

114TH CONGRESS  
1ST SESSION

# S. 2254

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2015

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Hardrock Mining and Reclamation Act of 2015”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—LOCATABLE MINERAL DEPOSITS

Sec. 101. Limitation on patents.

Sec. 102. Fees.  
 Sec. 103. Limitations.

## TITLE II—ROYALTIES

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

## TITLE III—MINERAL ACTIVITIES

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

## TITLE IV—HARDROCK MINERALS RECLAMATION FUND

Sec. 401. Establishment of Fund.  
 Sec. 402. Use and objectives of the Fund.  
 Sec. 403. Abandoned mine land reclamation fee.

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

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

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ABANDONED HARDROCK MINE STATE.—The  
 4 term “abandoned hardrock mine State” means each  
 5 of the States of Alaska, Arizona, California, Colo-  
 6 rado, Idaho, Montana, Nevada, New Mexico, North  
 7 Dakota, Oregon, South Dakota, Utah, Washington,  
 8 and Wyoming.

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

3           (A) a permit under this Act; or

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

6           (3) BENEFICIATION.—The term “beneficiation”  
7 means—

8           (A) the crushing and grinding of locatable  
9 mineral ore; and

10          (B) any processes that are employed to  
11 free the mineral from other constituents, includ-  
12 ing physical and chemical separation tech-  
13 niques.

14          (4) CASUAL USE.—

15           (A) IN GENERAL.—The term “casual use”  
16 means mineral activities that ordinarily result  
17 in no or negligible disturbance of Federal land  
18 or resources.

19           (B) INCLUSIONS.—The term “casual use”  
20 includes the collection of geochemical, rock, soil,  
21 or mineral specimens using hand tools, hand  
22 panning, or nonmotorized sluicing.

23           (C) EXCLUSIONS.—The term “casual use”  
24 does not include—

1 (i) the use of mechanized earth-mov-  
2 ing equipment, suction dredging, or explo-  
3 sives;

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

6 (iii) the construction of roads or drill  
7 pads; or

8 (iv) the use of toxic or hazardous ma-  
9 terials or explosives.

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

13 (A) located under the general mining laws;  
14 and

15 (B) maintained in compliance with the  
16 general mining laws and this Act.

17 (6) CONTROL.—The term “control” means hav-  
18 ing the ability to determine the manner in which an  
19 entity conducts mineral activities.

20 (7) EXPLORATION.—

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

1 (B) INCLUSIONS.—The term “exploration”  
2 includes mineral activities associated with sam-  
3 pling, drilling, or developing surface or under-  
4 ground workings to evaluate locatable mineral  
5 values.

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

9 (8) FEDERAL LAND.—The term “Federal land”  
10 means any land and any interest in land that is—

11 (A) owned by the United States; and

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

14 (9) FUND.—The term “Fund” means the  
15 Hardrock Minerals Reclamation Fund established by  
16 section 401(a).

17 (10) HARDROCK MINERAL.—The term  
18 “hardrock mineral” has the meaning given the term  
19 “locatable mineral” except that—

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

22 (B) paragraph (13)(B) does not apply to  
23 this paragraph.

24 (11) INDIAN LAND.—The term “Indian land”  
25 means land that is—

1 (A) held in trust for the benefit of an In-  
 2 dian tribe or member of an Indian tribe; or

3 (B) held by an Indian tribe or member of  
 4 an Indian tribe, subject to a restriction by the  
 5 United States against alienation.

6 (12) INDIAN TRIBE.—The term “Indian tribe”  
 7 has the meaning given the term in section 4 of the  
 8 Indian Self-Determination and Education Assistance  
 9 Act (25 U.S.C. 450b).

10 (13) LOCATABLE MINERAL.—

11 (A) IN GENERAL.—The term “locatable  
 12 mineral” means any mineral—

13 (i) the legal and beneficial title to  
 14 which remains in the United States; and

15 (ii) that is not subject to disposition  
 16 under—

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

19 (II) the Geothermal Steam Act of  
 20 1970 (30 U.S.C. 1001 et seq.);

21 (III) the Act of July 31, 1947  
 22 (commonly known as the “Materials  
 23 Act of 1947”) (30 U.S.C. 601 et  
 24 seq.); or

1 (IV) the Act of August 7, 1947  
 2 (commonly known as the “Mineral  
 3 Leasing Act for Acquired Lands”) (30  
 4 U.S.C. 351 et seq.).

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

7 (i) subject to a restriction against  
 8 alienation imposed by the United States;  
 9 and

10 (ii) held in trust by the United States  
 11 for, or owned by, any Indian tribe or mem-  
 12 ber of an Indian tribe, as defined in sec-  
 13 tion 2 of the Indian Mineral Development  
 14 Act of 1982 (25 U.S.C. 2101).

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

22 (15) NATIONAL CONSERVATION SYSTEM  
 23 UNIT.—The term “National Conservation System  
 24 unit” means—

25 (A) any unit of—

- 1 (i) the National Park System;
- 2 (ii) the National Wildlife Refuge Sys-
- 3 tem; or
- 4 (iii) the National Wild and Scenic
- 5 Rivers System;
- 6 (B) a National Monument; or
- 7 (C) a National Conservation Area.

8 (16) OPERATOR.—The term “operator”  
 9 means—

10 (A) any person proposing, or authorized by  
 11 a permit, to conduct mineral activities under  
 12 this Act; and

13 (B) any agent of a person described in  
 14 subparagraph (A).

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

16 (A) an individual, Indian tribe, partner-  
 17 ship, association, society, joint venture, joint  
 18 stock company, firm, company, corporation, co-  
 19 operative, trust, consortium, or other organiza-  
 20 tion; and

21 (B) any instrumentality of a State or local  
 22 government, including any publicly owned util-  
 23 ity or publicly owned corporation of a State or  
 24 local government.

25 (18) PROCESSING.—



1 (A) IN GENERAL.—The term “processing”  
2 means processes downstream of beneficiation  
3 used to prepare locatable mineral ore into the  
4 final marketable product.

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

7 (19) SECRETARY.—The term “Secretary”  
8 means the Secretary of the Interior.

9 (20) SECRETARY CONCERNED.—The term  
10 “Secretary concerned” means—

11 (A) the Secretary of Agriculture (acting  
12 through the Chief of the Forest Service), with  
13 respect to National Forest System land; and

14 (B) the Secretary of the Interior (acting  
15 through the Director of the Bureau of Land  
16 Management), with respect to land managed by  
17 the Bureau of Land Management or other Fed-  
18 eral land.

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

23 (22) UNDUE DEGRADATION.—The term “undue  
24 degradation” means irreparable harm to significant

1 scientific, cultural, or environmental resources on  
2 public land that cannot be effectively mitigated.

3 **TITLE I—LOCATABLE MINERAL**  
4 **DEPOSITS**

5 **SEC. 101. LIMITATION ON PATENTS.**

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

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

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

16 (b) RIGHT TO PATENT.—

17 (1) IN GENERAL.—Subject to paragraph (2)  
18 and notwithstanding subsection (c), if the Secretary  
19 makes the determinations under paragraphs (1) and  
20 (2) of subsection (a) with respect to a mining claim,  
21 millsite, or tunnel site, the claim holder shall be enti-  
22 tled to the issuance of a patent in the same manner  
23 and degree to which the claim holder would have  
24 been entitled to a patent before the date of enact-  
25 ment of this Act.

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

6       (c) REPEAL.—Section 2325 of the Revised Statutes  
7       (30 U.S.C. 29) is repealed.

8   **SEC. 102. FEES.**

9       (a) CLAIM MAINTENANCE FEES.—

10           (1) IN GENERAL.—Not later than August 31,  
11       2016, and each August 31 thereafter, the holder of  
12       each unpatented mining claim, millsite, or tunnel  
13       site shall pay to the Secretary a maintenance fee of  
14       \$150 for each claim, millsite, or tunnel site.

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

17                (A) the assessment work requirements  
18       under the general mining laws; and

19                (B) the related filing requirements under  
20       subsections (a) and (c) of section 314 of the  
21       Federal Land Policy and Management Act of  
22       1976 (43 U.S.C. 1744).

23           (3) TIMING OF INITIAL PAYMENT.—Notwith-  
24       standing paragraph (1), the maintenance fee payable  
25       for the initial assessment year in which the location

1 is made shall be paid at the time the location notice  
2 is recorded with the Bureau of Land Management.

3 (4) CLAIM RELOCATION.—

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

7 (i) the spouse and qualifying child (as  
8 defined in section 152 of the Internal Rev-  
9 enue Code of 1986) of the claim holder;  
10 and

11 (ii) a person affiliated with the claim  
12 holder, including—

13 (I) a person controlled by, con-  
14 trolling, or under common control  
15 with, the claim holder; or

16 (II) a subsidiary, parent com-  
17 pany, partner, director, or officer of  
18 the claim holder.

19 (B) LIMITS ON RELOCATION.—

20 (i) IN GENERAL.—No claim, millsite,  
21 or tunnel site, or portion of a claim or site,  
22 may be relocated by a person or related  
23 party if the person or related party held  
24 the claim or site and subsequently relin-

1           quished the claim or site or allowed the  
2           claim or site to become null and void.

