

114TH CONGRESS  
1ST SESSION

# H. R. 963

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

FEBRUARY 13, 2015

Mr. GRIJALVA (for himself, Mr. DEFazio, Mr. LOWENTHAL, Mr. BEYER, Ms. TSONGAS, Mr. CARTWRIGHT, Mr. HUFFMAN, Mr. TONKO, Mr. BLUMENAUER, Ms. CLARK of Massachusetts, Ms. LEE, Mr. LEVIN, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. QUIGLEY, Mr. SCHIFF, and Mr. TAKAI) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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 “Hardrock Mining Reform and Reclamation Act of 2015”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

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

#### TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Limitation on patents.  
 Sec. 102. Royalty.  
 Sec. 103. Hardrock mining claim maintenance fee.  
 Sec. 104. Effect of payments for use and occupancy of claims.

#### TITLE II—PROTECTION OF SPECIAL PLACES

Sec. 201. Lands open to location.  
 Sec. 202. Withdrawal petitions by States, political subdivisions, and Indian tribes.

#### 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.  
 Sec. 309. Limitation on the issuance of permits.

#### TITLE IV—MINING MITIGATION

##### Subtitle A—Hardrock Minerals Fund

Sec. 401. Definitions.  
 Sec. 402. Establishment of Fund.  
 Sec. 403. Contents of Fund.  
 Sec. 404. Subaccounts.  
 Sec. 405. Displaced material reclamation fee.

##### Subtitle B—Use of Hardrock Reclamation Account

Sec. 411. Use and objectives of the account.  
 Sec. 412. Eligible lands and waters.  
 Sec. 413. Authorization of appropriations.

##### Subtitle C—Use of Hardrock Community Impact Assistance Account

Sec. 421. Use and objectives of the account.  
 Sec. 422. Allocation of funds.

#### TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

##### Subtitle A—Administrative Provisions

Sec. 501. Policy functions.  
 Sec. 502. User fees.  
 Sec. 503. Inspection and monitoring.  
 Sec. 504. Citizens suits.  
 Sec. 505. Administrative and judicial review.  
 Sec. 506. Enforcement.  
 Sec. 507. Regulations.  
 Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

Sec. 511. Oil shale claims.  
 Sec. 512. Purchasing power adjustment.  
 Sec. 513. Savings clause.  
 Sec. 514. Availability of public records.  
 Sec. 515. Miscellaneous powers.  
 Sec. 516. Multiple mineral development and surface resources.  
 Sec. 517. Mineral materials.

TITLE VI—GOOD SAMARITAN CLEANUP OF ABANDONED  
 HARDROCK MINES

Sec. 601. Short title.  
 Sec. 602. Findings; purposes.  
 Sec. 603. Scope.  
 Sec. 604. Good Samaritan discharge permits.

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

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

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

5 (A) Any person who controls, is controlled  
 6 by, or is under common control with such per-  
 7 son.

8 (B) Any partner of such person.

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

11 (2) The term “applicant” means any person ap-  
 12 plying for a permit under this Act or a modification  
 13 to or a renewal of a permit under this Act.

1           (3) The term “beneficiation” means the crush-  
2           ing and grinding of locatable mineral ore and such  
3           processes as are employed to free the mineral from  
4           other constituents, including but not necessarily lim-  
5           ited to, physical and chemical separation techniques.

6           (4) The term “casual use”—

7                   (A) subject to subparagraphs (B) and (C),  
8                   means mineral activities that do not ordinarily  
9                   result in any disturbance of public lands and re-  
10                  sources;

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

15                  (C) does not include—

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

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

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

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

1           (5) The term “claim holder” means a person  
2           holding a mining claim, millsite claim, or tunnel site  
3           claim located under the general mining laws and  
4           maintained in compliance with such laws and this  
5           Act. Such term may include an agent of a claim  
6           holder.

7           (6) The term “control” means having the abil-  
8           ity, directly or indirectly, to determine (without re-  
9           gard to whether exercised through one or more cor-  
10          porate structures) the manner in which an entity  
11          conducts mineral activities, through any means, in-  
12          cluding without limitation, ownership interest, au-  
13          thority to commit the entity’s real or financial as-  
14          sets, position as a director, officer, or partner of the  
15          entity, or contractual arrangement.

16          (7) The term “exploration”—

17                (A) subject to subparagraphs (B) and (C),  
18                means creating surface disturbance other than  
19                casual use, to evaluate the type, extent, quan-  
20                tity, or quality of minerals present;

21                (B) includes mineral activities associated  
22                with sampling, drilling, and analyzing locatable  
23                mineral values; and

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

1           (8) The term “Federal land” means any land,  
2           and any interest in land, that is owned by the  
3           United States and open to location of mining claims  
4           under the general mining laws and title II of this  
5           Act.

6           (9) The term “Indian lands” means lands held  
7           in trust for the benefit of an Indian tribe or indi-  
8           vidual or held by an Indian tribe or individual sub-  
9           ject to a restriction by the United States against  
10          alienation.

11          (10) The term “Indian tribe” means any Indian  
12          tribe, band, nation, pueblo, or other organized group  
13          or community, including any Alaska Native village  
14          or regional corporation as defined in or established  
15          pursuant to the Alaska Native Claims Settlement  
16          Act (43 U.S.C. 1601 et seq.), that is recognized as  
17          eligible for the special programs and services pro-  
18          vided by the United States to Indians because of  
19          their status as Indians.

20          (11) The term “locatable mineral”—

21                 (A) subject to subparagraph (B), means  
22                 any mineral, the legal and beneficial title to  
23                 which remains in the United States and that is  
24                 not subject to disposition under any of—

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

3 (ii) the Geothermal Steam Act of  
4 1970 (30 U.S.C. 1001 et seq.);

5 (iii) the Act of July 31, 1947, com-  
6 monly known as the Materials Act of 1947  
7 (30 U.S.C. 601 et seq.); or

8 (iv) the Mineral Leasing for Acquired  
9 Lands Act (30 U.S.C. 351 et seq.); and

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

13 (i) held in trust by the United States  
14 for any Indian or Indian tribe, as defined  
15 in section 2 of the Indian Mineral Develop-  
16 ment Act of 1982 (25 U.S.C. 2101); or

17 (ii) owned by any Indian or Indian  
18 tribe, as defined in that section.

19 (12) The term “mineral activities” means any  
20 activity on a mining claim, millsite claim, or tunnel  
21 site claim for, related to, or incidental to, mineral  
22 exploration, mining, beneficiation, processing, or rec-  
23 lamation activities for any locatable mineral.

24 (13) The term “National Conservation System  
25 unit” means any unit of the National Park System,

1 National Wildlife Refuge System, National Wild and  
2 Scenic Rivers System, or National Trails System, or  
3 a National Conservation Area, a National Recreation  
4 Area, a National Monument, or any unit of the Na-  
5 tional Wilderness Preservation System.

6 (14) The term “operator” means any person  
7 proposing or authorized by a permit issued under  
8 this Act to conduct mineral activities and any agent  
9 of such person.

10 (15) The term “person” means an individual,  
11 Indian tribe, partnership, association, society, joint  
12 venture, joint stock company, firm, company, cor-  
13 poration, cooperative, or other organization and any  
14 instrumentality of State or local government includ-  
15 ing any publicly owned utility or publicly owned cor-  
16 poration of State or local government.

17 (16) The term “processing” means processes  
18 downstream of beneficiation employed to prepare  
19 locatable mineral ore into the final marketable prod-  
20 uct, including but not limited to smelting and elec-  
21 trolytic refining.

22 (17) The term “Secretary” means the Secretary  
23 of the Interior, unless otherwise specified.



1           (18) The term “temporary cessation” means a  
2           halt in mine-related production activities for a con-  
3           tinuous period of no longer than 5 years.

4           (19) The term “undue degradation” means ir-  
5           reparable harm to significant scientific, cultural, or  
6           environmental resources on public lands that cannot  
7           be effectively mitigated.

8           (b) VALID EXISTING RIGHTS.—As used in this Act,  
9           the term “valid existing rights” means a mining claim or  
10          millsite claim located on lands described in section 201(b),  
11          that—

12           (1) was properly located and maintained under  
13           the general mining laws prior to the date of enact-  
14           ment of this Act;

15           (2) was supported by a discovery of a valuable  
16           mineral deposit within the meaning of the general  
17           mining laws on the date of enactment of this Act,  
18           or satisfied the limitations under existing law for  
19           millsite claims; and

20           (3) continues to be valid under this Act.

21          (c) REFERENCES TO OTHER LAWS.—(1) Any ref-  
22          erence in this Act to the term general mining laws is a  
23          reference to those Acts that generally comprise chapters  
24          2, 12A, and 16, and sections 161 and 162, of title 30,  
25          United States Code.

1       (2) Any reference in this Act to the Act of July 23,  
2 1955, is a reference to the Act entitled “An Act to amend  
3 the Act of July 31, 1947 (61 Stat. 681) and the mining  
4 laws to provide for multiple use of the surface of the same  
5 tracts of the public lands, and for other purposes” (30  
6 U.S.C. 601 et seq.).

7       (d) REFERENCES TO THIS ACT.—Except as other-  
8 wise expressly provided, any reference to “this Act” con-  
9 tained in this section, section 3, or titles I through V shall  
10 be treated as referring only to the provisions of this sec-  
11 tion, section 3, and titles I through V.

12 **SEC. 3. APPLICATION RULES.**

13       (a) IN GENERAL.—This Act applies to any mining  
14 claim, millsite claim, or tunnel site claim located under  
15 the general mining laws, before, on, or after the date of  
16 enactment of this Act, except as provided in subsection  
17 (b).

18       (b) PREEXISTING CLAIMS.—(1) Any unpatented min-  
19 ing claim or millsite claim located under the general min-  
20 ing laws before the date of enactment of this Act for which  
21 a plan of operation has not been approved or a notice filed  
22 prior to the date of enactment shall, upon the effective  
23 date of this Act, be subject to the requirements of this  
24 Act, except as provided in paragraph (2).

1       (2)(A) If a plan of operations is approved for mineral  
2 activities on any claim or site referred to in paragraph  
3 (1) prior to the date of enactment of this Act but such  
4 operations have not commenced prior to the date of enact-  
5 ment of this Act—

6           (i) during the 10-year period beginning on the  
7 date of enactment of this Act, mineral activities at  
8 such claim or site shall be subject to such plan of  
9 operations;

10          (ii) during such 10-year period, modifications of  
11 any such plan may be made in accordance with the  
12 provisions of law applicable prior to the enactment  
13 of this Act if such modifications are deemed minor  
14 by the Secretary concerned; and

15          (iii) the operator shall bring such mineral ac-  
16 tivities into compliance with this Act by the end of  
17 such 10-year period.

18       (B) Where an application for modification of a plan  
19 of operations referred to in subparagraph (A)(ii) has been  
20 timely submitted and an approved plan expires prior to  
21 Secretarial action on the application, mineral activities  
22 and reclamation may continue in accordance with the  
23 terms of the expired plan until the Secretary makes an  
24 administrative decision on the application.

1 (c) FEDERAL LANDS SUBJECT TO EXISTING PER-  
2 MIT.—(1) Any Federal land shall be subject to the require-  
3 ments of section 102(a)(2) if the land is—

4 (A) subject to an operations permit; and

5 (B) producing valuable locatable minerals in  
6 commercial quantities prior to the date of enactment  
7 of this Act.

8 (2) Any Federal land added through a plan modifica-  
9 tion to an operations permit on Federal land that is sub-  
10 mitted after the date of enactment of this Act shall be  
11 subject to the terms of section 102(a)(3).

12 (d) APPLICATION OF ACT TO BENEFICIATION AND  
13 PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL  
14 LANDS.—The provisions of this Act (including the envi-  
15 ronmental protection requirements of title III) shall apply  
16 in the same manner and to the same extent to mining  
17 claims, millsite claims, and tunnel site claims used for  
18 beneficiation or processing activities for any mineral with-  
19 out regard to whether or not the legal and beneficial title  
20 to the mineral is held by the United States. This sub-  
21 section applies only to minerals that are locatable minerals  
22 or minerals that would be locatable minerals if the legal  
23 and beneficial title to such minerals were held by the  
24 United States.

1 **TITLE I—MINERAL EXPLO-**  
2 **RATION AND DEVELOPMENT**

3 **SEC. 101. LIMITATION ON PATENTS.**

4 (a) MINING CLAIMS.—

5 (1) DETERMINATIONS REQUIRED.—After the  
6 date of enactment of this Act, no patent shall be  
7 issued by the United States for any mining claim lo-  
8 cated under the general mining laws unless the Sec-  
9 retary determines that, for the claim concerned—

10 (A) a patent application was filed with the  
11 Secretary on or before September 30, 1994;  
12 and

13 (B) all requirements established under sec-  
14 tions 2325 and 2326 of the Revised Statutes  
15 (30 U.S.C. 29 and 30) for vein or lode claims  
16 and sections 2329, 2330, 2331, and 2333 of  
17 the Revised Statutes (30 U.S.C. 35, 36, and  
18 37) for placer claims were fully complied with  
19 by that date.

20 (2) RIGHT TO PATENT.—If the Secretary makes  
21 the determinations referred to in subparagraphs (A)  
22 and (B) of paragraph (1) for any mining claim, the  
23 holder of the claim shall be entitled to the issuance  
24 of a patent in the same manner and degree to which  
25 such claim holder would have been entitled to prior

1 to the enactment of this Act, unless and until such  
2 determinations are withdrawn or invalidated by the  
3 Secretary or by a court of the United States.

4 (b) MILLSITE CLAIMS.—

5 (1) DETERMINATIONS REQUIRED.—After the  
6 date of enactment of this Act, no patent shall be  
7 issued by the United States for any millsite claim lo-  
8 cated under the general mining laws unless the Sec-  
9 retary determines that for the millsite concerned—

10 (A) a patent application for such land was  
11 filed with the Secretary on or before September  
12 30, 1994; and

13 (B) all requirements applicable to such  
14 patent application were fully complied with by  
15 that date.

16 (2) RIGHT TO PATENT.—If the Secretary makes  
17 the determinations referred to in subparagraphs (A)  
18 and (B) of paragraph (1) for any millsite claim, the  
19 holder of the claim shall be entitled to the issuance  
20 of a patent in the same manner and degree to which  
21 such claim holder would have been entitled to prior  
22 to the enactment of this Act, unless and until such  
23 determinations are withdrawn or invalidated by the  
24 Secretary or by a court of the United States.

1 **SEC. 102. ROYALTY.**

2 (a) RESERVATION OF ROYALTY.—

3 (1) IN GENERAL.—Except as provided in para-  
4 graph (2) and subject to paragraph (3), production  
5 of all locatable minerals from any mining claim lo-  
6 cated under the general mining laws and maintained  
7 in compliance with this Act, or mineral concentrates  
8 or products derived from locatable minerals from  
9 any such mining claim, as the case may be, shall be  
10 subject to a royalty of 8 percent of the gross income  
11 from mining. The claim holder or any operator to  
12 whom the claim holder has assigned the obligation  
13 to make royalty payments under the claim and any  
14 person who controls such claim holder or operator  
15 shall be liable for payment of such royalties.

16 (2) ROYALTY FOR FEDERAL LANDS SUBJECT  
17 TO EXISTING PERMIT.—The royalty under para-  
18 graph (1) shall be 4 percent in the case of any Fed-  
19 eral land that—

20 (A) is subject to an operations permit on  
21 the date of the enactment of this Act; and

22 (B) produces valuable locatable minerals in  
23 commercial quantities on the date of enactment  
24 of this Act.

25 (3) FEDERAL LAND ADDED TO EXISTING OPER-  
26 ATIONS PERMIT.—Any Federal land added through

1 a plan modification to an operations permit that is  
2 submitted after the date of enactment of this Act  
3 shall be subject to the royalty that applies to Fed-  
4 eral land under paragraph (1).

5 (4) DEPOSIT.—Amounts received by the United  
6 States as royalties under this subsection shall be de-  
7 posited into the account established under section  
8 401.

9 (5) LIMITATION ON APPLICATION.—

10 (A) IN GENERAL.—Any royalty under this  
11 subsection shall not apply for a person for any  
12 tax year for which the person certifies to the  
13 Secretary in writing that the person and all re-  
14 lated parties with respect to such person, in the  
15 aggregate, had annual gross income from min-  
16 eral production in an amount less than  
17 \$100,000.

18 (B) AGGREGATION OF INCOME.—The dol-  
19 lar amount in subparagraph (A) shall be ap-  
20 plied, for a person, to the aggregate of all an-  
21 nual gross income from mineral production  
22 under all mining claims held by or assigned to  
23 such person or any related parties with respect  
24 to such person, including mining claims located



1 or for which a patent was issued before the date  
2 of the enactment of this Act.

3 (C) RELATED PARTIES DEFINED.—For the  
4 purposes of this paragraph, the term “related  
5 parties” means, with respect to a person—

6 (i) the spouse and all dependents (as  
7 defined in section 152 of the Internal Rev-  
8 enue Code of 1986 (26 U.S.C. 152)) of the  
9 person; or

10 (ii) another person who is affiliated  
11 with the person, including—

12 (I) another person controlled by,  
13 controlling, or under common control  
14 with the person; and

15 (II) a subsidiary or parent com-  
16 pany or corporation of the person.

17 (b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND  
18 TRANSPORTERS.—(1) A person—

19 (A) who is required to make any royalty pay-  
20 ment under this section shall make such payments  
21 to the United States at such times and in such man-  
22 ner as the Secretary may by rule prescribe; and

23 (B) shall notify the Secretary, in the time and  
24 manner as may be specified by the Secretary, of any  
25 assignment that such person may have made of the

1 obligation to make any royalty or other payment  
2 under a mining claim.

3 (2) Any person paying royalties under this section  
4 shall file a written instrument, together with the first roy-  
5 alty payment, affirming that such person is responsible for  
6 making proper payments for all amounts due for all time  
7 periods for which such person has a payment responsi-  
8 bility. Such responsibility for the periods referred to in the  
9 preceding sentence shall include any and all additional  
10 amounts billed by the Secretary and determined to be due  
11 by final agency or judicial action. Any person liable for  
12 royalty payments under this section who assigns any pay-  
13 ment obligation shall remain jointly and severally liable  
14 for all royalty payments due for the claim for the period.

15 (3) A person conducting mineral activities shall—

16 (A) develop and comply with the site security  
17 provisions in the operations permit designed to pro-  
18 tect from theft the locatable minerals, concentrates  
19 or products derived therefrom which are produced or  
20 stored on a mining claim, and such provisions shall  
21 conform with such minimum standards as the Sec-  
22 retary may prescribe by rule, taking into account the  
23 variety of circumstances on mining claims; and

24 (B) not later than the 5th business day after  
25 production begins anywhere on a mining claim, or

1       production resumes after more than 90 days after  
2       production was suspended, notify the Secretary, in  
3       the manner prescribed by the Secretary, of the date  
4       on which such production has begun or resumed.

5       (4) The Secretary may by rule require any person en-  
6       gaged in transporting a locatable mineral, concentrate, or  
7       product derived therefrom to carry on his or her person,  
8       in his or her vehicle, or in his or her immediate control,  
9       documentation showing, at a minimum, the amount, ori-  
10      gin, and intended destination of the locatable mineral, con-  
11      centrate, or product derived therefrom in such cir-  
12      cumstances as the Secretary determines is appropriate.

