

119TH CONGRESS  
1ST SESSION

# H. R. 1865

To modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2025

Mr. GRIJALVA (for himself and Mr. HUFFMAN) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## A BILL

To modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, 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       “Mining Waste, Fraud, and Abuse Prevention Act of  
6       2025”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions and references.
- Sec. 3. Application rules.

#### TITLE I—MINERAL LEASING, EXPLORATION, AND DEVELOPMENT

- Sec. 101. Closure to entry and location.
- Sec. 102. Limitation on patents.
- Sec. 103. Prospecting licenses and hardrock leases.
- Sec. 104. Competitive leasing.
- Sec. 105. Small miner's lease.
- Sec. 106. Land containing nonhardrock minerals; other uses.
- Sec. 107. Royalty.
- Sec. 108. Existing production.
- Sec. 109. Hardrock mining claim maintenance fee.
- Sec. 110. Effect of payments for use and occupancy of claims.
- Sec. 111. Protection of special places.
- Sec. 112. Suitability determination.

#### TITLE II—CONSULTATION PROCEDURE

- Sec. 201. Requirement for consultation.

#### TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 301. General standard for hardrock mining on Federal land.
- Sec. 302. Permits.
- Sec. 303. Exploration permit.
- Sec. 304. Operations permit.
- Sec. 305. Persons ineligible for permits.
- Sec. 306. Financial assurance.
- Sec. 307. Operation and reclamation.
- Sec. 308. State law and regulation.

#### TITLE IV—ABANDONED HARDROCK MINE RECLAMATION PROGRAM

- Sec. 401. Funds credited to the Abandoned Hardrock Mine Reclamation Program.
- Sec. 402. Displaced material reclamation fee.

#### TITLE V—ADDITIONAL PROVISIONS

- Sec. 501. Policy functions.
- Sec. 502. User fees and inflation adjustment.
- Sec. 503. Inspection and monitoring.
- Sec. 504. Citizens suits.
- Sec. 505. Administrative and judicial review.
- Sec. 506. Reporting requirements.
- Sec. 507. Enforcement.
- Sec. 508. Regulations.
- Sec. 509. Oil shale claims.
- Sec. 510. Savings clause.
- Sec. 511. Availability of public records.
- Sec. 512. Miscellaneous powers.

Sec. 513. Mineral materials.

Sec. 514. Effective date.

1 **SEC. 2. DEFINITIONS AND REFERENCES.**

2 (a) IN GENERAL.—As used in this Act:

3 (1) The term “Abandoned Hardrock Mine Rec-  
4 lamation Program” means the program established  
5 by section 40704 of the Infrastructure Investment  
6 and Jobs Act (30 U.S.C. 1245).

7 (2) The term “adjacent land” means any land  
8 not more than 2 miles from the boundary of a de-  
9 scribed land tract.

10 (3) The term “affiliate” means, with respect to  
11 any person, any of the following:

12 (A) Any person that controls, is controlled  
13 by, or is under common control with such per-  
14 son.

15 (B) Any partner of such person.

16 (C) Any person owning at least 10 percent  
17 of the voting shares of such person.

18 (4) The term “agency” has the meaning given  
19 the term in section 3502 of title 44, United States  
20 Code.

21 (5) The term “applicant” means any person ap-  
22 plying for a lease, license, or permit under this Act  
23 or a modification to or a renewal of a lease, license,  
24 or permit issued under this Act.

1           (6) The term “beneficiation” means the crush-  
2           ing and grinding of hardrock mineral ore and such  
3           processes as are employed to free the mineral from  
4           other constituents, including physical and chemical  
5           separation techniques.

6           (7) The term “casual use”—

7                 (A) means mineral activities that do not  
8                 ordinarily result in any disturbance of Federal  
9                 land and resources;

10                (B) includes collection of geochemical,  
11                rock, soil, or mineral specimens using  
12                handtools, hand panning, or nonmotorized sluic-  
13                ing; and

14                (C) does not include—

15                   (i) the use of mechanized earth-mov-  
16                   ing equipment, suction dredging, or explo-  
17                   sives;

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

20                   (iii) the construction of roads or drill  
21                   pads; or

22                   (iv) the use of toxic or hazardous ma-  
23                   terials.

24           (8) The term “claim holder” means—

1 (A) any person holding a mining claim,  
2 millsite, or tunnel site located under the general  
3 mining laws or this Act and maintained in com-  
4 pliance with such laws; and

5 (B) any agent of such person.

6 (9) The term “control” means having the abil-  
7 ity, directly or indirectly, to determine (without re-  
8 gard to whether exercised through 1 or more cor-  
9 porate structures) the manner in which an entity  
10 conducts mineral activities, through any means, in-  
11 cluding—

12 (A) ownership interest;

13 (B) authority to commit the real or finan-  
14 cial assets of the entity;

15 (C) position as a director, officer, or part-  
16 ner of the entity; or

17 (D) contractual arrangement.

18 (10) The term “displaced material” means any  
19 raw ore or waste dislodged from its location by  
20 human disturbance, including from hardrock mineral  
21 activities.

22 (11) The term “exploration”—

23 (A) means creating surface disturbance,  
24 other than casual use, to evaluate the type, ex-  
25 tent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing hardrock mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(12) The term “Federal land”—

(A) means any land, and any interest in land, that is owned by the United States; and

(B) does not include—

(i) lands in the National Park System;

(ii) Indian lands; or

(iii) lands on the Outer Continental Shelf.

(13) The term “hardrock mineral”—

(A) means any mineral that was subject to location under the general mining laws as of the effective date of this Act, and that is not subject to disposition under—

(i) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

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

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

1 (iv) the Mineral Leasing Act for Ac-  
2 quired Lands (30 U.S.C. 351 et seq.); and

3 (B) does not include any mineral that is  
4 subject to a restriction against alienation im-  
5 posed by the United States and is—

6 (i) held in trust by the United States  
7 for any Indian or Indian Tribe, as defined  
8 in section 2 of the Indian Mineral Develop-  
9 ment Act of 1982 (25 U.S.C. 2101); or

10 (ii) owned by any Indian or Indian  
11 Tribe, as defined in that section.

12 (14) The term “Indian lands” means—

13 (A) lands held in trust for the benefit of  
14 an Indian Tribe or Indian;

15 (B) lands held by an Indian Tribe or In-  
16 dian subject to a restriction by the United  
17 States against alienation; or

18 (C) lands held by an Alaska Native village,  
19 village corporation, or regional corporation, as  
20 defined in or established pursuant to the Alaska  
21 Native Claims Settlement Act (43 U.S.C. 1601  
22 et seq.).

23 (15) The term “Indian Tribe” means any In-  
24 dian Tribe, band, nation, pueblo, or other organized  
25 group or community, including any Alaska Native

1 village, village corporation, or regional corporation,  
2 as defined in or established pursuant to the Alaska  
3 Native Claims Settlement Act (43 U.S.C. 1601 et  
4 seq.), that is recognized as eligible for the special  
5 programs and services provided by the United States  
6 to Indians because of their status as Indians.

7 (16) The term “mining claim” means any min-  
8 ing claim made pursuant to—

9 (A) this Act; or

10 (B) the Mining Law of 1872 (30 U.S.C.  
11 22 et seq.) before the effective date of this Act.

12 (17) The term “mineral activities” means any  
13 activity carried out on a mining claim, millsite, or  
14 tunnel site, authorized by a lease, license, or permit  
15 issued under this Act, for, related to, or incidental  
16 to, mineral exploration, mining, beneficiation, proc-  
17 essing, or reclamation activities for any hardrock  
18 mineral.

19 (18) The term “National Conservation System  
20 unit” means any unit of the National Park System,  
21 National Wildlife Refuge System, National Wild and  
22 Scenic Rivers System, National Wilderness Preserva-  
23 tion System, National Landscape Conservation Sys-  
24 tem, or National Trails System, or a National Con-  
25 servation Area, a National Recreation Area, a Wil-



1        derness Study Area, a National Monument, or any  
2        unit of the National Wilderness Preservation System  
3        or lands within the National Forest System, includ-  
4        ing the following:

5                (A) National Volcanic Monuments.

6                (B) Recreation Areas, Scenic Recreation  
7        Areas, and Winter Recreation Areas.

8                (C) Scenic Areas, Scenic-Research Areas,  
9        Scenic Highways, and National Scenic and  
10       Wildlife Areas.

11               (D) National Game and Wildlife Preserves.

12               (E) Special Management, Wildlife, Con-  
13       servation, and Protection Areas, including bo-  
14       tanical, hydrological (watershed), geological,  
15       historical, paleontological, and zoological areas.

16               (F) Experimental Forests, Ranges, and  
17       Watersheds.

18               (G) Research Sites and Research Natural  
19       Areas.

20               (H) Inventoried Roadless Area, Colorado  
21       Roadless Area, and Idaho Roadless Area.

22               (I) Recommended Wilderness and Primi-  
23       tive Areas.

24       (19) The term “operator” means—

1           (A) any person proposing or authorized by  
2           a permit issued under this Act to conduct min-  
3           eral activities; and

4           (B) any agent of such person.

5           (20) The term “person” means an individual,  
6           Indian Tribe, partnership, association, society, joint  
7           venture, joint stock company, firm, company, cor-  
8           poration, cooperative, or other organization and any  
9           instrumentality of State or local government, includ-  
10          ing any publicly owned utility or publicly owned cor-  
11          poration of State or local government.

12          (21) The term “processing” means processes  
13          downstream of beneficiation employed to prepare  
14          hardrock mineral ore into a final marketable prod-  
15          uct, including smelting and electrolytic refining.

16          (22) The term “raw ore” means ore in its un-  
17          processed form, containing profitable amounts of a  
18          hardrock mineral.

19          (23) The term “reclamation” means taking  
20          measures following the disturbance of Federal land  
21          by mineral activities to meet applicable performance  
22          standards and achieve conditions required by the  
23          Secretary concerned at the conclusion of such min-  
24          eral activities, including, where applicable—

1 (A) isolation, control, or removal of acid-  
2 forming, toxic, or deleterious substances;

3 (B) regrading and reshaping to conform  
4 with adjacent landforms, facilitate revegetation,  
5 control drainage, and minimize erosion;

6 (C) rehabilitation of fisheries or wildlife  
7 habitat;

8 (D) placement of growth medium and es-  
9 tablishment of self-sustaining revegetation;

10 (E) removal or stabilization of buildings,  
11 structures, or other support facilities;

12 (F) plugging of drill holes and closure of  
13 underground workings; and

14 (G) providing for post-mining monitoring,  
15 maintenance, or treatment.

16 (24) The term “sacred site” means any specific  
17 delineated location on Federal land that is identified  
18 by an Indian Tribe—

19 (A) as sacred by virtue of its established  
20 religious significance to, or ceremonial use by,  
21 an Indian religion; or

22 (B) to be of established cultural signifi-  
23 cance.

24 (25) The term “Secretary” means the Secretary  
25 of the Interior, unless otherwise specified.

1 (26) The term “Secretary concerned” means—

2 (A) the Secretary of Agriculture (acting  
3 through the Chief of the Forest Service) with  
4 respect to National Forest System land; and

5 (B) the Secretary of the Interior (acting  
6 through the Director of the Bureau of Land  
7 Management) with respect to other Federal  
8 land.

9 (27)(A) The term “small miner” means a per-  
10 son (including all related parties thereto) that—

11 (i) holds not more than 10 mining claims,  
12 millsites, or tunnel sites, or any combination  
13 thereof, on Federal land;

14 (ii) is a claim holder or operator with re-  
15 spect to not more than 200 acres of Federal  
16 land;

17 (iii) certifies to the Secretary in writing  
18 that the person had annual gross income in the  
19 preceding calendar year from mineral produc-  
20 tion in an amount less than \$50,000; and

21 (iv) has performed assessment work re-  
22 quired under the Mining Law of 1872 (30  
23 U.S.C. 22 et seq.) to maintain any mining  
24 claims held by the person and all related parties  
25 thereto for the assessment year ending on noon

1 of September 1 of the calendar year in which  
2 payment of the claim maintenance fee was due.

3 (B) For purposes of subparagraph (A), with re-  
4 spect to any person, the term “all related parties”  
5 means—

6 (i) the spouse or qualifying child (as such  
7 term is defined in section 152 of the Internal  
8 Revenue Code of 1986) of such person; or

9 (ii) an affiliate of the person concerned.

10 (C) For purposes of subparagraph (A)(iii), the  
11 dollar amount shall be applied, for a person, to the  
12 aggregate of all annual gross income from mineral  
13 production under all mining claims held by or as-  
14 signed to such person and all related parties with re-  
15 spect to such person, including mining claims lo-  
16 cated or for which a patent was issued before the ef-  
17 fective date of this Act.

18 (28) The term “temporary cessation” means a  
19 halt in mineral activities for a continuous period  
20 that does not exceed 5 years.

21 (29) The term “ton” means 2,000 pounds av-  
22 oirdupois (.90718 metric ton).

23 (30) The term “unnecessary or undue degrada-  
24 tion” means irreparable harm to significant sci-

1       entific, cultural, or environmental resources on Fed-  
2       eral land.

3           (31) The term “valuable mineral deposit”  
4       means a deposit of hardrock minerals that is of suf-  
5       ficient value for a prudent operator to extract, re-  
6       move, and market at a profit.

7           (32) The term “waste” means rock that must  
8       be fractured and removed in order to gain access to  
9       raw ore.

10       (b) REFERENCES TO OTHER LAWS.—

11           (1) GENERAL MINING LAWS.—Any reference in  
12       this Act to the term “general mining laws” is a ref-  
13       erence to those Acts that generally comprise chap-  
14       ters 2, 12A, and 16, and sections 161 and 162, of  
15       title 30, United States Code.

16           (2) ACT OF JULY 23, 1955.—Any reference in  
17       this Act to the Act of July 23, 1955, is a reference  
18       to the Act entitled “An Act to amend the Act of  
19       July 31, 1947 (61 Stat. 681) and the mining laws  
20       to provide for multiple use of the surface of the  
21       same tracts of the public lands, and for other pur-  
22       poses” (30 U.S.C. 601 et seq.).

23       **SEC. 3. APPLICATION RULES.**

24           (a) APPLICATION TO EXISTING CLAIMS.—This Act  
25       shall apply to any mining claim, millsite, or tunnel site

1 located under the general mining laws before or on the  
2 effective date of this Act.

3 (b) APPLICATION TO BENEFACTION OR PROCESSING  
4 ACTIVITIES.—This Act shall apply in the same manner  
5 and to the same extent to mining claims, millsites, tunnel  
6 sites, and any land included in a lease, license, or permit  
7 issued under this Act used for beneficiation or processing  
8 activities for any hardrock mineral.

9 **TITLE I—MINERAL LEASING, EX-**  
10 **PLORATION, AND DEVELOP-**  
11 **MENT**

12 **SEC. 101. CLOSURE TO ENTRY AND LOCATION.**

13 (a) CLOSURE.—Except as otherwise provided in this  
14 section, as of the effective date of this Act, all Federal  
15 land is closed to entry and location under the general min-  
16 ing laws, and no new rights under the general mining laws  
17 may be acquired.

18 (b) EXISTING CLAIMS WITHOUT PLAN OF OPER-  
19 ATIONS.—

20 (1) CLAIMS WITHOUT PLAN OF OPERATIONS.—

21 Any claim under the general mining laws existing on  
22 the effective date of this Act for which a plan of op-  
23 erations is not approved, or a notice of operations is  
24 not filed, before such date shall be subject to the re-  
25 quirements of this Act, and may remain in effect

1 until not later than the end of the 10-year period be-  
2 ginning on such date if the claim holder remains in  
3 compliance with section 109, unless the claim hold-  
4 er—

5 (A) relinquishes the claim; or

6 (B) demonstrates eligibility for a lease and  
7 requests conversion under the regulations  
8 issued under subsection (d).

9 (2) SHORTENING OF PERIOD.—The 10-year pe-  
10 riod referred to in paragraph (1) shall be shortened  
11 to 3 years if—

12 (A) the claim is for an area that is located  
13 in an area withdrawn or temporarily segregated  
14 from location under the general mining laws as  
15 of the effective date of this Act; or

16 (B) the claim belongs to a small miner.

17 (3) CONVERSION.—The Secretary concerned  
18 may convert a claim described in paragraph (1) to  
19 a noncompetitive mining lease pursuant to the regu-  
20 lations issued under subsection (d) if such Secretary  
21 determines that the claim holder has shown the  
22 presence of a valuable mineral deposit on the land  
23 subject to such claim.

24 (4) CLAIMS NOT CONVERTED.—Any claims de-  
25 scribed in paragraph (1) not converted to non-



1 competitive leases under paragraph (3) at the end of  
2 the applicable period under paragraph (1) or (2)  
3 shall be void.

4 (c) EXISTING CLAIMS WITH PLAN OF OPER-  
5 ATIONS.—

6 (1) IN GENERAL.—In the case of any claim  
7 under the general mining laws for which a plan of  
8 operations has been approved but for which oper-  
9 ations have not commenced before the on the effec-  
10 tive date of this Act—

11 (A) during the 10-year period beginning on  
12 the effective date of this Act—

13 (i) mineral activities on lands subject  
14 to such claim shall be subject to such plan  
15 of operations; and

16 (ii) the Secretary shall allow the oper-  
17 ator to make changes to such plan subject  
18 to applicable law as in effect on the day  
19 before the effective date of this Act if the  
20 Secretary determines that the requested  
21 changes are minor; and

22 (B) the operator shall bring such mineral  
23 activities into compliance with this Act by the  
24 end of such 10-year period.

