale of rights of an exploration or mining

20 permit only if the successor in interest agrees in writing

21 to assume the liability and reclamation responsibilities (in-

22 cluding the financial assurance requirements under section

23 304 (including applicable regulations)) established by the

24 permit under this Act, without affecting the liability of the

1 transferor under any other law or exploration or mining  
2 permit.

3 **SEC. 306. OPERATION AND RECLAMATION.**

4 (a) IN GENERAL.—The operator shall restore land  
5 and water subject to mineral activities carried out under  
6 a permit issued under this title to a condition capable of  
7 supporting—

8 (1) the uses that the land and water was capa-  
9 ble of supporting before surface disturbance by the  
10 operator; or

11 (2) other beneficial uses that conform to appli-  
12 cable land use plans (including, if appropriate, the  
13 generation of renewable energy), as determined by  
14 the Secretary concerned.

15 (b) TIMING.—

16 (1) IN GENERAL.—Reclamation activities shall  
17 be carried out as contemporaneously as practicable  
18 with the conduct of mineral activities.

19 (2) TEMPORARY CESSATION.—If mineral activi-  
20 ties are ceased for a period other than a temporary  
21 cessation as approved by the Secretary concerned,  
22 reclamation activities shall begin immediately.

23 (c) ADMINISTRATION OF LAND.—Notwithstanding  
24 section 302(b) of the Federal Land Policy and Manage-  
25 ment Act of 1976 (43 U.S.C. 1732(b)), the first section

1 of the Act of June 4, 1897 (commonly known as the “Or-  
2 ganic Act of 1897”) (16 U.S.C. 478), or the Forest and  
3 Rangeland Renewable Resources Planning Act of 1974  
4 (16 U.S.C. 1600 et seq.), and in accordance with this title  
5 and applicable law, unless expressly stated otherwise in  
6 this Act, the Secretary concerned—

7           (1) shall ensure that mineral activities on any  
8 Federal land that is subject to a mining claim, mill-  
9 site claim, or tunnel site claim are carefully con-  
10 trolled to prevent undue degradation of public land  
11 and resources; and

12           (2) shall not grant permission to engage in min-  
13 eral activities if the Secretary concerned, after con-  
14 sidering the evidence, makes a determination that  
15 undue degradation would result from those activi-  
16 ties.

17           (d) OPERATION AND RECLAMATION STANDARDS.—  
18 The Secretary and the Secretary of Agriculture shall joint-  
19 ly promulgate regulations that carry out this Act.

20           (e) RELATIONSHIP TO OTHER LAWS.—The require-  
21 ments of this Act shall be in addition to any requirements  
22 applicable to mineral activities under—

23           (1) the Federal Land Policy and Management  
24 Act of 1976 (43 U.S.C. 1701 et seq.);

1           (2) the National Forest Management Act of  
2           1976 (16 U.S.C. 472a et seq.); and

3           (3) the Act of June 4, 1897 (commonly known  
4           as the “Organic Act of 1897”) (16 U.S.C. 473–482,  
5           551).

6 **SEC. 307. LAND OPEN TO LOCATION.**

7           Section 202(e) of the Federal Land Policy and Man-  
8           agement Act of 1976 (43 U.S.C. 1712(e)) is amended—

9           (1) in paragraph (3), by striking “removed  
10           from or restored to the operation of the Mining Law  
11           of 1872, as amended (R.S. 2318–2352; 30 U.S.C.  
12           21 et seq.) or”; and

13           (2) by adding at the end the following:

14           “(4) REVIEW OF LAND.—

15           “(A) DEFINITION OF NATIONAL CON-  
16           SERVATION SYSTEM UNIT.—In this paragraph,  
17           the term ‘National Conservation System unit’  
18           means—

19           “(i) any unit of—

20           “(I) the National Park System;

21           “(II) the National Wildlife Ref-  
22           uge System; or

23           “(III) the National Wild and  
24           Scenic Rivers System;

25           “(ii) a National Monument; or

1 “(iii) a National Conservation Area.

2 “(B) REVIEW.—Not later than 3 years  
3 after the date of enactment of this paragraph,  
4 each Secretary concerned, acting through the  
5 local Federal land manager, shall, consistent  
6 with the respective jurisdiction of each Sec-  
7 retary concerned, undertake and complete a re-  
8 view of—

9 “(i) public land designated as a wil-  
10 derness study area or National Forest Sys-  
11 tem land identified as suitable for wilder-  
12 ness designation;

13 “(ii) areas of critical environmental  
14 concern;

15 “(iii) Federal land in which mineral  
16 activities pose a reasonable likelihood of  
17 substantial adverse impacts on National  
18 Conservation system units;

19 “(iv)(I) areas designated for inclusion  
20 in the National Wild and Scenic Rivers  
21 System pursuant to the Wild and Scenic  
22 Rivers Act (16 U.S.C. 1271 et seq.);