13      (c) RECORDKEEPING AND REPORTING REQUIRE-  
14      MENTS.—(1) A claim holder, operator, or other person di-  
15      rectly involved in developing, producing, processing, trans-  
16      porting, purchasing, or selling locatable minerals, con-  
17      centrates, or products derived therefrom, subject to this  
18      Act, through the point of royalty computation shall estab-  
19      lish and maintain any records, make any reports, and pro-  
20      vide any information that the Secretary may reasonably  
21      require for the purposes of implementing this section or  
22      determining compliance with rules or orders under this  
23      section. Such records shall include, but not be limited to,  
24      periodic reports, records, documents, and other data. Such  
25      reports may also include, but not be limited to, pertinent

1 technical and financial data relating to the quantity, qual-  
2 ity, composition volume, weight, and assay of all minerals  
3 extracted from the mining claim. Upon the request of any  
4 officer or employee duly designated by the Secretary con-  
5 ducting an audit or investigation pursuant to this section,  
6 the appropriate records, reports, or information that may  
7 be required by this section shall be made available for in-  
8 spection and duplication by such officer or employee. Fail-  
9 ure by a claim holder, operator, or other person referred  
10 to in the first sentence to cooperate with such an audit,  
11 provide data required by the Secretary, or grant access  
12 to information may, at the discretion of the Secretary, re-  
13 sult in involuntary forfeiture of the claim.

14 (2) Records required by the Secretary under this sec-  
15 tion shall be maintained for 7 years after release of finan-  
16 cial assurance under section 306 unless the Secretary noti-  
17 fies the operator that the Secretary has initiated an audit  
18 or investigation involving such records and that such  
19 records must be maintained for a longer period. In any  
20 case when an audit or investigation is underway, records  
21 shall be maintained until the Secretary releases the oper-  
22 ator of the obligation to maintain such records.

23 (d) AUDITS.—The Secretary is authorized to conduct  
24 such audits of all claim holders, operators, transporters,  
25 purchasers, processors, or other persons directly or indi-

1 rectly involved in the production or sales of minerals cov-  
2 ered by this Act, as the Secretary deems necessary for the  
3 purposes of ensuring compliance with the requirements of  
4 this section. For purposes of performing such audits, the  
5 Secretary shall, at reasonable times and upon request,  
6 have access to, and may copy, all books, papers and other  
7 documents that relate to compliance with any provision  
8 of this section by any person.

9       (e) COOPERATIVE AGREEMENTS.—(1) The Secretary  
10 is authorized to enter into cooperative agreements with the  
11 Secretary of Agriculture to share information concerning  
12 the royalty management of locatable minerals, con-  
13 centrates, or products derived therefrom, to carry out in-  
14 spection, auditing, investigation, or enforcement (not in-  
15 cluding the collection of royalties, civil or criminal pen-  
16 alties, or other payments) activities under this section in  
17 cooperation with the Secretary, and to carry out any other  
18 activity described in this section.

19       (2) Except as provided in paragraph (3)(A) of this  
20 subsection (relating to trade secrets), and pursuant to a  
21 cooperative agreement, the Secretary of Agriculture shall,  
22 upon request, have access to all royalty accounting infor-  
23 mation in the possession of the Secretary respecting the  
24 production, removal, or sale of locatable minerals, con-

1 concentrates, or products derived therefrom from claims on  
2 lands open to location under this Act.

3 (3) Trade secrets, proprietary, and other confidential  
4 information protected from disclosure under section 552  
5 of title 5, United States Code, popularly known as the  
6 Freedom of Information Act, shall be made available by  
7 the Secretary to other Federal agencies as necessary to  
8 assure compliance with this Act and other Federal laws.  
9 The Secretary, the Secretary of Agriculture, the Adminis-  
10 trator of the Environmental Protection Agency, and other  
11 Federal officials shall ensure that such information is pro-  
12 vided protection in accordance with the requirements of  
13 that section.

14 (f) INTEREST AND SUBSTANTIAL UNDERREPORTING  
15 ASSESSMENTS.—(1) In the case of mining claims where  
16 royalty payments are not received by the Secretary on the  
17 date that such payments are due, the Secretary shall  
18 charge interest on such underpayments at the same inter-  
19 est rate as the rate applicable under section 6621(a)(2)  
20 of the Internal Revenue Code of 1986. In the case of an  
21 underpayment, interest shall be computed and charged  
22 only on the amount of the deficiency and not on the total  
23 amount.

24 (2) If there is any underreporting of royalty owed on  
25 production from a claim for any production month by any

1 person liable for royalty payments under this section, the  
2 Secretary shall assess a penalty of not greater than 25  
3 percent of the amount of that underreporting.

4 (3) For the purposes of this subsection, the term  
5 “underreporting” means the difference between the roy-  
6 alty on the value of the production that should have been  
7 reported and the royalty on the value of the production  
8 which was reported, if the value that should have been  
9 reported is greater than the value that was reported.

10 (4) The Secretary may waive or reduce the assess-  
11 ment provided in paragraph (2) of this subsection if the  
12 person liable for royalty payments under this section cor-  
13 rects the underreporting before the date such person re-  
14 ceives notice from the Secretary that an underreporting  
15 may have occurred, or before 90 days after the date of  
16 the enactment of this section, whichever is later.

17 (5) The Secretary shall waive any portion of an as-  
18 sessment under paragraph (2) of this subsection attrib-  
19 utable to that portion of the underreporting for which the  
20 person responsible for paying the royalty demonstrates  
21 that—

22 (A) such person had written authorization from  
23 the Secretary to report royalty on the value of the  
24 production on basis on which it was reported;

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

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

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

11      (6) All penalties collected under this subsection shall  
12      be deposited in the Locatable Minerals Fund established  
13      under title IV.

14      (g) DELEGATION.—For the purposes of this section,  
15      the term “Secretary” means the Secretary of the Interior  
16      acting through the Director of the Minerals Management  
17      Service.

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



1 of any person or due to the failure to comply with any  
2 rule, regulation, or order issued under this section.

3 (i) GROSS INCOME FROM MINING DEFINED.—For  
4 the purposes of this section, for any locatable mineral, the  
5 term “gross income from mining” has the same meaning  
6 as the term “gross income” in section 613(c) of the Inter-  
7 nal Revenue Code of 1986.

8 (j) EFFECTIVE DATE.—The royalty under this sec-  
9 tion shall take effect with respect to the production of  
10 locatable minerals after the enactment of this Act, but any  
11 royalty payments attributable to production during the  
12 first 12 calendar months after the enactment of this Act  
13 shall be payable at the expiration of such 12-month period.

14 (k) FAILURE TO COMPLY WITH ROYALTY REQUIRE-  
15 MENTS.—Any person who fails to comply with the require-  
16 ments of this section or any regulation or order issued to  
17 implement this section shall be liable for a civil penalty  
18 under section 109 of the Federal Oil and Gas Royalty  
19 Management Act (30 U.S.C. 1719) to the same extent as  
20 if the claim located under the general mining laws and  
21 maintained in compliance with this Act were a lease under  
22 that Act.

23 **SEC. 103. HARDROCK MINING CLAIM MAINTENANCE FEE.**

24 (a) FEE.—

1           (1) Except as provided in section 2511(e)(2) of  
2           the Energy Policy Act of 1992 (relating to oil shale  
3           claims), for each unpatented mining claim, mill or  
4           tunnel site on federally owned lands, whether located  
5           before, on, or after enactment of this Act, each  
6           claimant shall pay to the Secretary, on or before Au-  
7           gust 31 of each year, a claim maintenance fee of  
8           \$200 per claim to hold such unpatented mining  
9           claim, mill or tunnel site for the assessment year be-  
10          ginning at noon on the next day, September 1. Such  
11          claim maintenance fee shall be in lieu of the assess-  
12          ment work requirement contained in the Mining Law  
13          of 1872 (30 U.S.C. 28 et seq.) and the related filing  
14          requirements contained in section 314 (a) and (c) of  
15          the Federal Land Policy and Management Act of  
16          1976 (43 U.S.C. 1744 (a) and (c)).

17          (2)(A) The claim maintenance fee required  
18          under this subsection shall be waived for a claimant  
19          who certifies in writing to the Secretary that on the  
20          date the payment was due, the claimant and all re-  
21          lated parties—

22                  (i) held not more than 10 mining claims,  
23                  mill sites, or tunnel sites, or any combination  
24                  thereof, on public lands; and

1           (ii) have performed assessment work re-  
2           quired under the Mining Law of 1872 (30  
3           U.S.C. 28 et seq.) to maintain the mining  
4           claims held by the claimant and such related  
5           parties for the assessment year ending on noon  
6           of September 1 of the calendar year in which  
7           payment of the claim maintenance fee was due.

8           (B) For purposes of subparagraph (A), with re-  
9           spect to any claimant, the term “all related parties”  
10          means—

11           (i) the spouse and dependent children (as  
12           defined in section 152 of the Internal Revenue  
13           Code of 1986), of the claimant; or

14           (ii) a person affiliated with the claimant,  
15          including—

16           (I) a person controlled by, controlling,  
17           or under common control with the claim-  
18           ant; or

19           (II) a subsidiary or parent company  
20          or corporation of the claimant.

21          (3)(A) The Secretary shall adjust the fees re-  
22          quired by this subsection to reflect changes in the  
23          Consumer Price Index published by the Bureau of  
24          Labor Statistics of the Department of Labor every  
25          5 years after the date of enactment of this Act, or

1 more frequently if the Secretary determines an ad-  
2 justment to be reasonable.

3 (B) The Secretary shall provide claimants no-  
4 tice of any adjustment made under this paragraph  
5 not later than July 1 of any year in which the ad-  
6 justment is made.

7 (C) A fee adjustment under this paragraph  
8 shall begin to apply the calendar year following the  
9 calendar year in which it is made.

10 (4) Moneys received under this subsection that  
11 are not otherwise allocated for the administration of  
12 the mining laws by the Department of the Interior  
13 shall be deposited in the Locatable Minerals Fund  
14 established by this Act.

15 (b) LOCATION.—

16 (1) Notwithstanding any provision of law, for  
17 every unpatented mining claim, mill or tunnel site  
18 located after the date of enactment of this Act and  
19 before September 30, 1998, the locator shall, at the  
20 time the location notice is recorded with the Bureau  
21 of Land Management, pay to the Secretary a loca-  
22 tion fee, in addition to the fee required by subsection  
23 (a) of \$50 per claim.

24 (2) Moneys received under this subsection that  
25 are not otherwise allocated for the administration of

1       the mining laws by the Department of the Interior  
2       shall be deposited in the Locatable Minerals Fund  
3       established by this Act.

4       (c) CO-OWNERSHIP.—The co-ownership provisions of  
5       the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain  
6       in effect except that the annual claim maintenance fee,  
7       where applicable, shall replace applicable assessment re-  
8       quirements and expenditures.

9       (d) FAILURE TO PAY.—Failure to pay the claim  
10      maintenance fee as required by subsection (a) shall conclu-  
11      sively constitute a forfeiture of the unpatented mining  
12      claim, mill or tunnel site by the claimant and the claim  
13      shall be deemed null and void by operation of law.

14      (e) OTHER REQUIREMENTS.—

15           (1) Nothing in this section shall change or mod-  
16      ify the requirements of section 314(b) of the Federal  
17      Land Policy and Management Act of 1976 (43  
18      U.S.C. 1744(b)), or the requirements of section  
19      314(c) of the Federal Land Policy and Management  
20      Act of 1976 (43 U.S.C. 1744(c)) related to filings  
21      required by section 314(b), which remain in effect.

22           (2) Section 2324 of the Revised Statutes of the  
23      United States (30 U.S.C. 28) is amended by insert-  
24      ing “or section 103(a) of the Hardrock Mining Re-

1 form and Reclamation Act of 2015” after “Act of  
2 1993”.

3 **SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY**  
4 **OF CLAIMS.**

5 Timely payment of the claim maintenance fee re-  
6 quired by section 103 of this Act or any related law relat-  
7 ing to the use of Federal land, asserts the claimant’s au-  
8 thority to use and occupy the Federal land concerned for  
9 prospecting and exploration, consistent with the require-  
10 ments of this Act and other applicable law.

11 **TITLE II—PROTECTION OF**  
12 **SPECIAL PLACES**

13 **SEC. 201. LANDS OPEN TO LOCATION.**

14 (a) LANDS OPEN TO LOCATION.—Except as provided  
15 in subsection (b), mining claims may be located under the  
16 general mining laws only on such lands and interests as  
17 were open to the location of mining claims under the gen-  
18 eral mining laws immediately before the enactment of this  
19 Act.

20 (b) LANDS NOT OPEN TO LOCATION.—Notwith-  
21 standing any other provision of law and subject to valid  
22 existing rights, each of the following shall not be open to  
23 the location of mining claims under the general mining  
24 laws on or after the date of enactment of this Act:

25 (1) Wilderness study areas.

1 (2) Areas of critical environmental concern.

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

10 (4) Any area identified in the set of inventoried  
 11 roadless areas maps contained in the Forest Service  
 12 Roadless Area Conservation Final Environmental  
 13 Impact Statement, Volume 2, dated November 2000.

14 (c) EXISTING AUTHORITY NOT AFFECTED.—Noth-  
 15 ing in this Act limits the authority granted the Secretary  
 16 in section 204 of the Federal Land Policy and Manage-  
 17 ment Act of 1976 (43 U.S.C. 1714) to withdraw public  
 18 lands.

19 **SEC. 202. WITHDRAWAL PETITIONS BY STATES, POLITICAL**  
 20 **SUBDIVISIONS, AND INDIAN TRIBES.**

21 (a) IN GENERAL.—Subject to valid existing rights,  
 22 any State or political subdivision of a State or an Indian  
 23 tribe may submit a petition to the Secretary for the with-  
 24 drawal of a specific tract of Federal land from the oper-  
 25 ation of the general mining laws, in order to protect spe-

1 cific values identified in the petition that are important  
2 to the State or political subdivision or Indian tribe. Such  
3 values may include the value of a watershed to supply  
4 drinking water, wildlife habitat value, cultural or historic  
5 resources, or value for scenic vistas important to the local  
6 economy, and other similar values. In the case of an In-  
7 dian tribe, the petition may also identify religious or cul-  
8 tural values that are important to the Indian tribe. The  
9 petition shall contain the information required by section  
10 204 of the Federal Land Policy and Management Act of  
11 1976 (43 U.S.C. 1714).

12 (b) CONSIDERATION OF PETITION.—The Secretary—

13 (1) shall solicit public comment on the petition;

14 (2) shall make a final decision on the petition  
15 within 180 days after receiving it; and

16 (3) shall grant the petition subject to valid ex-  
17 isting rights, unless the Secretary makes and pub-  
18 lishes in the Federal Register specific findings why  
19 a decision to grant the petition would be against the  
20 national interest.



1 **TITLE III—ENVIRONMENTAL**  
2 **CONSIDERATIONS OF MIN-**  
3 **ERAL EXPLORATION AND DE-**  
4 **VELOPMENT**

5 **SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON**  
6 **FEDERAL LAND.**

7 Notwithstanding section 302(b) of the Federal Land  
8 Policy and Management Act of 1976 (43 U.S.C. 1732(b)),  
9 the first section of the Act of June 4, 1897 (chapter 2;  
10 30 Stat. 36; 16 U.S.C. 478), and the National Forest  
11 Management Act of 1976 (16 U.S.C. 1600 et seq.), and  
12 in accordance with this title and applicable law, unless ex-  
13 pressly stated otherwise in this Act, the Secretary—

14 (1) shall ensure that mineral activities on any  
15 Federal land that is subject to a mining claim, mill-  
16 site claim, or tunnel site claim is carefully controlled  
17 to prevent undue degradation of public lands and re-  
18 sources; and

19 (2) shall not grant permission to engage in min-  
20 eral activities if the Secretary, after considering the  
21 evidence, makes and publishes in the Federal Reg-  
22 ister a determination that undue degradation would  
23 result from such activities.

1 **SEC. 302. PERMITS.**

2 (a) PERMITS REQUIRED.—No person may engage in  
3 mineral activities on Federal land that may cause a dis-  
4 turbance of surface resources, including but not limited  
5 to land, air, ground water and surface water, and fish and  
6 wildlife, unless—

7 (1) the claim was properly located under the  
8 general mining laws and maintained in compliance  
9 with such laws and this Act; and

10 (2) a permit was issued to such person under  
11 this title authorizing such activities.

12 (b) NEGLIGIBLE DISTURBANCE.—Notwithstanding  
13 subsection (a)(2), a permit under this title shall not be  
14 required for mineral activities that are a casual use of the  
15 Federal land.

16 (c) COORDINATION WITH NEPA PROCESS.—To the  
17 extent practicable, the Secretary and the Secretary of Ag-  
18 riculture shall conduct the permit processes under this Act  
19 in coordination with the timing and other requirements  
20 under section 102 of the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4332).

22 **SEC. 303. EXPLORATION PERMIT.**

23 (a) AUTHORIZED EXPLORATION ACTIVITY.—Any  
24 claim holder may apply for an exploration permit for any  
25 mining claim authorizing the claim holder to remove a rea-  
26 sonable amount of the locatable minerals from the claim

1 for analysis, study and testing. Such permit shall not au-  
2 thorize the claim holder to remove any mineral for sale  
3 nor to conduct any activities other than those required for  
4 exploration for locatable minerals and reclamation.

5 (b) PERMIT APPLICATION REQUIREMENTS.—An ap-  
6 plication for an exploration permit under this section shall  
7 be submitted in a manner satisfactory to the Secretary  
8 or, for National Forest System lands, the Secretary of Ag-  
9 riculture, and shall contain an exploration plan, a reclama-  
10 tion plan for the proposed exploration, and such docu-  
11 mentation as necessary to ensure compliance with applica-  
12 ble Federal and State environmental laws and regulations.

13 (c) RECLAMATION PLAN REQUIREMENTS.—The rec-  
14 lamation plan required to be included in a permit applica-  
15 tion under subsection (b) shall include such provisions as  
16 may be jointly prescribed by the Secretary and the Sec-  
17 retary of Agriculture.

18 (d) PERMIT ISSUANCE OR DENIAL.—The Secretary,  
19 or for National Forest System lands, the Secretary of Ag-  
20 riculture, shall issue an exploration permit pursuant to an  
21 application under this section unless such Secretary makes  
22 any of the following determinations:

23 (1) The permit application, the exploration plan  
24 and reclamation plan are not complete and accurate.

1           (2) The applicant has not demonstrated that  
2       proposed reclamation can be accomplished.

3           (3) The proposed exploration activities and con-  
4       dition of the land after the completion of exploration  
5       activities and final reclamation would not conform  
6       with the land use plan applicable to the area subject  
7       to mineral activities.

8           (4) The area subject to the proposed permit is  
9       included within an area not open to location under  
10      section 201.

11          (5) The applicant has not demonstrated that  
12      the exploration plan and reclamation plan will be in  
13      compliance with the requirements of this Act and all  
14      other applicable Federal requirements, and any  
15      State requirements agreed to by the Secretary of the  
16      Interior (or Secretary of Agriculture, as appro-  
17      priate).

18          (6) The applicant has not demonstrated that  
19      the requirements of section 306 (relating to financial  
20      assurance) will be met.

21          (7) The applicant is eligible to receive a permit  
22      under section 305.

23      (e) TERM OF PERMIT.—An exploration permit shall  
24      be for a stated term. The term shall be no greater than

1 that necessary to accomplish the proposed exploration,  
2 and in no case for more than 10 years.

3 (f) PERMIT MODIFICATION.—During the term of an  
4 exploration permit the permit holder may submit an appli-  
5 cation to modify the permit. To approve a proposed modi-  
6 fication to the permit, the Secretary concerned shall make  
7 the same determinations as are required in the case of  
8 an original permit, except that the Secretary and the Sec-  
9 retary of Agriculture may specify by joint rule the extent  
10 to which requirements for initial exploration permits under  
11 this section shall apply to applications to modify an explo-  
12 ration permit based on whether such modifications are  
13 deemed significant or minor.