1           (2) ACTIVITIES PENDING DECISION ON MODI-  
2           FICATION TO PLAN OF OPERATIONS.—If an applica-  
3           tion for modification of a plan of operations referred  
4           to in paragraph (1)(A)(ii) has been timely submitted  
5           by the claim holder and an approved plan of oper-  
6           ations expires before the Secretary concerned takes  
7           action on such application, mineral activities and  
8           reclamation may continue in accordance with the  
9           terms of the expired plan of operations until the  
10          Secretary concerned makes an administrative deci-  
11          sion on the application.

12          (3) CONVERSION REQUIREMENT.—

13                (A) IN GENERAL.—A claim described in  
14                paragraph (1) may remain in effect for a period  
15                of not more than 10 years.

16                (B) FEE.—A claim described in paragraph  
17                (1) that is not converted to a noncompetitive  
18                lease pursuant to the regulations issued under  
19                subsection (d) before the end of such period  
20                shall, beginning on the first date after the end  
21                of such period, be subject to a fee of \$100 per  
22                acre per day until such claim is converted to a  
23                noncompetitive lease.

24          (d) CONVERSION REGULATIONS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the effective date of this Act, the Secretary shall  
3           issue regulations regarding the conversion of existing  
4           mining claims to noncompetitive mining leases.

5           (2) CONTENT.—Such regulations shall—

6                   (A) prohibit the conversion of a mining  
7                   claim to a mining lease by a claim holder who  
8                   is in violation of this Act or other State or Fed-  
9                   eral environmental, health, or worker safety  
10                  laws;

11                  (B) allow the Secretary to exercise discre-  
12                  tion to include nonmineral lands within the  
13                  boundaries of any millsite associated with the  
14                  mining claim to be converted to a noncompeti-  
15                  tive lease;

16                  (C) prohibit the area in any noncompetitive  
17                  mining lease issued under this section from ex-  
18                  ceeding the maximum area authorized by this  
19                  Act to be leased to any person;

20                  (D) require the consent of the surface  
21                  managing agency for conversion of a mining  
22                  claim to a noncompetitive mining lease;

23                  (E) require the financial terms of the con-  
24                  verted noncompetitive mining lease to be the

1 same as those provided in this Act for other  
2 hardrock mining leases; and

3 (F) include any other terms the Secretary  
4 considers appropriate.

5 (e) NATIONAL ENVIRONMENTAL POLICY ACT.—The  
6 Secretary is not required to conduct an environmental  
7 analysis under the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.) to issue a noncompetitive  
9 mining lease under this section, unless such noncompeti-  
10 tive mining lease modifies or extends the surface disturb-  
11 ance already authorized under a mine plan of operations  
12 covering the mining claim that is converted.

13 **SEC. 102. LIMITATION ON PATENTS.**

14 (a) MINING CLAIMS.—

15 (1) DETERMINATIONS REQUIRED.—After the  
16 effective date of this Act, no patent shall be issued  
17 by the United States for any mining claim located  
18 under the general mining laws unless the Secretary  
19 determines that, for such mining claim—

20 (A) a patent application was filed with the  
21 Secretary on or before September 30, 1994;  
22 and

23 (B) all requirements established under sec-  
24 tions 2325 and 2326 of the Mining Law of  
25 1872 (30 U.S.C. 29 and 30), in the case of a

1           vein or lode claim, or sections 2329, 2330,  
2           2331, and 2333 of that Act (30 U.S.C. 35, 36,  
3           and 37), in the case of a placer claim, were  
4           fully complied with by that date.

5           (2) RIGHT TO PATENT.—If the Secretary makes  
6           the determinations required under paragraph (1) for  
7           any mining claim, the claim holder shall be entitled  
8           to the issuance of a patent in the same manner and  
9           degree to which such claim holder would have been  
10          entitled to before the effective date of this Act, un-  
11          less such determinations are withdrawn or invali-  
12          dated by the Secretary or by a court of the United  
13          States.

14          (b) MILLSITES.—

15               (1) DETERMINATIONS REQUIRED.—After the  
16               effective date of this Act, no patent shall be issued  
17               by the United States for any millsite located under  
18               the general mining laws unless the Secretary deter-  
19               mines that, for such millsite—

20                       (A) a patent application was filed with the  
21                       Secretary on or before September 30, 1994;  
22                       and

23                       (B) all requirements applicable to such  
24                       patent application were fully complied with be-  
25                       fore that date.

1           (2) RIGHT TO PATENT.—If the Secretary makes  
2           the determinations required under paragraph (1) for  
3           any millsite, the claim holder shall be entitled to the  
4           issuance of a patent in the same manner and degree  
5           to which such claim holder would have been entitled  
6           to before the effective date of this Act, unless such  
7           determinations are withdrawn or invalidated by the  
8           Secretary or by a court of the United States.

9   **SEC. 103. PROSPECTING LICENSES AND HARDROCK**  
10                   **LEASES.**

11           (a) IN GENERAL.—No person may conduct mineral  
12           prospecting for commercial purposes for any hardrock  
13           mineral on Federal land without a prospecting license or  
14           a small miner’s lease.

15           (b) PROSPECTING LICENSES.—

16           (1) IN GENERAL.—The Secretary may, under  
17           such regulations as the Secretary may issue and  
18           with the concurrence of the relevant surface manage-  
19           ment agency, grant an applicant a prospecting li-  
20           cense that shall give the exclusive right to prospect  
21           for specified hardrock minerals on Federal land for  
22           a period not longer than 2 years.

23           (2) MAXIMUM AREA.—The area subject to a  
24           prospecting license granted under paragraph (1)

1 shall not exceed 2,560 acres of land, in reasonably  
2 compact form.

3 (3) PROSPECTING LICENSE APPLICATION  
4 FEE.—The Secretary shall charge a fee for each  
5 prospecting license application to cover the costs of  
6 reviewing such application.

7 (4) ANNUAL RENTAL.—Each prospecting li-  
8 cense granted under paragraph (1) shall be subject  
9 to annual rentals equal to \$10 per acre per year.

10 (5) TERMS AND CONDITIONS.—A prospecting li-  
11 cense shall conform with the terms and conditions of  
12 a comprehensive land use plan approved under—

13 (A) the Federal Land Policy and Manage-  
14 ment Act of 1976 (43 U.S.C. 1701 et seq.); or

15 (B) the Forest and Rangeland Renewable  
16 Resources Planning Act of 1974 (16 U.S.C.  
17 1600 et seq.).

18 (6) AREAS WITHOUT APPROVED COMPREHEN-  
19 SIVE LAND USE PLAN.—For land covered by a  
20 prospecting license for which a comprehensive land  
21 use plan treating hardrock mining as a multiple-use  
22 activity has not been completed, the Secretary con-  
23 cerned shall ensure that such land is suitable for  
24 mineral activities.

1           (7) EXTENSION.—The Secretary may extend a  
2       prospecting license granted under this subsection for  
3       not more than additional 4 years upon a showing by  
4       the licensee that—

5           (A) the licensee explored with reasonable  
6       diligence and was unable to determine the exist-  
7       ence and workability of a valuable mineral de-  
8       posit covered by the license; or

9           (B) if the licensee failed to perform dili-  
10      gent prospecting activities, such failure was due  
11      to conditions beyond the control of the licensee.

12      (c) NONCOMPETITIVE LEASES.—

13           (1) IN GENERAL.—Upon a showing to the satis-  
14      faction of the Secretary by a prospecting licensee  
15      under subsection (a) that a valuable mineral deposit  
16      has been discovered by the licensee within an area  
17      covered by the prospecting license and with the con-  
18      sent of the surface agency, the licensee shall be enti-  
19      tled to a lease for any or all of the land included in  
20      the prospecting license, as well as any nonmineral  
21      lands necessary for processing or milling operations,  
22      at a royalty of not less than 12.5 percent of the  
23      gross value of production of hardrock minerals or  
24      mineral concentrates or products derived from  
25      hardrock minerals under the lease.



1           (2) RENTALS.—

2           (A) IN GENERAL.—Rentals for a lease  
3 under this section shall be set by the Secretary  
4 at not less than \$10 per acre per year, with  
5 rentals paid in any 1 year credited against roy-  
6 alties accruing for that year.

7           (B) OPERATIONS PERMIT.—A lessee under  
8 this section is not entitled to an operations per-  
9 mit.

10          (3) LEASE PERIOD.—

11          (A) IN GENERAL.—A lease under this sub-  
12 section shall be for a period of 20 years, with  
13 the right to renew for successive periods of 10  
14 years if hardrock minerals are being produced  
15 in commercial quantities under the lease.

16          (B) EXTENSION DURING NONPRODUC-  
17 TION.—The Secretary may issue not more than  
18 1 10-year extension of a lease under this sub-  
19 section if hardrock minerals are not being pro-  
20 duced in commercial quantities at the end of  
21 the primary, or any subsequent, term of such  
22 lease and—

23               (i) it is in the interest of conservation  
24 or reclamation maintenance;

1 (ii) the lessee shows that the lease  
2 cannot be successfully operated at a profit;  
3 or

4 (iii) the Secretary determines that  
5 issuing such extension is appropriate.

6 (C) DEFINITION OF COMMERCIAL QUAN-  
7 TITIES.—In this paragraph, the term “commer-  
8 cial quantities” means any economic amount  
9 sold, bartered, or traded for profit.

10 (d) CUMULATIVE ACREAGE LIMITATION.—No person  
11 may take, hold, own, or control at 1 time, whether ac-  
12 quired directly from the Secretary under this Act or other-  
13 wise, hardrock mining leases or licenses for an aggregate  
14 of more than 20,480 acres in any 1 State.

15 (e) REDUCTION OF ROYALTY RATE.—

16 (1) IN GENERAL.—Subject to paragraph (2),  
17 the Secretary—

18 (A) may reduce the royalty rate for a lease  
19 under this section upon a showing by clear and  
20 convincing evidence by the operator that pro-  
21 duction would not occur without the reduction  
22 in royalty rate; and

23 (B) may reduce the royalty and rental  
24 rates for a lease under this section to encourage  
25 exploration for and development of critical min-

1           erals (as such term is defined in section  
2           7002(a) of the Energy Act of 2020 (30 U.S.C.  
3           1606(a)).

4           (2) LIMITATION.—The Secretary may not re-  
5           duce the royalty rate for a lease pursuant to para-  
6           graph (1) to less than 6.25 percent.

7           (f) PROTECTION OF LAND AND OTHER RE-  
8           SOURCES.—The Secretary, in consultation with any appli-  
9           cable surface management agency, may include in any  
10          lease or license issued under this Act such provisions as  
11          are necessary to adequately protect land and other re-  
12          sources in the vicinity of the area subject to the lease or  
13          license.

14   **SEC. 104. COMPETITIVE LEASING.**

15          (a) IN GENERAL.—Subject to sections 111 and 112,  
16          Federal land known to contain valuable mineral deposits  
17          that is not covered by claims, licenses, or leases issued  
18          under this Act may only be open to hardrock mineral ex-  
19          ploration or development through competitive leasing by  
20          the Secretary through such methods the Secretary may  
21          adopt by regulation and in such areas as the Secretary  
22          may determine, including nonmineral lands the Secretary  
23          considers necessary for processing or milling operations.

1 (b) LIMITATION.—The total area of land subject to  
2 a competitive lease under this section shall not exceed  
3 2,560 acres.

4 (c) TERMS AND REQUIREMENTS.—All terms and re-  
5 quirements for competitive leases under this section shall  
6 be the same as if the leases were issued noncompetitively  
7 under section 103(c).

8 **SEC. 105. SMALL MINER'S LEASE.**

9 (a) IN GENERAL.—The Secretary may issue a small  
10 miner's lease to a qualified small miner that applies, under  
11 such regulations as the Secretary may issue, including  
12 conditions to require diligent development of such lease  
13 and to ensure protection of surface resources and ground  
14 water.

15 (b) EXCLUSIVE RIGHT.—A small miner's lease shall  
16 give the lessee the exclusive right to prospect for hardrock  
17 minerals for 3 years on not more than 200 acres of contig-  
18 uous or noncontiguous Federal land.

19 (c) APPLICATION FEE.—The Secretary shall charge  
20 a reasonable application fee for a small miner's lease  
21 under this subsection (a).

22 (d) RENTALS.—Annual rentals for a small miner's  
23 lease issued under this section shall be \$5 per acre per  
24 year for the first 3 years.

1 (e) RENEWAL.—A small miner's leases issued under  
2 this section may be renewed for any number of additional  
3 3-year periods. The rental for such a renewed lease shall  
4 be \$10 per acre per year rental charged.

5 (f) CHALLENGE.—

6 (1) IN GENERAL.—Any individual may file a  
7 challenge with the Secretary that a lessee is in viola-  
8 tion of the diligence terms of a small miner's lease  
9 or does not qualify as a small miner.

10 (2) RENEWAL WHEN SUBJECT TO CHAL-  
11 LENGE.—A small miner's lease that is subject to a  
12 challenge under paragraph (1) may not be renewed  
13 unless the Secretary has determined that the lessee  
14 is a small miner and is in compliance with all the  
15 terms of the small miner's lease.

16 (g) NO ROYALTIES.—The Secretary shall not charge  
17 royalties for commercial production under a small miner's  
18 lease.

19 (h) CONVERSION OF EXISTING CLAIMS.—A claim ex-  
20 isting on the effective date of this Act that belongs to an  
21 individual that qualifies as a small miner may be converted  
22 to a small miner's lease under the same terms and condi-  
23 tions that apply to a small miner's lease under this sec-  
24 tion, except that such lease—

1           (1) shall not be subject to rental during the pri-  
2       mary term of the lease;

3           (2) shall be subject to a rental of \$5 per acre  
4       per year for the first 3-year renewal of the lease;  
5       and

6           (3) shall be subject to a rental of \$10 per acre  
7       per year for any subsequent 3-year renewal of the  
8       lease.

9       (i) LIMITATIONS.—A small miner’s lease—

10           (1) may only be held by the primary lease hold-  
11       er, a spouse thereof, or a direct descendent thereof;

12           (2) may not be sold or transferred, other than  
13       to a spouse or direct descendent of the primary lease  
14       holder; and

15           (3) is subject to all permitting requirements  
16       under this Act.

17       (j) CONVERSION TO HARDROCK MINERAL LEASE.—

18           (1) IN GENERAL.—If, with regard to a small  
19       miner’s lease, the lessee does not qualify as a small  
20       miner at the time such lessee applies for a renewal  
21       of such lease, such lessee shall not be eligible to  
22       renew such lease, but shall be eligible for a non-  
23       competitive hardrock mineral lease issued under sec-  
24       tion 103(c).

1           (2) ROYALTIES.—Notwithstanding section  
 2       103(c)(1), royalties under a small miner’s lease con-  
 3       verted to a hardrock mineral lease under this sub-  
 4       section shall only be due on the gross income that  
 5       exceeds \$50,000 annually or the amount of gross in-  
 6       come specified by the Secretary as of the time such  
 7       noncompetitive lease is issued.

8 **SEC. 106. LAND CONTAINING NONHARDROCK MINERALS;**  
 9           **OTHER USES.**

10       (a) IN GENERAL.—In issuing licenses and leases  
 11       under this Act for land that contains deposits of coal or  
 12       other nonhardrock minerals, the Secretary shall reserve to  
 13       the United States such nonhardrock minerals for disposal  
 14       under applicable laws.

15       (b) OTHER USES OF LICENSED AND LEASED  
 16       LANDS.—

17           (1) IN GENERAL.—The Secretary shall issue  
 18       regulations to allow for other uses of the land cov-  
 19       ered by a prospecting license under this Act, includ-  
 20       ing leases for other minerals, if such other uses  
 21       would not unreasonably interfere with operations  
 22       under the prospecting license.

23           (2) TERMS AND CONDITIONS.—The Secretary  
 24       shall include in each prospecting license issued under  
 25       section 103(b) such terms and conditions as the Sec-

1       retary determines necessary to avoid unreasonable  
2       interference with other uses occurring on, or other  
3       leases of, the licensed land.

4           (3) LEASES.—The Secretary shall include in  
5       leases issued under this Act stipulations to allow for  
6       simultaneous operations under other leases for the  
7       same land.

8   **SEC. 107. ROYALTY.**

9       (a) EXISTING PRODUCTION.—

10           (1) IN GENERAL.—Production of hardrock min-  
11       erals, mineral concentrates, or products derived from  
12       hardrock minerals on Federal land under an oper-  
13       ations permit from which valuable hardrock minerals  
14       were produced in commercial quantities before the  
15       effective date of this Act, other than production  
16       under a small miner’s lease, shall be subject to a  
17       royalty established by the Secretary of not less than  
18       8 percent of the gross value of such production.

19           (2) ADDITIONAL FEDERAL LAND.—Production  
20       of hardrock minerals, mineral concentrates, or prod-  
21       ucts derived from hardrock minerals on Federal land  
22       added through a plan modification to an operations  
23       permit that is submitted after the effective date of  
24       this Act shall be subject to a royalty established by



1 the Secretary for such lease of not less than 12.5  
2 percent of the gross value such production.

3 (b) LIABILITY.—The claim holder or lessee, or any  
4 operator to whom the claim holder or lessee has assigned  
5 the obligation to make royalty payments under the claim  
6 or lease and any person who controls such claim or lease  
7 holder or operator, shall be liable for payment of such roy-  
8 alties.