23 “(II) areas designated for potential  
24 addition to the System pursuant to section  
25 5(a) of that Act (16 U.S.C. 1276(a)); and

1           “(III) areas determined to be eligible  
2           for inclusion in the System pursuant to  
3           section 5(d) of that Act (16 U.S.C.  
4           1276(d)); and

5           “(v)(I) inventoried roadless areas (as  
6           defined in section 294.11 of title 36, Code  
7           of Federal Regulations (or successor regu-  
8           lations));

9           “(II) Idaho Roadless Areas (as de-  
10          fined in section 294.21 of title 36, Code of  
11          Federal Regulations (or successor regula-  
12          tions)); and

13          “(III) Colorado Roadless Areas (as  
14          defined in section 294.41 of title 36, Code  
15          of Federal Regulations (or successor regu-  
16          lations)).

17          “(5) WITHDRAWALS OF LAND.—

18                 “(A) IN GENERAL.—Subsequent to review  
19                 in accordance with paragraph (4)(B), in addi-  
20                 tion to withdrawals made pursuant to section  
21                 204 and subject to valid existing rights, tracts  
22                 of Federal land may, pursuant to this para-  
23                 graph, be removed from operation of sections  
24                 2318 through 2352 of the Revised Statutes  
25                 (commonly known and referred to in this sub-

1 section as the ‘Mining Law of 1872’) (30  
2 U.S.C. 21 et seq.) if the Secretary, based on  
3 the analysis of the local Federal land manager,  
4 and in the case of National Forest System land,  
5 on the recommendation of the Secretary of Ag-  
6 riculture based on the analysis of the local Fed-  
7 eral land manager, determines that the action is  
8 appropriate after application of the criteria es-  
9 tablished under subsection (c).

10 “(B) REVISION OF LAND USE PLANS.—

11 The Secretary concerned, acting through the  
12 local Federal land manager, shall revise or  
13 amend the applicable land use plan, as appro-  
14 priate, to provide for removal of land, subject to  
15 valid existing rights, from operation of the Min-  
16 ing Law of 1872 on a determination by the Sec-  
17 retary under subparagraph (A) that the land  
18 should be removed from operation of that Act.

19 “(C) SEGREGATION FROM GENERAL MIN-  
20 ING LAWS PENDING COMPLETION.—On a deter-  
21 mination by the Secretary that the land should  
22 be removed from operation of the Mining Law  
23 of 1872, the land shall be immediately seg-  
24 regated from operation of the Mining Law of

1 1872 until the plan amendment or revision is  
2 completed.

3 “(D) COMPLETION DEADLINE.—Any  
4 amendment or revision of a land use plan shall  
5 be completed not later than 1 year after the  
6 date of the determination of the Secretary  
7 under subparagraph (A).

8 “(6) PETITION FOR REVIEW.—The Governor of  
9 a State, the head of an Indian tribe, or an appro-  
10 priate local government official may petition—

11 “(A) the Secretary concerned to direct the  
12 local Federal land manager to undertake a re-  
13 view under paragraph (4); and

14 “(B) the Secretary to determine whether  
15 land within the State should be removed from  
16 operation of the Mining Law of 1872, subject  
17 to valid existing rights, pursuant to paragraph  
18 (5).”.

19 **SEC. 308. STATE LAW.**

20 Any reclamation, environmental, public health protec-  
21 tion, bonding, or inspection standard or requirement in  
22 State law (including regulations) that meets or exceeds the  
23 requirements of this Act shall not be considered to be in-  
24 consistent with this Act.

1 **SEC. 309. INSPECTION AND MONITORING.**

2 (a) INSPECTIONS.—

3 (1) IN GENERAL.—The Secretary concerned  
4 shall make inspections of mineral activities to ensure  
5 compliance with this Act.

6 (2) TIMING.—The Secretary concerned shall es-  
7 tablish the frequency of inspections for mineral ac-  
8 tivities conducted under a permit issued under this  
9 Act, with the Secretary concerned requiring not less  
10 than 1 complete inspection per calendar quarter.

11 (3) ANNUAL INSPECTIONS.—After revegetation  
12 has been established in accordance with a reclama-  
13 tion plan, the Secretary concerned shall conduct not  
14 less than 2 complete inspections per year.

15 (4) SEASONAL ACTIVITIES.—The Secretary con-  
16 cerned shall have the discretion to modify the in-  
17 spection frequency for mineral activities that are  
18 conducted on a seasonal basis, except that the Sec-  
19 retary concerned shall require not less than 2 com-  
20 plete inspections per calendar year.

21 (5) FINANCIAL ASSURANCE.—Inspections shall  
22 continue under this subsection until the final release  
23 of financial assurance.

24 (b) MONITORING.—The Secretary concerned shall re-  
25 quire all operators—

1 (1) to develop and maintain a monitoring and  
2 evaluation system to identify compliance with all re-  
3 quirements of a permit approved under this Act; and

4 (2) to submit such reports as may be required  
5 by the Secretary concerned.