14 (g) TRANSFER, ASSIGNMENT, OR SALE OF  
15 RIGHTS.—(1) No transfer, assignment, or sale of rights  
16 granted by a permit issued under this section shall be  
17 made without the prior written approval of the Secretary  
18 or for National Forest System lands, the Secretary of Ag-  
19 riculture.

20 (2) Such Secretary shall allow a person holding a per-  
21 mit to transfer, assign, or sell rights under the permit to  
22 a successor, if the Secretary finds, in writing, that the suc-  
23 cessor—

24 (A) is eligible to receive a permit in accordance  
25 with section 304(d);

1 (B) has submitted evidence of financial assur-  
2 ance satisfactory under section 306; and

3 (C) meets any other requirements specified by  
4 the Secretary.

5 (3) The successor in interest shall assume the liability  
6 and reclamation responsibilities established by the existing  
7 permit and shall conduct the mineral activities in full com-  
8 pliance with this Act, and the terms and conditions of the  
9 permit as in effect at the time of transfer, assignment,  
10 or sale.

11 (4) Each application for approval of a permit trans-  
12 fer, assignment, or sale pursuant to this subsection shall  
13 be accompanied by a fee payable to the Secretary of the  
14 Interior in such amount as may be established by such  
15 Secretary. Such amount shall be equal to the actual or  
16 anticipated cost to the Secretary or the Secretary of Agri-  
17 culture, as appropriate, of reviewing and approving or dis-  
18 approving such transfer, assignment, or sale, as deter-  
19 mined by the Secretary of the Interior.

20 **SEC. 304. OPERATIONS PERMIT.**

21 (a) OPERATIONS PERMIT.—(1) Any claim holder that  
22 is in compliance with the general mining laws and section  
23 103 of this Act may apply to the Secretary, or for National  
24 Forest System lands, the Secretary of Agriculture, for an

1 operations permit authorizing the claim holder to carry  
2 out mineral activities, other than casual use, on—

3 (A) any valid mining claim, valid millsite claim,  
4 or valid tunnel site claim; and

5 (B) such additional Federal land as the Sec-  
6 retary may determine is necessary to conduct the  
7 proposed mineral activities, if the operator obtains a  
8 right-of-way permit for use of such additional lands  
9 under title V of the Federal Land Policy and Man-  
10 agement Act of 1976 (43 U.S.C. 1761 et seq.) and  
11 agrees to pay all fees required under that title for  
12 the permit under that title.

13 (2) If the Secretary decides to issue such permit, the  
14 permit shall include such terms and conditions as pre-  
15 scribed by such Secretary to carry out this title.

16 (b) PERMIT APPLICATION REQUIREMENTS.—An ap-  
17 plication for an operations permit under this section shall  
18 be submitted in a manner satisfactory to the Secretary  
19 concerned and shall contain site characterization data, an  
20 operations plan, a reclamation plan, monitoring plans,  
21 long-term maintenance plans, to the extent necessary, and  
22 such documentation as necessary to ensure compliance  
23 with applicable Federal and State environmental laws and  
24 regulations. If the proposed mineral activities will be car-  
25 ried out in conjunction with mineral activities on adjacent

1 non-Federal lands, information on the location and nature  
2 of such operations may be required by the Secretary.

3 (c) PERMIT ISSUANCE OR DENIAL.—(1) After pro-  
4 viding for public participation pursuant to subsection (i),  
5 the Secretary, or for National Forest System lands the  
6 Secretary of Agriculture, shall issue an operations permit  
7 if such Secretary makes each of the following determina-  
8 tions in writing, and shall deny a permit if such Secretary  
9 finds that the application and applicant do not fully meet  
10 the following requirements:

11 (A) The permit application, including the site  
12 characterization data, operations plan, and reclama-  
13 tion plan, are complete and accurate and sufficient  
14 for developing a good understanding of the antici-  
15 pated impacts of the mineral activities and the effec-  
16 tiveness of proposed mitigation and control.

17 (B) The applicant has demonstrated that the  
18 proposed reclamation in the operation and reclama-  
19 tion plan can be and is likely to be accomplished by  
20 the applicant and will not cause undue degradation.

21 (C) The condition of the land, including the fish  
22 and wildlife resources and habitat contained thereon,  
23 after the completion of mineral activities and final  
24 reclamation, will conform to the land use plan appli-



1 cable to the area subject to mineral activities and  
2 are returned to a productive use.

3 (D) The area subject to the proposed plan is  
4 open to location for the types of mineral activities  
5 proposed.

6 (E) The proposed operation has been designed  
7 to prevent material damage to the hydrologic bal-  
8 ance outside the permit area.

9 (F) The applicant will fully comply with the re-  
10 quirements of section 306 (relating to financial as-  
11 surance) prior to the initiation of operations.

12 (G) Neither the applicant nor operator, nor any  
13 subsidiary, affiliate, or person controlled by or under  
14 common control with the applicant or operator, is in-  
15 eligible to receive a permit under section 305.

16 (H) The reclamation plan demonstrates that 10  
17 years following mine closure, no treatment of surface  
18 or ground water for carcinogens or toxins will be re-  
19 quired to meet water quality standards at the point  
20 of discharge.

21 (2) With respect to any activities specified in the rec-  
22 lamation plan referred to in subsection (b) that constitutes  
23 a removal or remedial action under section 101 of the  
24 Comprehensive Environmental Response, Compensation,  
25 and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the

1 Secretary shall consult with the Administrator of the En-  
2 vironmental Protection Agency prior to the issuance of an  
3 operations permit. The Administrator shall ensure that  
4 the reclamation plan does not require activities that would  
5 increase the costs or likelihood of removal or remedial ac-  
6 tions under the Comprehensive Environmental Response,  
7 Compensation, and Liability Act of 1980 (42 U.S.C. 9601  
8 et seq.) or corrective actions under the Solid Waste Dis-  
9 posal Act (42 U.S.C. 6901 et seq.).

10 (d) TERM OF PERMIT; RENEWAL.—

11 (1) An operations permit—

12 (A) shall be for a term that is no longer  
13 than the shorter of—

14 (i) the period necessary to accomplish  
15 the proposed mineral activities subject to  
16 the permit; and

17 (ii) 20 years; and

18 (B) shall be renewed for an additional 20-  
19 year period if the operation is in compliance  
20 with the requirements of this Act and other ap-  
21 plicable law.

22 (2) Failure by the operator to commence min-  
23 eral activities within 2 years of the date scheduled  
24 in an operations permit shall require a modification  
25 of the permit if the Secretary concerned determines

1 that modifications are necessary to comply with sec-  
2 tion 201.

3 (e) PERMIT MODIFICATION.—

4 (1) During the term of an operations permit  
5 the operator may submit an application to modify  
6 the permit (including the operations plan or rec-  
7 lamation plan, or both).

8 (2) The Secretary, or for National Forest Sys-  
9 tem lands the Secretary of Agriculture, may, at any  
10 time, require reasonable modification to any oper-  
11 ations plan or reclamation plan upon a determina-  
12 tion that the requirements of this Act cannot be met  
13 if the plan is followed as approved. Such determina-  
14 tion shall be based on a written finding and subject  
15 to public notice and hearing requirements estab-  
16 lished by the Secretary concerned.

17 (3) A permit modification is required before  
18 changes are made to the approved plan of oper-  
19 ations, or if unanticipated events or conditions exist  
20 on the mine site, including in the case of—

21 (A) development of acid or toxic drainage;

22 (B) loss of springs or water supplies;

23 (C) water quantity, water quality, or other  
24 resulting water impacts that are significantly

1 different than those predicted in the applica-  
2 tion;

3 (D) the need for long-term water treat-  
4 ment;

5 (E) significant reclamation difficulties or  
6 reclamation failure;

7 (F) the discovery of significant scientific,  
8 cultural, or biological resources that were not  
9 addressed in the original plan; or

10 (G) the discovery of hazards to public safe-  
11 ty.

12 (f) TEMPORARY CESSATION OF OPERATIONS.—(1)

13 An operator conducting mineral activities under an oper-  
14 ations permit in effect under this title may not temporarily  
15 cease mineral activities for a period greater than 180 days  
16 unless the Secretary concerned has approved such tem-  
17 porary cessation or unless the temporary cessation is per-  
18 mitted under the original permit. Any operator tempo-  
19 rarily ceasing mineral activities for a period greater than  
20 90 days under an operations permit issued before the date  
21 of the enactment of this Act shall submit, before the expi-  
22 ration of such 90-day period, a complete application for  
23 temporary cessation of operations to the Secretary con-  
24 cerned for approval unless the temporary cessation is per-  
25 mitted under the original permit.

1       (2) An application for approval of temporary ces-  
2 sation of operations shall include such information re-  
3 quired under subsection (b) and any other provisions pre-  
4 scribed by the Secretary concerned to minimize impacts  
5 on the environment. After receipt of a complete applica-  
6 tion for temporary cessation of operations such Secretary  
7 shall conduct an inspection of the area for which tem-  
8 porary cessation of operations has been requested.

9       (3) To approve an application for temporary ces-  
10 sation of operations, the Secretary concerned shall make  
11 each of the following determinations:

12           (A) A determination that the methods for se-  
13 curing surface facilities and restricting access to the  
14 permit area, or relevant portions thereof, will effec-  
15 tively ensure against hazards to the health and safe-  
16 ty of the public and fish and wildlife.

17           (B) A determination that reclamation is in com-  
18 pliance with the approved reclamation plan, except  
19 in those areas specifically designated in the applica-  
20 tion for temporary cessation of operations for which  
21 a delay in meeting such standards is necessary to fa-  
22 cilitate the resumption of operations.

23           (C) A determination that the amount of finan-  
24 cial assurance filed with the permit application is  
25 sufficient to assure completion of the reclamation ac-

1        activities identified in the approved reclamation plan in  
2        the event of forfeiture.

3            (D) A determination that any outstanding no-  
4        tices of violation and cessation orders incurred in  
5        connection with the plan for which temporary ces-  
6        sation is being requested are either stayed pursuant  
7        to an administrative or judicial appeal proceeding or  
8        are in the process of being abated to the satisfaction  
9        of the Secretary concerned.

10        (g) PERMIT REVIEWS.—The Secretary, or for Na-  
11        tional Forest System lands the Secretary of Agriculture,  
12        shall review each permit issued under this section every  
13        10 years during the term of such permit, shall provide  
14        public notice of the permit review, and, based upon a writ-  
15        ten finding, such Secretary shall require the operator to  
16        take such actions as the Secretary deems necessary to as-  
17        sure that mineral activities conform to the permit, includ-  
18        ing adjustment of financial assurance requirements.

19        (h) TRANSFER, ASSIGNMENT, OR SALE OF  
20        RIGHTS.—(1) No transfer, assignment, or sale of rights  
21        granted by a permit under this section shall be made with-  
22        out the prior written approval of the Secretary, or for Na-  
23        tional Forest System lands the Secretary of Agriculture.

24        (2) The Secretary, or for National Forest System  
25        lands, the Secretary of Agriculture, may allow a person

1 holding a permit to transfer, assign, or sell rights under  
2 the permit to a successor, if such Secretary finds, in writ-  
3 ing, that the successor—

4 (A) has submitted information required and is  
5 eligible to receive a permit in accordance with sec-  
6 tion 305;

7 (B) has submitted evidence of financial assur-  
8 ance satisfactory under section 306; and

9 (C) meets any other requirements specified by  
10 such Secretary.

11 (3) The successor in interest shall assume the liability  
12 and reclamation responsibilities established by the existing  
13 permit and shall conduct the mineral activities in full com-  
14 pliance with this Act, and the terms and conditions of the  
15 permit as in effect at the time of transfer, assignment,  
16 or sale.

17 (4) Each application for approval of a permit trans-  
18 fer, assignment, or sale pursuant to this subsection shall  
19 be accompanied by a fee payable to the Secretary of the  
20 Interior, or for National Forest System lands, the Sec-  
21 retary of Agriculture, in such amount as may be estab-  
22 lished by such Secretary, or for National Forest System  
23 lands, by the Secretary of Agriculture. Such amount shall  
24 be equal to the actual or anticipated cost to the Secretary  
25 or, for National Forest System lands, to the Secretary of

1 Agriculture, of reviewing and approving or disapproving  
2 such transfer, assignment, or sale, as determined by such  
3 Secretary.

4 (i) PUBLIC PARTICIPATION.—The Secretary of the  
5 Interior and the Secretary of Agriculture shall jointly pro-  
6 mulgate regulations to ensure transparency and public  
7 participation in permit decisions required under this Act,  
8 consistent with any requirements that apply to such deci-  
9 sions under section 102 of the National Environmental  
10 Policy Act of 1969 (42 U.S.C. 4332).

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

12 (a) CURRENT VIOLATIONS.—Unless corrective action  
13 has been taken in accordance with subsection (c), no per-  
14 mit under this title shall be issued or transferred to an  
15 applicant if the applicant or any agent of the applicant,  
16 the operator (if different than the applicant) of the claim  
17 concerned, any claim holder (if different than the appli-  
18 cant) of the claim concerned, or any affiliate or officer  
19 or director of the applicant is currently in violation of any  
20 of the following:

21 (1) A provision of this Act or any regulation  
22 under this Act.

23 (2) An applicable State or Federal toxic sub-  
24 stance, solid waste, air, water quality, or fish and  
25 wildlife conservation law or regulation at any site



1       where mining, beneficiation, or processing activities  
2       are occurring or have occurred.

3           (3) The Surface Mining Control and Reclama-  
4       tion Act of 1977 (30 U.S.C. 1201 et seq.) or any  
5       regulation implementing that Act at any site where  
6       surface coal mining operations have occurred or are  
7       occurring.

8       (b) SUSPENSION.—The Secretary, or for National  
9       Forest System lands the Secretary of Agriculture, shall  
10      suspend an operations permit, in whole or in part, if such  
11      Secretary determines that any of the entities described in  
12      subsection (a) were in violation of any requirement listed  
13      in subsection (a) at the time the permit was issued.

14      (c) CORRECTION.—(1) The Secretary, or for National  
15      Forest System lands the Secretary of Agriculture, may  
16      issue or reinstate a permit under this title if the applicant  
17      submits proof that the violation referred to in subsection  
18      (a) or (b) has been corrected or is in the process of being  
19      corrected to the satisfaction of such Secretary and the reg-  
20      ulatory authority involved or if the applicant submits proof  
21      that the violator has filed and is presently pursuing, a di-  
22      rect administrative or judicial appeal to contest the exist-  
23      ence of the violation. For purposes of this section, an ap-  
24      peal of any applicant's relationship to an affiliate shall not

1 constitute a direct administrative or judicial appeal to con-  
2 test the existence of the violation.

3 (2) Any permit which is issued or reinstated based  
4 upon proof submitted under this subsection shall be condi-  
5 tionally approved or conditionally reinstated, as the case  
6 may be. If the violation is not successfully abated or the  
7 violation is upheld on appeal, the permit shall be sus-  
8 pended or revoked.

9 (d) PATTERN OF WILLFUL VIOLATIONS.—No permit  
10 under this Act may be issued to any applicant if there  
11 is a demonstrated pattern of willful violations of the envi-  
12 ronmental protection requirements of this Act by the ap-  
13 plicant, any affiliate of the applicant, or the operator or  
14 claim holder if different than the applicant.

15 **SEC. 306. FINANCIAL ASSURANCE.**

16 (a) FINANCIAL ASSURANCE REQUIRED.—(1) After a  
17 permit is issued under this title and before any exploration  
18 or operations begin under the permit, the operator shall  
19 file with the Secretary, or for National Forest System  
20 lands the Secretary of Agriculture, evidence of financial  
21 assurance payable to the United States. The financial as-  
22 surance shall be provided in the form of a surety bond,  
23 a trust fund, letters of credits, government securities, cer-  
24 tificates of deposit, cash, or an equivalent form approved  
25 by such Secretary.

1       (2) The financial assurance shall cover all lands with-  
2 in the initial permit area and all affected waters that may  
3 require restoration, treatment, or other management as a  
4 result of mineral activities, and shall be extended to cover  
5 all lands and waters added pursuant to any permit modi-  
6 fication made under section 303(f) (relating to exploration  
7 permits) or section 304(e) (relating to operations per-  
8 mits), or affected by mineral activities.

9       (b) AMOUNT.—The amount of the financial assur-  
10 ance required under this section shall be sufficient to as-  
11 sure the completion of reclamation and restoration satis-  
12 fying the requirements of this Act if the work were to be  
13 performed by the Secretary concerned in the event of for-  
14 feiture, including the construction and maintenance costs  
15 for any treatment facilities necessary to meet Federal and  
16 State environmental requirements. The calculation of such  
17 amount shall take into account the maximum level of fi-  
18 nancial exposure which shall arise during the mineral ac-  
19 tivity and administrative costs associated with a govern-  
20 ment agency reclaiming the site.

21       (c) DURATION.—The financial assurance required  
22 under this section shall be held for the duration of the  
23 mineral activities and for an additional period to cover the  
24 operator's responsibility for reclamation, restoration, and

1 long-term maintenance, and effluent treatment as speci-  
2 fied in subsection (g).

3 (d) ADJUSTMENTS.—The amount of the financial as-  
4 surance and the terms of the acceptance of the assurance  
5 may be adjusted by the Secretary concerned from time to  
6 time as the area requiring coverage is increased or de-  
7 creased, or where the costs of reclamation or treatment  
8 change, or pursuant to section 304(f) (relating to tem-  
9 porary cessation of operations), but the financial assur-  
10 ance shall otherwise be in compliance with this section.  
11 The Secretary concerned shall review the financial guar-  
12 antee every 3 years and as part of the permit application  
13 review under section 304(c).

14 (e) RELEASE.—Upon request, and after notice and  
15 opportunity for public comment, and after inspection by  
16 the Secretary, or for National Forest System lands, the  
17 Secretary of Agriculture, such Secretary may, after con-  
18 sultation with the Administrator of the Environmental  
19 Protection Agency, release in whole or in part the financial  
20 assurance required under this section if the Secretary  
21 makes both of the following determinations:

22 (1) A determination that reclamation or res-  
23 toration covered by the financial assurance has been  
24 accomplished as required by this Act.

1           (2) A determination that the terms and condi-  
2           tions of any other applicable Federal requirements,  
3           and State requirements applicable pursuant to coop-  
4           erative agreements under section 308, have been ful-  
5           filled.

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

8           (1) After the operator has completed any re-  
9           quired backfilling, regrading, and drainage control of  
10          an area subject to mineral activities and covered by  
11          the financial assurance, and has commenced revege-  
12          tation on the regraded areas subject to mineral ac-  
13          tivities in accordance with the approved plan, that  
14          portion of the total financial assurance secured for  
15          the area subject to mineral activities attributable to  
16          the completed activities may be released except that  
17          sufficient assurance must be retained to address  
18          other required reclamation and restoration needs  
19          and to assure the long-term success of the revegeta-  
20          tion.

21          (2) After the operator has completed success-  
22          fully all remaining mineral activities and reclamation  
23          activities and all requirements of the operations plan  
24          and the reclamation plan, and all other requirements

1 of this Act have been fully met, the remaining por-  
2 tion of the financial assurance may be released.  
3 During the period following release of the financial assur-  
4 ance as specified in paragraph (1), until the remaining  
5 portion of the financial assurance is released as provided  
6 in paragraph (2), the operator shall be required to comply  
7 with the permit issued under this title.