9 (c) DISPOSITION.—Of the revenues collected under  
10 this title, including rents, royalties, claim maintenance  
11 fees, interest charges, fines, and penalties—

12 (1) 25 percent shall be paid to the State within  
13 the boundaries of which the leased, licensed, or  
14 claimed lands, or operations subject to such interest  
15 charges, fines, or penalties are or were located; and

16 (2) the remainder shall be made available to  
17 carry out, to remain available until expended without  
18 fiscal year limitation, the Abandoned Hardrock Mine  
19 Reclamation Program.

20 (d) DUTIES OF CLAIM HOLDERS, LESSEES, OPERA-  
21 TORS, AND TRANSPORTERS.—

22 (1) REGULATION.—The Secretary shall issue  
23 regulations regarding the time and manner in which  
24 a person who is required to make a royalty payment  
25 under this section shall—

1 (A) make such payment; and

2 (B) notify the Secretary of any assignment  
3 that such person may have made of the obliga-  
4 tion to make any royalty or other payment  
5 under a mining claim or lease under this title.

6 (2) WRITTEN INSTRUMENT.—Any person pay-  
7 ing royalties under this section shall file a written  
8 instrument, together with the first royalty payment,  
9 affirming that such person is responsible for making  
10 proper payments for all amounts due for all time pe-  
11 riods for which such person has a payment responsi-  
12 bility.

13 (3) ADDITIONAL AMOUNTS.—Such responsi-  
14 bility for the periods referred to in paragraph (2)  
15 shall include any and all additional amounts billed  
16 by the Secretary and determined to be due by final  
17 agency or judicial action.

18 (4) JOINT AND SEVERAL LIABILITY.—Any per-  
19 son liable for royalty payments under this section  
20 who assigns any payment obligation shall remain  
21 jointly and severally liable for such royalty pay-  
22 ments.

23 (5) OBLIGATIONS.—A person conducting min-  
24 eral activities shall—

1           (A) develop and comply with the site secu-  
2           rity provisions in the operations permit de-  
3           signed to protect from theft the hardrock min-  
4           erals, concentrates, or products derived there-  
5           from that are produced or stored on the area  
6           subject to a mining claim or lease, and such  
7           provisions shall conform with such minimum  
8           standards as the Secretary may issue by regula-  
9           tion, taking into account the variety of cir-  
10          cumstances on areas subject to mining claims  
11          and leases; and

12          (B) not later than the fifth business day  
13          after production begins anywhere on an area  
14          subject to a mining claim or lease, or produc-  
15          tion resumes after more than 90 days after pro-  
16          duction was suspended, notify the Secretary, in  
17          the manner prescribed by the Secretary, of the  
18          date on which such production has begun or re-  
19          sumed.

20          (6) REQUIRED DOCUMENTATION.—The Sec-  
21          retary may by regulation require any person engaged  
22          in transporting a hardrock mineral, concentrate, or  
23          product derived therefrom to carry on his or her per-  
24          son, in his or her vehicle, or in his or her immediate  
25          control, documentation showing, at a minimum, the

1 amount, origin, and intended destination of the  
2 hardrock mineral, concentrate, or product derived  
3 therefrom in such circumstances as the Secretary  
4 determines appropriate.

5 (e) RECORDKEEPING AND REPORTING REQUIRE-  
6 MENTS.—

7 (1) IN GENERAL.—

8 (A) REQUIREMENT.—A claim holder or  
9 lessee, operator, or other person directly in-  
10 volved in developing, producing, processing,  
11 transporting, purchasing, or selling hardrock  
12 minerals, concentrates, or products derived  
13 therefrom, subject to this Act, through the  
14 point of royalty computation shall establish and  
15 maintain any records, make any reports, and  
16 provide any information that the Secretary may  
17 reasonably require for the purposes of imple-  
18 menting this section or determining compliance  
19 with regulations or orders under this section.

20 (B) INCLUSIONS.—

21 (i) RECORDS.—Records described in  
22 subparagraph (A) shall include periodic re-  
23 ports, records, documents, and other data.

24 (ii) REPORTS.—Reports described in  
25 subparagraph (A) may include pertinent

1                   technical and financial data relating to the  
2                   quantity, quality, composition volume,  
3                   weight, and assay of all minerals extracted  
4                   from the mining claim or lease.

5                   (2) AVAILABILITY FOR INSPECTION.—Upon the  
6                   request of any officer or employee duly designated  
7                   by the Secretary to conduct an audit or investigation  
8                   pursuant to this section, the appropriate records, re-  
9                   ports, or information that may be required by this  
10                  section shall be made available for inspection and  
11                  duplication by such officer or employee.

12                  (3) FORFEITURE.—Failure by a claim holder or  
13                  lessee, operator, or other person referred to in para-  
14                  graph (1)(A) to cooperate with an audit or investiga-  
15                  tion under paragraph (2), provide data required by  
16                  the Secretary, or grant access to information may,  
17                  at the discretion of the Secretary, result in involun-  
18                  tary forfeiture of the claim or lease.

19                  (4) MAINTENANCE OF RECORDS.—

20                         (A) IN GENERAL.—Records required by  
21                         the Secretary under this section shall be main-  
22                         tained for 7 years after release of financial as-  
23                         surance under section 306 unless the Secretary  
24                         notifies the operator that the Secretary has ini-  
25                         tiated an audit or investigation involving such

1 records and that such records must be main-  
2 tained for a longer period.

3 (B) AUDIT OR INVESTIGATION.—In any  
4 case when an audit or investigation is under-  
5 way, records shall be maintained until the Sec-  
6 retary releases the operator of the obligation to  
7 maintain such records.

8 (f) AUDITS.—

9 (1) IN GENERAL.—The Secretary is authorized  
10 to conduct such audits of all claim holders or lessees,  
11 operators, transporters, purchasers, processors, or  
12 other persons directly or indirectly involved in the  
13 production or sale of minerals covered by this Act,  
14 as the Secretary determines necessary for the pur-  
15 poses of ensuring compliance with the requirements  
16 of this section.

17 (2) AVAILABILITY OF INFORMATION.—For pur-  
18 poses of performing such audits, the Secretary shall,  
19 at reasonable times and upon request, have access  
20 to, and may copy, all books, papers, and other docu-  
21 ments that relate to compliance with any provision  
22 of this section by any person.

23 (g) COOPERATIVE AGREEMENTS.—

24 (1) IN GENERAL.—The Secretary is authorized  
25 to enter into cooperative agreements with the Sec-

1       retary of Agriculture to share information con-  
2       cerning the royalty management of hardrock min-  
3       erals, concentrates, or products derived therefrom to  
4       carry out inspection, auditing, investigation, or en-  
5       forcement (not including the collection of royalties,  
6       civil or criminal penalties, or other payments) activi-  
7       ties under this section, and to carry out any other  
8       activity described in this section.

9               (2) SECRETARY OF AGRICULTURE.—Except as  
10       provided in paragraph (3), and pursuant to a coop-  
11       erative agreement entered into under paragraph (1),  
12       the Secretary of Agriculture shall, upon request,  
13       have access to all royalty accounting information in  
14       the possession of the Secretary with respect to the  
15       production, removal, or sale of hardrock minerals,  
16       concentrates, or products derived therefrom from  
17       claims or leases on land open to mineral exploration  
18       and production under this Act.

19               (3) CONFIDENTIAL INFORMATION.—

20               (A) IN GENERAL.—Trade secrets, propri-  
21       etary information, and other confidential infor-  
22       mation protected from disclosure under section  
23       552 of title 5, United States Code, shall be  
24       made available by the Secretary to other Fed-

1           eral agencies as necessary to ensure compliance  
2           with this Act and other Federal laws.

3                   (B) PROTECTION OF INFORMATION.—The  
4           Secretary, the Secretary of Agriculture, and  
5           other Federal officials shall ensure that the in-  
6           formation described in subparagraph (A) is pro-  
7           vided protection in accordance with the require-  
8           ments of that section.

9           (h) INTEREST AND SUBSTANTIAL UNDERREPORTING  
10       ASSESSMENTS.—

11                   (1) PAYMENTS NOT RECEIVED.—

12                       (A) IN GENERAL.—In the case of mining  
13           claims or leases where royalty payments are not  
14           received by the Secretary on the date that such  
15           payments are due, the Secretary shall charge  
16           interest on such underpayments at the same in-  
17           terest rate as the rate applicable under section  
18           6621(a)(2) of the Internal Revenue Code of  
19           1986.

20                       (B) COMPUTATION.—In the case of an un-  
21           derpayment, interest shall be computed and  
22           charged only on the amount of the deficiency  
23           and not on the total amount.

24                       (2) UNDERREPORTING.—If there is any under-  
25           reporting of royalty owed on production from a



1 claim or lease for any production month by any per-  
2 son liable for royalty payments under this section,  
3 the Secretary shall assess a penalty of not more  
4 than 25 percent of the amount of the under-  
5 reporting.

6 (3) SELF-REPORTING.—The Secretary may  
7 waive or reduce the assessment under paragraph (2)  
8 if the person liable for royalty payments under this  
9 section corrects the underreporting before the later  
10 of—

11 (A) the date such person receives notice  
12 from the Secretary that an underreporting may  
13 have occurred; and

14 (B) the date that is 90 days after the ef-  
15 fective date of this Act.

16 (4) WAIVER.—The Secretary shall waive any  
17 portion of an assessment under paragraph (2) at-  
18 tributable to that portion of the underreporting for  
19 which the person responsible for paying the royalty  
20 demonstrates that such person—

21 (A) had written authorization from the  
22 Secretary to report royalty on the value of the  
23 production on the basis on which it was re-  
24 ported;

1 (B) had substantial authority for reporting  
2 royalty on the value of the production on the  
3 basis on which it was reported;

4 (C) previously had notified the Secretary,  
5 in such manner as the Secretary may by regula-  
6 tion issue, of relevant reasons or facts affecting  
7 the royalty treatment of specific production  
8 which led to the underreporting; or

9 (D) meets any other exception which the  
10 Secretary may, by regulation, establish.

11 (5) ABANDONED HARDROCK MINE RECLAMA-  
12 TION PROGRAM.—All penalties collected under this  
13 subsection shall be shall be made available to carry  
14 out, to remain available until expended without fiscal  
15 year limitation, the Abandoned Hardrock Mine Rec-  
16 lamation Program.

17 (6) UNDERREPORTING DEFINED.—In this sub-  
18 section, the term “underreporting” means the dif-  
19 ference between the royalty on the value of the pro-  
20 duction that should have been reported and the roy-  
21 alty on the value of the production which was re-  
22 ported, if the value that should have been reported  
23 is greater than the value that was reported.

24 (i) EXPANDED ROYALTY OBLIGATIONS.—Each per-  
25 son liable for royalty payments under this section shall

1 be jointly and severally liable for royalty on all hardrock  
2 minerals, concentrates, or products derived therefrom that  
3 are lost or wasted from a mining claim or lease if such  
4 loss or waste is due to negligence on the part of any person  
5 or due to the failure to comply with this section.

6 (j) FAILURE TO COMPLY WITH ROYALTY REQUIRE-  
7 MENTS.—Any person who fails to comply with the require-  
8 ments of this section shall be liable for a civil penalty  
9 under section 109 of the Federal Oil and Gas Royalty  
10 Management Act of 1982 (30 U.S.C. 1719) to the same  
11 extent as if the claim or lease maintained in compliance  
12 with this Act were a lease under such Act.

13 (k) GROSS INCOME FROM MINING DEFINED.—In  
14 this section, for any hardrock mineral, the term “gross  
15 income from mining” has the meaning given the term  
16 “gross income” in section 613(c) of the Internal Revenue  
17 Code of 1986.

18 (l) EFFECTIVE DATE.—Royalties under this Act shall  
19 take effect with respect to the production of hardrock min-  
20 erals after the effective date of this Act, but any royalty  
21 payments attributable to production during the first 12  
22 calendar months after the effective date of this Act shall  
23 be payable at the expiration of such 12-month period.

1 **SEC. 108. EXISTING PRODUCTION.**

2 (a) IN GENERAL.—The claim holder of a mining  
3 claim located or converted under this Act for which min-  
4 eral activities have commenced under an approved plan of  
5 operations as of the effective date of this Act shall have  
6 the exclusive right of possession and use of the land sub-  
7 ject to such mining claim for mineral activities, including  
8 the right of ingress and egress to such land for mineral  
9 activities, subject to the rights of the United States under  
10 this Act and other applicable Federal law.

11 (b) TERMINATION.—The rights of the claim holder  
12 under subsection (a) shall terminate upon completion of  
13 mineral activities on such land to the satisfaction of the  
14 Secretary.

15 **SEC. 109. HARDROCK MINING CLAIM MAINTENANCE FEE.**

16 (a) FEE.—

17 (1) IN GENERAL.—

18 (A) REQUIRED FEES.—

19 (i) IN GENERAL.—Except as provided  
20 in section 2511(e)(2) of the Energy Policy  
21 Act of 1992 (30 U.S.C. 242(e)(2)) and as  
22 otherwise provided in this Act, for each  
23 unpatented mining claim, millsite, or tun-  
24 nel site on Federal land, whether located  
25 before or on the effective date of this Act,  
26 each such claimant shall pay to the Sec-

1           retary, on or before September 1 of each  
2           year, a claim maintenance fee of \$200 per  
3           claim to hold such unpatented mining  
4           claim, millsite, or tunnel site for the as-  
5           sessment year beginning at noon the fol-  
6           lowing day.

7                   (ii) FEE IN PLACE OF ASSESSMENT  
8           WORK.—A claim maintenance fee paid  
9           under clause (i) shall be in lieu of the as-  
10          sessment work requirement in the Mining  
11          Law of 1872 (30 U.S.C. 28 et seq.) and  
12          the related filing requirements in sections  
13          314(a) and (c) of the Federal Land Policy  
14          and Management Act of 1976 (43 U.S.C.  
15          1744(a) and (c)).

16                   (B) FEE ADJUSTMENTS.—Any adjustment  
17          to a fee under this subsection made under sec-  
18          tion 502 shall begin to apply in the first assess-  
19          ment year which begins after the adjustment is  
20          made.

21                   (C) EXCEPTION FOR SMALL MINERS.—  
22          Subparagraph (A) and the assessment work re-  
23          quirement in the Mining Law of 1872 (30  
24          U.S.C. 28 et seq.) shall not apply with respect  
25          to a small miner's lease.

1           (2) RECLAMATION PROGRAM.—Moneys received  
2           under this subsection that are not otherwise allo-  
3           cated for the administration of this Act by the Sec-  
4           retary shall be made available to carry out, to re-  
5           main available until expended without fiscal year  
6           limitation, the Abandoned Hardrock Mine Reclama-  
7           tion Program.

8           (b) CO-OWNERSHIP.—The co-ownership provisions of  
9           the Mining Law of 1872 (30 U.S.C. 28 et seq.) shall re-  
10          main in effect except that the annual claim maintenance  
11          fee under subsection (a), where applicable, shall replace  
12          applicable assessment requirements and expenditures  
13          under that Act.

14          (c) FAILURE TO PAY.—Failure to pay the claim  
15          maintenance fee under subsection (a) in a timely manner  
16          shall conclusively constitute a forfeiture of the unpatented  
17          mining claim, millsite, or tunnel site by the claimant and  
18          the claim, millsite, or tunnel site shall be deemed null and  
19          void by operation of law.

20          (d) OTHER REQUIREMENTS.—

21               (1) REQUIRED FILINGS.—Nothing in this sec-  
22               tion shall change or modify the requirements of sec-  
23               tion 314(b) of the Federal Land Policy and Manage-  
24               ment Act of 1976 (43 U.S.C. 1744(b)) or the re-  
25               quirements of section 314(c) of that Act (43 U.S.C.

1 1744(c)) related to filings required by section 314(b)  
2 of that Act (43 U.S.C. 1744(b)), which remain in ef-  
3 fect.

4 (2) MINING LAW OF 1872.—Section 2324 of the  
5 Mining Law of 1872 (30 U.S.C. 28) is amended by  
6 inserting “or section 103(a) of the Mining Waste,  
7 Fraud, and Abuse Prevention Act of 2025” after  
8 “Act of 1993”.

9 **SEC. 110. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY**  
10 **OF CLAIMS.**

11 Except as otherwise provided in section 101, timely  
12 payment of the claim maintenance fee required by section  
13 109 or any related law relating to the use of Federal land,  
14 asserts the authority of the claimant to use and occupy  
15 the Federal land concerned for prospecting and explo-  
16 ration, consistent with the requirements of this Act and  
17 other applicable law.

18 **SEC. 111. PROTECTION OF SPECIAL PLACES.**

19 (a) PROTECTION OF NATIONAL PARK SYSTEM UNITS  
20 AND NATIONAL MONUMENTS.—No agency may authorize  
21 any mineral activity that would impair the land or re-  
22 sources of a unit of the National Park System or a na-  
23 tional monument, including—

1           (1) any diminution of the affected land, includ-  
2           ing wildlife, scenic assets, water resources, air qual-  
3           ity, and acoustic qualities; or

4           (2) other changes that would impair a the expe-  
5           rience of a citizen at the National Park System unit  
6           or a national monument.

7           (b) PROTECTION OF NATIONAL CONSERVATION SYS-  
8   TEM UNITS.—In order to protect the resources and values  
9   of National Conservation System units, the Secretary, as  
10   appropriate, shall use authority under this Act and other  
11   applicable law to the fullest extent necessary to prevent  
12   mineral activities that could have an adverse impact on  
13   the resources or values for which such units were estab-  
14   lished.