3           (ii) DURATION.—The prohibition on  
4           relocation shall extend for a period of 10  
5           years beginning on the date the claim or  
6           site was relinquished or became null and  
7           void.

8           (5) WAIVER.—The maintenance fee required  
9           under paragraph (1) shall be waived for a claim  
10          holder who certifies in writing to the Secretary that  
11          on the date the maintenance fee was due, the claim  
12          holder and all related parties—

13                (A) held not more than 10 mining claims,  
14                millsites, tunnel sites, or any combination of  
15                claims and sites on Federal land; and

16                (B) can demonstrate that the claim holder  
17                and all related parties have performed assess-  
18                ment work required under section 2324 of the  
19                Revised Statutes (30 U.S.C. 28) to maintain  
20                the mining claims and sites held by the claim  
21                holder and all related parties for the assessment  
22                year ending on noon of September 1 of the cal-  
23                endar year in which payment of the mainte-  
24                nance fee was due.

25          (6) ADJUSTMENT.—

1           (A) IN GENERAL.—Subject to subpara-  
2 graph (B), beginning on the date that is 5  
3 years after the date of enactment of this Act  
4 and every 5 years thereafter, the Secretary shall  
5 adjust the amount of maintenance fees required  
6 under paragraph (1) to reflect changes in the  
7 Consumer Price Index for all urban consumers  
8 published by the Department of Labor.

9           (B) MORE FREQUENT ADJUSTMENTS.—  
10 The Secretary may adjust the amount of the  
11 maintenance fees more frequently than specified  
12 in subparagraph (A) to reflect changes in the  
13 Consumer Price Index for all urban consumers  
14 published by the Department of Labor if the  
15 Secretary determines an adjustment to be rea-  
16 sonable.

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

21           (D) APPLICATION.—An adjustment under  
22 this paragraph shall apply beginning in the first  
23 calendar year after the calendar year in which  
24 the adjustment is made.

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

6           (8) USE AND OCCUPANCY OF CLAIMS.—Timely  
 7       performance of required assessment work or pay-  
 8       ment of the maintenance fee under this subsection  
 9       satisfies any obligation the claim holder has under  
 10      the pedis possessio doctrine for any claim properly  
 11      located in accordance with the general mining laws  
 12      and applicable State law.

13       (b) LOCATION FEES.—

14           (1) IN GENERAL.—Subject to paragraph (2)  
 15      and notwithstanding any other provision of law, for  
 16      each unpatented mining claim, millsite, or tunnel  
 17      site located after the date of enactment of this Act,  
 18      the locator shall, at the time the location notice is  
 19      recorded with the Bureau of Land Management, pay  
 20      to the Secretary a location fee of \$50 for each claim  
 21      for each location notice recorded with the Bureau of  
 22      Land Management.

23           (2) ADJUSTMENT.—

24           (A) IN GENERAL.—Subject to subpara-  
 25      graph (B), beginning on the date that is 5

1 years after the date of enactment of this Act  
2 and every 5 years thereafter, the Secretary shall  
3 adjust the amount of location fees required  
4 under paragraph (1) to reflect changes in the  
5 Consumer Price Index for all urban consumers  
6 published by the Department of Labor.

7 (B) MORE FREQUENT ADJUSTMENTS.—

8 The Secretary may adjust the amount of the lo-  
9 cation fees more frequently than specified in  
10 subparagraph (A) to reflect changes in the Con-  
11 sumer Price Index for all urban consumers pub-  
12 lished by the Department of Labor if the Sec-  
13 retary determines an adjustment to be reason-  
14 able.

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

19 (D) APPLICATION.—An adjustment under  
20 this paragraph shall apply beginning in the first  
21 calendar year after the calendar year in which  
22 the adjustment is made.

23 (3) EFFECT ON MAINTENANCE FEE.—The loca-  
24 tion fee required under paragraph (1) shall be in ad-



1       dition to the maintenance fee required under sub-  
2       section (a).

3       (c) DISPOSITION OF FUNDS.—

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

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

13       (d) EFFECT OF SECTION.—Nothing in this section  
14       changes or modifies—

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

18           (2) the provisions of subsection (c) of section  
19       314 of the Federal Land Policy and Management  
20       Act of 1976 (43 U.S.C. 1744) relating to filings re-  
21       quired by subsection (b) of that section.

22       (e) AMENDMENT TO REVISED STATUTES.—Section  
23       2324 of the Revised Statutes (30 U.S.C. 28) is amended  
24       by inserting “or section 102(a)(5) of the Hardrock Mining

1 and Reclamation Act of 2015” after “Omnibus Budget  
2 Reconciliation Act of 1993”.

3 **SEC. 103. LIMITATIONS.**

4 (a) FAILURE TO COMPLY.—

5 (1) IN GENERAL.—The failure of the claim  
6 holder to perform assessment work or to pay a  
7 maintenance fee if required under section 102(a), to  
8 pay a location fee under section 102(b), or to file a  
9 timely notice of location shall—

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

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

14 (2) EFFECT.—Forfeiture under paragraph (1)  
15 shall not relieve any person of any obligation under  
16 this Act and applicable regulations, including rec-  
17 lamation, and other applicable law.

18 (b) RELINQUISHMENT.—

19 (1) IN GENERAL.—A claim holder deciding not  
20 to pursue mineral activities on a mining claim, mill-  
21 site, or tunnel site, may relinquish the claim or site  
22 by notifying the Secretary of the intent to relinquish  
23 the claim or site.

24 (2) EFFECT.—A claim holder relinquishing a  
25 claim, millsite, or tunnel site under paragraph (1)

1 shall be responsible for any obligation under this Act  
 2 and applicable regulations, including reclamation,  
 3 and other applicable law.

4 (c) USE OF MINING CLAIM.—

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

9 (2) FAILURE TO USE FOR MINERAL ACTIVI-  
 10 TIES.—If the claim holder cannot demonstrate to  
 11 the Secretary that the mining claim, millsite, or tun-  
 12 nel site has been used exclusively for mineral activi-  
 13 ties, the Secretary shall declare the claim, millsite,  
 14 or tunnel site null and void.

## 15 **TITLE II—ROYALTIES**

### 16 **SEC. 201. ROYALTY.**

17 (a) IN GENERAL.—Subject to subsection (c) and sec-  
 18 tion 202, production of all locatable minerals from any  
 19 mining claim located under the general mining laws and  
 20 maintained in compliance with this Act shall be subject  
 21 to a royalty established by the Secretary by regulation of  
 22 not less than 2 percent, and not more than 5 percent, of  
 23 the gross income from mining for production of all  
 24 locatable minerals.

1 (b) ROYALTY RATE.—The regulation shall establish  
 2 a reasonable royalty rate for each locatable mineral sub-  
 3 ject to a royalty under this section that may vary based  
 4 on the locatable mineral concerned.

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

8 (1) is subject to an approved plan of operations  
 9 or an operations permit on the date of the enact-  
 10 ment of this Act; and

11 (2) produces valuable locatable minerals in com-  
 12 mercial quantities on the date of enactment of this  
 13 Act.

14 (d) FEDERAL LAND NOT SUBJECT TO EXISTING OP-  
 15 ERATIONS PERMIT.—Production from any Federal land  
 16 not specifically approved for mineral extraction under a  
 17 plan of operations or an operations permit in existence on  
 18 the date of enactment of this Act shall be subject to the  
 19 royalty described in subsection (a).

20 (e) DEPOSIT.—Amounts received by the United  
 21 States as royalties under this section shall be deposited  
 22 in the Fund.

23 **SEC. 202. ROYALTY RELIEF.**

24 (a) IN GENERAL.—Subject to subsection (b), in order  
 25 to promote the greatest ultimate recovery pursuant to a

1 mining permit or a plan of operations under which produc-  
2 tion in commercial quantities has occurred and in the in-  
3 terest of conservation of natural resources, the Secretary  
4 may reduce any royalty otherwise required for all or part  
5 of a mining operation, on a showing by clear and con-  
6 vincing evidence by the person conducting mineral activi-  
7 ties under the operations or mining permit or plan of oper-  
8 ations that, without the reduction in royalty, production  
9 would not occur.

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

13 (1) publishes public notice of the royalty reduc-  
14 tion; and

15 (2) submits to the Committee on Energy and  
16 Natural Resources of the Senate and the Committee  
17 on Natural Resources of the House of Representa-  
18 tives notice and a statement of the reasons for  
19 granting the royalty reduction.

20 **SEC. 203. ENFORCEMENT.**

21 (a) DUTIES OF THE SECRETARY.—

22 (1) IN GENERAL.—The Secretary shall establish  
23 a comprehensive inspection, collection, fiscal, and  
24 production accounting and auditing system—

1 (A) to accurately determine royalties, in-  
2 terest, fines, penalties, fees, deposits, and other  
3 payments owed under this title and section 403;  
4 and

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

7 (2) INSPECTIONS.—The Secretary shall estab-  
8 lish procedures to ensure that authorized and prop-  
9 erly identified representatives of the Secretary will  
10 inspect at least once annually each mining claim  
11 that—

12 (A) is producing or expected to produce a  
13 significant quantity of locatable minerals in any  
14 year; or

15 (B) has a history of noncompliance with  
16 this Act.