8 (g) EFFLUENT.—Notwithstanding section 307(b)(4),  
9 where any discharge or other water-related condition re-  
10 sulting from the mineral activities requires treatment in  
11 order to meet the applicable effluent limitations and water  
12 quality standards, the financial assurance shall include the  
13 estimated cost of maintaining such treatment for the pro-  
14 jected period that will be needed after the cessation of  
15 mineral activities. The portion of the financial assurance  
16 attributable to such estimated cost of treatment shall not  
17 be released until the discharge has ceased for a period of  
18 5 years, as determined by ongoing monitoring and testing,  
19 or, if the discharge continues, until the operator has met  
20 all applicable effluent limitations and water quality stand-  
21 ards for 5 full years without treatment.

22 (h) ENVIRONMENTAL HAZARDS.—If the Secretary,  
23 or for National Forest System lands, the Secretary of Ag-  
24 riculture, determines, after final release of financial assur-  
25 ance, that an environmental hazard resulting from the

1 mineral activities exists, or the terms and conditions of  
2 the explorations or operations permit of this Act were not  
3 fulfilled in fact at the time of release, such Secretary shall  
4 issue an order under section 506 requiring the claim hold-  
5 er or operator (or any person who controls the claim hold-  
6 er or operator) to correct the condition such that applica-  
7 ble laws and regulations and any conditions from the plan  
8 of operations are met.

9 **SEC. 307. OPERATION AND RECLAMATION.**

10 (a) GENERAL RULE.—(1) The operator shall restore  
11 lands subject to mineral activities carried out under a per-  
12 mit issued under this title to a condition capable of sup-  
13 porting—

14 (A) the uses which such lands were capable of  
15 supporting prior to surface disturbance by the oper-  
16 ator, or

17 (B) other beneficial uses which conform to ap-  
18 plicable land use plans as determined by the Sec-  
19 retary, or for National Forest System lands, the  
20 Secretary of Agriculture.

21 (2) Reclamation shall proceed as contemporaneously  
22 as practicable with the conduct of mineral activities. In  
23 the case of a cessation of mineral activities beyond that  
24 provided for as a temporary cessation under this Act, rec-  
25 lamation activities shall begin immediately.

1 (b) OPERATION AND RECLAMATION STANDARDS.—

2 The Secretary of the Interior and the Secretary of Agri-  
3 culture shall jointly promulgate regulations that establish  
4 operation and reclamation standards for mineral activities  
5 permitted under this Act. The Secretaries may determine  
6 whether outcome-based performance standards or tech-  
7 nology-based design standards are most appropriate. The  
8 regulations shall address the following:

9 (1) Segregation, protection, and replacement of  
10 topsoil or other suitable growth medium, and the  
11 prevention, where possible, of soil contamination.

12 (2) Maintenance of the stability of all surface  
13 areas.

14 (3) Control of sediments to prevent erosion and  
15 manage drainage.

16 (4) Minimization of the formation and migra-  
17 tion of acidic, alkaline, metal-bearing, or other dele-  
18 terious leachate.

19 (5) Reduction of the visual impact of mineral  
20 activities to the surrounding topography, including  
21 as necessary pit backfill.

22 (6) Establishment of a diverse, effective, and  
23 permanent vegetative cover of the same seasonal va-  
24 riety native to the area affected by mineral activities,



1       and equal in extent of cover to the natural vegeta-  
2       tion of the area.

3           (7) Design and maintenance of leach oper-  
4       ations, impoundments, and excess waste according to  
5       standard engineering standards to achieve and main-  
6       tain stability and reclamation of the site.

7           (8) Removal of structures and roads and seal-  
8       ing of drill holes.

9           (9) Restoration of, or mitigation for, fish and  
10      wildlife habitat disturbed by mineral activities.

11          (10) Preservation of cultural, paleontological,  
12      and cave resources.

13          (11) Prevention and suppression of fire in the  
14      area of mineral activities.

15      (c) SURFACE OR GROUNDWATER WITHDRAWALS.—  
16      The Secretary shall work with State and local govern-  
17      ments with authority over the allocation and use of surface  
18      and groundwater in the area around the mine site as nec-  
19      essary to ensure that any surface or groundwater with-  
20      drawals made as a result of mining activities approved  
21      under this section do not cause undue degradation.

22      (d) SPECIAL RULE.—Reclamation activities for a  
23      mining claim that has been forfeited, relinquished, or  
24      lapsed, or a plan that has expired or been revoked or sus-  
25      pended, shall continue subject to review and approval by

1 the Secretary, or for National Forest System lands the  
2 Secretary of Agriculture.

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

4 (a) STATE LAW.—(1) Any reclamation, land use, en-  
5 vironmental, or public health protection standard or re-  
6 quirement in State law or regulation that meets or exceeds  
7 the requirements of this Act shall not be construed to be  
8 inconsistent with any such standard.

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

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

17 (b) APPLICABILITY OF OTHER STATE REQUIRE-  
18 MENTS.—(1) Nothing in this Act shall be construed as af-  
19 fecting any toxic substance, solid waste, or air or water  
20 quality, standard or requirement of any State, county,  
21 local, or tribal law or regulation, which may be applicable  
22 to mineral activities on lands subject to this Act.

23 (2) Nothing in this Act shall be construed as affecting  
24 in any way the right of any person to enforce or protect,  
25 under applicable law, such person's interest in water re-

1 sources affected by mineral activities on lands subject to  
2 this Act.

3 (c) COOPERATIVE AGREEMENTS.—(1) Any State  
4 may enter into a cooperative agreement with the Sec-  
5 retary, or for National Forest System lands the Secretary  
6 of Agriculture, for the purposes of such Secretary applying  
7 such standards and requirements referred to in subsection  
8 (a) and subsection (b) to mineral activities or reclamation  
9 on lands subject to this Act.

10 (2) In such instances where the proposed mineral ac-  
11 tivities would affect lands not subject to this Act in addi-  
12 tion to lands subject to this Act, in order to approve a  
13 plan of operations the Secretary concerned shall enter into  
14 a cooperative agreement with the State that sets forth a  
15 common regulatory framework consistent with the require-  
16 ments of this Act for the purposes of such plan of oper-  
17 ations. Any such common regulatory framework shall not  
18 negate the authority of the Federal Government to inde-  
19 pendently inspect mines and operations and bring enforce-  
20 ment actions for violations.

21 (3) The Secretary concerned shall not enter into a  
22 cooperative agreement with any State under this section  
23 until after notice in the Federal Register and opportunity  
24 for public comment and hearing.

1 (d) PRIOR AGREEMENTS.—Any cooperative agree-  
 2 ment or such other understanding between the Secretary  
 3 concerned and any State, or political subdivision thereof,  
 4 relating to the management of mineral activities on lands  
 5 subject to this Act that was in existence on the date of  
 6 enactment of this Act may only continue in force until 1  
 7 year after the date of enactment of this Act. During such  
 8 1-year period, the State and the Secretary shall review the  
 9 terms of the agreement and make changes that are nec-  
 10 essary to be consistent with this Act.

11 **SEC. 309. LIMITATION ON THE ISSUANCE OF PERMITS.**

12 No permit shall be issued under this title that author-  
 13 izes mineral activities that would impair the land or re-  
 14 sources of a National Park or a National Monument. For  
 15 purposes of this section, the term “impair” shall include  
 16 any diminution of the affected land including wildlife, sce-  
 17 nic assets, water resources, air quality, and acoustic quali-  
 18 ties, or other changes that would impair a citizen’s experi-  
 19 ence at the National Park or National Monument.

20 **TITLE IV—MINING MITIGATION**

21 **Subtitle A—Hardrock Minerals**

22 **Fund**

23 **SEC. 401. DEFINITIONS.**

24 As used in this title:

1           (1) The term “crude ore” means ore in its un-  
2           processed form, containing profitable amounts of the  
3           target mineral.

4           (2) The term “displaced material” means any  
5           crude ore and waste dislodged from its location at  
6           the time hardrock mining operations begin at a sur-  
7           face, underground, or in-situ mine.

8           (3) The term “Federal land” means any land,  
9           including mineral interests, owned by the United  
10          States without regard to how the United States ac-  
11          quired ownership of the land and without regard to  
12          the agency having responsibility for management  
13          thereof, except Indian lands.

14          (4) FUND.—The term “Fund” means the  
15          Hardrock Minerals Fund established by section 402.

16          (5) The term “hardrock mineral” means—

17                (A) any mineral mined under the Mining  
18                Law of 1872 (30 U.S.C. 22 et seq.); and

19                (B) with respect to State, Indian, and pri-  
20                vate lands, any mineral on those lands that  
21                would be considered hardrock mineral under  
22                subparagraph (A) if such mineral had been  
23                mined under the Mining Law of 1872.

24          (6) The term “hardrock mining operation”  
25          means—

1 (A) any activity or operation conducted to  
2 mine a mineral under the Mining Law of 1872  
3 (30 U.S.C. 22 et seq.);

4 (B) with respect to State, Indian, and pri-  
5 vate lands, any activity or operation conducted  
6 on such lands to mine a mineral that would be  
7 considered hardrock mineral if such mineral  
8 had been mined under the Mining Law of 1872;  
9 and

10 (C) any activities or operations to mine  
11 any other mineral the mining of which, at any  
12 time on or after the date of the enactment of  
13 this Act, is or was subject to the Mining Law  
14 of 1872.

15 (7) The term “mineral activity” means any ac-  
16 tivity on a mining claim, millsite claim, or tunnel  
17 site claim for, related to, or incidental to, any min-  
18 eral exploration, mining, beneficiation, processing, or  
19 reclamation activity for any hardrock mineral.

20 (8) The term “operator” means any person that  
21 conducts a mineral activity and any agent of such  
22 person.

23 (9) The term “ton” means 2,000 pounds avoird-  
24upois (.90718 metric ton).

1           (10) The term “waste” means rock that must  
2       be fractured and removed in order to gain access to  
3       crude ore.

4   **SEC. 402. ESTABLISHMENT OF FUND.**

5       (a) ESTABLISHMENT.—There is established on the  
6       books of the Treasury a separate account to be known as  
7       the Hardrock Minerals Fund.

8       (b) INVESTMENT.—The Secretary shall notify the  
9       Secretary of the Treasury as to what portion of the Fund  
10      is not, in the Secretary’s judgment, required to meet cur-  
11      rent withdrawals. The Secretary of the Treasury shall in-  
12      vest such portion of the Fund in public debt securities  
13      with maturities suitable for the needs of such Fund and  
14      bearing interest at rates determined by the Secretary of  
15      the Treasury, taking into consideration current market  
16      yields on outstanding marketplace obligations of the  
17      United States of comparable maturities.

18      (c) ADMINISTRATION.—In addition to other uses au-  
19      thorized by this title, the Secretary may use amounts in  
20      the Fund as necessary for the administrative expenses of  
21      the United States, Indian tribes, and the States to imple-  
22      ment this title.

23   **SEC. 403. CONTENTS OF FUND.**

24      The following amounts shall be credited to the Fund:

1           (1) All moneys collected pursuant to section  
2       506 and section 504.

3           (2) All fees received under section  
4       304(a)(1)(B).

5           (3) All donations by persons, corporations, as-  
6       sociations, and foundations for the purposes of this  
7       subtitle.

8           (4) All amounts deposited in the Fund under  
9       section 102.

10          (5) All amounts received by the United States  
11       from issuance of patents based on a determination  
12       under section 101.

13          (6) All amounts received by the United States  
14       pursuant to section 103 as claim maintenance and  
15       location fees, other than the moneys allocated for  
16       administration of the mining laws by the Depart-  
17       ment of the Interior.

18          (7) All income on investments under section  
19       402(b).

20          (8) All amounts deposited in the Fund under  
21       section 405.

22   **SEC. 404. SUBACCOUNTS.**

23       There shall be in the Fund 2 subaccounts, as follows:

24           (1) The Hardrock Reclamation Account, which  
25       shall consist of two-thirds of the amounts credited to



1 the Fund under section 403 and which shall be ad-  
2 ministered by the Secretary acting through the Di-  
3 rector of the Office of Surface Mining and Enforce-  
4 ment.

5 (2) The Hardrock Community Impact Assist-  
6 ance Account, which shall consist of one-third of the  
7 amounts credited to the Fund under section 403 and  
8 which shall be administered by the Secretary acting  
9 through the Director of the Bureau of Land Man-  
10 agement.

11 **SEC. 405. DISPLACED MATERIAL RECLAMATION FEE.**

12 (a) IMPOSITION OF FEE.—Except as provided in sub-  
13 section (g), each operator of a hardrock mining operation  
14 shall pay to the Secretary, for deposit in the Hardrock  
15 Minerals Fund established by section 402, a displaced ma-  
16 terial reclamation fee of 7 cents per ton of displaced mate-  
17 rial.

18 (b) PAYMENT DEADLINE.—Such reclamation fee  
19 shall be paid not later than 60 days after the end of each  
20 calendar year beginning with the first calendar year occur-  
21 ring after the date of enactment of this Act.

22 (c) SUBMISSION OF STATEMENT.—Together with  
23 such reclamation fee, all operators of hardrock mining op-  
24 erations shall submit to the Secretary a statement of the  
25 amount of displaced material produced during mineral ac-

1 tivities during the previous calendar year, the accuracy of  
2 which shall be sworn to by the operator and notarized.

3 (d) PENALTY.—Any corporate officer, agent, or di-  
4 rector of a person conducting a hardrock mining oper-  
5 ation, and any other person acting on behalf of such a  
6 person, who knowingly makes any false statement, rep-  
7 resentation, or certification, or knowingly fails to make  
8 any statement, representation, or certification, required  
9 under this section with respect to such operation shall,  
10 upon conviction, be punished by a fine of not more than  
11 \$10,000.

12 (e) CIVIL ACTION TO RECOVER FEE.—Any portion  
13 of such reclamation fee not properly or promptly paid pur-  
14 suant to this section shall be recoverable, with statutory  
15 interest, from the hardrock mining operations operator, in  
16 any court of competent jurisdiction in any action at law  
17 to compel payment of debts.

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

21 (g) EXEMPTION.—

22 (1) IN GENERAL.—The fee under this section  
23 shall not apply for a person for any tax year for  
24 which the person certifies to the Secretary in writing  
25 that the person and all related parties with respect

1 to such person, in the aggregate, had annual gross  
2 income from mineral production in an amount less  
3 than \$100,000.

4 (2) AGGREGATION OF INCOME.—The dollar  
5 amount in paragraph (1) shall be applied for a per-  
6 son to the aggregate of all annual gross income from  
7 mineral production under all mining claims held by  
8 or assigned to such person or any related parties  
9 with respect to such person, including mining claims  
10 located or for which a patent was issued before the  
11 date of the enactment of this Act.

12 (3) DEFINITIONS.—For the purposes of this  
13 paragraph, the term “related parties” means, with  
14 respect to a person—

15 (A) the spouse and all dependents (as de-  
16 fined in section 152 of the Internal Revenue  
17 Code of 1986 (26 U.S.C. 152)) of the person;  
18 or

19 (B) another person who is affiliated with  
20 the person, including—

21 (i) another person controlled by, con-  
22 trolling, or under common control with the  
23 person; and

24 (ii) a subsidiary or parent company or  
25 corporation of the person.

## **Subtitle B—Use of Hardrock Reclamation Account**

### **SEC. 411. USE AND OBJECTIVES OF THE ACCOUNT.**

#### **(a) AUTHORIZED USES.—**

(1) IN GENERAL.—The Secretary may, subject to appropriations, use moneys in the Hardrock Reclamation Account (hereinafter in this subtitle referred to as the “Account”) for the reclamation and restoration of land and water resources adversely affected by past hardrock mineral activities and related activities on lands described in section 412, including any of the following:

(A) Protecting public health and safety.

(B) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage, including in river watershed areas.

(C) Reclaiming and restoring abandoned surface and underground mined areas.

(D) Reclaiming and restoring abandoned milling and processing areas.

(E) Backfilling, sealing, or otherwise controlling abandoned underground mine entries.

(F) Revegetating land adversely affected by past mineral activities in order to prevent

1 erosion and sedimentation, to enhance wildlife  
2 habitat, and for any other reclamation purpose.

3 (G) Controlling surface subsidence due to  
4 abandoned underground mines.

5 (H) Enhancing fish and wildlife habitat.

6 (2) MANNER OF USE.—Amounts in the Account  
7 may—

8 (A) be expended by the Secretary for the  
9 purposes described in paragraph (1);

10 (B) be transferred by the Secretary to the  
11 Director of the Bureau of Land Management,  
12 the Chief of the Forest Service, the Director of  
13 the National Park Service, the Director of the  
14 United States Fish and Wildlife Service, the  
15 head of any other Federal agency, or any public  
16 entity that volunteers to develop and imple-  
17 ment, and that has the ability to carry out, all  
18 or a significant portion of a reclamation pro-  
19 gram under this subtitle; or

20 (C) be transferred by the Secretary to an  
21 Indian tribe or a State to carry out a reclama-  
22 tion program under this subtitle that meets the  
23 purposes described in paragraph (1).

24 (b) ALLOCATION.—Of the amounts deposited into the  
25 Account—

1           (1) 25 percent shall be allocated by the Sec-  
2       retary for expenditure in States or on tribal lands  
3       within the boundaries of which occurs production of  
4       hardrock minerals or mineral concentrates or prod-  
5       ucts derived from hardrock minerals, based on a for-  
6       mula reflecting existing production in each such  
7       State or on the land of the Indian tribe;

8           (2) 25 percent shall be allocated for expenditure  
9       by the Secretary in States or on tribal lands based  
10      on a formula reflecting the quantity of hardrock  
11      minerals, or mineral concentrates or products de-  
12      rived from hardrock minerals, historically produced  
13      in each such State or from the land of the Indian  
14      tribe before the date of enactment of this Act; and

15          (3) 50 percent shall be allocated for expenditure  
16      by the Secretary to address high-priority needs ac-  
17      cording to the priorities in subsection (c).

18      (c) PRIORITIES.—Expenditures of moneys from the  
19      Account shall reflect the following priorities in the order  
20      stated:

21          (1) The protection of public health and safety  
22      from extreme danger from the adverse effects of  
23      past mineral activities, especially as relates to sur-  
24      face water and ground water contaminants.

1           (2) The protection of public health and safety  
2           from the adverse effects of past mineral activities.

3           (3) The restoration of land, water, and fish and  
4           wildlife resources previously degraded by the adverse  
5           effects of past mineral activities, which may include  
6           restoration activities in river watershed areas.

7           (d) HABITAT.—Reclamation and restoration activi-  
8           ties under this subtitle shall include appropriate mitiga-  
9           tion measures to provide for the continuation of any estab-  
10          lished habitat for wildlife in existence before the com-  
11          mencement of such activities.

12          (e) RESPONSE OR REMOVAL ACTIONS.—Reclamation  
13          and restoration activities under this subtitle that con-  
14          stitute a removal or remedial action under section 101 of  
15          the Comprehensive Environmental Response, Compensa-  
16          tion, and Liability Act of 1980 (42 U.S.C. 9601), shall  
17          be conducted with the concurrence of the Administrator  
18          of the Environmental Protection Agency. The Secretary  
19          and the Administrator shall enter into a memorandum of  
20          understanding to establish procedures for consultation,  
21          concurrence, training, exchange of technical expertise, and  
22          joint activities under the appropriate circumstances, that  
23          provide assurances that reclamation or restoration activi-  
24          ties under this subtitle shall not be conducted in a manner  
25          that increases the costs or likelihood of removal or reme-

1 dial actions under the Comprehensive Environmental Re-  
2 sponse, Compensation, and Liability Act of 1980 (42  
3 U.S.C. 9601 et seq.), and that avoid oversight by multiple  
4 agencies to the maximum extent practicable.