15          (c) LANDS NOT OPEN TO MINING.—Notwithstanding  
16   any other provision of law and subject to valid existing  
17   rights, no agency shall authorize mineral activities within  
18   any of the following areas:

19           (1) Sacred sites.

20           (2) Wilderness study areas.

21           (3) Habitat designated as critical habitat under  
22   section 4 of the Endangered Species Act of 1973 (16  
23   U.S.C. 1533).

24           (4) Areas of critical environmental concern (as  
25   such term is defined in section 103 of the Federal



1 Land Policy and Management Act of 1976 (43  
2 U.S.C. 1702)).

3 (5) Units of the National Conservation System.

4 (6) Areas designated for inclusion in the Na-  
5 tional Wild and Scenic Rivers System pursuant to  
6 the Wild and Scenic Rivers Act (16 U.S.C. 1271 et  
7 seq.), areas designated for potential addition to such  
8 system pursuant to section 5(a) of that Act (16  
9 U.S.C. 1276(a)), and areas determined to be eligible  
10 for inclusion in such system pursuant to section 5(d)  
11 of such Act (16 U.S.C. 1276(d)).

12 (7) Inventoried Roadless Areas under the  
13 Roadless Area Conservation Rule, part 294 of title  
14 36, Code of Federal Regulations, Colorado Roadless  
15 Areas, or Idaho Roadless Areas.

16 **SEC. 112. SUITABILITY DETERMINATION.**

17 (a) IN GENERAL.—In accordance with subsection (b),  
18 the Secretary concerned shall make each determination of  
19 whether land is suitable for mineral activities that is re-  
20 quired by this Act.

21 (b) SUITABILITY.—

22 (1) IN GENERAL.—The Secretary concerned  
23 shall consider land suitable for mineral activities if  
24 the Secretary concerned finds that such mineral ac-  
25 tivities would not result in unnecessary or undue

1 degradation to a special characteristic described in  
2 paragraph (2) of such land that cannot be prevented  
3 by the imposition of conditions in the permit re-  
4 quired for such activities under title III.

5 (2) SPECIAL CHARACTERISTICS.—For purposes  
6 of paragraph (1), the Secretary concerned shall con-  
7 sider each of the following to be a special char-  
8 acteristic:

9 (A) The existence of a significant water re-  
10 source or supply in or associated with such  
11 land, including any aquifer or aquifer recharge  
12 area.

13 (B) The presence on such land, or any ad-  
14 jacent land, of a publicly owned place that is  
15 listed on, or determined by the Secretary to be  
16 eligible for listing on, the National Register of  
17 Historic Places.

18 (C) The designation of all or any portion  
19 of such land, or any adjacent land, as a Na-  
20 tional Conservation System unit.

21 (D) The designation of all or any portion  
22 of such land, or any adjacent land, as critical  
23 habitat under the Endangered Species Act of  
24 1973 (16 U.S.C. 1531 et seq.).

1           (E) The designation of all or any portion  
2           of such land, or any adjacent land, as a class  
3           I area under section 162 of the Clean Air Act  
4           (42 U.S.C. 7472).

5           (F) The presence of such other resource  
6           values as the Secretary concerned may by regu-  
7           lation specify, determined based upon field test-  
8           ing, evaluation, or credible information that  
9           verifies such values.

10          (G) The designation of such land, or adja-  
11          cent land, as a Research Natural Area.

12          (H) The presence on such land, or any ad-  
13          jacent land, of a sacred site.

14          (I) The presence or designation of such  
15          land adjacent to land not open to mining pursu-  
16          ant to section 111.

17          (3) PUBLIC COMMENT.—A determination under  
18          this subsection of suitability for mineral activities  
19          shall be made after publication of notice and an op-  
20          portunity for submission of public comment for a pe-  
21          riod of not less than 60 days.

22          (4) INCLUSION IN FEDERAL LAND USE PLAN.—  
23          Any determination made in accordance with this  
24          subsection with respect to land shall be incorporated  
25          into each Federal land use plan applicable to such

1 land, at the time such Federal land use plan is  
2 adopted, revised, or significantly amended pursuant  
3 to any Federal law other than this Act.

4 (c) CHANGE REQUEST.—The Secretary concerned  
5 shall, by regulation, provide an opportunity for any person  
6 to request a change in determination for any Federal land  
7 found suitable under subsection (a).

8 (d) EXISTING OPERATIONS.—Nothing in this section  
9 shall be construed to affect land on which mineral activi-  
10 ties were being conducted on the effective date of this Act  
11 under an approved plan of operations or under notice.

## 12 **TITLE II—CONSULTATION** 13 **PROCEDURE**

### 14 **SEC. 201. REQUIREMENT FOR CONSULTATION.**

15 Agencies shall conduct meaningful timely consulta-  
16 tion with Indian Tribes following the procedures of the  
17 President’s Memorandum of Uniform Standards for Trib-  
18 al Consultation, issued on November 30, 2022, before un-  
19 dertaking any mineral activities that may have a direct,  
20 indirect, or cumulative impact on—

21 (1) the land, including allotted, ceded, or tradi-  
22 tional land, or interests in such land of an Indian  
23 Tribe or member of an Indian Tribe;

1           (2) Tribal land, cultural practices, resources, or  
2           access to traditional areas of cultural or religious  
3           importance;

4           (3) any part of any Federal land that shares a  
5           border with Indian country, as such term is defined  
6           in section 1151 of title 18, United States Code;

7           (4) the protected rights of an Indian Tribe,  
8           whether or not such rights are enumerated in a trea-  
9           ty, including water, hunting, gathering, and fishing  
10          rights;

11          (5) the ability of an Indian Tribe to govern or  
12          provide services to members of the Indian Tribe;

13          (6) the relationship between the Federal Gov-  
14          ernment and an Indian Tribe; or

15          (7) the trust responsibility of the Federal Gov-  
16          ernment to an Indian Tribe.

17 **TITLE           III—ENVIRONMENTAL**  
18 **CONSIDERATIONS OF MIN-**  
19 **ERAL EXPLORATION AND DE-**  
20 **VELOPMENT**

21 **SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON**  
22 **FEDERAL LAND.**

23          Notwithstanding section 302(b) of the Federal Land  
24          Policy and Management Act of 1976 (43 U.S.C. 1732(b)),  
25          the first section of the Act of June 4, 1897 (16 U.S.C.

1 478), and the National Forest Management Act of 1976  
2 (16 U.S.C. 1600 et seq.), and in accordance with this title  
3 and applicable law, unless expressly stated otherwise in  
4 this Act, the Secretary shall ensure that mineral activities  
5 on any Federal land that is subject to a mining claim,  
6 millsite, tunnel site, or any authorization issued under title  
7 I of this Act are carefully controlled to prevent unneces-  
8 sary or undue degradation of Federal land and resources.

9 **SEC. 302. PERMITS.**

10 (a) PERMITS REQUIRED.—No person may engage in  
11 mineral activities on Federal land that may cause a dis-  
12 turbance of surface resources, including land, air, ground  
13 water and surface water, and fish and wildlife, unless a  
14 permit is issued to such person under this title authorizing  
15 such activities.

16 (b) CASUAL USE.—Notwithstanding subsection (a),  
17 a permit under this title shall not be required for mineral  
18 activities that are a casual use of the Federal land.

19 (c) NATIONAL ENVIRONMENTAL POLICY ACT.—

20 (1) IN GENERAL.—The Secretary and the Sec-  
21 retary of Agriculture shall conduct the permit proc-  
22 esses under this Act in accordance with the timing  
23 and other requirements under section 102 of the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C.  
25 4332).

1           (2) COORDINATION.—To the extent practicable,  
2       the Secretary and the Secretary of Agriculture shall  
3       coordinate the permit process.

4   **SEC. 303. EXPLORATION PERMIT.**

5       (a) AUTHORIZED EXPLORATION ACTIVITY.—

6           (1) IN GENERAL.—A person may apply for an  
7       exploration permit for any mining claim, license, or  
8       lease authorizing the applicant to remove a reason-  
9       able amount of the hardrock minerals, as defined in  
10      the license or lease or established in such regulations  
11      as the Secretary shall issue, from the area that is  
12      subject to the mining claim, license, or lease, respec-  
13      tively, for analysis, study, and testing.

14          (2) LIMITATION.—Such permit shall not au-  
15      thorize the applicant to remove any mineral for sale  
16      nor to conduct any activities other than those re-  
17      quired for exploration for hardrock minerals and rec-  
18      lamation.

19       (b) PERMIT APPLICATION REQUIREMENTS.—To  
20   apply for an exploration permit under this section, a per-  
21   son shall submit to the Secretary concerned an application  
22   for such permit in a manner determined satisfactory by  
23   the Secretary concerned, which shall include—

24           (1) an exploration plan;

1           (2) a reclamation plan for the proposed explo-  
2       ration; and

3           (3) such documentation as is necessary to en-  
4       sure compliance with applicable Federal and State  
5       environmental laws and regulations.

6       (c) RECLAMATION PLAN REQUIREMENTS.—The rec-  
7       lamation plan required to be included in a permit applica-  
8       tion under subsection (b) shall include such provisions as  
9       may be jointly issued by the Secretary and the Secretary  
10      of Agriculture by regulation, including the following re-  
11      quirements:

12           (1) The applicant has demonstrated that pro-  
13      posed reclamation can be accomplished.

14           (2) The proposed exploration activities and con-  
15      dition of the land after the completion of exploration  
16      activities and final reclamation will conform with the  
17      land use plan applicable to the area subject to min-  
18      eral activities.

19           (3) The area subject to the proposed explo-  
20      ration permit is not included within an area listed  
21      in section 111.

22           (4) The applicant has demonstrated that the  
23      exploration plan and reclamation plan will be in  
24      compliance with the requirements of this Act and all  
25      other applicable Federal requirements, and any



1 State requirements agreed to by the Secretary con-  
2 cerned.

3 (5) The applicant has demonstrated that the re-  
4 quirements of section 306 will be met.

5 (6) The applicant is eligible to receive a permit  
6 under section 305.

7 (d) TERM OF PERMIT.—An exploration permit shall  
8 be for a stated term, which shall be—

9 (1) not greater than that necessary to accom-  
10 plish the proposed exploration; and

11 (2) in no case for more than 10 years.

12 (e) PERMIT MODIFICATION.—

13 (1) IN GENERAL.—An exploration permit holder  
14 may, during the term of the exploration permit, sub-  
15 mit to the Secretary concerned an application to  
16 modify such permit.

17 (2) APPROVAL OF MODIFICATION.—To approve  
18 a proposed modification to the permit, the Secretary  
19 concerned shall make the same determinations as  
20 are required in the case of an original permit, except  
21 that the Secretary and the Secretary of Agriculture  
22 may specify by joint regulation the extent to which  
23 requirements for initial exploration permits under  
24 this section shall apply to applications to modify an  
25 exploration permit based on whether the Secretary

1 concerned determines such modifications are signifi-  
2 cant or minor.

3 (f) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—

4 (1) PRIOR WRITTEN APPROVAL.—No transfer,  
5 assignment, or sale of rights granted by an explo-  
6 ration permit issued under this section may be made  
7 without the prior written approval of the Secretary  
8 concerned.

9 (2) APPROVAL.—The Secretary concerned shall  
10 allow an exploration permit holder to transfer, as-  
11 sign, or sell rights under such permit to a successor,  
12 if the Secretary concerned finds in writing that the  
13 successor—

14 (A) is eligible to receive a permit under  
15 section 304;

16 (B) has submitted evidence of financial as-  
17 surance satisfactory under section 306; and

18 (C) meets any other requirements specified  
19 by the Secretary concerned.

20 (3) ASSUMED LIABILITY.—The successor in in-  
21 terest shall assume the liability and reclamation re-  
22 sponsibilities established by the existing exploration  
23 permit and shall conduct the mineral activities in  
24 full compliance with this Act, and the terms and

1 conditions of the exploration permit as in effect at  
2 the time of transfer, assignment, or sale.

3 (4) FEE.—Each application for approval of an  
4 exploration permit transfer, assignment, or sale pur-  
5 suant to this subsection shall be accompanied by a  
6 fee payable to the Secretary concerned in such  
7 amount as may be established by the Secretary con-  
8 cerned, which shall be equal to the actual or antici-  
9 pated cost to the Secretary concerned of reviewing  
10 and approving or disapproving such transfer, assign-  
11 ment, or sale, as determined by the Secretary con-  
12 cerned.

13 **SEC. 304. OPERATIONS PERMIT.**

14 (a) OPERATIONS PERMIT.—

15 (1) IN GENERAL.—A person that is in compli-  
16 ance with this Act may apply to the Secretary con-  
17 cerned for an operations permit authorizing the per-  
18 son to carry out mineral activities on—

19 (A) any valid mining claim, millsite, tunnel  
20 site, or lease issued under this Act; and

21 (B) such additional Federal land as the  
22 Secretary concerned may determine is necessary  
23 to conduct the proposed mineral activities, if  
24 the operator—

1 (i) obtains a right-of-way permit for  
2 use of such additional lands under title V  
3 of the Federal Land Policy and Manage-  
4 ment Act of 1976 (43 U.S.C. 1761 et  
5 seq.); and

6 (ii) agrees to pay all fees required  
7 under that title for such permit.

8 (2) TERMS AND CONDITIONS.—The Secretary  
9 concerned shall include in each permit issued under  
10 this section such terms and conditions as the Sec-  
11 retary concerned determines necessary to carry out  
12 this title.

13 (b) PERMIT APPLICATION REQUIREMENTS.—To  
14 apply for an operations permit under this section, a person  
15 shall submit to the Secretary concerned an application for  
16 such permit in a manner determined satisfactory by the  
17 Secretary concerned, which shall include site characteriza-  
18 tion data, an operations plan, a reclamation plan, moni-  
19 toring plans, long-term maintenance plans, to the extent  
20 necessary, and such documentation as necessary to ensure  
21 compliance with applicable Federal and State environ-  
22 mental laws and regulations. If the proposed mineral ac-  
23 tivities will be carried out in conjunction with mineral ac-  
24 tivities on adjacent non-Federal land, information on the

1 location and nature of such operations may be required  
2 by the Secretary.

3 (c) PERMIT ISSUANCE OR DENIAL.—

4 (1) IN GENERAL.—After providing for public  
5 participation pursuant to subsection (i), the Sec-  
6 retary concerned shall issue an operations permit if  
7 the Secretary concerned makes each of the following  
8 determinations in writing, and shall deny an oper-  
9 ations permit if the Secretary concerned finds that  
10 the application and applicant do not fully meet the  
11 following requirements:

12 (A) The permit application, including the  
13 site characterization data, operations plan, and  
14 reclamation plan, are complete, accurate, and  
15 sufficient to develop a good understanding of  
16 the anticipated impacts of the mineral activities  
17 and the effectiveness of proposed mitigation and  
18 control of such mineral activities.

19 (B) The applicant has demonstrated that  
20 the proposed reclamation in the operations and  
21 reclamation plans can be and is likely to be ac-  
22 complished by the applicant and will not cause  
23 unnecessary or undue degradation.

24 (C) The condition of the land subject to  
25 the operations permit, including the fish and

1 wildlife resources and habitat contained there-  
2 on, will be fully reclaimed after the completion  
3 of mineral activities.

4 (D) The area subject to the proposed plan  
5 is not listed in section 111 or otherwise ineli-  
6 gible for mineral activities.

7 (E) The proposed operation has been de-  
8 signed to prevent material damage to the hy-  
9 drologic balance outside the land subject to the  
10 operations permit.

11 (F) The applicant will fully comply with  
12 the requirements of section 306 before the initi-  
13 ation of operations.

14 (G) Neither the applicant nor operator (or  
15 any subsidiary or affiliate the applicant or oper-  
16 ator) is ineligible to receive a permit under sec-  
17 tion 305.

18 (H) The reclamation plan demonstrates  
19 that 10 years after the end of mineral activities  
20 under the operations permit, no treatment of  
21 surface or ground water for carcinogens or tox-  
22 ins will be required to meet water quality stand-  
23 ards at the point of discharge.

24 (2) CONSULTATION WITH ENVIRONMENTAL  
25 PROTECTION AGENCY.—With respect to any activi-

1       ties specified in the reclamation plan referred to in  
2       subsection (b) that constitute a removal or remedial  
3       action under section 101 of the Comprehensive Envi-  
4       ronmental Response, Compensation, and Liability  
5       Act of 1980 (42 U.S.C. 9601), the Secretary con-  
6       cerned shall consult with the Administrator of the  
7       Environmental Protection Agency before the  
8       issuance of an operations permit, who shall ensure  
9       that the reclamation plan does not require activities  
10      that would increase the costs or likelihood of re-  
11      moval or remedial actions under the that Act (42  
12      U.S.C. 9601 et seq.) or corrective actions under the  
13      Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

14      (d) TERM OF PERMIT; RENEWAL.—

15           (1) IN GENERAL.—An operations permit  
16      shall—

17                   (A) be for an initial term not longer than  
18      the shorter of—

19                           (i) the period necessary to accomplish  
20                   the proposed mineral activities subject to  
21                   the permit; and

22                           (ii) the length of time remaining on  
23                   the hardrock mining lease of the applicant;

24                   (B) be renewed for additional 10-year peri-  
25      ods if—

1 (i) the operation subject to the permit  
2 is in compliance with the requirements of  
3 this Act and other applicable law; and

4 (ii) the hardrock mining lease of the  
5 applicant has been renewed for that 10-  
6 year period; and

7 (C) expire 5 years after the commencement  
8 of a temporary cessation unless, before the expi-  
9 ration of the 5 years, the operator has filed  
10 with the Secretary concerned a request for ap-  
11 proval to resume operations.