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

19 (1) PAYMENT OF ROYALTIES.—

20 (A) IN GENERAL.—A person who is re-  
21 quired to make any royalty or other payment  
22 under this title or section 403 shall make pay-  
23 ment to the United States at such times and in  
24 such manner as the Secretary may by rule pre-  
25 scribe.

1 (B) LIABILITY FOR PAYMENTS.—

2 (i) DESIGNEES.—Any person who  
3 pays, offsets, or credits funds, makes ad-  
4 justments, requests and receives refunds,  
5 or submits reports with respect to pay-  
6 ments another person is required to make  
7 shall be considered the designee of the  
8 other person under this title or section  
9 403.

10 (ii) LIABILITY.—A designee shall be  
11 liable for any payment obligation under  
12 this title or section 403 of any person on  
13 whose behalf the designee undertakes the  
14 activities described in clause (i).

15 (iii) PRO RATA SHARE.—The person  
16 owning an interest in a claim, millsite, or  
17 tunnel site, or production from the claim  
18 or site, shall be liable for the pro rata  
19 share of the person of payment obligations  
20 under this title or section 403.

21 (2) SITE SECURITY.—

22 (A) IN GENERAL.—A person conducting  
23 mineral activities shall develop and comply with  
24 the site security provisions in the mining permit  
25 designed to protect from theft the locatable

1 minerals that are produced or stored on a min-  
2 ing claim.

3 (B) MINIMUM STANDARDS.—The provi-  
4 sions shall conform with such minimum stand-  
5 ards as the Secretary may prescribe by rule,  
6 taking into account the variety of circumstances  
7 on mining claims.

8 (C) NOTIFICATION OF COMMENCEMENT OR  
9 RESUMPTION OF PRODUCTION.—Not later than  
10 the fifth business day after production begins in  
11 any place on a mining claim or production re-  
12 sumes after more than 90 days after production  
13 ceased or was suspended, the person conducting  
14 mineral activities shall notify the Secretary, in  
15 the manner prescribed by the Secretary, of the  
16 date on which the production has begun or re-  
17 sumed.

18 (c) RECORDKEEPING AND REPORTING REQUIRE-  
19 MENTS.—

20 (1) IN GENERAL.—A claim holder, operator, or  
21 other person directly or indirectly involved in devel-  
22 oping, producing, processing, transporting, pur-  
23 chasing, or selling locatable or hardrock minerals,  
24 subject to this Act, through the point of first sale,  
25 the point of royalty or fee computation, or the point



1 of smelting or other processing, whichever is later,  
2 shall establish and maintain any records, make any  
3 reports, and provide any information that the Sec-  
4 retary may reasonably require for the purposes of  
5 implementing this title or section 403 or determining  
6 compliance with rules or orders under this title or  
7 section 403.

8 (2) ACCESS.—On the request of any officer or  
9 employee duly designated by the Secretary con-  
10 ducting an audit or investigation pursuant to this  
11 section, the appropriate records, reports, or informa-  
12 tion that may be required by this section shall be  
13 made available for inspection and duplication by the  
14 officer or employee.

15 (3) DURATION OF RECORDKEEPING REQUIRE-  
16 MENT.—

17 (A) IN GENERAL.—Records required by  
18 the Secretary under this section shall be main-  
19 tained for 7 years after the records are gen-  
20 erated or amended unless the Secretary notifies  
21 the claim holder, operator, other person re-  
22 ferred to in paragraph (1), or record holder  
23 that the Secretary has initiated an audit or in-  
24 vestigation involving the records and that the  
25 records must be maintained for a longer period.

(B) ONGOING AUDIT OR INVESTIGATION.—

In any case in which an audit or investigation is underway, records shall be maintained until the Secretary releases the claim holder, operator, other person referred to in paragraph (1), or record holder subject to the recordkeeping and requirements of this Act of the obligation to maintain the records.

(d) AUDITS.—The Secretary may conduct such audits of all claim holders, operators, producers, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of locatable or hardrock minerals covered by this Act, as the Secretary considers necessary for the purposes of ensuring compliance with the requirements of this title or section 403.

(e) COOPERATIVE AGREEMENTS.—

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

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

(B) to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties,

or other payments) activities under this section  
in cooperation with the Secretary; and

(C) to carry out any other activity described in this section.

(2) ACCESS.—Subject to paragraph (3) and pursuant to a cooperative agreement, the Secretary of Agriculture shall, on request, have access to all royalty or fee accounting information in the possession of the Secretary relating to the production, removal, or sale of locatable minerals from claims on Federal land.

(3) CONFIDENTIAL INFORMATION.—

(A) IN GENERAL.—Trade secrets, proprietary information, and other confidential information protected from disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), shall be made available by the Secretary to other Federal agencies as necessary to ensure compliance with this Act and other Federal laws.

(B) PROTECTION BY OTHER FEDERAL OFFICIALS.—The Secretary, the Secretary of Agriculture, and other Federal officials shall ensure that information described in subparagraph (A)

1 is provided protection in accordance with sec-  
2 tion 552 of title 5, United States Code.

3 (f) INTEREST.—

4 (1) DEFINITION OF UNDERPAYMENT.—In this  
5 subsection, the term “underpayment” means the dif-  
6 ference between the royalty on the value of the pro-  
7 duction or the fee under section 403 that should  
8 have been received by the Secretary and the royalty  
9 on the value of the production or the fee under sec-  
10 tion 403 that was received by the Secretary, if the  
11 royalty or fee that should have been received is  
12 greater than the royalty or fee that was received.

13 (2) NONPAYMENT AND UNDERPAYMENT.—

14 (A) NONPAYMENT.—In the case of mining  
15 claims or operations with respect to which roy-  
16 alty payments or the fee under section 403 are  
17 not received by the Secretary by the date that  
18 the payments are due, the Secretary shall  
19 charge interest on the nonpayment at the rate  
20 specified under subparagraph (C).

21 (B) UNDERPAYMENT.—In the case of an  
22 underpayment, interest shall be computed and  
23 charged only on the amount of the deficiency  
24 and not on the total amount, at the rate speci-  
25 fied under subparagraph (C).

1 (C) INTEREST RATE.—In the case of non-  
2 payment or underpayment, interest shall be  
3 charged at the rate applicable under section  
4 6621(a)(2) of the Internal Revenue Code of  
5 1986.

6 (g) EXPANDED ROYALTY OBLIGATIONS.—Each per-  
7 son liable for royalty payments under this section shall  
8 be jointly and severally liable for royalty on all locatable  
9 minerals lost or wasted from a mining claim located under  
10 the general mining laws and maintained in compliance  
11 with this Act if the loss or waste is due to negligence on  
12 the part of any such person or due to the failure to comply  
13 with any rule, regulation, or order issued under this sec-  
14 tion.

15 (h) HEARINGS AND INVESTIGATIONS.—In carrying  
16 out this title and section 403, the Secretary may—

17 (1) conduct any investigation or other inquiry  
18 necessary and appropriate;

19 (2) conduct, after notice, any necessary and ap-  
20 propriate hearing or audit under rules prescribed by  
21 the Secretary; and

22 (3) administer oaths and issue subpoenas in  
23 conducting such proceedings.

24 (i) CIVIL PENALTIES.—

1           (1) FAILURE TO COMPLY WITH APPLICABLE  
2       LAW, RULES OR REGULATIONS, OR TO PERMIT IN-  
3       SPECTION.—

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

9           (i) after due notice of violation or  
10       after the violation has been reported under  
11       subparagraph (B)(i), fails or refuses to  
12       comply with any requirement of this title  
13       or section 403 or any rule or regulation  
14       under this title or section 403; or

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

17       (B) EXCEPTIONS.—A penalty under this  
18       paragraph may not be applied to any person  
19       who is otherwise liable for a violation of sub-  
20       paragraph (A) if—

21       (i) the violation was discovered and  
22       reported to the Secretary or the authorized  
23       representative of the Secretary by the lia-  
24       ble person and corrected within 20 days

1 after the report (or such longer period to  
2 which the Secretary may agree); or

3 (ii) after the due notice of violation  
4 required under subparagraph (A)(i) has  
5 been given to the person by the Secretary  
6 or the authorized representative of the Sec-  
7 retary, the person has corrected the viola-  
8 tion within 20 days of the notification (or  
9 such longer period to which the Secretary  
10 may agree).

11 (2) FAILURE TO TAKE CORRECTIVE ACTION.—

12 If corrective action is not taken within 40 days (or  
13 a longer period to which the Secretary may agree),  
14 after due notice or submission of a report referred  
15 to in paragraph (1)(A)(i), the person shall be liable  
16 for a civil penalty of not more than \$5,000 per viola-  
17 tion for each day the violation continues, dating  
18 from the date of the notice or report.