5 **SEC. 412. ELIGIBLE LANDS AND WATERS.**

6 (a) **ELIGIBILITY.**—Reclamation expenditures under  
7 this subtitle may only be made with respect to Federal,  
8 State, Indian, local, and private lands that have been af-  
9 fected by past mineral activities, and water resources that  
10 traverse or are contiguous to such lands, including any  
11 of the following:

12 (1) Lands and water resources that were used  
13 for, or affected by, mineral activities and abandoned  
14 or left in an inadequate reclamation status before  
15 the effective date of this Act.

16 (2) Lands for which the Secretary makes a de-  
17 termination that there is no continuing reclamation  
18 responsibility of a claim holder, operator, or other  
19 person who abandoned the site prior to completion  
20 of required reclamation under State or other Federal  
21 laws.

22 (b) **SPECIFIC SITES AND AREAS NOT ELIGIBLE.**—  
23 Sites and areas designated for remedial action pursuant  
24 to the Uranium Mill Tailings Radiation Control Act of



1 1978 (42 U.S.C. 7901 et seq.) shall not be eligible for  
2 expenditures from the Account under this section.

3 (c) INVENTORY.—The Secretary shall prepare and  
4 maintain a publicly available inventory of abandoned  
5 hardrock minerals mines on public lands and any aban-  
6 doned mine on Indian lands that may be eligible for ex-  
7 penditures under this subtitle, and shall submit an annual  
8 report to the Congress on the progress in cleanup of such  
9 sites.

10 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

11 Amounts credited to the Hardrock Reclamation Ac-  
12 count are authorized to be appropriated for the purpose  
13 of this subtitle without fiscal year limitation.

14 **Subtitle C—Use of Hardrock Com-**  
15 **munity Impact Assistance Ac-**  
16 **count**

17 **SEC. 421. USE AND OBJECTIVES OF THE ACCOUNT.**

18 Amounts in the Hardrock Community Impact Assist-  
19 ance Account shall be available to the Secretary, subject  
20 to appropriations, to provide assistance for the planning,  
21 construction, and maintenance of public facilities and the  
22 provision of public services to States, political subdivisions,  
23 and Indian tribes that are socially or economically im-  
24 pacted by mineral activities conducted under the general  
25 mining laws.

1 **SEC. 422. ALLOCATION OF FUNDS.**

2       Moneys deposited into the Hardrock Community Im-  
3 pact Assistance Account shall be allocated by the Sec-  
4 retary for purposes of section 421 among the States within  
5 the boundaries of which occurs production of locatable  
6 minerals from mining claims located under the general  
7 mining laws and maintained in compliance with this Act,  
8 or mineral concentrates or products derived from locatable  
9 minerals from mining claims located under the general  
10 mining laws and maintained in compliance with this Act,  
11 as the case may be, in proportion to the amount of such  
12 production in each such State.

13 **TITLE V—ADMINISTRATIVE AND**  
14 **MISCELLANEOUS PROVISIONS**  
15 **Subtitle A—Administrative**  
16 **Provisions**

17 **SEC. 501. POLICY FUNCTIONS.**

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

21           (1) in the first sentence by inserting before the  
22 period at the end the following: “and to ensure that  
23 mineral extraction and processing not cause undue  
24 degradation of the natural and cultural resources of  
25 the public lands”; and

1           (2) by adding at the end thereof the following:

2           “It shall also be the responsibility of the Secretary  
3           of Agriculture to carry out the policy provisions of  
4           clauses (1) and (2) of the first paragraph of this  
5           section.”.

6           (b) MINERAL DATA.—Section 5(e)(3) of the National  
7           Materials and Minerals Policy, Research and Development  
8           Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by insert-  
9           ing before the period the following: “, except that for Na-  
10          tional Forest System lands the Secretary of Agriculture  
11          shall promptly initiate actions to improve the availability  
12          and analysis of mineral data in public land use decision-  
13          making”.

14   **SEC. 502. USER FEES.**

15          (a) IN GENERAL.—The Secretary and the Secretary  
16          of Agriculture may each establish and collect from persons  
17          subject to the requirements of this Act such user fees as  
18          may be necessary to reimburse the United States for the  
19          expenses incurred in administering such requirements.  
20          Fees may be assessed and collected under this section only  
21          in such manner as may reasonably be expected to result  
22          in an aggregate amount of the fees collected during any  
23          fiscal year which does not exceed the aggregate amount  
24          of administrative expenses referred to in this section.

1       (b) ADJUSTMENT.—(1) The Secretary shall adjust  
2 the fees required by this section to reflect changes in the  
3 Consumer Price Index published by the Bureau of Labor  
4 Statistics of the Department of Labor every 5 years after  
5 the date of enactment of this Act, or more frequently if  
6 the Secretary determines an adjustment to be reasonable.

7       (2) The Secretary shall provide claimants notice of  
8 any adjustment made under this subsection not later than  
9 July 1 of any year in which the adjustment is made.

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

13 **SEC. 503. INSPECTION AND MONITORING.**

14       (a) INSPECTIONS.—(1) The Secretary, or for Na-  
15 tional Forest System lands the Secretary of Agriculture,  
16 shall make inspections of mineral activities so as to ensure  
17 compliance with the requirements of this Act.

18       (2) The Secretary concerned shall establish a fre-  
19 quency of inspections for mineral activities conducted  
20 under a permit issued under title III, but in no event shall  
21 such inspection frequency be less than one complete in-  
22 spection per calendar quarter or, two per calendar quarter  
23 in the case of a permit for which the Secretary concerned  
24 approves an application under section 304(f) (relating to  
25 temporary cessation of operations). After revegetation has

1 been established in accordance with a reclamation plan,  
2 such Secretary shall conduct annually 2 complete inspec-  
3 tions. Such Secretary shall have the discretion to modify  
4 the inspection frequency for mineral activities that are  
5 conducted on a seasonal basis. Inspections shall continue  
6 under this subsection until final release of financial assur-  
7 ance.

8       (3)(A) Any person who has reason to believe he or  
9 she is or may be adversely affected by mineral activities  
10 due to any violation of the requirements of a permit ap-  
11 proved under this Act may request an inspection. The Sec-  
12 retary, or for National Forest System lands the Secretary  
13 of Agriculture, shall determine within 10 working days of  
14 receipt of the request whether the request states a reason  
15 to believe that a violation exists. If the person alleges and  
16 provides reason to believe that an imminent threat to the  
17 environment or danger to the health or safety of the public  
18 exists, the 10-day period shall be waived and the inspec-  
19 tion shall be conducted immediately. When an inspection  
20 is conducted under this paragraph, the Secretary con-  
21 cerned shall notify the person requesting the inspection,  
22 and such person shall be allowed to accompany the Sec-  
23 retary concerned or the Secretary's authorized representa-  
24 tive during the inspection. The Secretary shall not incur  
25 any liability for allowing such person to accompany an au-

1 thORIZED representative. The identity of the person sup-  
2 plying information to the Secretary relating to a possible  
3 violation or imminent danger or harm shall remain con-  
4 fidential with the Secretary if so requested by that person,  
5 unless that person elects to accompany an authorized rep-  
6 resentative on the inspection.

7 (B) The Secretaries shall, by joint rule, establish pro-  
8 cedures for the review of (i) any decision by an authorized  
9 representative not to inspect; or (ii) any refusal by such  
10 representative to ensure that remedial actions are taken  
11 with respect to any alleged violation. The Secretary con-  
12 cerned shall furnish such persons requesting the review  
13 a written statement of the reasons for the Secretary's final  
14 disposition of the case.

15 (b) MONITORING.—(1) The Secretary, or for Na-  
16 tional Forest System lands the Secretary of Agriculture,  
17 shall require all operators to develop and maintain a moni-  
18 toring and evaluation system that shall identify compli-  
19 ance with all requirements of a permit approved under this  
20 Act. The Secretary concerned may require additional mon-  
21 itoring to be conducted as necessary to assure compliance  
22 with the reclamation and other environmental standards  
23 of this Act. Such plan must be reviewed and approved by  
24 the Secretary and shall become a part of the explorations  
25 or operations permit.

1       (2) The operator shall file reports with the Secretary,  
2 or for National Forest System lands the Secretary of Agri-  
3 culture, on a frequency determined by the Secretary con-  
4 cerned, on the results of the monitoring and evaluation  
5 process, except that if the monitoring and evaluation show  
6 a violation of the requirements of a permit approved under  
7 this Act, it shall be reported immediately to the Secretary  
8 concerned. The Secretary shall evaluate the reports sub-  
9 mitted pursuant to this paragraph, and based on those  
10 reports and any necessary inspection shall take enforce-  
11 ment action pursuant to this section. Such reports shall  
12 be maintained by the operator and by the Secretary and  
13 shall be made available to the public.

14       (3) The Secretary, or for National Forest System  
15 lands the Secretary of Agriculture, shall determine what  
16 information shall be reported by the operator pursuant to  
17 paragraph (3). A failure to report as required by the Sec-  
18 retary concerned shall constitute a violation of this Act  
19 and subject the operator to enforcement action pursuant  
20 to section 506.

21 **SEC. 504. CITIZENS SUITS.**

22       (a) IN GENERAL.—Except as provided in subsection  
23 (b), any person may commence a civil action on his or  
24 her own behalf to compel compliance—

1           (1) against any person (including the Secretary  
2           or the Secretary of Agriculture) who is alleged to be  
3           in violation of any of the provisions of this Act or  
4           any regulation promulgated pursuant to title III of  
5           this Act or any term or condition of any permit  
6           issued under title III of this Act; or

7           (2) against the Secretary or the Secretary of  
8           Agriculture where there is alleged a failure of such  
9           Secretary to perform any act or duty under this Act,  
10          or to promulgate any regulation under this Act,  
11          which is not within the discretion of the Secretary  
12          concerned.

13 The United States district courts shall have jurisdiction  
14 over actions brought under this section, without regard to  
15 the amount in controversy or the citizenship of the parties,  
16 including actions brought to apply any civil penalty under  
17 this Act. The district courts of the United States shall  
18 have jurisdiction to compel agency action unreasonably de-  
19 layed, except that an action to compel agency action re-  
20 viewable under section 505 may only be filed in a United  
21 States district court within the circuit in which such action  
22 would be reviewable under section 505.

23          (b) EXCEPTIONS.—(1) No action may be commenced  
24 under subsection (a) before the end of the 60-day period  
25 beginning on the date the plaintiff has given notice in writ-



1 ing of such alleged violation to the alleged violator and  
2 the Secretary, or for National Forest System lands the  
3 Secretary of Agriculture, except that any such action may  
4 be brought immediately after such notification if the viola-  
5 tion complained of constitutes an imminent threat to the  
6 environment or to the health or safety of the public.

7       (2) No action may be brought against any person  
8 other than the Secretary or the Secretary of Agriculture  
9 under subsection (a)(1) if such Secretary has commenced  
10 and is diligently prosecuting a civil or criminal action in  
11 a court of the United States to require compliance.

12       (3) No action may be commenced under paragraph  
13 (2) of subsection (a) against either Secretary to review any  
14 rule promulgated by, or to any permit issued or denied  
15 by such Secretary if such rule or permit issuance or denial  
16 is judicially reviewable under section 505 or under any  
17 other provision of law at any time after such promulga-  
18 tion, issuance, or denial is final.

19       (c) VENUE.—Venue of all actions brought under this  
20 section shall be determined in accordance with section  
21 1391 of title 28, United States Code.

22       (d) COSTS.—The court, in issuing any final order in  
23 any action brought pursuant to this section may award  
24 costs of litigation (including attorney and expert witness  
25 fees) to any party whenever the court determines such

1 award is appropriate. The court may, if a temporary re-  
2 straining order or preliminary injunction is sought, require  
3 the filing of a bond or equivalent security in accordance  
4 with the Federal Rules of Civil Procedure.

5 (e) SAVINGS CLAUSE.—Nothing in this section shall  
6 restrict any right which any person (or class of persons)  
7 may have under chapter 7 of title 5, United States Code,  
8 under this section, or under any other statute or common  
9 law to bring an action to seek any relief against the Sec-  
10 retary or the Secretary of Agriculture or against any other  
11 person, including any action for any violation of this Act  
12 or of any regulation or permit issued under this Act or  
13 for any failure to act as required by law. Nothing in this  
14 section shall affect the jurisdiction of any court under any  
15 provision of title 28, United States Code, including any  
16 action for any violation of this Act or of any regulation  
17 or permit issued under this Act or for any failure to act  
18 as required by law.

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

20 (a) REVIEW BY SECRETARY.—(1)(A) Any person  
21 issued a notice of violation or cessation order under sec-  
22 tion 506, or any person having an interest which is or  
23 may be adversely affected by such notice or order, may  
24 apply to the Secretary, or for National Forest System  
25 lands the Secretary of Agriculture, for review of the notice

1 or order within 30 days after receipt thereof, or as the  
2 case may be, within 30 days after such notice or order  
3 is modified, vacated, or terminated.

4 (B) Any person who is subject to a penalty assessed  
5 under section 506 may apply to the Secretary concerned  
6 for review of the assessment within 45 days of notification  
7 of such penalty.

8 (C) Any person may apply to such Secretary for re-  
9 view of the decision within 30 days after it is made.

10 (D) Pending a review by the Secretary or resolution  
11 of an administrative appeal, final decisions (except en-  
12 forcement actions under section 506) shall be stayed.

13 (2) The Secretary concerned shall provide an oppor-  
14 tunity for a public hearing at the request of any party  
15 to the proceeding as specified in paragraph (1). The filing  
16 of an application for review under this subsection shall not  
17 operate as a stay of any order or notice issued under sec-  
18 tion 506.

19 (3) For any review proceeding under this subsection,  
20 the Secretary concerned shall make findings of fact and  
21 shall issue a written decision incorporating therein an  
22 order vacating, affirming, modifying, or terminating the  
23 notice, order, or decision, or with respect to an assess-  
24 ment, the amount of penalty that is warranted. Where the  
25 application for review concerns a cessation order issued

1 under section 506 the Secretary concerned shall issue the  
2 written decision within 30 days of the receipt of the appli-  
3 cation for review or within 30 days after the conclusion  
4 of any hearing referred to in paragraph (2), whichever is  
5 later, unless temporary relief has been granted by the Sec-  
6 retary concerned under paragraph (4).

7 (4) Pending completion of any review proceedings  
8 under this subsection, the applicant may file with the Sec-  
9 retary, or for National Forest System lands the Secretary  
10 of Agriculture, a written request that the Secretary grant  
11 temporary relief from any order issued under section 506  
12 together with a detailed statement giving reasons for such  
13 relief. The Secretary concerned shall expeditiously issue  
14 an order or decision granting or denying such relief. The  
15 Secretary concerned may grant such relief under such con-  
16 ditions as he or she may prescribe only if such relief shall  
17 not adversely affect the health or safety of the public or  
18 cause imminent environmental harm to land, air, or water  
19 resources.

20 (5) The availability of review under this subsection  
21 shall not be construed to limit the operation of rights  
22 under section 504 (relating to citizen suits).

23 (b) JUDICIAL REVIEW.—(1) Any final action by the  
24 Secretaries of the Interior and Agriculture in promul-  
25 gating regulations to implement this Act, or any other

1 final actions constituting rulemaking to implement this  
2 Act, shall be subject to judicial review only in the United  
3 States Court of Appeals for the District of Columbia. Any  
4 action subject to judicial review under this subsection shall  
5 be affirmed unless the court concludes that such action  
6 is arbitrary, capricious, or otherwise inconsistent with law.  
7 A petition for review of any action subject to judicial re-  
8 view under this subsection shall be filed within 60 days  
9 from the date of such action, or after such date if the  
10 petition is based solely on grounds arising after the 60th  
11 day. Any such petition may be made by any person who  
12 commented or otherwise participated in the rulemaking or  
13 any person who may be adversely affected by the action  
14 of the Secretaries.

15       (2) Final agency action under this subsection, includ-  
16 ing such final action on those matters described under  
17 subsection (a), shall be subject to judicial review in accord-  
18 ance with paragraph (4) and pursuant to section 1391 of  
19 title 28, United States Code, on or before 60 days from  
20 the date of such final action. Any action subject to judicial  
21 review under this subsection shall be affirmed unless the  
22 court concludes that such action is arbitrary, capricious,  
23 or otherwise inconsistent with law.

24       (3) The availability of judicial review established in  
25 this subsection shall not be construed to limit the oper-

1 ations of rights under section 504 (relating to citizens  
2 suits).

3       (4) The court shall hear any petition or complaint  
4 filed under this subsection solely on the record made be-  
5 fore the Secretary or Secretaries concerned. The court  
6 may affirm or vacate any order or decision or may remand  
7 the proceedings to the Secretary or Secretaries for such  
8 further action as it may direct.

9       (5) The commencement of a proceeding under this  
10 section shall not, unless specifically ordered by the court,  
11 operate as a stay of the action, order, or decision of the  
12 Secretary or Secretaries concerned.

13       (c) COSTS.—Whenever a proceeding occurs under  
14 subsection (a) or (b), at the request of any person, a sum  
15 equal to the aggregate amount of all costs and expenses  
16 (including attorney fees) as determined by the Secretary  
17 or Secretaries concerned or the court to have been reason-  
18 ably incurred by such person for or in connection with par-  
19 ticipation in such proceedings, including any judicial re-  
20 view of the proceeding, may be assessed against either  
21 party as the court, in the case of judicial review, or the  
22 Secretary or Secretaries concerned in the case of adminis-  
23 trative proceedings, deems proper if it is determined that  
24 such party prevailed in whole or in part, achieving some  
25 success on the merits, and that such party made a sub-

1 stantial contribution to a full and fair determination of  
2 the issues.

3 **SEC. 506. ENFORCEMENT.**

4 (a) ORDERS.—(1) If the Secretary, or for National  
5 Forest System lands the Secretary of Agriculture, or an  
6 authorized representative of such Secretary, determines  
7 that any person is in violation of any environmental pro-  
8 tection requirement under title III or any regulation  
9 issued by the Secretaries to implement this Act, such Sec-  
10 retary or authorized representative shall issue to such per-  
11 son a notice of violation describing the violation and the  
12 corrective measures to be taken. The Secretary concerned,  
13 or the authorized representative of such Secretary, shall  
14 provide such person with a period of time not to exceed  
15 30 days to abate the violation. Such period of time may  
16 be extended by the Secretary concerned upon a showing  
17 of good cause by such person. If, upon the expiration of  
18 time provided for such abatement, the Secretary con-  
19 cerned, or the authorized representative of such Secretary,  
20 finds that the violation has not been abated he or she shall  
21 immediately order a cessation of all mineral activities or  
22 the portion thereof relevant to the violation.

23 (2) If the Secretary concerned, or the authorized rep-  
24 resentative of the Secretary concerned, determines that  
25 any condition or practice exists, or that any person is in

1 violation of any requirement under a permit approved  
2 under this Act, and such condition, practice or violation  
3 is causing, or can reasonably be expected to cause—

4 (A) an imminent danger to the health or safety  
5 of the public; or

6 (B) significant, imminent environmental harm  
7 to land, air, water, or fish or wildlife resources,  
8 such Secretary or authorized representative shall imme-  
9 diately order a cessation of mineral activities or the por-  
10 tion thereof relevant to the condition, practice, or viola-  
11 tion.

12 (3)(A) A cessation order pursuant to paragraph (1)  
13 or (2) shall remain in effect until such Secretary, or au-  
14 thorized representative, determines that the condition,  
15 practice, or violation has been abated, or until modified,  
16 vacated or terminated by the Secretary or authorized rep-  
17 resentative. In any such order, the Secretary or authorized  
18 representative shall determine the steps necessary to abate  
19 the violation in the most expeditious manner possible and  
20 shall include the necessary measures in the order. The  
21 Secretary concerned shall require appropriate financial as-  
22 surances to ensure that the abatement obligations are met.