12 (2) FAILURE TO COMMENCE MINERAL ACTIVI-  
13 TIES.—Failure by the operator to commence mineral  
14 activities not later than 2 years after the date sched-  
15 uled in an operations permit shall require a modi-  
16 fication of the permit if the Secretary concerned de-  
17 termines that modifications are necessary to comply  
18 with section 111.

19 (e) PERMIT MODIFICATION.—

20 (1) APPLICATION.—An operator may, during  
21 the term of the operations permit, submit to the  
22 Secretary concerned an application to modify such  
23 permit or the operations plan or reclamation plan  
24 associated with such permit.



1           (2) MODIFICATION BY SECRETARY CON-  
2 CERNED.—

3           (A) IN GENERAL.—At any time, the Sec-  
4 retary concerned may require reasonable modi-  
5 fication to any operations plan or reclamation  
6 plan upon a determination that the require-  
7 ments of this Act cannot be met if the plan is  
8 followed as approved, which shall be based on  
9 a written finding and subject to public notice  
10 and hearing requirements established by the  
11 Secretary concerned.

12           (B) WAIVER OF PUBLIC NOTICE AND  
13 HEARING.—The Secretary concerned may waive  
14 the public notice and hearing requirements  
15 under subparagraph (A) in the case of immi-  
16 nent threat to health, safety, or the environ-  
17 ment.

18           (3) UNANTICIPATED EVENTS OR CONDI-  
19 TIONS.—A permit modification is required before  
20 changes are made to the approved operations plan,  
21 or if unanticipated events or conditions exist on the  
22 land subject to the permit, including in the case of—

23                   (A) development of acid or toxic drainage;

24                   (B) loss of springs or water supplies;

1 (C) water quantity, water quality, or other  
2 resulting water impacts that are significantly  
3 different than those predicted in the application  
4 for the operations permit;

5 (D) the need for long-term water treat-  
6 ment;

7 (E) significant reclamation difficulties or  
8 reclamation failure;

9 (F) the discovery of significant scientific or  
10 biological resources that were not addressed in  
11 the original plan;

12 (G) the discovery of property eligible for  
13 listing on the National Register of Historic  
14 Places; or

15 (H) the discovery of a hazard to public  
16 safety.

17 (f) TEMPORARY CESSATION OF OPERATIONS.—

18 (1) SECRETARIAL APPROVAL REQUIRED.—An  
19 operator conducting mineral activities under an op-  
20 erations permit in effect under this title may not  
21 temporarily cease mineral activities for a period of  
22 more than 180 days unless the Secretary concerned  
23 has approved such temporary cessation or unless the  
24 temporary cessation is permitted under the original  
25 operations permit.

1           (2) PREVIOUSLY ISSUED OPERATIONS PER-  
2           MITS.—An operator that temporarily ceases mineral  
3           activities for a period of more than 90 days under  
4           an operations permit issued before the effective date  
5           of this Act shall submit, before the expiration of  
6           such 90-day period, a complete application for tem-  
7           porary cessation of operations to the Secretary con-  
8           cerned for approval unless the temporary cessation  
9           is permitted under the original operations permit.

10          (3) REQUIRED INFORMATION.—

11                (A) IN GENERAL.—To apply for an ap-  
12                proval of temporary cessation of operations, an  
13                operator shall submit to the Secretary con-  
14                cerned such information required under sub-  
15                section (b) and any other provisions prescribed  
16                by the Secretary concerned to minimize impacts  
17                on human health, the environment, or property  
18                eligible for listing on the National Register of  
19                Historic Places.

20                (B) INSPECTION.—After receipt of a com-  
21                plete application for temporary cessation of op-  
22                erations, the Secretary concerned shall conduct  
23                an inspection of the area for which temporary  
24                cessation of operations has been requested.

1           (4) CONDITIONS FOR APPROVAL.—The Sec-  
2       retary concerned may approve an application for  
3       temporary cessation of operations if such Secretary  
4       determines the following:

5           (A) The methods for securing surface fa-  
6       cilities and restricting access to the land subject  
7       to the operations permit, or relevant portions  
8       thereof, will effectively protect against hazards  
9       to the health and safety of the public and fish  
10      and wildlife or damage to property eligible for  
11      listing on the National Register of Historic  
12      Places.

13          (B) Reclamation is in compliance with the  
14      approved reclamation plan, except in those  
15      areas specifically designated in the application  
16      for temporary cessation of operations for which  
17      a delay in meeting such standards is necessary  
18      to facilitate the resumption of operations.

19          (C) The amount of financial assurance  
20      filed with the permit application is sufficient to  
21      ensure completion of the reclamation activities  
22      identified in the approved reclamation plan in  
23      the event of forfeiture.

24          (D) Any outstanding notices of violation  
25      and cessation orders incurred in connection

1           with the plan for which temporary cessation is  
2           being requested are either stayed pursuant to  
3           an administrative or judicial appeal proceeding  
4           or are in the process of being abated to the sat-  
5           isfaction of the Secretary concerned.

6           (g) PERMIT REVIEWS.—The Secretary concerned  
7   shall review each operations permit issued under this sec-  
8   tion every 10 years during the term of such operations  
9   permit, and before approving the resumption of operations  
10  under subsection (f), the Secretary concerned shall require  
11  the operator to take such actions as the Secretary con-  
12  cerned deems necessary to ensure that mineral activities  
13  conform to the operations permit, including adjustment of  
14  financial assurance requirements.

15          (h) TRANSFER, ASSIGNMENT, OR SALE OF  
16  RIGHTS.—

17           (1) WRITTEN APPROVAL.—No transfer, assign-  
18   ment, or sale of rights granted by an operations per-  
19   mit under this section may be made without the  
20   prior written approval of the Secretary concerned.

21           (2) CONDITIONS OF APPROVAL.—The Secretary  
22   concerned may allow a permit holder to transfer, as-  
23   sign, or sell rights under the permit to a successor,  
24   if the Secretary concerned finds, in writing, that the  
25   successor—

1           (A) has submitted all required information  
2           and is eligible to receive a permit in accordance  
3           with section 305;

4           (B) has submitted evidence of financial as-  
5           surance satisfactory under section 306; and

6           (C) meets any other requirements specified  
7           by the Secretary concerned.

8           (3) ASSUMED LIABILITY.—The successor de-  
9           scribed in paragraph (2) shall assume the liability  
10          and reclamation responsibilities established by the  
11          existing operations permit and shall conduct the  
12          mineral activities in full compliance with this Act  
13          and the terms and conditions of the operations per-  
14          mit as in effect at the time of transfer, assignment,  
15          or sale.

16          (4) FEE.—Each application for approval of an  
17          operations permit transfer, assignment, or sale pur-  
18          suant to this subsection shall be accompanied by a  
19          fee payable to the Secretary concerned in such  
20          amount as may be established by the Secretary con-  
21          cerned, which shall be equal to the actual or antici-  
22          pated cost of reviewing and approving or dis-  
23          approving such transfer, assignment, or sale, as de-  
24          termined by the Secretary concerned.

1 (i) PUBLIC PARTICIPATION.—The Secretary and the  
2 Secretary of Agriculture shall jointly issue regulations to  
3 ensure transparency and public participation in permit de-  
4 cisions required under this Act, consistent with any re-  
5 quirements that apply to such decisions under section 102  
6 of the National Environmental Policy Act of 1969 (42  
7 U.S.C. 4332).

8 **SEC. 305. PERSONS INELIGIBLE FOR PERMITS.**

9 (a) CURRENT VIOLATIONS.—Unless corrective action  
10 has been taken in accordance with subsection (c), no per-  
11 mit under this title may be issued, transferred, assigned,  
12 or sold to an applicant if the applicant or any agent of  
13 the applicant, the operator (if different from the appli-  
14 cant), any claim or lease holder (if different from the ap-  
15 plicant) of the claim, license, or lease concerned, or any  
16 affiliate of the applicant is in violation of the following:

17 (1) This Act.

18 (2) An applicable State or Federal toxic sub-  
19 stance, solid waste, air, water quality, or fish and  
20 wildlife conservation law or regulation at any site  
21 where mining, beneficiation, or processing activities  
22 are occurring or have occurred.

23 (3) The Surface Mining Control and Reclama-  
24 tion Act of 1977 (30 U.S.C. 1201 et seq.) at any

1 site where surface coal mining operations are occur-  
2 ring or have occurred.

3 (b) SUSPENSION.—The Secretary concerned shall  
4 suspend a permit, in whole or in part, if the Secretary  
5 concerned determines that any of the entities described in  
6 subsection (a) were in violation of any requirement de-  
7 scribed in subsection (a) at the time such permit was  
8 issued.

9 (c) CORRECTION.—

10 (1) REINSTATEMENT.—

11 (A) IN GENERAL.—The Secretary con-  
12 cerned may issue or reinstate a permit under  
13 this title if the applicant submits proof that—

14 (i) the violation under subsection (a)  
15 or (b) has been corrected or is in the proc-  
16 ess of being corrected to the satisfaction of  
17 the Secretary concerned and the regulatory  
18 authority involved; or

19 (ii) the violator has filed, and is pur-  
20 suing at the time of such submission, a di-  
21 rect administrative or judicial appeal to  
22 contest the existence of the violation.

23 (B) APPEAL OF RELATIONSHIP TO AFFIL-  
24 IATE.—An appeal of the relationship of an ap-  
25 plicant to an affiliate shall not constitute a di-



1 rect administrative or judicial appeal to contest  
 2 the existence of the violation under subpara-  
 3 graph (A)(ii).

4 (2) CONDITIONAL APPROVAL.—

5 (A) IN GENERAL.—A permit that is issued  
 6 or reinstated based upon proof submitted under  
 7 this subsection shall be conditionally issued or  
 8 conditionally reinstated, respectively.

9 (B) SUSPENSION; REVOCATION.—The Sec-  
 10 retary concerned shall suspend or revoke a per-  
 11 mit that is conditionally issued or conditionally  
 12 reinstated if the relevant violation is not suc-  
 13 cessfully abated or is upheld on appeal.

14 (d) PATTERN OF WILLFUL VIOLATION.—No permit  
 15 may be issued under this Act to any applicant if there  
 16 is a demonstrated pattern of willful violations of the envi-  
 17 ronmental protection requirements of this Act by the ap-  
 18 plicant, an affiliate of the applicant, or the operator or  
 19 claim, license, or lease holder if different than the appli-  
 20 cant.

21 **SEC. 306. FINANCIAL ASSURANCE.**

22 (a) FINANCIAL ASSURANCE REQUIRED.—

23 (1) FORM OF ASSURANCE.—After a permit is  
 24 issued under this title and before any exploration or  
 25 operations begin under the relevant permit, the oper-

1        ator shall file with the Secretary concerned evidence  
2        of financial assurance payable to the United States,  
3        which shall be provided in the form of a surety bond,  
4        letters of credit, certificates of deposit, or cash.

5            (2) COVERED ACTIVITIES.—The financial assur-  
6        ance required under paragraph (1) shall cover all  
7        land within the initial permit area and all affected  
8        waters that may require restoration, treatment, or  
9        other management as a result of mineral activities,  
10       and shall be extended to cover all land and water  
11       added to the permit area pursuant to any permit  
12       modification made under section 303(e) or 304(e) or  
13       affected by mineral activities within the permit area.

14       (b) AMOUNT.—

15            (1) IN GENERAL.—The amount of the financial  
16        assurance required under this section shall be suffi-  
17        cient to ensure the completion of reclamation satis-  
18        fying the requirements of this Act if the work were  
19        to be performed by the Secretary concerned, or by  
20        a third-party contractor hired by the Secretary con-  
21        cerned, in the event of forfeiture, including the con-  
22        struction and maintenance costs for any treatment  
23        facilities necessary to meet Federal and State envi-  
24        ronmental requirements.

1           (2) CALCULATION.—The calculation of the  
2           amount under paragraph (1) shall take into account  
3           the maximum estimated cost of reclamation, as de-  
4           termined by the best available science, and adminis-  
5           trative costs associated with a government agency  
6           reclaiming the site.

7           (c) DURATION.—The financial assurance required  
8           under this section shall be held for the duration of the  
9           mineral activities and for an additional period sufficient  
10          to cover the responsibility of the operator for reclamation,  
11          long-term maintenance, and effluent treatment as speci-  
12          fied in subsection (g).

13          (d) ADJUSTMENTS.—

14               (1) IN GENERAL.—The Secretary concerned  
15               may adjust the amount of the financial assurance  
16               required under this section and the terms of the ac-  
17               ceptance of the financial assurance as needed as the  
18               land subject to the relevant permit is increased or  
19               decreased, the costs of reclamation or treatment  
20               change, or pursuant to section 304(f), but the finan-  
21               cial assurance shall otherwise be in compliance with  
22               this section.

23               (2) REVIEW.—The Secretary concerned shall  
24               review the financial assurance every 3 years and as

1 part of the permit application review under section  
2 304(g).

3 (e) RELEASE.—The Secretary concerned may, upon  
4 request, after consultation with the Administrator of the  
5 Environmental Protection Agency, notice and opportunity  
6 for public comment, and inspection by the Secretary con-  
7 cerned, release, in whole or in part, the financial assurance  
8 required under this section if the Secretary concerned  
9 makes both of the following determinations:

10 (1) Reclamation or restoration covered by the  
11 financial assurance has been accomplished as re-  
12 quired by this Act.

13 (2) The terms and conditions of any other ap-  
14 plicable Federal requirements, and State require-  
15 ments applicable pursuant to cooperative agreements  
16 under section 308, have been fulfilled.

17 (f) RELEASE SCHEDULE.—The release referred to in  
18 subsection (e) shall be according to the following schedule:

19 (1) After the operator has completed any re-  
20 quired backfilling, regrading, and drainage control of  
21 an area subject to mineral activities and covered by  
22 the financial assurance, and has commenced revege-  
23 tation on the regraded areas subject to mineral ac-  
24 tivities in accordance with the approved reclamation  
25 plan, that portion of the total financial assurance se-

1       cured for the area subject to mineral activities at-  
2       tributable to the completed activities may be re-  
3       leased, except that sufficient financial assurance  
4       must be retained to address other required reclama-  
5       tion needs and to ensure the long-term success of  
6       the revegetation.

7           (2) After the operator has successfully com-  
8       pleted all remaining mineral activities and reclama-  
9       tion activities and all requirements of the operations  
10      plan and the reclamation plan, and all other require-  
11      ments of this Act have been fully met, the remaining  
12      portion of the financial assurance may be released.  
13   During the period following release of the financial assur-  
14   ance as specified in paragraph (1), until the remaining  
15   portion of the financial assurance is released as provided  
16   in paragraph (2), the operator shall be required to comply  
17   with the relevant permit issued under this title.

18      (g) EFFLUENT.—

19           (1) IN GENERAL.—Notwithstanding section  
20      307(b)(2)(D), where any discharge or other water-  
21      related condition resulting from mineral activities re-  
22      quires treatment in order to meet applicable effluent  
23      limitations and water quality standards, the finan-  
24      cial assurance shall include the estimated cost of  
25      maintaining such treatment for the projected period

1       that will be needed after the cessation of mineral ac-  
2       tivities.

3           (2) RELEASE OF FINANCIAL ASSURANCE.—The  
4       portion of the financial assurance attributable to  
5       such estimated cost of treatment shall not be re-  
6       leased until such discharge has ceased for a period  
7       of 5 years, as determined by ongoing monitoring and  
8       testing, or, if the discharge continues, until the oper-  
9       ator has met all applicable effluent limitations and  
10      water quality standards for 5 full years without  
11      treatment.

12      (h) ENVIRONMENTAL HAZARDS.—If the Secretary  
13      concerned determines, after final release of a financial as-  
14      surance, that an environmental hazard resulting from the  
15      mineral activities exists, or the terms and conditions of  
16      the exploration permit or operations permit of this Act  
17      were not fulfilled at the time of such release, the Secretary  
18      concerned shall issue an order under section 507 requiring  
19      the claim holder or operator (or any person who controls  
20      the claim holder or operator) to correct the condition such  
21      that applicable laws and regulations and any conditions  
22      from the operations plan are met.

23   **SEC. 307. OPERATION AND RECLAMATION.**

24      (a) GENERAL RULE.—

1           (1) IN GENERAL.—An operator shall reclaim  
2           land subject to mineral activities carried out under  
3           a permit issued under this title to a condition capa-  
4           ble of supporting—

5                   (A) the uses which such land was capable  
6                   of supporting before surface disturbance by the  
7                   operator; or

8                   (B) other beneficial uses which conform to  
9                   applicable land use plans as determined by the  
10                  Secretary concerned.

11           (2) CONTEMPORANEOUS RECLAMATION.—Rec-  
12           lamation shall proceed as contemporaneously as  
13           practicable with the conduct of mineral activities,  
14           and in the case of a cessation of mineral activities  
15           beyond that provided for as a temporary cessation  
16           under this Act, reclamation activities shall begin im-  
17           mediately.

18           (b) OPERATION AND RECLAMATION STANDARDS.—

19                   (1) IN GENERAL.—The Secretary and the Sec-  
20                   retary of Agriculture shall jointly issue regulations  
21                   that establish operations and reclamation standards  
22                   for mineral activities permitted under this Act and  
23                   may determine whether outcome-based performance  
24                   standards or technology-based design standards are  
25                   most appropriate.