19 (3) FAILURE TO MAKE PAYMENT OR TO PERMIT

20 LAWFUL ENTRY, INSPECTION, OR AUDIT.—A person  
21 shall be liable for a penalty of up to \$10,000 per vio-  
22 lation for each day the violation continues if the per-  
23 son—

24 (A) knowingly or willfully fails to make  
25 any payment of any royalty under this title or

1 fee under section 403 by the date as specified  
2 by law (including regulation or order);

3 (B) fails or refuses to permit lawful entry,  
4 inspection, or audit; or

5 (C) knowingly or willfully fails to comply  
6 with subsection (b)(2)(C).

7 (4) FALSE INFORMATION; UNAUTHORIZED RE-  
8 MOVAL OF LOCATABLE MINERAL.—A person shall be  
9 liable for a penalty of up to \$25,000 per violation  
10 for each day the violation continues in any case in  
11 which the person, in violation of this title or section  
12 403—

13 (A) knowingly or willfully prepares, main-  
14 tains, or submits false, inaccurate, or mis-  
15 leading reports, notices, affidavits, records,  
16 data, or other written information;

17 (B) knowingly or willfully takes or re-  
18 moves, transports, uses or diverts any locatable  
19 mineral from any land covered by a mining  
20 claim without having valid legal authority to do  
21 so; or

22 (C) purchases, accepts, sells, transports, or  
23 conveys to another, any locatable mineral know-  
24 ing or having reason to know that the locatable



1 mineral was stolen or unlawfully removed or di-  
2 verted.

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

7 (6) DEDUCTION OF PENALTY FROM SUMS  
8 OWED BY UNITED STATES.—The amount of any  
9 penalty under this subsection, as finally determined,  
10 may be deducted from any sums owed by the United  
11 States to the person charged.

12 (7) COMPROMISE OR REDUCTION OF PEN-  
13 ALTIES.—On a case-by-case basis, the Secretary  
14 may compromise or reduce civil penalties under this  
15 subsection.

16 (8) NOTICE.—

17 (A) IN GENERAL.—Notice under this sub-  
18 section shall be by personal service by an au-  
19 thorized representative of the Secretary or by  
20 registered mail.

21 (B) DESIGNEE FOR RECEIPT OF NO-  
22 TICE.—Any person may, in the manner pre-  
23 scribed by the Secretary, designate a represent-  
24 ative to receive any notice under this sub-  
25 section.

1           (9) REASONS ON RECORD FOR AMOUNT OF  
2 PENALTY.—In determining the amount of the pen-  
3 alty under this subsection, whether the penalty  
4 should be remitted or reduced, and by what amount,  
5 the Secretary shall state on the record the reasons  
6 for the determinations of the Secretary.

7           (10) REVIEW.—

8           (A) IN GENERAL.—Any person who has re-  
9 quested a hearing in accordance with paragraph  
10 (5) within the time the Secretary has prescribed  
11 for such a hearing and who is aggrieved by a  
12 final order of the Secretary under this sub-  
13 section may seek review of the order in the  
14 United States district court for the judicial dis-  
15 trict in which the violation allegedly took place.

16           (B) BASIS FOR REVIEW.—Review by the  
17 district court shall be only on the administrative  
18 record and not de novo.

19           (C) DEADLINE.—An action under this  
20 paragraph shall be barred unless the action is  
21 filed not later than the date that is 90 days  
22 after the date of issuance of the final order of  
23 the Secretary.

24           (11) FAILURE TO PAY PENALTY.—

1 (A) IN GENERAL.—Subject to subpara-  
2 graphs (B) and (C), if any person fails to pay  
3 an assessment of a civil penalty under this Act,  
4 the court shall have jurisdiction to award the  
5 amount assessed plus interest from the date of  
6 the expiration of the 90-day period referred to  
7 in paragraph (10)(C).

8 (B) APPLICATION.—Subparagraph (A) ap-  
9 plies—

10 (i) after the order making the assess-  
11 ment has become a final order and if the  
12 person does not file a petition for judicial  
13 review of the order in accordance with  
14 paragraph (10); or

15 (ii) after a court in an action brought  
16 under paragraph (10) has entered a final  
17 judgment in favor of the Secretary.

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

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

25 (k) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Except as provided in sec-  
2           tion 201(b) with respect to the payment of royalties,  
3           the royalty required under section 201 or fee re-  
4           quired under section 403 shall take effect with re-  
5           spect to the production of minerals on or after the  
6           date of enactment of this Act.

7           (2) INITIAL PRODUCTION.—Any royalty pay-  
8           ments or fee payments under section 403 attrib-  
9           utable to production during the 1-year period begin-  
10          ning on the date of enactment of this Act shall be  
11          payable at the expiration of the 1-year period, to-  
12          gether with interest at the rate required under sub-  
13          section (f)(2)(C).

14          (l) INJUNCTION AND SPECIFIC ENFORCEMENT AU-  
15          THORITY.—

16               (1) CIVIL ACTION BY ATTORNEY GENERAL.—In  
17               addition to any other remedy under law, the Attor-  
18               ney General or the designee of the Attorney General  
19               may bring a civil action in a district court of the  
20               United States, which shall have jurisdiction over  
21               such actions—

22                       (A) to restrain any violation of this title or  
23                       section 403; or

24                       (B) to compel the taking of any action re-  
25                       quired by or under this title or section 403.

1           (2) VENUE.—A civil action described in para-  
 2           graph (1) may be brought only in the United States  
 3           district court for the judicial district in which the  
 4           act, omission, or transaction constituting a violation  
 5           under this title or section 403 occurred, or in which  
 6           the defendant is found or transacts business.

7   **SEC. 204. REVIEW.**

8           (a) IN GENERAL.—Not later than 5 years after the  
 9           date of enactment of this Act and every 5 years thereafter,  
 10          the Secretary shall complete a review and submit to the  
 11          Committee on Energy and Natural Resources of the Sen-  
 12          ate and the Committee on Natural Resources of the House  
 13          of Representatives a report addressing collections and im-  
 14          pacts of the royalty and fees provided for by this Act.

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

16               (1) the total revenues received (by category) on  
 17               an annual basis as—

18                       (A) claim maintenance fees;

19                       (B) location fees;

20                       (C) land use fees;

21                       (D) royalties and related payments; and

22                       (E) abandoned mine land fees;

23               (2) the disposition of the fees and royalties, in-  
 24               cluding—

1 (A) the amount used for mining law pro-  
 2 gram administration; and

3 (B) the amount used for abandoned mine  
 4 land reclamation, including allocation by State  
 5 and Indian tribe;

6 (3) the effectiveness of the program under this  
 7 Act in addressing abandoned mine land problems on  
 8 Federal and non-Federal land;

9 (4) any impact on domestic locatable mineral  
 10 exploration and production as a result of the fees  
 11 and royalties; and

12 (5) any recommendations with respect to  
 13 changes in Federal law (including regulations) relat-  
 14 ing to the amount or method of collection (including  
 15 auditing, compliance, and enforcement) of the fees  
 16 and royalties.

## 17 **TITLE III—MINERAL ACTIVITIES**

### 18 **SEC. 301. PERMITS.**

19 (a) IN GENERAL.—Except as provided in section  
 20 501(a)(2), no person may engage in mineral activities on  
 21 Federal land that may cause a disturbance of surface re-  
 22 sources, including land, air, water, and fish and wildlife,  
 23 unless a permit authorizing the activities was issued to  
 24 the person under this title.

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

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

9 (d) COORDINATION WITH NEPA PROCESS.—To the  
 10 maximum extent practicable, the Secretary concerned  
 11 shall conduct the permit processes under this Act in co-  
 12 ordination with the timing and other requirements of sec-  
 13 tion 102 of the National Environmental Policy Act of  
 14 1969 (42 U.S.C. 4332).

15 **SEC. 302. EXPLORATION PERMITS.**

16 (a) IN GENERAL.—Except as provided in section  
 17 501(a)(2), an exploration permit shall be required prior  
 18 to conducting any exploration activities on Federal land  
 19 that involve more than the casual use of the Federal land.

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

22 (1) remove any mineral for sale; or

23 (2) conduct any activity other than an activity  
 24 required for—

25 (A) exploration for locatable minerals; or

1 (B) reclamation.

2 (c) REQUIREMENTS.—To be eligible for an explo-  
3 ration permit, a person shall submit to the Secretary con-  
4 cerned, in a manner prescribed by the Secretary con-  
5 cerned, an application for an exploration permit that con-  
6 tains—

7 (1) an exploration plan demonstrating that—

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

10 (B) the formation of acid mine drainage  
11 will be avoided to the maximum extent prac-  
12 ticable; and

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

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

19 (3) a reclamation plan for the proposed explo-  
20 ration activity demonstrating that the applicant will  
21 conduct reclamation activities in accordance with  
22 section 306;

23 (4) evidence of adequate financial assurance in  
24 accordance with section 304;



1           (5) the necessary documentation to demonstrate  
2           that the proposed exploration activity will comply  
3           with applicable Federal and State environmental  
4           laws (including regulations);

5           (6) a monitoring and evaluation plan to ensure  
6           compliance with reclamation and other requirements  
7           of this Act; and

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

11         (d) PERMIT ISSUANCE.—

12                 (1) APPROVAL.—

13                         (A) IN GENERAL.—Subject to subpara-  
14                         graph (B), the Secretary concerned shall ap-  
15                         prove an application and issue an exploration  
16                         permit if the Secretary concerned determines  
17                         that the application is in compliance with—

18                                 (i) this Act;

19                                 (ii) any regulations promulgated  
20                                 under this Act; and

21                                 (iii) any other applicable laws.