23 (B) Any notice or order issued pursuant to paragraph  
24 (1) or (2) may be modified, vacated, or terminated by the  
25 Secretary concerned or an authorized representative of



1 such Secretary. Any person to whom any such notice or  
2 order is issued shall be entitled to a hearing on the record.

3 (4) If, after 30 days of the date of the order referred  
4 to in paragraph (3)(A) the required abatement has not  
5 occurred, the Secretary concerned shall take such alter-  
6 native enforcement action against the claim holder or op-  
7 erator (or any person who controls the claim holder or op-  
8 erator) as will most likely bring about abatement in the  
9 most expeditious manner possible. Such alternative en-  
10 forcement action may include, but is not necessarily lim-  
11 ited to, seeking appropriate injunctive relief to bring about  
12 abatement. Nothing in this paragraph shall preclude the  
13 Secretary, or for National Forest System lands the Sec-  
14 retary of Agriculture, from taking alternative enforcement  
15 action prior to the expiration of 30 days.

16 (5) If a claim holder or operator (or any person who  
17 controls the claim holder or operator) fails to abate a vio-  
18 lation or defaults on the terms of the permit, the Sec-  
19 retary, or for National Forest System lands the Secretary  
20 of Agriculture, shall forfeit the financial assurance for the  
21 plan as necessary to ensure abatement and reclamation  
22 under this Act. The Secretary concerned may prescribe  
23 conditions under which a surety may perform reclamation  
24 in accordance with the approved plan in lieu of forfeiture.

1       (6) The Secretary, or for National Forest System  
2 lands the Secretary of Agriculture, shall not cause for-  
3 feiture of the financial assurance while administrative or  
4 judicial review is pending.

5       (7) In the event of forfeiture, the claim holder, oper-  
6 ator, or any affiliate thereof, as appropriate as determined  
7 by the Secretary by rule, shall be jointly and severally lia-  
8 ble for any remaining reclamation obligations under this  
9 Act.

10       (b) COMPLIANCE.—The Secretary, or for National  
11 Forest System lands the Secretary of Agriculture, may re-  
12 quest the Attorney General to institute a civil action for  
13 relief, including a permanent or temporary injunction or  
14 restraining order, or any other appropriate enforcement  
15 order, including the imposition of civil penalties, in the dis-  
16 trict court of the United States for the district in which  
17 the mineral activities are located whenever a person—

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

21               (2) interferes with, hinders, or delays the Sec-  
22 retary concerned in carrying out an inspection under  
23 section 503.

24 Such court shall have jurisdiction to provide such relief  
25 as may be appropriate. Any relief granted by the court

1 to enforce an order under paragraph (1) shall continue  
2 in effect until the completion or final termination of all  
3 proceedings for review of such order unless the district  
4 court granting such relief sets it aside.

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

9 (d) PENALTIES.—(1) Any person who fails to comply  
10 with any requirement of a permit approved under this Act  
11 or any regulation issued by the Secretaries to implement  
12 this Act shall be liable for a penalty of not more than  
13 \$25,000 per violation. Each day of violation may be  
14 deemed a separate violation for purposes of penalty assess-  
15 ments.

16 (2) A person who fails to correct a violation for which  
17 a cessation order has been issued under subsection (a)  
18 within the period permitted for its correction shall be as-  
19 sessed a civil penalty of not less than \$1,000 per violation  
20 for each day during which such failure continues.

21 (3) Whenever a corporation is in violation of a re-  
22 quirement of a permit approved under this Act or any reg-  
23 ulation issued by the Secretaries to implement this Act  
24 or fails or refuses to comply with an order issued under  
25 subsection (a), any director, officer, or agent of such cor-

1 poration who knowingly authorized, ordered, or carried  
2 out such violation, failure, or refusal shall be subject to  
3 the same penalties as may be imposed upon the person  
4 referred to in paragraph (1).

5 (e) SUSPENSIONS OR REVOCATIONS.—The Secretary,  
6 or for National Forest System lands the Secretary of Agri-  
7 culture, shall suspend or revoke a permit issued under title  
8 III, in whole or in part, if the operator—

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

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

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

18 (4) refuses to permit an audit pursuant to this  
19 Act;

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

22 (6) fails to pay claim maintenance fees or other  
23 moneys due and owing under this Act; or

24 (7) with regard to plans conditionally approved  
25 under section 305(c)(2), fails to abate a violation to

1 the satisfaction of the Secretary concerned, or if the  
2 validity of the violation is upheld on the appeal  
3 which formed the basis for the conditional approval.

4 (f) FALSE STATEMENTS; TAMPERING.—Any person  
5 who knowingly—

6 (1) makes any false material statement, rep-  
7 resentation, or certification in, or omits or conceals  
8 material information from, or unlawfully alters, any  
9 mining claim, notice of location, application, record,  
10 report, plan, or other documents filed or required to  
11 be maintained under this Act; or

12 (2) falsifies, tampers with, renders inaccurate,  
13 or fails to install any monitoring device or method  
14 required to be maintained under this Act,

15 shall upon conviction, be punished by a fine of not more  
16 than \$10,000, or by imprisonment for not more than 2  
17 years, or by both. If a conviction of a person is for a viola-  
18 tion committed after a first conviction of such person  
19 under this subsection, punishment shall be by a fine of  
20 not more than \$20,000 per day of violation, or by impris-  
21 onment of not more than 4 years, or both. Each day of  
22 continuing violation may be deemed a separate violation  
23 for purposes of penalty assessments.

24 (g) KNOWING VIOLATIONS.—Any person who know-  
25 ingly—

1           (1) engages in mineral activities without a per-  
2           mit required under title III; or

3           (2) violates any other requirement of a permit  
4           issued under this Act, or any condition or limitation  
5           thereof,

6   shall upon conviction be punished by a fine of not less  
7   than \$5,000 nor more than \$50,000 per day of violation,  
8   or by imprisonment for not more than 3 years, or both.  
9   If a conviction of a person is for a violation committed  
10  after the first conviction of such person under this sub-  
11  section, punishment shall be a fine of not less than  
12  \$10,000 per day of violation, or by imprisonment of not  
13  more than 6 years, or both.

14       (h) KNOWING AND WILLFUL VIOLATIONS.—Any per-  
15  son who knowingly and willfully commits an act for which  
16  a civil penalty is provided in paragraph (1) of subsection  
17  (g) shall, upon conviction, be punished by a fine of not  
18  more than \$50,000, or by imprisonment for not more than  
19  2 years, or both.

20       (i) DEFINITION.—For purposes of this section, the  
21  term “person” includes any officer, agent, or employee of  
22  a person.

23   **SEC. 507. REGULATIONS.**

24       The Secretary and the Secretary of Agriculture shall  
25  issue such regulations as are necessary to implement this

1 Act. The regulations implementing title II, title III, title  
 2 IV, and title V that affect the Forest Service shall be joint  
 3 regulations issued by both Secretaries, and shall be issued  
 4 no later than 180 days after the date of enactment of this  
 5 Act.

6 **SEC. 508. EFFECTIVE DATE.**

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

9 **Subtitle B—Miscellaneous**  
 10 **Provisions**

11 **SEC. 511. OIL SHALE CLAIMS.**

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

14 (1) by striking “as prescribed by the Sec-  
 15 retary”; and

16 (2) by inserting before the period the following:  
 17 “in the same manner as required by title II and title  
 18 III of the Hardrock Mining Reform and Reclamation  
 19 Act of 2015”.

20 **SEC. 512. PURCHASING POWER ADJUSTMENT.**

21 The Secretary shall adjust all location fees, claim  
 22 maintenance rates, penalty amounts, and other dollar  
 23 amounts established in this Act for changes in the pur-  
 24 chasing power of the dollar no less frequently than every  
 25 5 years following the date of enactment of this Act, em-

1 plying the Consumer Price Index for All-Urban Con-  
2 sumers published by the Department of Labor as the basis  
3 for adjustment, and rounding according to the adjustment  
4 process of conditions of the Federal Civil Penalties Infla-  
5 tion Adjustment Act of 1990 (104 Stat. 890).

6 **SEC. 513. SAVINGS CLAUSE.**

7       (a) SPECIAL APPLICATION OF MINING LAWS.—Noth-  
8 ing in this Act shall be construed as repealing or modi-  
9 fying any Federal law, regulation, order, or land use plan,  
10 in effect prior to the date of enactment of this Act that  
11 prohibits or restricts the application of the general mining  
12 laws, including laws that provide for special management  
13 criteria for operations under the general mining laws as  
14 in effect prior to the date of enactment of this Act, to  
15 the extent such laws provide for protection of natural and  
16 cultural resources and the environment greater than re-  
17 quired under this Act, and any such prior law shall remain  
18 in force and effect with respect to claims located (or pro-  
19 posed to be located) or converted under this Act. Nothing  
20 in this Act shall be construed as applying to or limiting  
21 mineral investigations, studies, or other mineral activities  
22 conducted by any Federal or State agency acting in its  
23 governmental capacity pursuant to other authority. Noth-  
24 ing in this Act shall affect or limit any assessment, inves-  
25 tigation, evaluation, or listing pursuant to the Comprehen-



1 sive Environmental Response, Compensation, and Liabil-  
2 ity Act of 1980 (42 U.S.C. 9601 et seq.), or the Solid  
3 Waste Disposal Act (42 U.S.C. 3251 et seq.).

4 (b) EFFECT ON OTHER FEDERAL LAWS.—The provi-  
5 sions of this Act shall supersede the general mining laws,  
6 except for those parts of the general mining laws respect-  
7 ing location of mining claims that are not expressly modi-  
8 fied by this Act. Except for the general mining laws, noth-  
9 ing in this Act shall be construed as superseding, modi-  
10 fying, amending, or repealing any provision of Federal law  
11 not expressly superseded, modified, amended, or repealed  
12 by this Act. Nothing in this Act shall be construed as al-  
13 tering, affecting, amending, modifying, or changing, di-  
14 rectly or indirectly, any law which refers to and provides  
15 authorities or responsibilities for, or is administered by,  
16 the Environmental Protection Agency or the Adminis-  
17 trator of the Environmental Protection Agency, including  
18 the Federal Water Pollution Control Act, title XIV of the  
19 Public Health Service Act (the Safe Drinking Water Act),  
20 the Clean Air Act, the Pollution Prevention Act of 1990,  
21 the Toxic Substances Control Act, the Federal Insecticide,  
22 Fungicide, and Rodenticide Act, the Federal Food, Drug,  
23 and Cosmetic Act, the Motor Vehicle Information and  
24 Cost Savings Act, the Federal Hazardous Substances Act,  
25 the Endangered Species Act of 1973, the Atomic Energy

1 Act, the Noise Control Act of 1972, the Solid Waste Dis-  
2 posal Act, the Comprehensive Environmental Response,  
3 Compensation, and Liability Act of 1980, the Superfund  
4 Amendments and Reauthorization Act of 1986, the Ocean  
5 Dumping Act, the Environmental Research, Development,  
6 and Demonstration Authorization Act, the Pollution Pros-  
7 ecution Act of 1990, and the Federal Facilities Compli-  
8 ance Act of 1992, or any statute containing an amend-  
9 ment to any of such Acts. Nothing in this Act shall be  
10 construed as modifying or affecting any provision of the  
11 Native American Graves Protection and Repatriation Act  
12 (Public Law 101–601) or any provision of the American  
13 Indian Religious Freedom Act (42 U.S.C. 1996), the Na-  
14 tional Historic Preservation Act (16 U.S.C. 470 et seq.),  
15 and the Religious Freedom Restoration Act of 1993 (42  
16 U.S.C. 2000bb et seq.).

17 (c) PROTECTION OF CONSERVATION AREAS.—In  
18 order to protect the resources and values of National Con-  
19 servation System units, the Secretary, as appropriate,  
20 shall utilize authority under this Act and other applicable  
21 law to the fullest extent necessary to prevent mineral ac-  
22 tivities that could have an adverse impact on the resources  
23 or values for which such units were established.

1 (d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—  
2 Nothing in this section shall be construed so as to waive  
3 the sovereign immunity of any Indian tribe.

4 **SEC. 514. AVAILABILITY OF PUBLIC RECORDS.**

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

14 **SEC. 515. MISCELLANEOUS POWERS.**

15 (a) IN GENERAL.—In carrying out his or her duties  
16 under this Act, the Secretary, or for National Forest Sys-  
17 tem lands the Secretary of Agriculture, may conduct any  
18 investigation, inspection, or other inquiry necessary and  
19 appropriate and may conduct, after notice, any hearing  
20 or audit, necessary and appropriate to carrying out his  
21 or her duties.

22 (b) ANCILLARY POWERS.—In connection with any  
23 hearing, inquiry, investigation, or audit under this Act, the  
24 Secretary, or for National Forest System lands the Sec-

1   retary of Agriculture, is authorized to take any of the fol-  
2   lowing actions:

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

9           (2) Administer oaths.

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

14          (4) Order testimony to be taken by deposition  
15       before any person who is designated by such Sec-  
16       retary and who has the power to administer oaths,  
17       and to compel testimony and the production of evi-  
18       dence in the same manner as authorized under para-  
19       graph (3) of this subsection.

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

23       (c) ENFORCEMENT.—In cases of refusal to obey a  
24   subpoena served upon any person under this section, the  
25   district court of the United States for any district in which

1 such person is found, resides, or transacts business, upon  
2 application by the Attorney General at the request of the  
3 Secretary concerned and after notice to such person, shall  
4 have jurisdiction to issue an order requiring such person  
5 to appear and produce documents before the Secretary  
6 concerned. Any failure to obey such order of the court may  
7 be punished by such court as contempt thereof and subject  
8 to a penalty of up to \$10,000 a day.

9 (d) ENTRY AND ACCESS.—Without advance notice  
10 and upon presentation of appropriate credentials, the Sec-  
11 retary, or for National Forest System lands the Secretary  
12 of Agriculture, or any authorized representative thereof—

13 (1) shall have the right of entry to, upon, or  
14 through the site of any claim, mineral activities, or  
15 any premises in which any records required to be  
16 maintained under this Act are located;

17 (2) may at reasonable times, and without delay,  
18 have access to records, inspect any monitoring  
19 equipment, or review any method of operation re-  
20 quired under this Act;

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

24 (4) may, on any mining claim located under the  
25 general mining laws and maintained in compliance

1 with this Act, and without advance notice, stop and  
2 inspect any motorized form of transportation that  
3 such Secretary has probable cause to believe is car-  
4 rying locatable minerals, concentrates, or products  
5 derived therefrom from a claim site for the purpose  
6 of determining whether the operator of such vehicle  
7 has documentation related to such locatable min-  
8 erals, concentrates, or products derived therefrom as  
9 required by law, if such documentation is required  
10 under this Act; and

11 (5) may, if accompanied by any appropriate law  
12 enforcement officer, or an appropriate law enforce-  
13 ment officer alone, stop and inspect any motorized  
14 form of transportation which is not on a claim site  
15 if he or she has probable cause to believe such vehi-  
16 cle is carrying locatable minerals, concentrates, or  
17 products derived therefrom from a claim site on  
18 Federal lands or allocated to such claim site. Such  
19 inspection shall be for the purpose of determining  
20 whether the operator of such vehicle has the docu-  
21 mentation required by law, if such documentation is  
22 required under this Act.

1 **SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SUR-**  
2 **FACE RESOURCES.**

3 The provisions of sections 4 and 6 of the Act of Au-  
4 gust 13, 1954 (30 U.S.C. 524 and 526), commonly known  
5 as the Multiple Minerals Development Act, and the provi-  
6 sions of section 4 of the Act of July 23, 1955 (30 U.S.C.  
7 612), shall apply to all mining claims located under the  
8 general mining laws and maintained in compliance with  
9 such laws and this Act.

10 **SEC. 517. MINERAL MATERIALS.**

11 (a) DETERMINATIONS.—Section 3 of the Act of July  
12 23, 1955 (30 U.S.C. 611), is amended—

13 (1) by inserting “(a)” before the first sentence;

14 (2) by inserting “mineral materials, including  
15 but not limited to” after “varieties of” in the first  
16 sentence;

17 (3) by striking “or cinders” and inserting in  
18 lieu thereof “cinders, and clay”; and

19 (4) by adding the following new subsection at  
20 the end thereof:

21 “(b)(1) Subject to valid existing rights, after the date  
22 of enactment of the Hardrock Mining Reform and Rec-  
23 lamation Act of 2015, notwithstanding the reference to  
24 common varieties in subsection (a) and to the exception  
25 to such term relating to a deposit of materials with some  
26 property giving it distinct and special value, all deposits

1 of mineral materials referred to in such subsection, includ-  
 2 ing the block pumice referred to in such subsection, shall  
 3 be subject to disposal only under the terms and conditions  
 4 of the Materials Act of 1947.

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

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

12 “(B) was properly located and maintained  
 13 under the general mining laws prior to the date of  
 14 enactment of the Hardrock Mining Reform and Rec-  
 15 lamation Act of 2015;

16 “(C) was supported by a discovery of a valuable  
 17 mineral deposit within the meaning of the general  
 18 mining laws as in effect immediately prior to the  
 19 date of enactment of the Hardrock Mining Reform  
 20 and Reclamation Act of 2015; and

21 “(D) that such claim continues to be valid  
 22 under this Act.”.

23 (b) MINERAL MATERIALS DISPOSAL CLARIFICA-  
 24 TION.—Section 4 of the Act of July 23, 1955 (30 U.S.C.  
 25 612), is amended—



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

3           (2) in subsection (c) by inserting “and mineral  
4       material” after “vegetative”.

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

10       (d) SHORT TITLES.—

11           (1) SURFACE RESOURCES.—The Act of July  
12       23, 1955, is amended by inserting after section 7  
13       the following new section:

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

16           (2) MINERAL MATERIALS.—The Act of July 31,  
17       1947, entitled “An Act to provide for the disposal of  
18       materials on the public lands of the United States”  
19       (30 U.S.C. 601 et seq.) is amended by inserting  
20       after section 4 the following new section:

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

23       (e) REPEALS.—(1) Subject to valid existing rights,  
24       the Act of August 4, 1892 (chapter 375; 27 Stat. 348;

1 30 U.S.C. 161), commonly known as the Building Stone  
2 Act, is hereby repealed.

3 (2) Subject to valid existing rights, the Act of Janu-  
4 ary 31, 1901 (chapter 186; 31 Stat. 745; 30 U.S.C. 162),  
5 commonly known as the Saline Placer Act, is hereby re-  
6 pealed.