6 **SEC. 310. TRIBAL CONSULTATION.**

7 (a) IN GENERAL.—Consistent with Executive Order  
8 13175 (25 U.S.C. 5301 note; relating to consultation and  
9 coordination with Indian Tribal governments) and all  
10 other applicable Federal law, the Secretary concerned  
11 shall conduct active, meaningful, and timely consultation  
12 with all applicable Indian Tribes prior to undertaking or  
13 issuing a permit for any mineral activity that may affect—

14 (1) Indian land; or

15 (2) land that is not Indian land but is—

16 (A) within the exterior boundaries of In-  
17 dian country (as defined in section 1151 of title  
18 18, United States Code); or

19 (B) land to which an Indian Tribe attaches  
20 religious or cultural significance.

21 (b) TIMING.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), each consultation required for a mineral  
24 activity under subsection (a) shall be completed be-  
25 fore—

1 (A) any Federal funds are expended for  
2 the mineral activity; and

3 (B) the issuance of any permit for the  
4 mineral activity.

5 (2) EXCEPTION.—Paragraph (1) shall not  
6 apply to nondestructive project planning for a min-  
7 eral activity.

8 (c) REQUIREMENTS.—The Secretary concerned shall  
9 ensure that consultation with an Indian Tribe under this  
10 section—

11 (1) provides the Indian Tribe a reasonable op-  
12 portunity—

13 (A) to identify any concerns of the Indian  
14 Tribe;

15 (B) to advise on the identification and  
16 evaluation of other areas that potentially would  
17 be impacted by the mineral activities, including  
18 areas of traditional religious or cultural impor-  
19 tance;

20 (C) to articulate the views of the Indian  
21 Tribe regarding the direct and indirect effects  
22 of the mineral activities on the areas identified  
23 and evaluated under subparagraph (B); and

1 (D) to participate in the resolution of any  
2 potential adverse effects of the mineral activi-  
3 ties;

4 (2) includes consultation with the representa-  
5 tives designated or identified by the Indian Tribe;

6 (3) recognizes that the relationship between the  
7 Federal Government and Indian Tribes—

8 (A) is a government-to-government rela-  
9 tionship; and

10 (B) is a unique legal relationship, as pro-  
11 vided under the Constitution of the United  
12 States, treaties, laws, and court decisions; and

13 (4) is conducted in a manner—

14 (A) sensitive to the concerns and needs of  
15 the Indian Tribe; and

16 (B) respectful of Tribal sovereignty.

17 (d) EFFECT.—Nothing in this section—

18 (1) alters, amends, repeals, interprets, or modi-  
19 fies Tribal sovereignty or the treaty or other rights  
20 of any Indian Tribe; or

21 (2) preempts, modifies, or limits the exercise of  
22 Tribal sovereignty or the treaty or other rights of  
23 any Indian Tribe.

1                   **TITLE IV—HARDROCK**  
2                   **MINERALS RECLAMATION FUND**

3                   **SEC. 401. ESTABLISHMENT OF FUND.**

4                   (a) ESTABLISHMENT.—There is established in the  
5 Treasury of the United States a separate account, to be  
6 known as the “Hardrock Minerals Reclamation Fund”,  
7 consisting of—

8                   (1) any amounts authorized to be appropriated  
9 to the Fund under subsection (e);

10                  (2) any amounts received by the United States  
11 under section 101;

12                  (3) any amounts collected under section 102  
13 (subject to the requirements of section 102(c)(1));

14                  (4) any amounts donated to the Fund by per-  
15 sons, corporations, associations, and foundations;

16                  (5) any amounts collected under section 201;

17                  (6) any amounts collected under section 303(e);

18                  (7) any amounts collected under section 402;

19                  (8) any amounts collected under sections 203  
20 and 502; and

21                  (9) any income on investments under subsection  
22 (b).

23                  (b) INVESTMENT.—

24                  (1) IN GENERAL.—The Secretary shall notify  
25 the Secretary of the Treasury of any portion of the

1 Fund that the Secretary determines is not required  
2 to meet current withdrawals.

3 (2) ELIGIBLE INVESTMENTS.—The Secretary of  
4 the Treasury shall invest portions of the Fund iden-  
5 tified under paragraph (1) in public debt securities  
6 with maturities suitable for the needs of the Fund.

7 (3) INTEREST.—Investments in public debt se-  
8 curities shall bear interest at rates determined by  
9 the Secretary of the Treasury, taking into consider-  
10 ation current market yields on outstanding market-  
11 place obligations of the United States of comparable  
12 maturity.

13 (c) ADMINISTRATION.—The Fund shall be adminis-  
14 tered by the Secretary, acting through the Director of the  
15 Bureau of Land Management.