1           (2) INCLUSIONS.—The regulations required  
2           under paragraph (1) shall address the following:

3                   (A) Segregation, protection, and replace-  
4                   ment of topsoil or other suitable growth me-  
5                   dium, and the prevention, where possible, of soil  
6                   contamination.

7                   (B) Maintenance of the stability of all sur-  
8                   face areas.

9                   (C) Control of sediments to prevent erosion  
10                  and manage drainage.

11                  (D) Minimization of the formation and mi-  
12                  gration of acidic, alkaline, metal-bearing, or  
13                  other deleterious leachate.

14                  (E) Reduction of the visual impact of min-  
15                  eral activities to the surrounding topography,  
16                  including as necessary pit backfill.

17                  (F) Establishment of a diverse, effective,  
18                  and permanent vegetative cover of the same  
19                  seasonal variety native to the area affected by  
20                  mineral activities, and equal in extent of cover  
21                  to the natural vegetation of the area.

22                  (G) Design and maintenance of leach oper-  
23                  ations, impoundments, and excess waste accord-  
24                  ing to standard engineering standards to



1 achieve and maintain stability and reclamation  
2 of the site.

3 (H) Removal of structures and roads and  
4 sealing of drill holes.

5 (I) Restoration of, or mitigation for, fish  
6 and wildlife habitat disturbed by mineral activi-  
7 ties.

8 (J) Preservation of cultural, paleontolog-  
9 ical, and cave resources.

10 (K) Prevention and suppression of fire  
11 within the area affected by mineral activities.

12 (c) SURFACE OR GROUND WATER WITHDRAWALS.—  
13 The Secretary concerned shall work with State and local  
14 governments with authority over the allocation and use of  
15 surface and ground water in the area around the mine  
16 site as necessary to ensure that any surface or ground  
17 water withdrawals made as a result of mineral activities  
18 approved under this title do not cause undue degradation.

19 (d) SPECIAL RULE.—Reclamation activities for a  
20 mining claim, license, or lease that has been forfeited, re-  
21 linquished, or lapsed, or a plan that has expired or been  
22 revoked or suspended, shall continue subject to review and  
23 approval by the Secretary concerned.

24 **SEC. 308. STATE LAW AND REGULATION.**

25 (a) STATE LAW.—

1           (1) RECLAMATION, LAND USE, ENVIRON-  
2           MENTAL, AND PUBLIC HEALTH STANDARDS.—Any  
3           reclamation, land use, environmental, or public  
4           health protection standard or requirement in State  
5           law that meets or exceeds the requirements of this  
6           Act shall not be construed to be inconsistent with  
7           any such standard.

8           (2) BONDING REQUIREMENTS.—Any bonding  
9           standard or requirement in State law that meets or  
10          exceeds the requirements of this Act shall not be  
11          construed to be inconsistent with such requirements.

12          (3) INSPECTION STANDARDS.—Any inspection  
13          standard or requirement in State law that meets or  
14          exceeds the requirements of this Act shall not be  
15          construed to be inconsistent with such requirements.

16          (b) APPLICABILITY OF OTHER STATE REQUIRE-  
17          MENTS.—

18               (1) ENVIRONMENTAL STANDARDS.—Nothing in  
19               this Act may be construed to affect any toxic sub-  
20               stance, solid waste, or air or water quality standard  
21               or requirement of any State, local, or Tribal law that  
22               may be applicable to mineral activities on land sub-  
23               ject to this Act.

24               (2) WATER RESOURCES.—Nothing in this Act  
25               may be construed to affect the right of any person

1 to enforce or protect, under applicable law, the inter-  
2 est of such person in water resources affected by  
3 mineral activities on land subject to this Act.

4 (c) COOPERATIVE AGREEMENTS.—

5 (1) IN GENERAL.—A State may enter into a co-  
6 operative agreement with the Secretary concerned  
7 for the purpose of the Secretary concerned applying  
8 such standards and requirements referred to in sub-  
9 sections (a) and (b) to mineral activities or reclama-  
10 tion on land subject to this Act.

11 (2) COMMON REGULATORY FRAMEWORK.—

12 (A) IN GENERAL.—If a proposed mineral  
13 activity would affect land not subject to this  
14 Act in addition to land subject to this Act, in  
15 order to approve a plan of operations, the Sec-  
16 retary concerned shall enter into a cooperative  
17 agreement with the State that establishes a  
18 common regulatory framework consistent with  
19 the requirements of this Act for the purposes of  
20 such plan of operations.

21 (B) AUTHORITY OF FEDERAL GOVERN-  
22 MENT.—Any common regulatory framework es-  
23 tablished under subparagraph (A) may not ne-  
24 gate the authority of the Federal Government

1 to independently inspect mines and operations  
 2 and bring enforcement actions for violations.

3 (3) NOTICE AND PUBLIC COMMENT.—The Sec-  
 4 retary concerned may not enter into a cooperative  
 5 agreement with a State under this section until after  
 6 notice in the Federal Register and opportunity for  
 7 public comment and hearing.

8 (d) PRIOR AGREEMENTS.—Any cooperative agree-  
 9 ment between the Secretary concerned and a State, or po-  
 10 litical subdivision thereof, relating to the management of  
 11 mineral activities on land subject to this Act that was in  
 12 existence on the effective date of this Act may only con-  
 13 tinue in force until 1 year after the effective date of this  
 14 Act, during which such period the Secretary concerned  
 15 and the State shall review the terms of such agreement  
 16 or other understanding and make changes that are nec-  
 17 essary to be consistent with this Act.

18 **TITLE IV—ABANDONED**  
 19 **HARDROCK MINE RECLAMA-**  
 20 **TION PROGRAM**

21 **SEC. 401. FUNDS CREDITED TO THE ABANDONED**  
 22 **HARDROCK MINE RECLAMATION PROGRAM.**

23 (a) IN GENERAL.—The following amounts shall be  
 24 made available to carry out, to remain available until ex-

1 pended without fiscal year limitation, the Abandoned  
2 Hardrock Mine Reclamation Program:

3 (1) All moneys collected pursuant to sections  
4 502 and 506.

5 (2) All fees received under section  
6 304(a)(1)(B).

7 (3) All gifts contributed under subsection  
8 (b)(1).

9 (4) All amounts deposited in the Abandoned  
10 Hardrock Mine Reclamation Program under title I.

11 (5) All amounts displaced material reclamation  
12 fees paid under section 402.

13 (b) DONATIONS.—

14 (1) ACCEPTANCE.—The Secretary may accept a  
15 gift of money, to remain available until expended  
16 without fiscal year limitation, to carry out the Aban-  
17 doned Hardrock Mine Reclamation Program.

18 (2) REJECTION.—The Secretary may reject a  
19 gift under paragraph (1) if such rejection is in the  
20 interest of the Federal Government.

21 **SEC. 402. DISPLACED MATERIAL RECLAMATION FEE.**

22 (a) IMPOSITION OF FEE.—Except as provided in sub-  
23 section (g), each operator conducting mineral activities  
24 shall pay to the Secretary a displaced material reclamation  
25 fee of 7 cents per ton of displaced material.

1       (b) PAYMENT DEADLINE.—An operator shall pay the  
2 reclamation fee required by subsection (a) with respect to  
3 each calendar year beginning with the first calendar year  
4 that begins after the effective date of this Act not later  
5 than March 1 of the succeeding year.

6       (c) SUBMISSION OF STATEMENT.—Each operator  
7 conducting mineral activities shall submit to the Secretary  
8 a statement of the amount of displaced material produced  
9 during mineral activities carried out during the preceding  
10 calendar year, the accuracy of which shall be sworn to by  
11 the operator and notarized.

12       (d) CRIMINAL PENALTY.—Any corporate officer,  
13 agent, or director of an operator conducting mineral ac-  
14 tivities, and any other person acting on behalf of such a  
15 person, who knowingly makes any false statement, rep-  
16 resentation, or certification, or knowingly fails to make  
17 any statement, representation, or certification required  
18 under this section with respect to such mineral activities  
19 shall, upon conviction, be punished by a fine of not more  
20 than \$10,000 for deposit in the Abandoned Hardrock  
21 Mine Reclamation Program.

22       (e) CIVIL ACTION TO RECOVER FEE.—Any portion  
23 of the reclamation fee required under subsection (a) that  
24 is not properly or promptly paid pursuant to this section  
25 shall be recoverable, with statutory interest, from the op-

erator, in any court of competent jurisdiction in any action at law to compel payment of debts.

(f) EFFECT.—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law or regulation of any State.

(g) EXEMPTION.—The fee under this section shall not apply for a small miner’s lease.

## TITLE V—ADDITIONAL PROVISIONS

### SEC. 501. POLICY FUNCTIONS.

(a) MINERALS POLICY.—Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) by inserting “and to ensure that mineral extraction and processing do not cause unnecessary or undue degradation of the natural and cultural resources of the public lands” after “activities”; and

(2) by adding at the end the following: “It shall also be the responsibility of the Secretary of Agriculture to carry out the policy provisions of paragraphs (1) and (2) of this section.”.

(b) MINERAL DATA.—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by inserting before the period the following: “, except that for Na-

1 tional Forest System lands, the Secretary of Agriculture  
2 shall promptly initiate actions to improve the availability  
3 and analysis of mineral data in Federal land-use decision-  
4 making”.

5 **SEC. 502. USER FEES AND INFLATION ADJUSTMENT.**

6 (a) USER FEES.—The Secretary and the Secretary  
7 of Agriculture may each establish and collect from persons  
8 subject to the requirements of this Act such user fees as  
9 may be necessary to reimburse the United States for ex-  
10 penses incurred in the administration of such require-  
11 ments. Fees may be assessed and collected under this sec-  
12 tion only in such manner as may reasonably be expected  
13 to result in an aggregate amount of the fees collected dur-  
14 ing any fiscal year which does not exceed the aggregate  
15 amount of administrative expenses referred to in this sec-  
16 tion.

17 (b) ADJUSTMENT OF USER FEES.—

18 (1) INFLATION.—The Secretary shall adjust the  
19 user fees established by this section, and all claim  
20 maintenance fees, rental rates, penalty amounts, and  
21 other dollar amounts established in this Act, to re-  
22 flect changes in the Consumer Price Index published  
23 by the Bureau of Labor Statistics of the Depart-  
24 ment of Labor every 3 years after the effective date



1 of this Act, or more frequently if the Secretary de-  
2 termines an adjustment to be reasonable.

3 (2) NOTICE.—The Secretary shall provide claim  
4 holders, license holders, and lease holders notice of  
5 any adjustment made under this subsection not later  
6 than July 1 of the year in which the adjustment is  
7 made.

8 (3) APPLICABILITY.—A fee adjustment under  
9 this subsection shall begin to apply the calendar year  
10 following the calendar year in which it is made.

11 **SEC. 503. INSPECTION AND MONITORING.**

12 (a) INSPECTIONS.—

13 (1) IN GENERAL.—The Secretary concerned  
14 shall conduct inspections of mineral activities so as  
15 to ensure compliance with the requirements of this  
16 Act.

17 (2) FREQUENCY.—

18 (A) IN GENERAL.—The Secretary con-  
19 cerned shall establish a frequency of inspections  
20 for mineral activities conducted under a permit  
21 issued under title III, but in no event shall such  
22 inspection frequency be less than 1 complete in-  
23 spection per calendar quarter or, in the case of  
24 a permit for which the Secretary concerned ap-

1 proves an application under section 304(f), 2  
2 per calendar quarter.

3 (B) FREQUENCY AFTER REVEGETATION.—

4 After revegetation has been completed in ac-  
5 cordance with a reclamation plan, the Secretary  
6 concerned shall conduct 2 complete inspections  
7 annually.

8 (C) SEASONAL MINERAL ACTIVITIES.—The

9 Secretary concerned may modify the inspection  
10 frequency for mineral activities that are con-  
11 ducted on a seasonal basis.

12 (D) TERMINATION.—Inspections shall con-

13 tinue under this subsection until final release of  
14 financial assurance.

15 (3) BY REQUEST.—

16 (A) IN GENERAL.—Any person that has

17 reason to believe such person is or may be ad-  
18 versely affected by mineral activities due to any  
19 violation of the requirements of a permit ap-  
20 proved under this Act may request an inspec-  
21 tion under this section of such mineral activi-  
22 ties.

23 (B) REVIEW PERIOD.—Not later than 30

24 business days after the date the Secretary con-  
25 cerned receives a request under subparagraph

1 (A), the Secretary concerned shall determine  
2 whether the request states a reason to believe  
3 that a violation exists.

4 (C) IMMINENT THREAT.—If, in a request  
5 submitted under subparagraph (A), a person al-  
6 leges and provides reason to believe that an im-  
7 minent threat to the environment or danger to  
8 the health or safety of the public exists, sub-  
9 paragraph (B) shall not apply and the inspec-  
10 tion shall be conducted immediately.

11 (D) NOTIFICATION.—The Secretary con-  
12 cerned shall notify the person that submitted a  
13 request under subparagraph (A) when an in-  
14 spection is conducted pursuant to such request,  
15 and such person may accompany the Secretary  
16 concerned during the inspection.

17 (E) LIABILITY.—The Secretary concerned  
18 shall not incur any liability for granting a re-  
19 quest to allow any person to accompany such  
20 Secretary concerned under subparagraph (D).

21 (F) ANONYMITY.—If a person that sub-  
22 mits a request under subparagraph (A) or (C)  
23 requests that the identity of such person remain  
24 confidential, the Secretary concerned shall keep  
25 such information confidential unless such per-

son accompanies the Secretary concerned during the inspection under subparagraph (D).

(G) PROCEDURES.—The Secretary and the Secretary of Agriculture shall jointly issue regulations to establish procedures for the review of—

(i) any decision by an authorized representative of such Secretaries not to carry out an inspection under this paragraph; or

(ii) any refusal by such authorized representative to ensure that remedial actions are taken with respect to any alleged violation.

(H) WRITTEN STATEMENT.—The Secretary concerned shall give a person that submits a request under subparagraph (A) a written statement of the reasons for the final disposition of the request.

(b) MONITORING.—

(1) MONITORING SYSTEM.—

(A) IN GENERAL.—The Secretary concerned shall require all operators to develop and maintain a monitoring and evaluation system that shall identify compliance with all requirements of a permit issued under this Act.

1 (B) ADDITIONAL MONITORING.—The Sec-  
2 retary concerned may require an operator to  
3 conduct additional monitoring as necessary to  
4 ensure compliance with the reclamation and  
5 other environmental standards of this Act. Such  
6 monitoring and evaluation system described in  
7 subparagraph (A) and any additional moni-  
8 toring required by this subparagraph is subject  
9 to the approval of the Secretary.

10 (2) REPORTING REQUIREMENTS.—

11 (A) IN GENERAL.—An operator shall file  
12 reports with the Secretary concerned, on a fre-  
13 quency and containing such information as de-  
14 termined by the Secretary concerned, regarding  
15 the results of the monitoring and evaluation  
16 system, except that if the monitoring and eval-  
17 uation system shows a violation of the require-  
18 ments of a permit issued under this Act, the  
19 operator shall immediately report such violation  
20 to the Secretary concerned.

21 (B) ENFORCEMENT.—The Secretary con-  
22 cerned shall evaluate the reports submitted pur-  
23 suant to this paragraph, and, based on such re-  
24 ports and any necessary inspection, shall take  
25 enforcement action pursuant to section 506.

1 (C) MAINTENANCE OF REPORTS; AVAIL-  
 2 ABILITY TO PUBLIC.—The Secretary concerned  
 3 and each operator shall both maintain each re-  
 4 port submitted by such operator under this  
 5 paragraph and make each such report available  
 6 to the public.

7 (3) FAILURE TO REPORT.—If an operator fails  
 8 to file a report as required under this section such  
 9 failure shall constitute a violation of this Act and  
 10 subject the operator to enforcement action pursuant  
 11 to section 506.

12 **SEC. 504. CITIZENS SUITS.**

13 (a) IN GENERAL.—Except as provided in subsection  
 14 (c), any person may commence a civil action to compel  
 15 compliance—

16 (1) against any person that is alleged to be in  
 17 violation of this Act or any term or condition of any  
 18 lease, license, or permit issued under this Act; or

19 (2) against the Secretary concerned if the Sec-  
 20 retary concerned failed to perform any act or duty  
 21 under this Act, or to issue any regulation under this  
 22 Act, required by this Act.

23 (b) DISTRICT COURT JURISDICTION.—

24 (1) IN GENERAL.—The United States district  
 25 courts shall have jurisdiction over an action brought

1 under this section, without regard to the amount in  
2 controversy or the citizenship of the parties, includ-  
3 ing actions brought to apply any civil penalty under  
4 this Act.

5 (2) AGENCY ACTION UNREASONABLY DE-  
6 LAYED.—The United States district courts shall  
7 have jurisdiction to compel agency action unreason-  
8 ably delayed, except that an action to compel agency  
9 action reviewable under section 505 may only be  
10 filed in a United States district court within the cir-  
11 cuit in which such action would be reviewable under  
12 section 505.

13 (c) EXCEPTIONS.—

14 (1) NOTICE.—No action may be commenced  
15 under subsection (a) before the end of the 60-day  
16 period beginning on the date the plaintiff has given  
17 notice in writing of such alleged violation to the al-  
18 leged violator and the Secretary concerned, except  
19 that any such action may be brought immediately  
20 after such notification if the violation complained of  
21 constitutes an imminent threat to the environment  
22 or to the health or safety of the public or to property  
23 eligible for listing on the National Register of His-  
24 toric Places.