7 **TITLE VI—GOOD SAMARITAN**  
8 **CLEANUP OF ABANDONED**  
9 **HARDROCK MINES**

10 **SEC. 601. SHORT TITLE.**

11 This title may be cited as the “Good Samaritan  
12 Cleanup of Abandoned Hardrock Mines Act of 2015”.

13 **SEC. 602. FINDINGS; PURPOSES.**

14 (a) FINDINGS.—Congress finds that—

15 (1) the Federal Government and State govern-  
16 ments have encouraged hardrock mining in the  
17 United States through a wide variety of laws, poli-  
18 cies, and actions;

19 (2) mining operations produce metals and min-  
20 erals that have important social benefits and values;

21 (3) many areas in the United States at which  
22 historic mining operations took place are now the lo-  
23 cations of inactive and abandoned mine sites;

24 (4) the mining activities that took place prior to  
25 the enactment of modern environmental laws often

1       disturbed public and private land, and those disturb-  
2       ances led to environmental pollution, including the  
3       discharge of pollutants into surface water and  
4       groundwater;

5           (5) many of the individuals and corporate own-  
6       ers and operators of mines the actions of which  
7       caused the pollution described in paragraph (4) are  
8       no longer alive or in existence;

9           (6) many of the historic mining sites have pol-  
10      luted the environment for more than a century and,  
11      unless remedied, will continue to do so indefinitely;

12          (7) unabated discharges from inactive and  
13      abandoned mines will continue to pollute surface  
14      water, groundwater, and soils;

15          (8) many of the streams and water bodies im-  
16      pacted by acid mine drainage are important re-  
17      sources for fish and wildlife, recreation, drinking  
18      water, agriculture, and other public purposes;

19          (9) some of the remaining owners and operators  
20      of historic mine sites do not have adequate resources  
21      to properly conduct the remediation of the mine sites  
22      under applicable environmental laws;

23          (10) from time to time, States, individuals, and  
24      companies are willing to remediate historic mine  
25      sites for the public good as Good Samaritans, de-

1 spite the fact that those States, individuals, and  
2 companies are not legally required to do so;

3 (11) Good Samaritan remediation activities  
4 may—

5 (A) vary in size and complexity;

6 (B) reflect a myriad of methods by which  
7 mine residue may be cleaned up; and

8 (C) include, among other activities—

9 (i) the removal, relocation, or manage-  
10 ment of tailings or other waste piles;

11 (ii) passive or active water treatment;

12 and

13 (iii) runoff or runoff controls;

14 (12) the potential obligations, requirements,  
15 and liabilities under the Federal Water Pollution  
16 Control Act (33 U.S.C. 1251 et seq.) that may at-  
17 tach to Good Samaritans as the result of the con-  
18 duct by the Good Samaritans of remediation activi-  
19 ties can dissuade potential Good Samaritans from  
20 acting for the public good;

21 (13) it is in the interest of the United States,  
22 the States, and local communities to remediate his-  
23 toric mine sites—

24 (A) in appropriate circumstances and to  
25 the maximum extent practicable; and

1 (B) so that the detrimental environmental  
2 impacts of the historic mine sites are lessened  
3 in the future; and

4 (14) if appropriate protections are provided to  
5 Good Samaritans, Good Samaritans will have a  
6 greater incentive to remediate historic mine sites for  
7 the public good.

8 (b) PURPOSES.—The purposes of this title are—

9 (1) to encourage the partial or complete remedi-  
10 ation of inactive and abandoned mine sites for the  
11 public good by individuals or entities that are not le-  
12 gally responsible for the remediation;

13 (2) to allow any individual or entity not legally  
14 responsible for environmental conditions relating to  
15 an inactive or abandoned mine site—

16 (A) to make further progress toward the  
17 goal of meeting water quality standards in all  
18 water of the United States; and

19 (B) to improve other environmental media  
20 affected by past mining activities at the inactive  
21 or abandoned mine site without incurring any  
22 obligation or liability with respect to the Fed-  
23 eral Water Pollution Control Act (33 U.S.C.  
24 1251 et seq.);

1           (3) to ensure that remediation activities per-  
2       formed by Good Samaritans—

3           (A) result in actual and significant envi-  
4       ronmental benefits; and

5           (B) are carried out—

6           (i) with the approval and agreement,  
7       and at the discretion, of affected Federal,  
8       State, and tribal authorities;

9           (ii) in a manner that enables the pub-  
10      lic to conduct a review of, and submit com-  
11      ments relating to, the remediation activi-  
12      ties; and

13          (iii) in a manner that is beneficial to  
14      the environment and each community af-  
15      fected by the remediation activities; and

16          (4) to further the innovations of, and coopera-  
17      tion among, the Federal Government, State and  
18      tribal governments, private individuals, and corpora-  
19      tions to accelerate efforts relating to conservation  
20      and environmental restoration.

21 **SEC. 603. SCOPE.**

22      Nothing in this title (or an amendment made by this  
23      title)—

24          (1) reduces any existing liability; or

1           (2) facilitates the conduct of any mining or  
 2           processing other than the conduct of any mining or  
 3           processing that is required for the remediation of  
 4           historic mine residue for the public good.

5 **SEC. 604. GOOD SAMARITAN DISCHARGE PERMITS.**

6           Section 402 of the Federal Water Pollution Control  
 7 Act (33 U.S.C. 1342) is amended by adding at the end  
 8 the following:

9           “(s) GOOD SAMARITAN DISCHARGE PERMITS.—

10           “(1) DEFINITIONS.—In this subsection:

11           “(A) COOPERATING PERSON.—

12           “(i) IN GENERAL.—The term ‘cooper-  
 13           ating person’ means any person that—

14           “(I) is a Good Samaritan;

15           “(II) assists a permittee in the  
 16           remediation of an inactive or aban-  
 17           doned mine site; and

18           “(III) is identified in a Good Sa-  
 19           maritan discharge permit issued  
 20           under paragraph (2).

21           “(ii) INCLUSION.—The term ‘cooper-  
 22           ating person’ includes the Federal Govern-  
 23           ment.

24           “(B) ELIGIBLE APPLICANT.—The term ‘el-  
 25           igible applicant’ means a person that—

1 “(i) is a Good Samaritan; and

2 “(ii) proposes a project, the purpose  
3 of which is to remediate, in whole or in  
4 part, actual or threatened pollution caused  
5 by historic mine residue at an inactive or  
6 abandoned mine site.

7 “(C) GOOD SAMARITAN.—The term ‘Good  
8 Samaritan’ means a person that, with respect  
9 to historic mine residue at an inactive or aban-  
10 doned mine site—

11 “(i) had no role in the creation of the  
12 historic mine residue;

13 “(ii) had no role in creating any envi-  
14 ronmental pollution caused by the historic  
15 mine residue; and

16 “(iii) is not liable under any Federal,  
17 State, tribal, or local law for the remedi-  
18 ation of the historic mine residue.

19 “(D) HISTORIC MINE RESIDUE.—

20 “(i) IN GENERAL.—The term ‘historic  
21 mine residue’ means mine residue or any  
22 condition resulting from activities at an in-  
23 active or abandoned mine site prior to Oc-  
24 tober 18, 1972, that—



1 “(I) causes or contributes to the  
2 actual or threatened discharge of pol-  
3 lutants from the inactive or aban-  
4 doned mine site; or

5 “(II) otherwise pollutes the envi-  
6 ronment.

7 “(ii) INCLUSIONS.—The term ‘historic  
8 mine residue’ includes—

9 “(I) ores and minerals that—

10 “(aa) were mined during the  
11 active operation of an inactive or  
12 abandoned mine site; and

13 “(bb) contribute to acid  
14 mine drainage or other environ-  
15 mental pollution;

16 “(II) equipment (including mate-  
17 rials in equipment);

18 “(III) any waste or material re-  
19 sulting from any extraction,  
20 beneficiation, or other processing ac-  
21 tivity that occurred during the active  
22 operation of an inactive or abandoned  
23 mine site; and

24 “(IV) any acidic or otherwise pol-  
25 luted flow in surface water or ground-

1 water that originates from an inactive  
2 or abandoned mine site.

3 “(E) IDENTIFIABLE OWNER OR OPER-  
4 ATOR.—The term ‘identifiable owner or oper-  
5 ator’ means a person that is—

6 “(i) legally responsible under section  
7 301 for a discharge that originates from  
8 an inactive or abandoned mine site; and

9 “(ii) financially capable of complying  
10 with each requirement described in this  
11 section and section 301.

12 “(F) INACTIVE OR ABANDONED MINE  
13 SITE.—

14 “(i) IN GENERAL.—The term ‘inactive  
15 or abandoned mine site’ means a mine site  
16 (including associated facilities) that—

17 “(I) is located in the United  
18 States;

19 “(II) was used for the production  
20 of a mineral other than coal;

21 “(III) has historic mine residue;  
22 and

23 “(IV) is no longer actively mined  
24 on the date on which an eligible appli-  
25 cant submits to a permitting authority

1 a remediation plan relating to an ap-  
2 plication for a Good Samaritan dis-  
3 charge permit under paragraph (3)(B)  
4 for the remediation of the mine site.

5 “(ii) EXCLUSIONS.—The term ‘inac-  
6 tive or abandoned mine site’ does not in-  
7 clude a mine site (including associated fa-  
8 cilities) that is—

9 “(I) in a temporary shutdown;

10 “(II) included on the National  
11 Priorities List developed by the Presi-  
12 dent in accordance with section  
13 105(a)(8)(B) of the Comprehensive  
14 Environmental Response, Compensa-  
15 tion, and Liability Act of 1980 (42  
16 U.S.C. 9605(a)(8)(B)); or

17 “(III) the subject of an ongoing  
18 or planned remedial action carried out  
19 in accordance with the Comprehensive  
20 Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42  
22 U.S.C. 9601 et seq.).

23 “(G) INDIAN TRIBE.—The term ‘Indian  
24 tribe’ has the meaning given the term in section

1           4 of the Indian Self-Determination and Edu-  
2 cation Assistance Act (25 U.S.C. 450b).

3           “(H) PERMITTEE.—The term ‘permittee’  
4 means a person that is issued a Good Samari-  
5 tan discharge permit under this subsection.

6           “(I) PERMITTING AUTHORITY.—

7               “(i) IN GENERAL.—Except as pro-  
8 vided in clause (ii), the term ‘permitting  
9 authority’ means the Administrator.

10           “(ii) EXCEPTION.—In the case of a  
11 State or Indian tribe with an approved  
12 permitting program under paragraph  
13 (2)(B), the term ‘permitting authority’  
14 means the head of the permitting program  
15 of the State or Indian tribe.

16           “(J) PERSON.—The term ‘person’ in-  
17 cludes—

18               “(i) an individual;

19               “(ii) a firm;

20               “(iii) a corporation;

21               “(iv) an association;

22               “(v) a partnership;

23               “(vi) a consortium;

24               “(vii) a joint venture;

25               “(viii) a commercial entity;

- 1 “(ix) a nonprofit organization;
- 2 “(x) the Federal Government;
- 3 “(xi) a State (including a political
- 4 subdivision of a State);
- 5 “(xii) an interstate entity;
- 6 “(xiii) a commission; and
- 7 “(xiv) an Indian tribe.

8 “(2) GOOD SAMARITAN DISCHARGE PERMITS.—

9 “(A) IN GENERAL.—A permitting author-  
10 ity may issue a Good Samaritan discharge per-  
11 mit to an eligible applicant in concurrence, if  
12 applicable, with—

13 “(i) the State in which the proposed  
14 inactive or abandoned mine site remedi-  
15 ation project is located; or

16 “(ii) the Federal agency or Indian  
17 tribe that owns or has jurisdiction over the  
18 site at which the proposed inactive or  
19 abandoned mine site remediation project is  
20 located.

21 “(B) STATE OR TRIBAL PROGRAMS.—The  
22 Administrator shall approve a State or tribal  
23 program for the issuance of Good Samaritan  
24 discharge permits if—

1           “(i) the State or Indian tribe has, as  
2           of the date of enactment of this subsection,  
3           authority to issue a permit under sub-  
4           section (b); and

5           “(ii) the State or Indian tribe re-  
6           quests such authority.

7           “(3) PERMIT PROCESS.—

8           “(A) SCOPE.—An eligible applicant may  
9           apply for a Good Samaritan discharge permit to  
10          conduct remediation activities at any inactive or  
11          abandoned mine site from which there is, or  
12          may be, a discharge or a threatened discharge  
13          of pollutants into any water of the United  
14          States.

15          “(B) REMEDIATION PLAN.—To apply for a  
16          Good Samaritan discharge permit under sub-  
17          paragraph (A), an eligible applicant shall sub-  
18          mit to the permitting authority an application  
19          that contains a remediation plan that, to the  
20          extent known by the eligible applicant as of the  
21          date on which the application is submitted, con-  
22          tains—

23               “(i) an identification of—

1 “(I) the eligible applicant (includ-  
2 ing any cooperating person) with re-  
3 spect to the remediation plan;

4 “(II) the mine site that is the  
5 subject of the remediation plan (in-  
6 cluding such documentation as the  
7 permitting authority determines to be  
8 sufficient to demonstrate to the per-  
9 mitting authority that the mine site is  
10 an inactive or abandoned mine site);  
11 and

12 “(III) each body of water of the  
13 United States that is affected by ac-  
14 tual or threatened discharges from the  
15 inactive or abandoned mine site;

16 “(ii) a description of—

17 “(I) the baseline conditions of  
18 each body of water described in clause  
19 (i)(III) as of the date on which the el-  
20 igible applicant submits the applica-  
21 tion, including—

22 “(aa) the nature and extent  
23 of any adverse impact on the  
24 quality of each body of water  
25 caused by the drainage of historic

1 mine residue or other discharges  
2 from the inactive or abandoned  
3 mine site; and

4 “(bb) as applicable, the level  
5 of any pollutant in each body of  
6 water that has resulted in an ad-  
7 verse impact described in item  
8 (aa);

9 “(II) the conditions of the inac-  
10 tive or abandoned mine site that cause  
11 adverse impacts to the quality of each  
12 body of water described in clause  
13 (i)(III);

14 “(III) the reasonable efforts  
15 taken by the eligible applicant to iden-  
16 tify identifiable owners or operators of  
17 the inactive or abandoned mine site  
18 that is the subject of the application;

19 “(IV) each remediation goal and  
20 objective proposed by the eligible ap-  
21 plicant, including—

22 “(aa) each pollutant to be  
23 addressed by the remediation  
24 plan; and



1           “(bb) each action that the  
2           eligible applicant proposes to  
3           take that, to the maximum extent  
4           reasonable and practicable under  
5           the circumstances, will assist in  
6           the attainment of each applicable  
7           water quality standard;

8           “(V) the practices (including a  
9           schedule and estimated completion  
10          date for the implementation of each  
11          practice) that are proposed by the eli-  
12          gible applicant to meet each remedi-  
13          ation goal and objective described in  
14          subclause (IV), including—

15               “(aa) in the case of a new  
16               remediation project, the prelimi-  
17               nary system design and construc-  
18               tion, operation, and maintenance  
19               plans relating to the new remedi-  
20               ation project; and

21               “(bb) in the case of an exist-  
22               ing remediation project, available  
23               system design and construction,  
24               operation, and maintenance plans  
25               and any planned improvements

1 with respect to the existing reme-  
2 diation project;

3 “(VI) any proposed recycling or  
4 reprocessing of historic mine residue  
5 to be conducted by the eligible appli-  
6 cant (including a description of how  
7 each proposed recycling or reprocess-  
8 ing activity relates to the remediation  
9 of an inactive or abandoned mine  
10 site);

11 “(VII) the monitoring or other  
12 forms of assessment that will be un-  
13 dertaken by the eligible applicant to  
14 evaluate the success of the practices  
15 described in subclause (V) during and  
16 after the implementation of the reme-  
17 diation plan, with respect to the base-  
18 line conditions;

19 “(VIII) each contingency plan  
20 that is designed for responding to un-  
21 planned adverse events (including the  
22 practices to be implemented to achieve  
23 each remediation goal and objective  
24 described in subclause (IV));

1                   “(IX) the legal authority of the  
2                   eligible applicant to enter, and con-  
3                   duct activities at, the inactive or  
4                   abandoned mine site that is the sub-  
5                   ject of the remediation plan; and

6                   “(X) any public outreach activity  
7                   to be conducted by the eligible appli-  
8                   cant;

9                   “(iii) an explanation of the manner by  
10                  which the practices described in clause  
11                  (ii)(V) are expected to achieve each reme-  
12                  diation goal and objective described in  
13                  clause (ii)(IV);

14                  “(iv) a schedule for the periodic re-  
15                  porting by the eligible applicant with re-  
16                  spect to any progress in implementing the  
17                  remediation plan;

18                  “(v) a budget for the remediation plan  
19                  that includes a description of each funding  
20                  source that will support the implementa-  
21                  tion of the remediation plan, including—

22                          “(I) each practice described in  
23                          clause (ii)(VIII);

24                          “(II) each action described in  
25                          clause (ii)(IV)(bb); and

1                   “(III) each monitoring or other  
2                   appropriate activity described in  
3                   clause (ii)(VII); and

4                   “(vi) any other additional information  
5                   requested by the Administrator to clarify  
6                   the remediation plan and each proposed  
7                   activity covered by the remediation plan.

8                   “(C) CERTIFICATION OF PLAN.—An appli-  
9                   cation for a Good Samaritan discharge permit  
10                  submitted by an eligible applicant to a permit-  
11                  ting authority under subparagraph (B) shall be  
12                  signed and certified in a manner consistent with  
13                  section 122.22 of title 40, Code of Federal Reg-  
14                  ulations.

15                  “(D) INVESTIGATIVE MEASURES.—

16                  “(i) IN GENERAL.—A Good Samari-  
17                  tan discharge permit may include a pro-  
18                  gram of investigative measures to be com-  
19                  pleted prior to the remediation of the inac-  
20                  tive or abandoned mine site that is the  
21                  subject of the permit if the permitting au-  
22                  thority, upon the receipt of the application  
23                  of an eligible applicant for a Good Samari-  
24                  tan discharge permit, determines the pro-

1           gram of investigative measures to be ap-  
2           propriate.

3           “(ii) PROGRAM REQUIREMENTS.—Any  
4           water sampling included in the program of  
5           investigative measures described in clause  
6           (i) shall be conducted by an eligible appli-  
7           cant in accordance with any applicable  
8           method described in part 136 of title 40,  
9           Code of Federal Regulations.

10          “(iii) REQUIREMENTS RELATING TO  
11          SAMPLES.—In conducting a program of in-  
12          vestigative measures described in clause  
13          (i), an eligible applicant shall—

14               “(I) ensure that each sample col-  
15               lected under the program is represent-  
16               ative of the conditions present at the  
17               inactive or abandoned mine site that  
18               is the subject of the program; and

19               “(II) retain records of all sam-  
20               pling events for a period of not less  
21               than 3 years.

22          “(iv) INITIAL PLAN.—

23               “(I) IN GENERAL.—If an eligible  
24               applicant proposes to conduct a pro-  
25               gram of investigative measures, the el-

1 eligible applicant shall submit to the  
2 permitting authority a plan that con-  
3 tains, to the extent known by the eli-  
4 gible applicant as of the date on which  
5 the eligible applicant submits the ap-  
6 plication—

7 “(aa) each description re-  
8 quired under subclauses (I), (II),  
9 and (IV) through (VIII) of sub-  
10 paragraph (B)(ii);

11 “(bb) the explanation re-  
12 quired under subparagraph  
13 (B)(iii);

14 “(cc) the schedule required  
15 under subparagraph (B)(iv); and

16 “(dd) the budget required  
17 under subparagraph (B)(v).

18 “(II) RESPONSIBILITY TO SUP-  
19 PLEMENT DESCRIPTIONS.—An eligible  
20 applicant that conducts a program of  
21 investigative measures shall, based on  
22 the results of the program, supple-  
23 ment each item described in subclause  
24 (I), as necessary.

1 “(v) REPORT OF RESULTS.—The re-  
2 sults of the program of investigative meas-  
3 ures shall be—

4 “(I) detailed in a report for the  
5 permitting agency; and

6 “(II) made available by the appli-  
7 cant to any member of the public that  
8 requests the report.

9 “(vi) PERMIT MODIFICATION.—Based  
10 upon the results of the investigative meas-  
11 ures, a Good Samaritan discharge permit  
12 may be modified pursuant to the permit  
13 procedures described in this subsection.