16 (d) USE OF THE FUND.—Without fiscal year limita-  
17 tion and without further appropriation, the Secretary shall  
18 use amounts in the Fund to carry out section 40704 of  
19 the Infrastructure Investment and Jobs Act (30 U.S.C.  
20 1245).

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to the Fund such sums  
23 as are necessary for fiscal year 2023 and each fiscal year  
24 thereafter.

1 **SEC. 402. ABANDONED MINE LAND RECLAMATION FEE.**

2 (a) IMPOSITION OF FEE.—Each operator of a  
3 hardrock minerals mining operation shall pay to the Sec-  
4 retary, for deposit in the Fund, a reclamation fee in an  
5 amount established by the Secretary by regulation of not  
6 less than 1 percent, and not more than 3 percent, of the  
7 value of the production from the hardrock minerals mining  
8 operation for each calendar year.

9 (b) VALUE OF PRODUCTION.—For purposes of this  
10 section, the Secretary shall determine the value of produc-  
11 tion in the same manner as provided under section 201(a).

12 (c) PAYMENT DEADLINE.—The reclamation fee shall  
13 be paid not later than 60 days after the end of each cal-  
14 endar year beginning with the first calendar year occur-  
15 ring after the date of enactment of this Act.

16 (d) DEPOSIT OF REVENUES.—Amounts received by  
17 the Secretary under subsection (a) shall be deposited into  
18 the Fund.

19 (e) EFFECT.—Nothing in this section requires a re-  
20 duction in, or otherwise affects, any similar fee required  
21 under any law (including regulations) of any State.

1 **TITLE V—TRANSITION RULES,**  
2 **ADMINISTRATIVE PROVI-**  
3 **SIONS, AND MISCELLANEOUS**  
4 **PROVISIONS**

5 **SEC. 501. TRANSITION RULES.**

6 (a) APPLICABILITY.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), section 201(b), and section 303(f), the re-  
9 quirements of this Act apply to any mining claim,  
10 millsite, or tunnel site located under the general  
11 mining laws, before, on, or after the date of enact-  
12 ment of this Act.

13 (2) PREEXISTING CLAIM.—If a plan of oper-  
14 ations is approved or a notice of operations is filed  
15 for mineral activities on any claim or site referred to  
16 in paragraph (1) before the date of enactment of  
17 this Act—

18 (A) during the 10-year period beginning on  
19 the date of enactment of this Act—

20 (i) mineral activities at the claim or  
21 site shall be subject to the plan of oper-  
22 ations or notice of operations; and

23 (ii) if the Secretary concerned deter-  
24 mines that any modifications to the plan of  
25 operations are minor, modification may be

1           made in accordance with the laws applica-  
2           ble before the date of enactment of this  
3           Act; and

4           (B) the operator shall bring the mineral  
5           activities into compliance with this Act (includ-  
6           ing implementing regulations) by the end of the  
7           10-year period beginning on the date of enact-  
8           ment of this Act.

9           (3) FEES.—Except as provided in sections  
10          201(b) and 303(f), all fees required to be paid under  
11          this Act shall apply beginning on the date of enact-  
12          ment of this Act to—

13           (A) any mining claim, millsite, or tunnel  
14           site located under the general mining laws (in-  
15           cluding production from the claim or site) be-  
16           fore, on, or after the date of enactment of this  
17           Act;

18           (B) all land covered by a plan of oper-  
19           ations or a notice of operations, exploration per-  
20           mit, or mining permit; and

21           (C) with respect to the fee established by  
22           section 402, any production on or after the date  
23           of enactment of this Act from any hardrock  
24           minerals mining operation.

1 (b) APPLICATION OF ACT TO BENEFICIATION AND  
2 PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL  
3 LAND.—

4 (1) IN GENERAL.—This Act (including the sur-  
5 face management and operation requirements of title  
6 III) shall apply in the same manner and to the same  
7 extent to mining claims, millsites, and tunnel sites  
8 used for beneficiation or processing activities for any  
9 mineral without regard to whether the legal and ben-  
10 efiticial title to the mineral is held by the United  
11 States.

12 (2) APPLICABILITY.—This subsection applies  
13 only to minerals that—

14 (A) are locatable minerals; or

15 (B) would be locatable minerals if the legal  
16 and beneficial title to the minerals were held by  
17 the United States.

18 **SEC. 502. ENFORCEMENT.**

19 (a) ORDERS.—

20 (1) NOTICE OF VIOLATION.—

21 (A) IN GENERAL.—If the Secretary con-  
22 cerned determines that any person is in viola-  
23 tion of any surface management or operation  
24 requirement under title III or any regulation  
25 promulgated to carry out such a requirement or

1 any permit condition required pursuant to title  
2 III, the Secretary concerned shall provide to the  
3 person a notice that describes the violation and  
4 any necessary corrective actions.

5 (B) ABATEMENT PERIOD.—

6 (i) IN GENERAL.—Subject to clause  
7 (ii), a person that receives notice under  
8 subparagraph (A) shall have not more than  
9 90 days after the date of receipt of the no-  
10 tice to abate the violation.