1           (2) ONGOING LITIGATION.—No action may be  
2       brought against any person other than the Secretary  
3       concerned under subsection (a)(1) if the Secretary  
4       concerned has commenced and is diligently pros-  
5       ecuting a civil or criminal action in a court of the  
6       United States to require compliance.

7           (3) EXCEPTION.—No action may be commenced  
8       under subsection (a)(2) against the Secretary con-  
9       cerned to review any regulation issued, or any per-  
10      mit issued or denied, by the Secretary concerned if  
11      such regulation or permit issuance or denial is judi-  
12      cially reviewable under section 505 or under any  
13      other provision of law at any time after such  
14      issuance or denial is final.

15       (d) VENUE.—Venue of all actions brought under this  
16      section shall be determined in accordance with section  
17      1391 of title 28, United States Code.

18       (e) COSTS.—The court, in issuing any final order in  
19      any action brought pursuant to this section, may award  
20      costs of litigation (including attorney and expert witness  
21      fees) to any party whenever the court determines such  
22      award is appropriate. The court may, if a temporary re-  
23      straining order or preliminary injunction is sought, require  
24      the filing of a bond or equivalent security in accordance  
25      with the Federal Rules of Civil Procedure.



1 (f) SAVINGS CLAUSE.—

2 (1) IN GENERAL.—Nothing in this section shall  
3 restrict any right which any person (or class of per-  
4 sons) may have under chapter 7 of title 5, United  
5 States Code, under this section, or under any other  
6 statute or common law to bring an action to seek  
7 any relief against the Secretary or the Secretary of  
8 Agriculture or against any other person, including  
9 any action for any violation of this Act or of any  
10 regulation or permit issued under this Act or for any  
11 failure to act as required by law.

12 (2) JURISDICTION.—Nothing in this section  
13 shall affect the jurisdiction of any court under any  
14 provision of title 28, United States Code, including  
15 any action for any violation of this Act or of any  
16 regulation or permit issued under this Act or for any  
17 failure to act as required by law.

18 **SEC. 505. ADMINISTRATIVE AND JUDICIAL REVIEW.**

19 (a) REVIEW BY SECRETARY CONCERNED.—

20 (1) NOTICE OF VIOLATION.—Any person issued  
21 a notice of violation or cessation order under section  
22 507, or any person having an interest which is or  
23 may be adversely affected by such notice or order,  
24 may apply to the Secretary concerned for review of  
25 such notice or order not later than 30 days after re-

1 ceipt thereof, or as the case may be, not later than  
2 30 days after such notice or order is modified, va-  
3 cated, or terminated.

4 (2) REVIEW OF PENALTY.—Any person that is  
5 subject to a penalty assessed under section 507 may  
6 apply to the Secretary concerned for review of the  
7 assessment not later than 45 days of notification of  
8 such penalty.

9 (3) THIRD-PARTY REQUESTS.—Any person may  
10 apply to the Secretary concerned for review of a de-  
11 cision under this subsection not later than 30 days  
12 after such decision is issued.

13 (4) STAYS PENDING REVIEW.—Pending a re-  
14 view by the Secretary concerned or resolution of an  
15 administrative appeal, final decisions (except en-  
16 forcement actions under section 507) shall be  
17 stayed.

18 (5) PUBLIC HEARING.—The Secretary con-  
19 cerned shall provide an opportunity for public hear-  
20 ing at the request of any party to a review under  
21 paragraph (1). The filing of an application for re-  
22 view under this subsection shall not operate as a  
23 stay of any order or notice issued under section 507.

24 (6) WRITTEN DECISION.—

1 (A) IN GENERAL.—For any review under  
2 this subsection, the Secretary concerned shall  
3 make findings of fact and shall issue a written  
4 decision incorporating therein an order  
5 vacating, affirming, modifying, or terminating  
6 the notice, order, or decision, or with respect to  
7 an assessment, the amount of penalty that is  
8 warranted.

9 (B) DEADLINE.—Where an application for  
10 review under this subsection concerns a ces-  
11 sation order issued under section 506, the Sec-  
12 retary concerned shall, unless temporary relief  
13 has been granted by the Secretary concerned  
14 under paragraph (7), issue the written decision  
15 not later than the later of—

16 (i) 30 days after the date of the re-  
17 ceipt of the application for review; and

18 (ii) 30 days after the conclusion of  
19 any hearing referred to in paragraph (5).

20 (7) TEMPORARY RELIEF.—

21 (A) IN GENERAL.—Pending completion of  
22 any review under this subsection, the person  
23 that submitted an application for review under  
24 paragraph (1) may file with the Secretary con-  
25 cerned a written request that the Secretary con-

cerned grant temporary relief from any order issued under section 507 including a detailed statement of the basis for such relief.

(B) DECISION.—The Secretary concerned shall expeditiously issue an order or decision granting or denying an application for temporary relief submitted under subparagraph (A).

(C) LIMITATION.—The Secretary concerned may grant temporary relief under subparagraph (B) under such conditions as they may prescribe only if the Secretary concerned determines that such relief will not adversely affect the health or safety of the public or cause imminent environmental harm to land, air, or water resources.

(8) SAVINGS CLAUSE.—The availability of review under this subsection shall not be construed to limit the operation of rights under section 504.

(b) JUDICIAL REVIEW.—

(1) COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.—Any final action by the Secretary or the Secretary of Agriculture in issuing regulations to implement this Act, or any other final actions constituting rulemaking to implement this Act, shall be

1 subject to judicial review only in a United States  
2 Court of Appeals for a circuit in which an affected  
3 State is located or within the District of Columbia.

4 (2) PETITION FOR REVIEW.—A petition for re-  
5 view of any action subject to judicial review under  
6 this subsection shall be filed not later than 60 days  
7 after the date of such action, or after such date if  
8 the petition is based solely on grounds arising after  
9 the 60th day. Any such petition may be made by any  
10 person that commented or otherwise participated in  
11 the rulemaking or any person that may be adversely  
12 affected by the action of the Secretary or the Sec-  
13 retary of Agriculture.

14 (3) STANDARD OF REVIEW.—Final agency ac-  
15 tion under this subsection, including such final ac-  
16 tion on those matters described under subsection  
17 (a), shall be subject to judicial review in accordance  
18 with paragraph (4) and pursuant to section 1391 of  
19 title 28, United States Code, not later than 60 days  
20 after the date of such final action. Any action sub-  
21 ject to judicial review under this subsection shall be  
22 affirmed unless the court concludes that such action  
23 is arbitrary, capricious, or otherwise inconsistent  
24 with law.

1           (4) SAVINGS CLAUSE.—The availability of judi-  
2           cial review established in this subsection shall not be  
3           construed to limit the operations of rights under sec-  
4           tion 504.

5           (5) RECORD.—The court shall hear any petition  
6           or complaint filed under this subsection solely on the  
7           record made before the Secretary concerned. The  
8           court may affirm or vacate any order or decision or  
9           may remand the proceedings to the Secretary con-  
10          cerned for such further action as it may direct.

11          (6) COMMENCEMENT OF A PROCEEDING NOT A  
12          STAY.—The commencement of a proceeding under  
13          this section shall not, unless specifically ordered by  
14          the court, operate as a stay of the action, order, or  
15          decision of the Secretary concerned.

16          (c) COSTS.—Whenever a proceeding occurs under  
17          subsection (a) or (b), at the request of any person, a sum  
18          equal to the aggregate amount of all costs and expenses  
19          (including attorney fees) as determined by the Secretary  
20          concerned or the court to have been reasonably incurred  
21          by such person for or in connection with participation in  
22          such proceedings, including any judicial review of the pro-  
23          ceeding, may be assessed against either party as the court,  
24          in the case of judicial review, or the Secretary concerned  
25          in the case of administrative proceedings, deems appro-

1 priate if it is determined that such party prevailed in  
2 whole or in part, achieving some success on the merits,  
3 and that such party made a substantial contribution to  
4 a full and fair determination of the issues.

5 **SEC. 506. REPORTING REQUIREMENTS.**

6 (a) REPORT TO SECRETARY CONCERNED.—An oper-  
7 ator engaging in any mineral activities on Federal land  
8 or on Indian land shall submit to the Secretary concerned  
9 an annual report, in a time and manner prescribed by the  
10 Secretary concerned, describing the total amount (in met-  
11 ric tons) and value of hardrock minerals produced through  
12 such mineral activities, including the total amount and  
13 value of any hardrock minerals produced from a mine par-  
14 tially located on either Federal land or Indian land,  
15 disaggregated by hardrock mineral and by percentage ex-  
16 tracted from Federal land and percentage extracted from  
17 Indian land.

18 (b) FAILURE TO REPORT.—Any person that fails to  
19 comply with the requirements of subsection (a) shall be  
20 subject to a civil penalty not to exceed \$25,000 per day  
21 during which such failure continues, which may be as-  
22 sessed by the Secretary concerned.

23 (c) REPORT TO CONGRESS.—The Secretary shall an-  
24 nually submit to Congress a report providing the following

1 information for each hardrock mine located on Federal  
2 land or on Indian land:

3 (1) The data submitted for such mine under  
4 subsection (a).

5 (2) The name of the operator of such mine.

6 (3) The State in which such mine is located.

7 (4) The Bureau of Land Management field of-  
8 fice with jurisdiction over such mine.

9 (5) Whether such mine is located on Federal  
10 land.

11 (6) Whether such mine is located on Indian  
12 land.

13 (d) REGULATIONS.—Not later than 1 year after the  
14 effective date of this Act, the Secretary shall issue such  
15 regulations as are necessary to carry out this section.

16 **SEC. 507. ENFORCEMENT.**

17 (a) ORDERS.—

18 (1) NOTICE OF VIOLATION.—

19 (A) IN GENERAL.—If the Secretary con-  
20 cerned determines that any person is in viola-  
21 tion of any environmental protection require-  
22 ment or any regulation issued by the Secretary  
23 concerned to implement this Act, such the Sec-  
24 retary concerned shall issue to such person a



1 notice of violation describing the violation and  
2 the corrective measures to be taken.

3 (B) TIME TO ABATE.—A person issued a  
4 notice of violation under subparagraph (A) shall  
5 abate such violation within a time period deter-  
6 mined by the Secretary concerned which shall  
7 not exceed 30 days.

8 (C) EXTENSION OF TIME TO ABATE.—The  
9 Secretary concerned may, upon a showing of  
10 good cause by the person issued a notice of vio-  
11 lation under subparagraph (A), extend the pe-  
12 riod of time under subparagraph (B).

13 (D) CONTINUED VIOLATION.—If, upon the  
14 expiration of the time period under subpara-  
15 graph (B), including any extension under sub-  
16 paragraph (C), the Secretary concerned finds  
17 that the person issued a notice of violation  
18 under subparagraph (A) has not abated such  
19 violation, the Secretary concerned shall imme-  
20 diately order a cessation of all mineral activities  
21 or the portion thereof relevant to the violation.

22 (2) ORDER FOR IMMEDIATE CESSATION.—If the  
23 Secretary concerned determines that any condition  
24 or practice exists, or that any person is in violation  
25 of any requirement under a permit issued under this

1 Act, and such condition, practice, or violation is  
2 causing, or can reasonably be expected to cause ei-  
3 ther of the following, the Secretary concerned shall  
4 immediately order a cessation of all mineral activi-  
5 ties or the portion thereof relevant to the condition,  
6 practice, or violation:

7 (A) An imminent danger to the health or  
8 safety of the public.

9 (B) Significant, imminent environmental  
10 harm to land, air, water, or fish or wildlife re-  
11 sources.

12 (3) DURATION.—

13 (A) TERMINATION.—A cessation order  
14 issued pursuant to paragraph (1) or (2) shall  
15 remain in effect until the Secretary concerned  
16 determines that the condition, practice, or viola-  
17 tion has been abated or until such order is  
18 modified, vacated, or terminated by the Sec-  
19 retary concerned. In any such order, the Sec-  
20 retary concerned shall determine the steps nec-  
21 essary to abate the violation in the most expedi-  
22 tious manner possible and shall include the nec-  
23 essary measures in such order.

24 (B) FINANCIAL ASSURANCES.—The Sec-  
25 retary concerned shall require appropriate fi-

1           nancial assurances to ensure that the abate-  
2           ment obligations are met when issuing a ces-  
3           sation order under this section.

4           (C) AUTHORITY OF THE SECRETARY CON-  
5           CERNED.—Any notice or order issued pursuant  
6           to paragraph (1) or (2) may be modified, va-  
7           cated, or terminated by the Secretary con-  
8           cerned. Any person to whom any such notice or  
9           order is issued shall be entitled to a hearing on  
10          the record.

11         (4) ALTERNATIVE ENFORCEMENT ACTION.—

12           (A) IN GENERAL.—If, 30 days after the  
13           notice of violation referred to in paragraph  
14           (1)(A) is issued, the required abatement has  
15           not occurred, the Secretary concerned shall take  
16           such alternative enforcement action against the  
17           claim holder, license holder, lease holder, or op-  
18           erator (or any person who controls the claim  
19           holder, license holder, lease holder, or operator)  
20           as will most likely bring about such required  
21           abatement in the most expeditious manner pos-  
22           sible, which may include seeking appropriate in-  
23           junctive relief to bring about abatement.

24           (B) EARLIER ALTERNATIVE ENFORCE-  
25           MENT ACTION.—Nothing in this paragraph

1 shall preclude the Secretary concerned from  
2 taking alternative enforcement action before the  
3 expiration of the 30-day period described in  
4 subparagraph (A).

5 (5) FAILURE OR DEFAULT.—

6 (A) IN GENERAL.—If a claim holder, li-  
7 cense holder, lease holder, or operator (or any  
8 person who controls the claim holder, license  
9 holder, lease holder, or operator) fails to abate  
10 a violation or defaults on the terms of a permit  
11 issued under this Act, the Secretary concerned  
12 shall forfeit the financial assurance required  
13 under section 306 as necessary to ensure abate-  
14 ment and reclamation under this Act.

15 (B) RECLAMATION BY SURETY.—The Sec-  
16 retary concerned may prescribe conditions  
17 under which a surety may perform reclamation  
18 in accordance with section 307 in lieu of for-  
19 feiture under subparagraph (A).

20 (6) PENDING REVIEW.—The Secretary con-  
21 cerned shall not cause forfeiture of financial assur-  
22 ance while administrative or judicial review is pend-  
23 ing.

24 (7) LIABILITY IN THE EVENT OF FOR-  
25 FEITURE.—In the event of forfeiture, the claim hold-

1 er, license holder, lease holder, operator, or any affil-  
2 iate thereof, as determined appropriate by the Sec-  
3 retary by regulation, shall be jointly and severally  
4 liable for any remaining reclamation obligations  
5 under this Act.

6 (b) COMPLIANCE.—The Secretary concerned may re-  
7 quest that the Attorney General institute a civil action for  
8 relief, including a permanent or temporary injunction or  
9 restraining order and any other appropriate enforcement  
10 order, including the imposition of civil penalties, in the  
11 United States district court for the district in which the  
12 mineral activities are located, whenever a person—

13 (1) violates, fails, or refuses to comply with any  
14 order issued by the Secretary concerned under sub-  
15 section (a); or

16 (2) interferes with, hinders, or delays the Sec-  
17 retary concerned in carrying out an inspection under  
18 section 503.

19 Such court shall have jurisdiction to provide such relief  
20 as may be appropriate. Any relief granted by such court  
21 to enforce an order under paragraph (1) shall continue  
22 in effect until the completion or final termination of all  
23 proceedings for review of such order unless the court  
24 granting such relief sets it aside.

1       (c) DELEGATION.—Notwithstanding any other provi-  
2 sion of law, the Secretary may utilize personnel of the Of-  
3 fice of Surface Mining Reclamation and Enforcement to  
4 ensure compliance with the requirements of this Act.

5       (d) PENALTIES.—

6           (1) FAILURE TO COMPLY WITH REQUIREMENTS  
7 OF A PERMIT.—

8           (A) IN GENERAL.—A person who fails to  
9 comply with any requirement of a permit issued  
10 under this Act or any regulation issued to im-  
11 plement this Act shall be liable for a penalty of  
12 not more than \$25,000 per violation.

13           (B) SEPARATE VIOLATIONS.—Each day of  
14 violation may be deemed a separate violation  
15 for purposes of a penalty assessment under this  
16 paragraph.

17           (2) FAILURE TO COMPLY WITH A CESSATION  
18 ORDER.—A person who fails to correct a violation  
19 for which a cessation order has been issued under  
20 subsection (a) within the period permitted for cor-  
21 rection of such violation shall be assessed a civil pen-  
22 alty of not less than \$1,000 per violation for each  
23 day during which such failure continues.

24           (3) PENALTIES FOR DIRECTORS, OFFICERS,  
25 AND AGENTS.—Whenever a corporation is in viola-

1       tion of a requirement of a permit issued under this  
2       Act or any regulation issued to implement this Act  
3       or fails or refuses to comply with an order issued  
4       under subsection (a), any director, officer, or agent  
5       of such corporation who knowingly authorized, or-  
6       dered, or carried out such violation, failure, or re-  
7       fusal shall be subject to the same penalties as may  
8       be imposed upon a person described in paragraph  
9       (1).