22                         (B) CONDITIONS.—The Secretary con-  
23                         cerned may reasonably condition the approval  
24                         of such a permit to satisfy the requirements of  
25                         this Act and applicable regulations.

1           (2) DENIAL.—The Secretary concerned shall  
2       deny the issuance of an exploration permit if the  
3       Secretary concerned determines that the permit does  
4       not meet the requirements of—

5                   (A) this Act;

6                   (B) any regulations promulgated under  
7       this Act; or

8                   (C) other applicable laws.

9           (3) NOTICE.—Before approving or denying an  
10       exploration permit under this subsection, the Sec-  
11       retary concerned—

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

14                   (B) may hold a public hearing.

15       (e) MODIFICATIONS TO PERMIT.—

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

19           (2) APPROVAL.—

20                   (A) IN GENERAL.—In determining whether  
21       to approve or disapprove a proposed modifica-  
22       tion to an exploration permit, the Secretary  
23       concerned shall make the same determinations  
24       as are required in the case of the original per-  
25       mit.

1 (B) EXCEPTIONS.—Subparagraph (A)  
 2 shall not apply to minor modifications to an ex-  
 3 ploration permit or instances in which the na-  
 4 ture of the modifications make compliance with  
 5 the requirements unnecessary, as determined by  
 6 the Secretary concerned.

7 (3) MODIFICATIONS FROM SECRETARY CON-  
 8 CERNED.—

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

14 (B) REQUIREMENTS FOR DETERMINA-  
 15 TION.—A determination under subparagraph  
 16 (A) shall be—

- 17 (i) based on a written finding; and
- 18 (ii) subject to notice and hearing re-
- 19 quirements established by the Secretary
- 20 concerned.

21 **SEC. 303. MINING PERMITS.**

22 (a) IN GENERAL.—Except as provided in section  
 23 501(a)(2), a mining permit shall be required prior to con-  
 24 ducting mineral activities on Federal land, other than cas-  
 25 ual use or exploration on the Federal land.

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

5           (1) a description of the condition of the land  
6 and water resources of the area before mining activi-  
7 ties are initiated;

8           (2) an operations plan demonstrating that—

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

11               (B) the formation of acid mine drainage  
12 will be avoided to the maximum extent prac-  
13 ticable; and

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

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

20           (4) a reclamation plan for the proposed mineral  
21 activities demonstrating that the applicant will con-  
22 duct reclamation activities in accordance with sec-  
23 tion 306;

1           (5) evidence of adequate financial assurance  
2       under section 304, including, if required, a trust  
3       fund as required under section 304(i);

4           (6) the necessary documentation to demonstrate  
5       that the proposed mineral activities will comply with  
6       applicable Federal and State environmental laws (in-  
7       cluding regulations);

8           (7) a monitoring and evaluation plan to ensure  
9       compliance with reclamation and other requirements  
10      of this Act; and

11          (8) any other relevant information determined  
12      by the Secretary concerned to be necessary to satisfy  
13      the requirements of this Act and other applicable  
14      law.

15      (c) PERMIT ISSUANCE.—

16          (1) APPROVAL.—

17              (A) IN GENERAL.—Subject to subpara-  
18      graph (B), the Secretary concerned shall ap-  
19      prove a permit application and issue a mining  
20      permit if the Secretary concerned determines  
21      that the application is in compliance with—

22                  (i) this Act;

23                  (ii) any regulations promulgated  
24              under this Act; and

25                  (iii) other applicable laws.

1           (B) CONDITIONS.—The Secretary con-  
 2           cerned may reasonably condition the approval  
 3           of such a permit to satisfy the requirements of  
 4           this Act and applicable regulations.

5           (2) DENIAL.—The Secretary concerned shall  
 6           deny the issuance of a mining permit if the Sec-  
 7           retary concerned determines that the permit does  
 8           not meet the requirements of—

9                   (A) this Act;

10                  (B) any regulations promulgated under  
 11                  this Act; or

12                  (C) other applicable laws.

13           (3) NOTICE.—Before approving or denying a  
 14           mining permit under this subsection, the Secretary  
 15           concerned—

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

18                   (B) may hold a public hearing.

19           (d) TERM OF PERMIT; CONTINUATION.—

20                  (1) IN GENERAL.—An operations permit  
 21                  shall—

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

23                   (B) continue for so long thereafter as  
 24                  locatable minerals are produced in commercial  
 25                  quantities from the permit area in compliance

1 with the requirements of this Act and other ap-  
 2 plicable law.

3 (2) CONTINUATION.—No permit shall expire be-  
 4 cause operations or production have ceased pursuant  
 5 to an approved temporary cessation or been sus-  
 6 pended pursuant to any order of, or with the consent  
 7 of, the Secretary concerned.

8 (e) MODIFICATIONS TO PERMIT.—

9 (1) REQUEST FROM PERMIT HOLDER.—

10 (A) IN GENERAL.—A mining permit holder  
 11 may submit to the Secretary concerned an ap-  
 12 plication to modify the mining permit.

13 (B) APPROVAL.—

14 (i) IN GENERAL.—In determining  
 15 whether to approve or disapprove a pro-  
 16 posed modification to a mining permit, the  
 17 Secretary concerned shall make the same  
 18 determinations as are required in the case  
 19 of an original mining permit.

20 (ii) EXCEPTIONS.—Clause (i) shall  
 21 not apply to minor modifications to a min-  
 22 ing permit or instances in which the nature  
 23 of the modifications make compliance with  
 24 the requirements unnecessary, as deter-  
 25 mined by the Secretary concerned.

1           (2) MODIFICATIONS FROM SECRETARY CON-  
2 CERNED.—

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

8           (B) REQUIREMENTS FOR DETERMINA-  
9 TION.—A determination under subparagraph  
10 (A) shall be—

11                   (i) based on a written finding; and

12                   (ii) subject to notice and hearing re-  
13 quirements established by the Secretary  
14 concerned.

15       (f) LAND USE FEES.—

16           (1) IN GENERAL.—In the case of Federal land  
17 included in a mining permit approved under this sec-  
18 tion after the date of enactment of this Act, or Fed-  
19 eral land added pursuant to a modification to a per-  
20 mit or plan of operations if the modification is ap-  
21 proved after the date of enactment of this Act, not  
22 later than August 31 of each year, the operator shall  
23 pay a land use fee in an amount established by the  
24 Secretary by regulation that is equal to 4 times the  
25 claim maintenance fee imposed under section



1       102(a)(1) for each 20 acres of Federal land that is  
2       included within the mine permit area.

3           (2) ADDITIONAL FEE.—The land use fee im-  
4       posed under this subsection shall be in addition to  
5       the claim maintenance fees imposed under section  
6       102(a).

7           (3) AUTHORIZED ACTIVITIES.—Upon approval  
8       by the Secretary concerned of a mining permit and  
9       upon payment of the land use fee as required by this  
10      subsection, the operator may use and occupy all  
11      Federal land within the mine permit area for such  
12      uses as are approved in the mining permit if the  
13      uses are undertaken in accordance with all applica-  
14      ble law.

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

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

22      (g) TEMPORARY CESSATION OF OPERATIONS.—

23          (1) IN GENERAL.—An operator conducting min-  
24      eral activities under this title may not temporarily

1       cease mineral activities for a period of greater than  
2       180 days unless—

3               (A) the Secretary concerned has approved  
4       the temporary cessation; or

5               (B) the temporary cessation is permitted  
6       under the exploration or mining permit.

7               (2) MULTIPLE TEMPORARY CESSATIONS.—The  
8       Secretary concerned may approve more than 1 tem-  
9       porary cessation for mineral activities under a per-  
10      mit.

11              (3) INTERIM MANAGEMENT PLAN.—Any oper-  
12      ator temporarily ceasing mineral activities shall fol-  
13      low an interim management plan approved by the  
14      Secretary concerned.

15   **SEC. 304. FINANCIAL ASSURANCES.**

16       (a) IN GENERAL.—Before beginning any mineral ac-  
17      tivities requiring an exploration or mining permit under  
18      this Act, an operator shall provide to the Secretary con-  
19      cerned evidence of a bond, surety, or other financial assur-  
20      ance approved by the Secretary concerned in an amount  
21      determined, after public notice and comment, by the Sec-  
22      retary concerned to be sufficient to ensure the completion  
23      of reclamation under section 306 and the restoration of  
24      any land or water adversely affected by the mineral activi-  
25      ties if the work (including any interim stabilization and

1 infrastructure maintenance activities) would be performed  
2 by the Secretary concerned (or a third party retained by  
3 the Secretary concerned) in the event of forfeiture.