11 (ii) EXTENSION.—The Secretary con-  
12 cerned may extend the period described in  
13 clause (i) if the person shows good cause  
14 for the extension, as determined by the  
15 Secretary concerned.

16 (2) CESSATION ORDER.—

17 (A) IN GENERAL.—The Secretary con-  
18 cerned shall immediately order a cessation of  
19 mineral activities if the Secretary concerned de-  
20 termines that any condition or practice exists,  
21 or any person is in violation of any requirement  
22 of a permit approved, or notice of operations  
23 submitted, under this Act, that is causing, or  
24 can reasonably be expected to cause—

1 (i) an imminent danger to the health  
2 or safety of the public; or

3 (ii) significant, imminent harm to  
4 land, air, water, or fish or wildlife re-  
5 sources.

6 (B) REQUIREMENTS.—

7 (i) IN GENERAL.—A cessation order  
8 issued under subparagraph (A) shall re-  
9 main in effect until the Secretary con-  
10 cerned—

11 (I) determines that the condition,  
12 practice, or violation has been abated;  
13 or

14 (II) modifies, vacates, or termi-  
15 nates the cessation order.

16 (ii) ABATEMENT.—In any cessation  
17 order issued under subparagraph (A), the  
18 Secretary concerned shall—

19 (I) identify the steps necessary to  
20 abate the violation in the most expedi-  
21 tious manner practicable; and

22 (II) require appropriate financial  
23 assurances to ensure that the abate-  
24 ment obligations are met.

25 (C) ENFORCEMENT.—

1 (i) IN GENERAL.—If the required  
2 abatement has not been completed by the  
3 date that is 30 days after the date on  
4 which an order is issued under subpara-  
5 graph (A), the Secretary concerned shall  
6 bring against the person failing to com-  
7 plete the abatement an enforcement action  
8 that is most likely to bring about abate-  
9 ment in the most expeditious manner prac-  
10 ticable, including seeking appropriate in-  
11 junctive relief to bring about abatement.

12 (ii) EFFECT.—Nothing in this sub-  
13 paragraph precludes the Secretary con-  
14 cerned from taking alternative enforcement  
15 action before the date described in clause  
16 (i).

17 (3) MODIFICATIONS.—The Secretary concerned  
18 may modify, vacate, or terminate any notice or order  
19 issued under paragraph (1) or (2).

20 (4) FORFEITURE.—

21 (A) IN GENERAL.—If a person fails to  
22 abate a violation or defaults on the terms of the  
23 permit, the Secretary concerned shall forfeit the  
24 financial assurance for the permit as necessary

1 to ensure abatement and reclamation under this  
2 Act.

3 (B) ALTERNATIVES.—The Secretary con-  
4 cerned may prescribe conditions under which a  
5 surety may perform reclamation in accordance  
6 with the approved permit and applicable law in-  
7 stead of forfeiture.

8 (C) LIABILITY.—In the event of forfeiture,  
9 the claim holder or operator, or a subsidiary,  
10 parent company, corporation, or partner of the  
11 claim holder, or operator shall be jointly and  
12 severally liable for any remaining reclamation  
13 obligations under this Act.

14 (b) CIVIL PENALTIES.—

15 (1) IN GENERAL.—Subject to paragraph (2),  
16 any person that violates any surface management or  
17 operation requirement under title III, any regulation  
18 promulgated to carry out such a requirement, or any  
19 permit condition required pursuant to title III may  
20 be assessed a civil penalty by the Secretary con-  
21 cerned.

22 (2) CESSATION ORDER.—If the violation leads  
23 to the issuance of a cessation order under subsection  
24 (a)(2), the Secretary concerned shall assess the civil  
25 penalty.

1           (3) MAXIMUM AMOUNT.—The penalty shall not  
2 exceed \$5,000 for each violation.

3           (4) CONTINUING VIOLATIONS.—Each day of  
4 continuing violation may be considered a separate  
5 violation for purposes of penalty assessments.

6           (5) FACTORS AFFECTING AMOUNT.—In deter-  
7 mining the amount of the penalty for a violation by  
8 a person, the Secretary concerned shall consider—

9                   (A) the history of the person of previous  
10 violations;

11                   (B) the seriousness of the violation, includ-  
12 ing any irreparable harm to the environment  
13 and any hazard to the health or safety of the  
14 public;

15                   (C) whether the person was negligent; and

16                   (D) the demonstrated good faith of the  
17 person charged in attempting to achieve rapid  
18 compliance after notification of the violation.

19           (6) CORPORATE LIABILITY.—If a corporate per-  
20 mittee is in violation of a requirement of any surface  
21 management or operations requirement under title  
22 III of this Act, any regulation promulgated to carry  
23 out such a requirement, or any permit condition re-  
24 quired pursuant to title III, or fails or refuses to  
25 comply with a notice or an order issued under sub-

1 section (a), any director, officer, or agent of the cor-  
2 poration who willfully and knowingly authorized, or-  
3 dered, or carried out the violation, failure, or refusal  
4 shall be subject to civil penalties, fines, and impris-  
5 onment that may be imposed under a person under  
6 this subsection, subsection (d) or (e).