10       (e) SUSPENSIONS OR REVOCATIONS.—The Secretary  
11       concerned shall suspend or revoke a permit issued under  
12       title II, in whole or in part, if the operator—

13               (1) knowingly made or knowingly makes any  
14       false, inaccurate, or misleading material statement  
15       in any mining claim, notice of location, application,  
16       record, report, plan, or other document filed or re-  
17       quired to be maintained under this Act;

18               (2) fails to abate a violation covered by a ces-  
19       sation order issued under subsection (a);

20               (3) fails to comply with an order of the Sec-  
21       retary concerned;

22               (4) refuses to permit an audit pursuant to this  
23       Act;

24               (5) fails to maintain an adequate financial as-  
25       surance under section 306;

1           (6) fails to pay claim maintenance fees, rentals,  
2           or other moneys due and owing under this Act; or

3           (7) with regard to plans conditionally approved  
4           under section 305(c)(2)—

5                   (A) fails to abate a violation to the satis-  
6                   faction of the Secretary concerned; or

7                   (B) the validity of the violation is upheld  
8                   on the appeal which formed the basis for the  
9                   conditional approval.

10       (f) FALSE STATEMENTS; TAMPERING.—

11           (1) IN GENERAL.—A person who knowingly car-  
12           ries out any of the following actions shall, upon an  
13           initial conviction, be fined not more than \$10,000,  
14           imprisoned for not more than 2 years, or both, and,  
15           upon a subsequent conviction, be fined not more  
16           than \$20,000, imprisoned for not more than 4 years,  
17           or both:

18                   (A) Make a false material statement, rep-  
19                   resentation, or certification in, or omit or con-  
20                   ceal material information from, or unlawfully  
21                   alter, any mining claim, notice of location, ap-  
22                   plication, record, report, plan, or other docu-  
23                   ments filed or required to be maintained under  
24                   this Act.



1 (B) Falsify, tamper with, render inac-  
2 curate, or fail to install any monitoring device  
3 or method required to be maintained under this  
4 Act.

5 (2) SEPARATE VIOLATIONS.—Each day of con-  
6 tinuing violation may be deemed a separate violation  
7 for purposes of penalty assessment under paragraph  
8 (1).

9 (g) MINERAL ACTIVITIES WITHOUT A PERMIT.—

10 (1) IN GENERAL.—A person that knowingly  
11 carries out any of the following actions shall, upon  
12 an initial conviction, be fined not less than \$5,000  
13 and not more than \$50,000, imprisoned for not  
14 more than 3 years, or both, and, upon a subsequent  
15 conviction, be fined not less than \$10,000, impris-  
16 oned for not more than 6 years, or both:

17 (A) Engage in mineral activities without a  
18 permit required under title II.

19 (B) Violate any other requirement of a  
20 permit issued under this Act, or any condition  
21 or limitation thereof.

22 (2) SEPARATE VIOLATIONS.—Each day of con-  
23 tinuing violation shall be deemed a separate violation  
24 for purposes of penalty assessment under paragraph  
25 (1).

1 (h) KNOWING AND WILLFUL VIOLATIONS.—A person  
 2 that knowingly and willfully commits an act for which a  
 3 civil penalty is provided in subsection (g)(1)(A) shall, upon  
 4 conviction, be punished by a fine of not more than  
 5 \$50,000, or by imprisonment for not more than 2 years,  
 6 or both.

7 (i) PERSON DEFINED.—In this section, the term  
 8 “person” includes any officer, agent, or employee of a per-  
 9 son.

10 **SEC. 508. REGULATIONS.**

11 (a) IN GENERAL.—The Secretary and the Secretary  
 12 of Agriculture shall issue such regulations as are necessary  
 13 to implement this Act.

14 (b) REGULATIONS AFFECTING FOREST SERVICE.—  
 15 Not later than 1 year after the effective date of this Act,  
 16 the Secretary and the Secretary of Agriculture shall jointly  
 17 issue regulations implementing titles II and III and this  
 18 title that affect the Forest Service.

19 **SEC. 509. OIL SHALE CLAIMS.**

20 Section 2511(f) of the Energy Policy Act of 1992 (30  
 21 U.S.C. 242(f); Public Law 102–486) is amended—

22 (1) by striking “as prescribed by the Sec-  
 23 retary”; and

24 (2) by inserting before the period the following:

25 “in the same manner as required by title II of the

1 Mining Waste, Fraud, and Abuse Prevention Act of  
2 2025”.

3 **SEC. 510. SAVINGS CLAUSE.**

4 (a) SPECIAL APPLICATION OF MINING LAWS.—Noth-  
5 ing in this Act shall be construed to—

6 (1) repeal or modify any Federal law, regula-  
7 tion, order, or land use plan in effect before the ef-  
8 fective date of this Act that prohibits or restricts the  
9 application of the general mining laws, including  
10 laws that provide for special management criteria for  
11 operations under the general mining laws as in ef-  
12 fect before the effective date of this Act, to the ex-  
13 tent such laws provide for protection of natural and  
14 cultural resources and the environment greater than  
15 required under this Act;

16 (2) apply to or limit mineral investigations,  
17 studies, or other mineral activities conducted by any  
18 Federal or State agency acting in the governmental  
19 capacity of such agency pursuant to other authority;  
20 or

21 (3) affect or limit any assessment, investigation,  
22 evaluation, or listing pursuant to the Comprehensive  
23 Environmental Response, Compensation, and Liabil-  
24 ity Act of 1980 (42 U.S.C. 9601 et seq.) or the  
25 Solid Waste Disposal Act (42 U.S.C. 3251 et seq.).

1       (b) CLAIMS CONVERTED TO LEASES.—Any Federal  
2 law described in subsection (a) shall remain in force and  
3 effect with respect to claims converted to leases under this  
4 Act.

5       (c) EFFECT ON OTHER FEDERAL LAWS.—

6           (1) GENERAL MINING LAWS.—The provisions of  
7 this Act shall supersede the general mining laws.

8           (2) OTHER LAWS.—Except for the general min-  
9 ing laws, nothing in this Act shall be construed to  
10 supersede, modify, amend, or repeal any provision of  
11 Federal law not expressly superseded, modified,  
12 amended, or repealed by this Act.

13          (3) ENVIRONMENTAL LAWS.—Nothing in this  
14 Act shall be construed to alter, affect, amend, mod-  
15 ify, or change, directly or indirectly, any law which  
16 refers to and provides authorities or responsibilities  
17 for, or is administered by, the Administrator of the  
18 Environmental Protection Agency, including—

19           (A) the Federal Water Pollution Control  
20 Act (33 U.S.C. 1251 et seq.);

21           (B) the National Environmental Policy Act  
22 of 1969 (42 U.S.C. 4321 et seq.);

23           (C) title XIV of the Public Health Service  
24 Act (the Safe Drinking Water Act) (42 U.S.C.  
25 300f et seq.);

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

3 (E) the Pollution Prevention Act of 1990  
4 (42 U.S.C. 13101 et seq.);

5 (F) the Toxic Substances Control Act (15  
6 U.S.C. 2601 et seq.);

7 (G) the Federal Insecticide, Fungicide, and  
8 Rodenticide Act (7 U.S.C. 136 et seq.);

9 (H) the Federal Food, Drug, and Cosmetic  
10 Act (21 U.S.C. 301 et seq.);

11 (I) the Motor Vehicle Information and  
12 Cost Savings Act (15 U.S.C. 1901 et seq.);

13 (J) the Federal Hazardous Substances Act  
14 (15 U.S.C. 1261 et seq.);

15 (K) the Endangered Species Act of 1973  
16 (16 U.S.C. 1531 et seq.);

17 (L) the Atomic Energy Act of 1954 (42  
18 U.S.C. 2011 et seq.);

19 (M) the Noise Control Act of 1972 (42  
20 U.S.C. 4901 et seq.);

21 (N) the Solid Waste Disposal Act (42  
22 U.S.C. 6901 et seq.);

23 (O) the Comprehensive Environmental Re-  
24 sponse, Compensation, and Liability Act of  
25 1980 (42 U.S.C. 9601 et seq.);

1 (P) the Superfund Amendments and Reau-  
2 thorization Act of 1986 (Public Law 99–499;  
3 100 Stat. 1613);

4 (Q) the Ocean Dumping Act (33 U.S.C.  
5 1401 et seq.);

6 (R) the Environmental Research, Develop-  
7 ment, and Demonstration Authorization Act of  
8 1978 (42 U.S.C. 4365);

9 (S) the Pollution Prosecution Act of 1990  
10 (42 U.S.C. 4321 note; Public Law 101–593);

11 (T) the Federal Facilities Compliance Act  
12 of 1992 (Public Law 102–386; 106 Stat.  
13 1505); and

14 (U) any statute containing an amendment  
15 to any of such Acts.

16 (4) FEDERAL INDIAN LAW.—Nothing in this  
17 Act shall be construed to modify or affect any provi-  
18 sion of—

19 (A) the Native American Graves Protection  
20 and Repatriation Act (25 U.S.C. 3001 et seq.);

21 (B) the American Indian Religious Free-  
22 dom Act (42 U.S.C. 1996);

23 (C) the National Historic Preservation Act  
24 (16 U.S.C. 470 et seq.);

1 (D) the Religious Freedom Restoration Act  
2 of 1993 (42 U.S.C. 2000bb et seq.); or

3 (E) the Archaeological Resources Protec-  
4 tion Act of 1979 (16 U.S.C. 470aa et seq.).

5 (d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—  
6 Nothing in this Act shall be construed so as to waive the  
7 sovereign immunity of any Indian Tribe.

8 **SEC. 511. AVAILABILITY OF PUBLIC RECORDS.**

9 Copies of records, reports, inspection materials, or in-  
10 formation obtained by the Secretary or the Secretary of  
11 Agriculture under this Act shall be made immediately  
12 available to the public, consistent with section 552 of title  
13 5, United States Code, in central and sufficient locations  
14 in the county, multicounty, and State area of mineral ac-  
15 tivities or reclamation and on the internet so that such  
16 information is conveniently available to residents in the  
17 area proposed or approved for mineral activities.

18 **SEC. 512. MISCELLANEOUS POWERS.**

19 (a) IN GENERAL.—The Secretary concerned, in car-  
20 rying out the duties of the Secretary concerned under this  
21 Act, may conduct any investigation, inspection, or other  
22 inquiry and may conduct, after notice, any hearing or  
23 audit, that is necessary and appropriate to carry out such  
24 duties.

1       (b) ANCILLARY POWERS.—In connection with any  
2 hearing, inquiry, investigation, or audit under this Act, the  
3 Secretary concerned may carry out any of the following  
4 actions:

5           (1) Require, by special or general order, any  
6 person to submit in writing such affidavits and an-  
7 swers to questions as the Secretary concerned may  
8 reasonably prescribe, which submission shall be  
9 made within such reasonable period and under oath  
10 or otherwise, as may be necessary.

11           (2) Administer oaths.

12           (3) Require by subpoena the attendance and  
13 testimony of witnesses and the production of all  
14 books, papers, records, documents, matter, and ma-  
15 terials as the Secretary concerned may request.

16           (4) Order testimony to be taken by deposition  
17 before any person that is designated by the Sec-  
18 retary concerned and that has the power to admin-  
19 ister oaths, and compel testimony and the produc-  
20 tion of evidence in the same manner as authorized  
21 under paragraph (3) of this subsection.

22           (5) Pay witnesses the same fees and mileage as  
23 are paid in like circumstances in the courts of the  
24 United States.

25       (c) ENFORCEMENT.—



1           (1) IN GENERAL.—In cases of refusal to obey  
2       a subpoena served upon any person under this sec-  
3       tion, the United States district courts for any dis-  
4       trict in which such person is found, resides, or  
5       transacts business, upon application by the Attorney  
6       General at the request of the Secretary concerned  
7       and after notice to such person, shall have jurisdic-  
8       tion to issue an order requiring such person to ap-  
9       pear and produce documents before the Secretary  
10      concerned.

11           (2) FAILURE TO OBEY.—Any failure to obey an  
12      order issued under paragraph (1) may be punished  
13      by the court that issued such order as contempt  
14      thereof and the person subject to such order shall be  
15      subject to a penalty of not more than \$10,000 per  
16      day.

17           (d) ENTRY AND ACCESS.—Without advance notice  
18      and upon presentation of appropriate credentials, the Sec-  
19      retary concerned—

20           (1) shall have the right of entry to, upon, and  
21      through the site of any claim, license, lease, mineral  
22      activities, or any premises in which any records re-  
23      quired to be maintained under this Act are located;

24           (2) may, at reasonable times and without delay,  
25      have access to records, inspect any monitoring

1 equipment, and review any method of operation re-  
2 quired under this Act;

3 (3) may engage in any work and do all things  
4 necessary or expedient to implement and administer  
5 the provisions of this Act;

6 (4) may, on any mining claim, license, or lease  
7 maintained in compliance with this Act, stop and in-  
8 spect any motorized form of transportation that the  
9 Secretary concerned has probable cause to believe is  
10 carrying hardrock minerals, concentrates, or prod-  
11 ucts derived therefrom from a claim site for the pur-  
12 pose of determining whether the operator of such ve-  
13 hicle has documentation related to such hardrock  
14 minerals, concentrates, or products derived there-  
15 from as required by law, if such documentation is  
16 required under this Act; and

17 (5) may, if accompanied by a appropriate law  
18 enforcement officer, or an appropriate law enforce-  
19 ment officer alone, stop and inspect any motorized  
20 form of transportation which is not on a claim site  
21 if the Secretary concerned or the appropriate law en-  
22 forcement officer has probable cause to believe such  
23 vehicle is carrying hardrock minerals, concentrates,  
24 or products derived therefrom from a claim site, li-  
25 cense, or lease on Federal land or allocated to such

1 claim site, license, or lease for the purpose of deter-  
2 mining whether the operator of such vehicle has the  
3 documentation required by law, if such documenta-  
4 tion is required under this Act.

5 **SEC. 513. MINERAL MATERIALS.**

6 (a) DETERMINATIONS.—Section 3 of the Act of July  
7 23, 1955, commonly known as the Surface Resources Act  
8 of 1955 (30 U.S.C. 611), is amended—

9 (1) by striking “No” and inserting “(a) No”;

10 (2) by inserting “mineral materials, including”  
11 after “varieties of”;

12 (3) by striking “or cinders” and inserting “cin-  
13 ders, and clay,”; and

14 (4) by adding at the end the following:

15 “(b)(1) Subject to valid existing rights, after the date  
16 of the enactment of the Mining Waste, Fraud, and Abuse  
17 Prevention Act of 2025, notwithstanding the reference to  
18 common varieties in subsection (a) and to the exception  
19 to such term relating to a deposit of materials with some  
20 property giving it distinct and special value, all deposits  
21 of mineral materials referred to in such subsection, includ-  
22 ing the block pumice referred to in such subsection, shall  
23 be subject to disposal only under the terms and conditions  
24 of the Materials Act of 1947 (30 U.S.C. 601–603).

1       “(2) For purposes of paragraph (1), the term ‘valid  
2 existing rights’ means that a mining claim located for any  
3 such mineral material—

4               “(A) had and still has some property giving it  
5 the distinct and special value referred to in sub-  
6 section (a), or as the case may be, met the definition  
7 of block pumice referred to in such subsection;

8               “(B) was properly located and maintained  
9 under the general mining laws before the date of the  
10 enactment of the Mining Waste, Fraud, and Abuse  
11 Prevention Act of 2025; and

12               “(C) was supported by a discovery of a valuable  
13 mineral deposit within the meaning of the general  
14 mining laws as in effect immediately before the date  
15 of the enactment of the Mining Waste, Fraud, and  
16 Abuse Prevention Act of 2025.”.

17       (b) MINERAL MATERIALS DISPOSAL CLARIFICA-  
18 TION.—Section 4 of the Act of July 23, 1955, commonly  
19 known as the Surface Resources Act of 1955 (30 U.S.C.  
20 612), is amended—

21               (1) in subsection (b), by inserting “and mineral  
22 material” after “vegetative”; and

23               (2) in subsection (c), by inserting “and mineral  
24 material” after “vegetative”.

1       (c) CONFORMING AMENDMENT.—Section 1 of the  
2 Act of July 31, 1947, entitled “An Act to provide for the  
3 disposal of materials on the public lands of the United  
4 States” (30 U.S.C. 601 et seq.) is amended by striking  
5 “common varieties of” in the first sentence.

6       (d) SHORT TITLES.—

7           (1) SURFACE RESOURCES.—The Act of July  
8 23, 1955, is amended by adding at the end the fol-  
9 lowing:

10       “SEC. 8. This Act may be cited as the ‘Surface Re-  
11 sources Act of 1955’.”.

12           (2) MINERAL MATERIALS.—The Act of July 31,  
13 1947, entitled “An Act to provide for the disposal of  
14 materials on the public lands of the United States”  
15 (30 U.S.C. 601 et seq.) is amended by adding at the  
16 end the following:

17       “SEC. 5. This Act may be cited as the ‘Materials Act  
18 of 1947’.”.

19       (e) REPEALS.—Subject to valid existing rights, the  
20 following are repealed:

21           (1) The Act of August 4, 1892, commonly  
22 known as the Building Stone Act (chapter 375; 27  
23 Stat. 348; 30 U.S.C. 161).

1           (2) The Act of January 31, 1901, commonly  
2       known as the Saline Placer Act (chapter 186; 31  
3       Stat. 745; 30 U.S.C. 162).

4 **SEC. 514. EFFECTIVE DATE.**

5       This Act shall take effect on the date of the enact-  
6       ment of this Act, except as otherwise provided in this Act.

○