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

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

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

10 (3) all land added and water affected pursuant  
11 to any permit modification.

12 (c) REVIEW.—Not later than 3 years after the date  
13 on which an operator provides financial assurance in an  
14 amount determined under subsection (a) and not later  
15 than every 3 years thereafter, the Secretary concerned  
16 shall—

17 (1) review the financial assurance to determine  
18 if the amount of the financial assurance is adequate  
19 for purposes of this section; and

20 (2) if the Secretary concerned determines that  
21 the amount of the financial assurance is not ade-  
22 quate, adjust the amount of the financial assurance  
23 in accordance with this section.

24 (d) REDUCTION.—

1           (1) IN GENERAL.—The Secretary concerned  
2           may reduce the amount of the financial assurance  
3           required if the Secretary concerned determines that  
4           a portion of the reclamation is completed in accord-  
5           ance with section 306.

6           (2) NOTICE.—Before reducing or releasing the  
7           amount of financial assurance pursuant to this sub-  
8           section, the Secretary concerned shall provide public  
9           notice and a reasonable opportunity for public notice  
10          and comment in accordance with subsection (g).

11         (e) INCREMENTAL FINANCIAL ASSURANCE.—

12           (1) IN GENERAL.—The Secretary concerned  
13           may authorize amounts of financial assurance for in-  
14           cremental mineral activities if—

15                 (A) no mineral activities are allowed be-  
16                 yond the activities for which financial assurance  
17                 is provided;

18                 (B) the financial assurance for an incre-  
19                 ment covers all reclamation costs within the  
20                 permit area for the increment; and

21                 (C) the amount and terms of the financial  
22                 assurance for each increment are reviewed an-  
23                 nually.

24           (2) REVIEW.—Notwithstanding subsection (c),  
25           the Secretary concerned shall—

1 (A) review at least on an annual basis the  
2 amount and terms of the financial assurance  
3 for any increment; and

4 (B) adjust the financial assurance as ap-  
5 propriate.

6 (f) DURATION.—The financial assurance required  
7 under this section shall be held for the duration of the  
8 mineral activities and for an additional period to cover the  
9 responsibility of the operator for reclamation, long-term  
10 maintenance, and effluent treatment as specified in sub-  
11 section (h).

12 (g) RELEASE.—Subject to subsections (h) and (i),  
13 the Secretary concerned may, after public notice and a  
14 reasonable opportunity for public comment and after in-  
15 spection, release in whole or in part the financial assur-  
16 ance required under this section if the Secretary concerned  
17 determines that—

18 (1) reclamation covered by the financial assur-  
19 ance has been accomplished as required by this Act  
20 and other applicable law; and

21 (2) the terms and conditions of any other appli-  
22 cable Federal and State requirements have been ful-  
23 filled.

24 (h) RELEASE OF FINANCIAL ASSURANCE FOR  
25 WATER.—If the Secretary concerned does not require the

1 establishment of a trust fund or other long-term funding  
 2 mechanism under subsection (i), the portion of the finan-  
 3 cial assurance attributable to the estimated cost of treat-  
 4 ment of any discharge or other water-related condition re-  
 5 sulting from mineral activities shall not be released until  
 6 the public has been provided notice and an opportunity  
 7 to comment in accordance with subsection (g) and—

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

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

14          (i) LONG-TERM FINANCIAL ASSURANCES.—

15           (1) IN GENERAL.—Notwithstanding subsections  
 16          (d) and (g), if any discharge or other water-related  
 17          condition resulting from mineral activities requires  
 18          treatment in order to meet the applicable effluent  
 19          limitations and water quality standards, the finan-  
 20          cial assurance shall cover the estimated cost of  
 21          maintaining the treatment for the period that will be  
 22          needed after the cessation of mineral activities.

23          (2) LONG-TERM FUNDING MECHANISMS.—

24           (A) IN GENERAL.—The Secretary con-  
 25          cerned shall, if determined necessary by the

1 Secretary concerned, require the operator to es-  
2 tablish a trust fund or other funding mecha-  
3 nism to provide financial assurances to ensure  
4 the continuation of long-term treatment or  
5 other management to achieve water quality  
6 standards and for other long-term, post-mining  
7 maintenance or monitoring requirements.

8 (B) AMOUNT.—The amount of funding  
9 shall be adequate to provide for construction,  
10 long-term operation, maintenance, or replace-  
11 ment of any treatment facilities and infrastruc-  
12 ture, for as long as the treatment and facilities  
13 are needed after mine closure.

14 (C) LIABILITY.—Nothing in this para-  
15 graph allows any person to transfer any liability  
16 arising from mineral activities to any other per-  
17 son.

18 (j) REPORT.—

19 (1) IN GENERAL.—Not later than 3 years after  
20 the date of enactment of this Act, the Secretary, in  
21 consultation with the Secretary of Agriculture and  
22 the Administrator of the Environmental Protection  
23 Agency, shall conduct a review and submit to the  
24 Committee on Energy and Natural Resources of the  
25 Senate and the Committee on Natural Resources of

1 the House of Representatives a report regarding the  
2 sufficiency of financial assurances for locatable min-  
3 erals activities (including exploration and mining) on  
4 Federal land.

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

6 (A) methods for establishing financial as-  
7 surances levels;

8 (B) the type, level, and adequacy of finan-  
9 cial assurances required for exploration activi-  
10 ties;

11 (C) for each mine on Federal land—

12 (i) the dates of approval of any plan  
13 of operation or mining permit;

14 (ii) the acreage involved;

15 (iii) the expected life of the mine;

16 (iv) the type, level, and adequacy of fi-  
17 nancial assurance; and

18 (v) whether the mine is expected to  
19 require long-term water treatment or  
20 maintenance after mine closure;

21 (D) the effectiveness of various types of fi-  
22 nancial assurances; and

23 (E) the availability of and costs associated  
24 with various types of financial assurances.



1           (3) RECOMMENDATIONS.—The report shall in-  
 2       clude any recommendations for modifications to  
 3       Federal law or applicable regulations to improve the  
 4       effectiveness of financial assurances for locatable  
 5       mineral activities described in paragraph (1).

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

7       The Secretary concerned shall approve the transfer,  
 8       assignment, or sale of rights of an exploration or mining  
 9       permit only if the successor in interest agrees in writing  
 10      to assume the liability and reclamation responsibilities (in-  
 11      cluding the financial assurance requirements under section  
 12      304 (including applicable regulations)) established by the  
 13      permit under this Act, without affecting the liability of the  
 14      transferor under any other law or exploration or mining  
 15      permit.

16   **SEC. 306. OPERATION AND RECLAMATION.**

17      (a) IN GENERAL.—The operator shall restore land  
 18      and water subject to mineral activities carried out under  
 19      a permit issued under this title to a condition capable of  
 20      supporting—

21           (1) the uses that the land and water was capa-  
 22      ble of supporting before surface disturbance by the  
 23      operator; or

24           (2) other beneficial uses that conform to appli-  
 25      cable land use plans (including, if appropriate, the

1 generation of renewable energy), as determined by  
2 the Secretary concerned.

3 (b) TIMING.—

4 (1) IN GENERAL.—Reclamation activities shall  
5 be carried out as contemporaneously as practicable  
6 with the conduct of mineral activities.

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

11 (c) ADMINISTRATION OF LAND.—Notwithstanding  
12 section 302(b) of the Federal Land Policy and Manage-  
13 ment Act of 1976 (43 U.S.C. 1732(b)), the first section  
14 of the Act of June 4, 1897 (commonly known as the “Or-  
15 ganic Act of 1897”) (16 U.S.C. 478), or the Forest and  
16 Rangeland Renewable Resources Planning Act of 1974  
17 (16 U.S.C. 1600 et seq.), and in accordance with this title  
18 and applicable law, unless expressly stated otherwise in  
19 this Act, the Secretary concerned—

20 (1) shall ensure that mineral activities on any  
21 Federal land that is subject to a mining claim, mill-  
22 site claim, or tunnel site claim are carefully con-  
23 trolled to prevent undue degradation of public land  
24 and resources; and

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

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

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

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

14           (2) the National Forest Management Act of  
 15          1976 (16 U.S.C. 472a et seq.); and

16           (3) the Act of June 4, 1897 (commonly known  
 17          as the “Organic Act of 1897”) (16 U.S.C. 473–482,  
 18          551).

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

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

22           (1) in paragraph (3), by striking “removed  
 23          from or restored to the operation of the Mining Law  
 24          of 1872, as amended (R.S. 2318–2352; 30 U.S.C.  
 25          21 et seq.) or”; and

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

2 “(4) REVIEW OF LAND.—

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

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

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

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

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

1 “(II) areas designated for potential  
2 addition to the System pursuant to section  
3 5(a) of that Act (16 U.S.C. 1276(a)); and

4 “(III) areas determined to be eligible  
5 for inclusion in the System pursuant to  
6 section 5(d) of that Act (16 U.S.C.  
7 1276(d)); and

8 “(v) the areas identified in the set of  
9 inventoried roadless area maps contained  
10 in the Forest Service Roadless Areas Con-  
11 servation, Final Environmental Impact  
12 Statement, volume 2, dated November  
13 2000.