7 (c) ADMINISTRATIVE REVIEW.—

8 (1) COMPLIANCE ORDER.—Any person issued a  
9 notice of violation or a cessation order under sub-  
10 section (a) may apply to the Secretary concerned for  
11 review of the notice or order by the date that is not  
12 later than 30 days after receipt of the notice or  
13 order.

14 (2) CIVIL PENALTY.—Any person who is sub-  
15 ject to a civil penalty assessed by the Secretary con-  
16 cerned under this section may apply to the Secretary  
17 concerned for review of the penalty by the date that  
18 is not later than 30 days after the date on which the  
19 person receives notice of the penalty.

20 (3) HEARING.—The Secretary concerned shall  
21 provide an opportunity for a hearing on the record  
22 subject to section 554 of title 5, United States Code,  
23 at the request of any person that is—

24 (A) issued a notice of violation under sub-  
25 section (a)(1);

1 (B) issued a cessation order under sub-  
2 section (a)(2); or

3 (C) subject to civil penalties under sub-  
4 section (b).

5 (d) CIVIL ACTION.—

6 (1) IN GENERAL.—The Secretary concerned  
7 may submit to the Attorney General a request to  
8 bring a civil action for relief, including a permanent  
9 or temporary injunction or restraining order and the  
10 imposition of civil penalties, in any appropriate dis-  
11 trict court of the United States, if a person—

12 (A) violates, fails, or refuses to comply  
13 with any notice or order issued by the Secretary  
14 concerned under subsection (a); or

15 (B) interferes with, hinders, or delays the  
16 Secretary concerned in carrying out an inspec-  
17 tion under section 309.

18 (2) RELIEF.—

19 (A) IN GENERAL.—The court hearing a  
20 civil action brought under paragraph (1) shall  
21 have the jurisdiction to provide any relief that  
22 the court determines to be appropriate.

23 (B) REVIEW.—Any relief granted by the  
24 court to enforce an order under paragraph (1)  
25 shall continue in effect until the date on which

1 all proceedings for review of the order are com-  
2 pleted or terminated unless the court granting  
3 the relief sets the relief aside.

4 (e) CRIMINAL PENALTIES.—

5 (1) FALSE STATEMENTS; TAMPERING.—

6 (A) IN GENERAL.—A person shall, on con-  
7 viction, be punished by a fine of not more than  
8 \$25,000, imprisonment for not more than 1  
9 year, or fine and imprisonment if the person  
10 willfully and knowingly—

11 (i) makes any false material state-  
12 ment, representation, or certification in,  
13 omits or conceals material information  
14 from, or unlawfully alters, any mining  
15 claim, notice of location, application,  
16 record, report, plan, or other document  
17 filed or required to be maintained under  
18 this Act; or

19 (ii) falsifies, tampers with, renders in-  
20 accurate, or fails to install any monitoring  
21 device or method required to be maintained  
22 under this Act.

23 (B) SECOND VIOLATION.—If a conviction  
24 of a person under subparagraph (A) is for a  
25 violation committed after a first conviction of

1 the person under that subparagraph, punish-  
2 ment shall be by a fine of not more than  
3 \$50,000, imprisonment of not more than 2  
4 years, or fine and imprisonment.

5 (2) KNOWING VIOLATIONS.—

6 (A) IN GENERAL.—A person shall, on con-  
7 viction, be punished by a fine of not more than  
8 \$25,000, imprisonment for not more than 1  
9 year, or both if the person willfully and know-  
10 ingly—

11 (i) engages in mineral activities with-  
12 out a permit if required under section 302  
13 or 303; or

14 (ii) violates any surface management  
15 or operation requirement under title III  
16 (including any regulation promulgated to  
17 carry out the requirement) or any require-  
18 ment, condition, or limitation of a permit  
19 issued under this Act.

20 (B) SECOND VIOLATION.—If a conviction  
21 of a person under subparagraph (A) is for a  
22 violation committed after the first conviction of  
23 the person under that subparagraph, punish-  
24 ment shall be a fine of not more than \$50,000,

1           imprisonment of not more than 2 years, or  
2           both.

3           (f) DELEGATION.—Notwithstanding any other provi-  
4 sion of law, the Secretary may use personnel of the Office  
5 of Surface Mining Reclamation and Enforcement or the  
6 Bureau of Land Management to ensure compliance with  
7 this Act.

8 **SEC. 503. JUDICIAL REVIEW.**

9           (a) RULEMAKING.—

10           (1) IN GENERAL.—The following shall be sub-  
11 ject to judicial review only in the United States  
12 Court of Appeals for the District of Columbia:

13           (A) Any final action by the Secretary con-  
14 cerned in promulgating regulations to carry out  
15 this Act.