14 “(vii) OPTION TO DECLINE REMEDI-  
15 ATION.—A Good Samaritan discharge per-  
16 mit may allow the permittee to decline to  
17 undertake remediation based on the results  
18 of the investigative sampling program, if—

19 “(I) the program of investigative  
20 measures is authorized under this  
21 subparagraph; and

22 “(II) the activities under the pro-  
23 gram of investigative measures have  
24 not resulted in surface water quality  
25 conditions, taken as a whole, that are

1 worse than the baseline condition of  
2 bodies of water described in subpara-  
3 graph (B)(ii)(I).

4 “(E) REVIEW OF APPLICATION.—

5 “(i) INITIAL REVIEW.—The permit-  
6 ting authority shall—

7 “(I) review each application sub-  
8 mitted by an eligible applicant for a  
9 Good Samaritan discharge permit;

10 “(II) provide to the public, with  
11 respect to the Good Samaritan dis-  
12 charge permit—

13 “(aa) notice and a reason-  
14 able opportunity to comment;  
15 and

16 “(bb) a public hearing;

17 “(III) if the Administrator is the  
18 permitting authority, provide a copy  
19 of the application to each affected  
20 State, Indian tribe, and other Federal  
21 agency; and

22 “(IV) determine whether the ap-  
23 plication for the Good Samaritan dis-  
24 charge permit meets each requirement  
25 described in subparagraph (B).



1           “(ii) REQUIREMENTS NOT MET.—If  
2           the permitting authority determines that  
3           an application for a Good Samaritan dis-  
4           charge permit does not meet each require-  
5           ment described in subparagraph (B), the  
6           permitting authority shall—

7                   “(I) notify the eligible applicant  
8                   that the application is disapproved  
9                   and explain the reasons for the dis-  
10                  approval; and

11                  “(II) allow the eligible applicant  
12                  to submit a revised application.

13           “(iii) REQUIREMENTS MET.—If the  
14           permitting authority determines that an  
15           application for a Good Samaritan dis-  
16           charge permit meets each requirement de-  
17           scribed in subparagraph (B), the permit-  
18           ting authority shall notify the eligible ap-  
19           plicant that the application is accepted.

20           “(F) PERMIT ISSUANCE.—After notice and  
21           opportunity for public comment with respect to  
22           a Good Samaritan discharge permit proposed  
23           by a permitting authority to be issued under  
24           this subsection (including any additional re-  
25           quirement that the permitting authority deter-

1 mines would facilitate the implementation of  
2 this subsection), the permitting authority may  
3 issue a permit to an eligible applicant if—

4 “(i) the permitting authority deter-  
5 mines that—

6 “(I) relative to the resources  
7 identified by the eligible applicant for  
8 funding the proposed remediation ac-  
9 tivity, the eligible applicant has made  
10 a reasonable effort to identify identifi-  
11 able owners or operators under sub-  
12 paragraph (B)(ii)(III);

13 “(II) no identifiable owner or op-  
14 erator exists (except, with respect to  
15 Federal land, where the only identifi-  
16 able owner or operator is the Federal  
17 Government);

18 “(III) taking into consideration  
19 each funding source (including the  
20 amount of each funding source) iden-  
21 tified by the eligible applicant for the  
22 proposed remediation activity in ac-  
23 cordance with subparagraph (B)(v),  
24 the remediation plan of the eligible  
25 applicant demonstrates that the im-

1           plementation of the remediation plan  
2           will—

3                       “(aa) assist in the attain-  
4                       ment of applicable water quality  
5                       standards to the extent reason-  
6                       able and practicable under the  
7                       circumstances; and

8                       “(bb) not result in water  
9                       quality that is worse than the  
10                      baseline water condition de-  
11                      scribed in subparagraph  
12                      (B)(ii)(I);

13                     “(IV) the eligible applicant has  
14                     provided adequate evidence of finan-  
15                     cial resources that will enable the eli-  
16                     gible applicant to complete the pro-  
17                     posed project of the eligible applicant;  
18                     and

19                     “(V) the proposed project of the  
20                     eligible applicant meets the require-  
21                     ments of this section;

22                     “(ii) any Federal, State, or tribal land  
23                     management agency with jurisdiction over  
24                     any inactive or abandoned mine site that is  
25                     the subject of the proposed permit, or any

1 public trustee for natural resources af-  
2 fected by historic mine residue associated  
3 with any inactive or abandoned mine site  
4 that is the subject of the proposed permit,  
5 does not object to the issuance of the per-  
6 mit; and

7 “(iii) if the Administrator is the per-  
8 mitting authority, the affected State or In-  
9 dian tribe concurs with the issuance of the  
10 permit.

11 “(G) DEADLINE RELATING TO APPROVAL  
12 OR DENIAL OF APPLICATION.—Not later than  
13 180 days after the date of receipt by a permit-  
14 ting authority of an application for a Good Sa-  
15 maritan discharge permit that the permitting  
16 authority determines to be complete, the per-  
17 mitting authority shall—

18 “(i) issue to the eligible applicant a  
19 Good Samaritan discharge permit; or

20 “(ii) deny the application of the eligi-  
21 ble applicant for a Good Samaritan dis-  
22 charge permit.

23 “(H) MODIFICATION OF PERMIT.—

24 “(i) APPROVAL AND DISAPPROVAL  
25 PROCESS.—In accordance with clause (ii),

1 after the date of receipt by a permitting  
2 authority of a written request by a per-  
3 mittee to modify the Good Samaritan dis-  
4 charge permit of the permittee, the permit-  
5 ting authority shall approve or disapprove  
6 the request for modification.

7 “(ii) PERMIT MODIFICATION.—A per-  
8 mit modification that is approved by a per-  
9 mitting authority under this subparagraph  
10 shall be—

11 “(I) by agreement between the  
12 permittee and the permitting author-  
13 ity and, if the Administrator is the  
14 permitting authority, the affected  
15 State or Indian tribe;

16 “(II) subject to—

17 “(aa) a period of public no-  
18 tice and comment; and

19 “(bb) a public hearing;

20 “(III) in compliance with each  
21 standard described in subparagraph  
22 (F)(i)(III); and

23 “(IV) immediately reflected in,  
24 and applicable to, the Good Samaritan  
25 discharge permit.

1 “(4) CONTENTS OF PERMITS.—

2 “(A) IN GENERAL.—A Good Samaritan  
3 discharge permit shall—

4 “(i) contain—

5 “(I) a remediation plan approved  
6 by the permitting authority; and

7 “(II) any additional requirement  
8 that the permitting authority estab-  
9 lishes by regulation under paragraph  
10 (10); and

11 “(ii) provide for compliance with, and  
12 implementation of, the remediation plan  
13 and any additional requirement described  
14 in clause (i)(II).

15 “(B) SCOPE.—A Good Samaritan dis-  
16 charge permit shall authorize only those activi-  
17 ties that are required for the remediation of  
18 historic mine residue at an inactive or aban-  
19 doned mine site, as determined by the permit-  
20 ting authority.

21 “(C) REVIEW.—A Good Samaritan dis-  
22 charge permit shall contain a schedule for re-  
23 view, to be conducted by the permitting author-  
24 ity, to determine compliance by the permittee

1 with each condition and limitation of the per-  
2 mit.

3 “(5) EFFECT OF PERMIT COMPLIANCE.—

4 “(A) COMPLIANCE WITH ACT.—

5 “(i) IN GENERAL.—A Good Samari-  
6 tan discharge permit issued under this  
7 subsection shall authorize the permittee,  
8 and any cooperating persons, to carry out  
9 each activity described in the Good Samar-  
10 itan discharge permit.

11 “(ii) COMPLIANCE WITH PERMIT.—  
12 Compliance by the permittee, and any co-  
13 operating persons, with respect to the  
14 Good Samaritan discharge permit shall  
15 constitute compliance with this Act.

16 “(B) SCOPE OF LIABILITY.—Except as  
17 provided in paragraph (6), the issuance of a  
18 Good Samaritan discharge permit to a per-  
19 mittee relieves the permittee, and any cooper-  
20 ating person, of each obligation and liability  
21 under this Act.

22 “(6) FAILURE TO COMPLY.—If a permittee, or  
23 any cooperating person fails to comply with any con-  
24 dition or limitation of the permit, the permittee, or

1 cooperating person, shall be subject to liability only  
2 under section 309.

3 “(7) TERMINATION OF PERMIT.—

4 “(A) IN GENERAL.—A permitting author-  
5 ity shall terminate a Good Samaritan discharge  
6 permit if—

7 “(i) the permittee successfully com-  
8 pletes the implementation of the remedi-  
9 ation plan; or

10 “(ii)(I) any discharge covered by the  
11 Good Samaritan discharge permit becomes  
12 subject to a permit issued for other devel-  
13 opment that is not part of the implementa-  
14 tion of the remediation plan;

15 “(II) the permittee seeking termi-  
16 nation of coverage, and any cooperating  
17 person with respect to the remediation  
18 plan of the permittee, is not a participant  
19 in the development; and

20 “(III) the permitting authority, upon  
21 request of the permittee, agrees that the  
22 permit should be terminated.

23 “(B) UNFORSEEN CIRCUMSTANCES.—

24 “(i) IN GENERAL.—Except as pro-  
25 vided in clause (ii), the permitting author-



1           ity, in cooperation with the permittee, shall  
2           seek to modify a Good Samaritan dis-  
3           charge permit to take into account any  
4           event or condition encountered by the per-  
5           mittee if the event or condition encoun-  
6           tered by the permittee—

7                       “(I) significantly reduces the fea-  
8                       sibility, or significantly increases the  
9                       cost, of completing the remediation  
10                      project that is the subject of the Good  
11                      Samaritan discharge permit;

12                     “(II) was not—

13                       “(aa) contemplated by the  
14                       permittee; or

15                       “(bb) taken into account in  
16                       the remediation plan of the per-  
17                       mittee; and

18                     “(III) is beyond the control of  
19                     the permittee, as determined by the  
20                     permitting authority.

21                     “(ii) EXCEPTION.—If a permittee de-  
22                     scribed in clause (i) does not agree to a  
23                     modification of the Good Samaritan dis-  
24                     charge permit of the permittee, or the per-  
25                     mitting authority determines that remedi-

1           ation activities conducted by the permittee  
2           pursuant to the permit have resulted or  
3           will result in surface water quality condi-  
4           tions that, taken as a whole, are or will be  
5           worse than the baseline water conditions  
6           described in paragraph (3)(B)(ii)(I), the  
7           permitting authority shall terminate the  
8           permit.

9           “(C) NO ENFORCEMENT LIABILITY.—

10                 “(i) DISCHARGES.—Subject to clause  
11                 (ii), and except as provided in clause (iii),  
12                 the permittee of a permit, or a cooperating  
13                 person with respect to the remediation  
14                 plan of the permittee, shall not be subject  
15                 to enforcement under any provision of this  
16                 Act for liability for any past, present, or  
17                 future discharges at or from the aban-  
18                 doned or inactive mining site that is the  
19                 subject of the permit.

20                 “(ii) OTHER PARTIES.—Clause (i)  
21                 does not limit the liability of any person  
22                 that is not described in clause (i).

23                 “(iii) VIOLATION OF PERMIT PRIOR  
24                 TO TERMINATION.—The discharge of liabil-  
25                 ity for a permittee of a permit, or a co-

1 operating person with respect to the reme-  
2 diation plan of the permittee, under clause  
3 (i) shall not apply with respect to any vio-  
4 lation of the permit that occurs before the  
5 date on which the permit is terminated.

6 “(8) LIMITATIONS.—

7 “(A) EMERGENCY POWERS.—Nothing in  
8 this subsection limits the authority of the Ad-  
9 ministrator to exercise any emergency power  
10 under section 504 with respect to persons other  
11 than a permittee and any cooperating persons.

12 “(B) PRIOR VIOLATIONS.—

13 “(i) ACTIONS AND RELIEF.—Except  
14 as provided in clause (ii), with respect to  
15 a violation of this subsection or section  
16 301(a) committed by any person prior to  
17 the issuance of a Good Samaritan dis-  
18 charge permit under this subsection, the  
19 issuance of the Good Samaritan discharge  
20 permit does not preclude any enforcement  
21 action under section 309.

22 “(ii) EXCEPTIONS.—

23 “(I) SCOPE OF PERMIT.—If a  
24 Good Samaritan discharge permit cov-  
25 ers remediation activities carried out

1 by the permittee on a date before the  
2 issuance of the Good Samaritan dis-  
3 charge permit, clause (i) shall not  
4 apply to any action that is based on  
5 any condition that results from the re-  
6 mediation activities.

7 “(II) OTHER PARTIES.—A per-  
8 mittee shall not be subject to any ac-  
9 tion under section 309 or 505 for any  
10 violation committed by any other  
11 party.

12 “(C) OBLIGATIONS OF STATES AND INDIAN  
13 TRIBES.—Except as otherwise provided in this  
14 section, nothing in this subsection limits any  
15 obligation of a State or Indian tribe described  
16 in section 303.

17 “(D) OTHER DEVELOPMENT.—

18 “(i) IN GENERAL.—Any development  
19 of an inactive or abandoned mine site (in-  
20 cluding any activity relating to mineral ex-  
21 ploration, processing, beneficiation, or min-  
22 ing), including development by a permittee  
23 or any cooperating person, not authorized  
24 in a permit issued by the permitting au-

1           thority under this subsection shall be sub-  
2           ject to this Act.

3           “(ii)    COMMINGLING       OF       DIS-  
4           CHARGES.—The commingling of any other  
5           discharge or water with any discharge or  
6           water subject to a Good Samaritan dis-  
7           charge permit issued under this subsection  
8           shall not limit or reduce the liability of any  
9           person associated with the water or dis-  
10          charge that is not subject to the Good Sa-  
11          maritan discharge permit.

12          “(E) RECOVERABLE VALUE.—A Good Sa-  
13          maritan to whom a permit is issued may sell or  
14          use materials recovered during the implementa-  
15          tion of the plan only if the proceeds of any such  
16          sale are used to defray the costs of—

17               “(i) remediation of the site addressed  
18               in the permit; or

19               “(ii) voluntary remediation of any  
20               other inactive or abandoned mine site cov-  
21               ered by a permit issued under this section.

22          “(F) STATE CERTIFICATION.—

23               “(i) IN GENERAL.—Except as pro-  
24               vided in clause (ii), to the extent that this  
25               subsection relates to water quality stand-

ards, certification under section 401 shall not apply to any Good Samaritan discharge permit issued under this subsection.

“(ii) EXCEPTION.—In any case in which certification under section 401 would otherwise be required, no Good Samaritan discharge permit shall be issued by a permitting authority under this subsection without the concurrence of—

“(I) the State in which the site of the discharge is located; or

“(II) the Indian tribe that owns or has jurisdiction over the site on which a remediation project is proposed.

“(G) STATE AND TRIBAL RECLAMATION PROGRAMS.—No State, Indian tribe, or other person shall be required to obtain a Good Samaritan discharge permit pursuant to this subsection for any discharge, including any discharge associated with the remediation of an inactive or abandoned mine site with respect to the conduct of reclamation work under a State or tribal abandoned mine reclamation plan approved under title IV of the Surface Mining

1 Control and Reclamation Act of 1977 (30  
2 U.S.C. 1231 et seq.).

3 “(9) LIABILITY OF OTHER PARTIES.—Nothing  
4 in this subsection (including any result caused by  
5 any action taken by a permittee or a cooperating  
6 person) limits the liability of any person other than  
7 a permittee or a cooperating person under this Act  
8 or any other law.

9 “(10) REGULATIONS.—

10 “(A) IN GENERAL.—Subject to subpara-  
11 graph (B), not later than 1 year after the date  
12 of enactment of this subsection, after providing  
13 for public notice and an opportunity to com-  
14 ment and a public hearing, the Administrator,  
15 in consultation with the Secretary of the Inte-  
16 rior and the Secretary of Agriculture, and ap-  
17 propriate State, tribal, and local officials, shall  
18 promulgate regulations to establish—

19 “(i) generally applicable requirements  
20 for remediation plans described in para-  
21 graph (3)(B); and

22 “(ii) any other requirement that the  
23 Administrator determines to be necessary.

24 “(B) SPECIFIC REQUIREMENTS BEFORE  
25 PROMULGATION OF REGULATIONS.—Before the

1 date on which the Administrator promulgates  
2 regulations under subparagraph (A), a permit-  
3 ting authority may establish, on a case-by-case  
4 basis, specific requirements that the permitting  
5 authority determines would facilitate the imple-  
6 mentation of this subsection with respect to a  
7 Good Samaritan discharge permit issued to a  
8 permittee.

9 “(11) FUNDING.—

10 “(A) ELIGIBILITY FOR SECTION 319  
11 GRANTS.—A permittee shall be eligible to apply  
12 for a grant under section 319(h).

13 “(B) GRANTS.—Subject to the availability  
14 of appropriated funds, the Administrator may  
15 award to any permittee a grant to assist the  
16 permittee in implementing a remediation plan  
17 with respect to a Good Samaritan discharge  
18 permit of the permittee.

19 “(12) REPORT TO CONGRESS.—

20 “(A) IN GENERAL.—Not later than 1 year  
21 before the date of termination of the authority  
22 of the permitting authority under paragraph  
23 (13), the Administrator shall submit to Con-  
24 gress a report describing the activities author-  
25 ized by this subsection.



1           “(B) CONTENTS.—The report required  
2           under subparagraph (A) shall contain, at a  
3           minimum—

4                   “(i) a description of—

5                           “(I) each Good Samaritan dis-  
6                           charge permit issued under this sub-  
7                           section;

8                           “(II) each permittee;

9                           “(III) each inactive or abandoned  
10                          mine site addressed by a Good Samar-  
11                          itan discharge permit issued under  
12                          this subsection (including each body  
13                          of water and the baseline water qual-  
14                          ity of each body of water affected by  
15                          each inactive or abandoned mine site);

16                          “(IV) the status of the implemen-  
17                          tation of each remediation plan associ-  
18                          ated with each Good Samaritan dis-  
19                          charge permit issued under this sub-  
20                          section (including specific progress  
21                          that each remediation activity con-  
22                          ducted by a permittee pursuant to  
23                          each Good Samaritan discharge per-  
24                          mit has made toward achieving the

1 goals and objectives of the remedi-  
2 ation plan); and

3 “(V) each enforcement action  
4 taken by the Administrator or applica-  
5 ble State or Indian tribe concerning a  
6 Good Samaritan discharge permit  
7 issued under this subsection (includ-  
8 ing the disposition of the action);

9 “(ii) a summary of each remediation  
10 plan associated with a Good Samaritan  
11 discharge permit issued under this sub-  
12 section, including—

13 “(I) the goals and objectives of  
14 the remediation plan;

15 “(II) the budget of the activities  
16 conducted pursuant to the remedi-  
17 ation plan; and

18 “(III) the practices to be em-  
19 ployed by each permittee in accord-  
20 ance with the remediation plan of the  
21 permittee to reduce, control, mitigate,  
22 or eliminate adverse impacts to the  
23 quality of applicable bodies of water;  
24 and

1                   “(iii) any recommendations that may  
2                   be proposed by the Administrator to mod-  
3                   ify any law (including this subsection and  
4                   any regulation promulgated under para-  
5                   graph (10)) to facilitate the improvement  
6                   of water quality through the remediation of  
7                   inactive or abandoned mine sites.

8                   “(13) TERMINATION OF AUTHORITY.—The au-  
9                   thority granted to the permitting authority under  
10                  this subsection to issue Good Samaritan discharge  
11                  permits terminates on the date that is 10 years after  
12                  the date of enactment of this subsection.

13                  “(14) SEVERABILITY.—If any provision of this  
14                  subsection, or the application of any provision of this  
15                  subsection to any person or circumstance, is held in-  
16                  valid, the application of such provision to other per-  
17                  sons or circumstances, and the remainder of this  
18                  subsection, shall not be affected thereby.”.

○