14 “(5) WITHDRAWALS OF LAND.—

15 “(A) IN GENERAL.—Subsequent to review  
16 in accordance with paragraph (4), in addition to  
17 withdrawals made pursuant to section 204 and  
18 subject to valid existing rights, tracts of Fed-  
19 eral land may, pursuant to this paragraph, be  
20 removed from operation of sections 2318  
21 through 2352 of the Revised Statutes (com-  
22 monly known and referred to in this subsection  
23 as the ‘Mining Law of 1872’) (30 U.S.C. 21 et  
24 seq.) if the Secretary, based on the analysis of  
25 the local Federal land manager, and in the case

1 of National Forest System land, on the rec-  
2 ommendation of the Secretary of Agriculture  
3 based on the analysis of the local Federal land  
4 manager, determines that the action is appro-  
5 priate after application of the criteria estab-  
6 lished under subsection (c).

7 “(B) REVISION OF LAND USE PLANS.—  
8 The Secretary concerned, acting through the  
9 local Federal land manager, shall revise or  
10 amend the applicable land use plan, as appro-  
11 priate, to provide for removal of land, subject to  
12 valid existing rights, from operation of the Min-  
13 ing Law of 1872 on a determination by the Sec-  
14 retary under subparagraph (A) that the land  
15 should be removed from operation of that Act.

16 “(C) SEGREGATION FROM GENERAL MIN-  
17 ING LAWS PENDING COMPLETION.—On a deter-  
18 mination by the Secretary that the land should  
19 be removed from operation of the Mining Law  
20 of 1872, the land shall be immediately seg-  
21 regated from operation of the Mining Law of  
22 1872 until the plan amendment or revision is  
23 completed.

24 “(D) COMPLETION DEADLINE.—Any  
25 amendment or revision of a land use plan shall

1 be completed not later than 1 year after the  
2 date of the determination of the Secretary  
3 under subparagraph (A).

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

7 “(A) the Secretary concerned to direct the  
8 local Federal land manager to undertake a re-  
9 view under paragraph (4); and

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

15 **SEC. 308. STATE LAW.**

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

21 **SEC. 309. INSPECTION AND MONITORING.**

22 (a) INSPECTIONS.—

23 (1) IN GENERAL.—The Secretary concerned  
24 shall make inspections of mineral activities to ensure  
25 compliance with this Act.

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

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

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

16          (5) FINANCIAL ASSURANCE.—Inspections shall  
17       continue under this subsection until the final release  
18       of financial assurance.

19       (b) MONITORING.—The Secretary concerned shall re-  
20       quire all operators—

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

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



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

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

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

8           (1) any amounts received by the United States  
9           under section 101;

10           (2) any amounts collected under section 102  
11           (subject to the requirements of section 102(c)(1));

12           (3) any amounts donated to the Fund by per-  
13           sons, corporations, associations, and foundations;

14           (4) any amounts collected under section 201;

15           (5) any amounts collected under section 303(e);

16           (6) any amounts collected under section 403;

17           (7) any amounts collected under sections 203  
18           and 502; and

19           (8) any income on investments under subsection  
20           (b).

21           (b) INVESTMENT.—

22           (1) IN GENERAL.—The Secretary shall notify  
23           the Secretary of the Treasury of any portion of the  
24           Fund that the Secretary determines is not required  
25           to meet current withdrawals.

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

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

11          (c) ADMINISTRATION.—The Fund shall be adminis-  
 12         tered by the Secretary, acting through the Director of the  
 13         Office of Surface Mining Reclamation and Enforcement.

14          (d) EXPENDITURES.—Subject to section 402,  
 15         amounts in the Fund may, without fiscal year limitation  
 16         and without further appropriation—

17                 (1) be expended by the Secretary for the pur-  
 18                 poses described in section 402;

19                 (2) be transferred by the Secretary to the Di-  
 20                 rector of the Bureau of Land Management, the  
 21                 Chief of the Forest Service, the Director of the Na-  
 22                 tional Park Service, the Director of the United  
 23                 States Fish and Wildlife Service, or the head of any  
 24                 other Federal agency, that develops, implements,

1 and has the ability to carry out all or a significant  
 2 portion of a reclamation program under this title; or

3 (3) be transferred by the Secretary to an Indian  
 4 tribe or a State with an approved reclamation pro-  
 5 gram, as provided in subsection (e).

6 (e) STATE AND TRIBAL RECLAMATION PROGRAMS.—

7 (1) IN GENERAL.—Each State having within  
 8 the borders of the State, or tribe having within the  
 9 borders of the reservation of the tribe, mined land  
 10 that is eligible for reclamation under this title may  
 11 submit to the Secretary a reclamation program for  
 12 the land.

13 (2) APPROVAL.—If the Secretary determines  
 14 that a State or tribe has developed and submitted a  
 15 program for reclamation of abandoned mines con-  
 16 sistent with the priorities established under section  
 17 402(c) and has the ability and necessary State or  
 18 tribal legislation to implement this title, the Sec-  
 19 retary shall—

20 (A) approve the program; and

21 (B) grant to the State or tribe the exclu-  
 22 sive responsibility and authority to implement  
 23 the approved program.

24 (3) WITHDRAWAL OF APPROVAL.—The Sec-  
 25 retary shall withdraw the approval and authorization

1 if the Secretary determines that the State or tribal  
2 program is not in compliance with procedures,  
3 guidelines, and requirements established by the Sec-  
4 retary.

5 (4) APPROVAL OF EXISTING PROGRAMS.—Sub-  
6 ject to paragraph (3), any State program in an  
7 abandoned hardrock mine State or tribal program  
8 for reclamation of abandoned mines approved under  
9 title IV of the Surface Mining Control and Reclama-  
10 tion Act of 1977 (30 U.S.C. 1231 et seq.) before the  
11 date of enactment of this Act and in good standing  
12 with the Secretary as of that date shall be consid-  
13 ered approved under this title.

14 **SEC. 402. USE AND OBJECTIVES OF THE FUND.**

15 (a) USE.—

16 (1) IN GENERAL.—The Secretary may, subject  
17 to the availability of appropriations, use amounts in  
18 the Fund for the reclamation and restoration of land  
19 and water resources adversely affected by past  
20 hardrock minerals and mining and related activities  
21 in abandoned hardrock mine States and on Indian  
22 land located within the exterior boundaries of aban-  
23 doned hardrock mine States, including the conduct  
24 of activities—

25 (A) to protect public health and safety;

1 (B) to prevent, abate, treat, and control  
2 water pollution created by abandoned mine  
3 drainage, including activities conducted in wa-  
4 tersheds;

5 (C) to reclaim and restore abandoned sur-  
6 face and underground mined areas;

7 (D) to reclaim and restore abandoned mill-  
8 ing and processing areas;

9 (E) to backfill, seal, or otherwise control  
10 abandoned underground mine entries;

11 (F) to revegetate land adversely affected  
12 by past mining activities—

13 (i) to prevent erosion and sedimenta-  
14 tion; and

15 (ii) for any other reclamation purpose;

16 (G) to control surface subsidence due to  
17 abandoned underground mines; and

18 (H) to enhance fish and wildlife habitat.

19 (2) DETERMINATION.—Before expending  
20 amounts in the Fund for the purposes described in  
21 paragraph (1), the Secretary shall make a deter-  
22 mination that there is no continuing reclamation re-  
23 sponsibility of the claim holder, operator, or other  
24 person who abandoned the site before completion of  
25 the required reclamation under Federal or State law.

1 (b) ALLOCATION.—Of the amounts deposited in the  
2 Fund each fiscal year—

3 (1) 20 percent shall be allocated by the Sec-  
4 retary for expenditure by the Secretary or, if a State  
5 or Indian tribe has an approved program pursuant  
6 to section 401(e), by the State or Indian tribe, in  
7 the States in which, or on Indian land on which,  
8 hardrock minerals are produced, based on a formula  
9 reflecting existing production in the State or on the  
10 land of the Indian tribe;

11 (2) 30 percent shall be allocated by the Sec-  
12 retary for expenditure by the Secretary or, if a State  
13 or Indian tribe has an approved program pursuant  
14 to section 401(e), by the State or Indian tribe, in  
15 the States and on Indian land using a formula based  
16 on the quantity of hardrock minerals historically  
17 produced in the State or from the Indian land before  
18 the date of enactment of this Act;

19 (3) 25 percent shall be allocated by the Sec-  
20 retary for expenditure on Federal land;

21 (4) 10 percent shall be available to the Sec-  
22 retary for grants under subsection (e);

23 (5) 10 percent shall be available to the Sec-  
24 retary for grants under subsection (f); and

1           (6) 5 percent shall be available for administra-  
2       tive expenses of the United States, Indian tribes,  
3       and the States to accomplish the purposes of this  
4       title.