16           (B) Any other final actions considered to  
17 be a rulemaking to carry out this Act.

18           (2) DEADLINE.—A petition for review of any  
19 action subject to judicial review under paragraph (1)  
20 shall be filed not later than 60 days after the date  
21 of the action unless the petition is based solely on  
22 grounds arising after the 60-day period.

23           (b) FINAL AGENCY ACTION.—Except as provided in  
24 subsection (a), final agency action under this Act shall be  
25 subject to judicial review in the district courts of the

1 United States in accordance with section 1391 of title 28,  
2 United States Code.

3 **SEC. 504. UNCOMMON VARIETIES.**

4 (a) DETERMINATIONS.—Section 3 of the Act of July  
5 23, 1955 (30 U.S.C. 611), is amended—

6 (1) by striking “SEC. 3. No deposit” and insert-  
7 ing the following:

8 **“SEC. 3. COMMON VARIETIES OF MINERAL MATERIALS.**

9 “(a) IN GENERAL.—No deposit”;

10 (2) in the first sentence—

11 (A) by inserting “mineral materials, in-  
12 cluding” after “varieties of”; and

13 (B) by striking “or cinders” and inserting  
14 “cinders, and clay”;

15 (3) by striking “‘Common varieties’ as used in  
16 this Act does not” and inserting the following:

17 “(c) DEFINITIONS.—In this Act:

18 “(1) COMMON VARIETIES.—The term ‘common  
19 varieties’ does not”;

20 (4) by striking “‘Petrified wood’ as used in this  
21 Act means” and inserting the following:

22 “(2) PETRIFIED WOOD.—The term ‘petrified  
23 wood’ means”; and

24 (5) by inserting after subsection (a) the fol-  
25 lowing:

1 “(b) DISPOSAL OF MINERAL MATERIALS.—

2 “(1) DEFINITION OF VALID EXISTING  
3 RIGHTS.—In this subsection, the term ‘valid existing  
4 rights’ means rights to a mining claim located for  
5 any mineral material that—

6 “(A) had and still has some property giv-  
7 ing mineral material the distinct and special  
8 value referred to in this section or, as the case  
9 may be, met the definition of block pumice re-  
10 ferred to in subsection (c)(1);

11 “(B) was properly located and maintained  
12 under the general mining laws prior to the date  
13 of enactment of this subsection;

14 “(C) was supported by a discovery of a val-  
15 uable mineral deposit within the meaning of the  
16 general mining laws as in effect immediately  
17 prior to the date of enactment of this sub-  
18 section; and

19 “(D) continues to be valid under this Act.

20 “(2) DISPOSAL.—Subject to valid existing  
21 rights, effective beginning on the date of enactment  
22 of this subsection, notwithstanding the references to  
23 the term common varieties in this section and to the  
24 exception to the term relating to a deposit of mate-  
25 rials with some property giving it distinct and spe-

1        cial value, all deposits of mineral materials referred  
 2        to in this section (including the block pumice re-  
 3        ferred to in subsection (c)(1)) shall be subject to dis-  
 4        posal only under the terms and conditions of the Act  
 5        of July 31, 1947 (commonly known as the ‘Materials  
 6        Act of 1947’) (30 U.S.C. 601 et seq.).”.

7        (b) CONFORMING AMENDMENT.—The first section of  
 8        the Act of July 31, 1947 (commonly known as the “Mate-  
 9        rials Act of 1947”) (30 U.S.C. 601), is amended in the  
 10       first sentence by striking “common varieties of”.

11       **SEC. 505. REVIEW OF URANIUM DEVELOPMENT ON FED-**  
 12       **ERAL LAND.**

13       (a) DEFINITION OF FEDERAL LAND.—In this sec-  
 14       tion, the term “Federal land” means land administered  
 15       by the Secretary or the Secretary of Agriculture.

16       (b) REVIEW.—

17            (1) IN GENERAL.—Not later than 90 days after  
 18       the date of enactment of this Act, the Secretary, in  
 19       consultation with the Secretary of Agriculture, shall  
 20       enter into an arrangement under which the National  
 21       Academy of Sciences shall conduct a study of ura-  
 22       nium development on Federal land.

23            (2) MATTERS TO BE ADDRESSED.—The study  
 24       shall describe and analyze—

1 (A) the laws applicable to the development  
2 of uranium on Federal land and the agencies  
3 responsible for administering and enforcing  
4 those laws;

5 (B) the requirements relating to the devel-  
6 opment of uranium under sections 2318  
7 through 2352 of the Revised Statutes (com-  
8 monly known and referred to in this section as  
9 the “Mining Law of 1872”) (30 U.S.C. 21 et  
10 seq.);

11 (C) the requirements relating to the devel-  
12 opment of uranium under the Atomic Energy  
13 Act of 1954 (42 U.S.C. 2011 et seq.);

14 (D) the uranium leasing program adminis-  
15 tered by the Department of Energy under that  
16 Act;

17 (E) the requirements relating to the ap-  
18 proval of uranium in-situ leasing recovery and  
19 the licensing process required by the Nuclear  
20 Regulatory Commission;

21 (F) the efficacy of bonds or other forms of  
22 financial surety in ensuring the reclamation of  
23 Federal land and associated waters impacted by  
24 the development of uranium; and

1           (G) the efficacy of Federal law in pro-  
2           tecting public health and safety and the envi-  
3           ronment from impacts due to the development  
4           of uranium on Federal land.

5           (c) RECOMMENDATIONS.—The study shall—

6           (1) analyze the effectiveness of current Federal  
7           requirements applicable to the exploration, develop-  
8           ment, and production of uranium on Federal land in  
9           allowing for the production of uranium while ensur-  
10          ing protection of public health and safety and the  
11          environment; and

12          (2) make recommendations as to changes, if  
13          any, to Federal law (including regulations) and  
14          agency procedures relating to the development of  
15          uranium resources on Federal land to allow for the  
16          production of uranium while ensuring protection of  
17          public health and safety and the environment, in-  
18          cluding specific recommendations on whether—

19                  (A) future development of uranium on  
20          Federal land should be—

21                          (i) removed from operation of the  
22                          Mining Law of 1872; and

23                          (ii) subject to leasing;

24                  (B) additional requirements (including ad-  
25          ditional financial assurances or fees) should be

1 applicable to ensure reclamation of uranium  
2 mine sites, including abandoned uranium mine  
3 sites; and

4 (C) whether additional land should be  
5 withdrawn from location and entry of uranium  
6 mining claims by the Secretary.

7 (d) COMPLETION OF STUDY.—The National Acad-  
8 emy of Sciences shall—

9 (1) not later than 18 months after the date of  
10 enactment of this Act, submit the findings and rec-  
11 ommendations of the study to the Secretary and the  
12 Secretary of Agriculture; and

13 (2) on completion of the study, make the results  
14 of the study available to the public.

15 (e) REPORT.—Not later than 180 days after receiving  
16 the results of the study, the Secretary, in consultation with  
17 the Secretary of Agriculture, shall submit to the Com-  
18 mittee on Energy and Natural Resources of the Senate  
19 and the Committee on Natural Resources of the House  
20 of Representatives a report on—

21 (1) the findings and recommendations of the  
22 study;

23 (2) the agreement or disagreement of the Secre-  
24 taries with each of the findings and recommenda-  
25 tions of the study; and

1           (3)(A) a plan and timeframe for implementing  
2 those recommendations of the study that do not re-  
3 quire legislation; or

4           (B) if the Secretary declines to implement a  
5 recommendation, the justification for declining to  
6 implement the recommendation.

7 **SEC. 506. EFFECT.**

8           (a) SPECIAL APPLICATION OF GENERAL MINING  
9 LAWS.—

10           (1) IN GENERAL.—Nothing in this Act repeals  
11 or modifies any Federal law (including regulations),  
12 order, or land use plan in effect before the date of  
13 enactment of this Act that prohibits or restricts the  
14 application of the general mining laws, including  
15 laws that provide for special management criteria for  
16 operations under the general mining laws as in ef-  
17 fect before the date of enactment of this Act, and  
18 laws that provide protections of natural and cultural  
19 resources and the environment that are equal to or  
20 greater than the protections required under this Act.

21           (2) EXISTING LAWS.—Any law described in  
22 paragraph (1) shall remain in force and effect with  
23 respect to claims and sites located or proposed to be  
24 located under this Act.

1           (3) MINERAL INVESTIGATIONS.—Nothing in  
2 this Act applies to or limits mineral investigations,  
3 studies, or other mineral activities conducted by any  
4 Federal or State agency acting in a governmental  
5 capacity under other authorities.

6           (b) ENVIRONMENTAL LAWS.—Nothing in this Act af-  
7 fects or limits any assessment, investigation, evaluation,  
8 or listing under—

9           (1) the Comprehensive Environmental Re-  
10 sponse, Compensation, and Liability Act of 1980 (42  
11 U.S.C. 9601 et seq.); or

12           (2) the Solid Waste Disposal Act (42 U.S.C.  
13 3251 et seq.).

14           (c) EFFECT ON GENERAL MINING LAWS.—

15           (1) IN GENERAL.—This Act supersedes the gen-  
16 eral mining laws, except for the provisions of the  
17 general mining laws relating to the location of min-  
18 ing claims that are not expressly modified by this  
19 Act.

20           (2) LIMITATION.—Nothing in this Act super-  
21 sedes, modifies, amends, or repeals any provision of  
22 Federal law not expressly superseded, modified,  
23 amended, or repealed by this Act, other than the  
24 general mining laws.

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