5       (c) PRIORITIES.—

6           (1) IN GENERAL.—Subject to paragraph (2),  
7       expenditures from the Fund shall be based on the  
8       following priorities:

9           (A) The conduct of activities to protect  
10       public health and safety from the adverse ef-  
11       fects of past hardrock mineral mining activities,  
12       including activities addressing surface water  
13       and groundwater contaminants.

14          (B) The conduct of activities to restore  
15       land, water, and fish and wildlife resources de-  
16       graded by the adverse effects of past hardrock  
17       mineral mining activities, including restoration  
18       activities in watershed areas.

19          (2) MULTIPLE PRIORITIES.—In complying with  
20       the priorities established under this subsection,  
21       funds may be expended for reclamation activities  
22       under paragraph (1)(B) before the completion of all  
23       reclamation projects under paragraph (1)(A) if the  
24       expenditure of the funds for reclamation activities

1 under paragraph (1)(B) is made in conjunction with  
2 reclamation activities under paragraph (1)(A).

3 (3) MINIMUM EXPENDITURE.—Notwithstanding  
4 paragraphs (1) and (2), not less than 25 percent of  
5 the expenditures by the Secretary on Federal lands  
6 for any year shall be for the purposes described in  
7 paragraph (1)(B).

8 (d) ELIGIBLE LAND AND WATER.—

9 (1) IN GENERAL.—Amounts may be expended  
10 for reclamation activities under this section only  
11 with respect to land or water resources if the land  
12 or water resources have been—

13 (A) affected by hardrock mineral mining  
14 activities; and

15 (B) abandoned or left in an inadequate  
16 reclamation status.

17 (2) SPECIFIC SITES AND AREAS NOT ELIGI-  
18 BLE.—Section 411(d) of the Surface Mining Control  
19 and Reclamation Act of 1977 (30 U.S.C. 1240a(d))  
20 shall apply to expenditures from the Fund.

21 (3) INVENTORY.—

22 (A) IN GENERAL.—The Secretary shall—

23 (i) prepare and maintain a publicly  
24 available inventory of abandoned hardrock  
25 minerals mines on Federal land, State



1 land, other publicly owned land, private  
2 land, and any abandoned mine on Indian  
3 land that may be eligible for expenditures  
4 under this section; and

5 (ii) submit to Congress an annual re-  
6 port that describes the progress in reclaim-  
7 ing the sites listed on the inventory.

8 (B) MAXIMUM EXPENDITURE.—The Sec-  
9 retary shall expend not more than \$5,000,000  
10 to carry out the inventory required by this  
11 paragraph.

12 (e) GRANTS TO CERTAIN STATES.—

13 (1) IN GENERAL.—The Secretary shall use  
14 amounts made available under subsection (b)(4) to  
15 make grants to States, other than abandoned  
16 hardrock mine States, to carry out reclamation and  
17 restoration of land and water resources adversely af-  
18 fected by past hardrock minerals and mining activi-  
19 ties, including the conduct of activities described in  
20 subsection (a)(1).

21 (2) DETERMINATION.—Before awarding a  
22 grant under this subsection, the Secretary shall  
23 make a determination that there is no continuing  
24 reclamation responsibility of any person who aban-

1        doned the site before completion of required rec-  
2        lamation under Federal or State law.

3            (3) CRITERIA.—The Secretary shall establish  
4        by regulation the procedures and criteria for award-  
5        ing grants under this subsection, which shall in-  
6        clude—

7            (A) consistency with the priorities estab-  
8        lished under subsection (c)(1); and

9            (B) priority for those projects for which  
10        Federal funding is not available under other  
11        laws or programs.

12        (f) GRANTS TO PUBLIC ENTITIES AND NONPROFIT  
13        ORGANIZATIONS.—The Secretary shall use amounts made  
14        available under subsection (b)(5) to make grants to public  
15        entities (including State fish and game agencies and local  
16        governments) and nonprofit organizations (based on cri-  
17        teria established by the Secretary by regulation) to carry  
18        out activities that support collaborative restoration  
19        projects to improve fish and wildlife habitat affected by  
20        past hardrock minerals and mining activities, including ac-  
21        tivities that—

22            (1) improve water quality and quantity;

23            (2) restore watersheds in which historic mining  
24        dewatered or otherwise fragmented stream habitats;

1           (3) restore instream habitat conditions nec-  
2           essary to support aquatic species;

3           (4) restore vegetative cover and streamside  
4           areas to control erosion and improve conditions for  
5           fish and wildlife;

6           (5) control and remove noxious weeds and  
7           invasive species associated with historic mining dis-  
8           turbances that affect fish and wildlife;

9           (6) restore fish and wildlife habitat in cases in  
10          which previous hardrock minerals and mining activ-  
11          ity limits fish and wildlife productivity;

12          (7) protect and restore fish and wildlife habitat  
13          in areas affected by historic minerals and mining ac-  
14          tivity; and

15          (8) mitigate impacts to watersheds affected by  
16          past hardrock minerals and mining activities.

17          (g) RESPONSE OR REMOVAL ACTIONS.—

18               (1) IN GENERAL.—Reclamation and restoration  
19               activities conducted under this section that con-  
20               stitute a removal or remedial action under section  
21               101 of the Comprehensive Environmental Response,  
22               Compensation, and Liability Act of 1980 (42 U.S.C.  
23               9601) shall be conducted only with the concurrence  
24               of the Administrator of the Environmental Protec-  
25               tion Agency.

1           (2) MEMORANDUM OF UNDERSTANDING.—The  
2       Secretary and the Administrator of the Environ-  
3       mental Protection Agency shall enter into a memo-  
4       randum of understanding to establish procedures for  
5       consultation, concurrence, training, the exchange of  
6       technical expertise, and the conduct of joint activi-  
7       ties, as appropriate, that provide assurances that  
8       reclamation or restoration activities under this sec-  
9       tion shall not be conducted in a manner that—

10           (A) increases the costs or likelihood of re-  
11       moval or remedial actions under the Com-  
12       prehensive Environmental Response, Compensa-  
13       tion, and Liability Act of 1980 (42 U.S.C. 9601  
14       et seq.); or

15           (B) to the maximum extent practicable,  
16       avoids oversight by multiple agencies.

17   **SEC. 403. ABANDONED MINE LAND RECLAMATION FEE.**

18       (a) IMPOSITION OF FEE.—Each operator of a  
19       hardrock minerals mining operation shall pay to the Sec-  
20       retary, for deposit in the Fund, a reclamation fee in an  
21       amount established by the Secretary by regulation of not  
22       less than 0.6 percent, and not more than 2.0 percent, of  
23       the value of the production from the hardrock minerals  
24       mining operation for each calendar year.

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

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

8 (d) DEPOSIT OF REVENUES.—Amounts received by  
 9 the Secretary under subsection (a) shall be deposited into  
 10 the Fund.

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

14 **TITLE V—TRANSITION RULES,**  
 15 **ADMINISTRATIVE PROVI-**  
 16 **SIONS, AND MISCELLANEOUS**  
 17 **PROVISIONS**

18 **SEC. 501. TRANSITION RULES.**

19 (a) APPLICABILITY.—

20 (1) IN GENERAL.—Except as provided in para-  
 21 graph (2), section 201(b), and section 303(f), the re-  
 22 quirements of this Act apply to any mining claim,  
 23 millsite, or tunnel site located under the general  
 24 mining laws, before, on, or after the date of enact-  
 25 ment of this Act.

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

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

8                           (i) mineral activities at the claim or  
9                           site shall be subject to the plan of oper-  
10                          ations or notice of operations; and

11                          (ii) if the Secretary concerned deter-  
12                          mines that any modifications to the plan of  
13                          operations are minor, modification may be  
14                          made in accordance with the laws applica-  
15                          ble before the date of enactment of this  
16                          Act; and

17                   (B) the operator shall bring the mineral  
18           activities into compliance with this Act (includ-  
19           ing implementing regulations) by the end of the  
20           10-year period beginning on the date of enact-  
21           ment of this Act.

22           (3) FEES.—Except as provided in sections  
23           201(b) and 303(f), all fees required to be paid under  
24           this Act shall apply beginning on the date of enact-  
25           ment of this Act to—

1 (A) any mining claim, millsite, or tunnel  
 2 site located under the general mining laws (in-  
 3 cluding production from the claim or site) be-  
 4 fore, on, or after the date of enactment of this  
 5 Act;

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

9 (C) with respect to the fee established by  
 10 section 403, any production on or after the date  
 11 of enactment of this Act from any hardrock  
 12 minerals mining operation.

13 (b) APPLICATION OF ACT TO BENEFICIATION AND  
 14 PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL  
 15 LAND.—

16 (1) IN GENERAL.—This Act (including the sur-  
 17 face management and operation requirements of title  
 18 III) shall apply in the same manner and to the same  
 19 extent to mining claims, millsites, and tunnel sites  
 20 used for beneficiation or processing activities for any  
 21 mineral without regard to whether the legal and ben-  
 22 efiticial title to the mineral is held by the United  
 23 States.

24 (2) APPLICABILITY.—This subsection applies  
 25 only to minerals that—

1 (A) are locatable minerals; or

2 (B) would be locatable minerals if the legal  
3 and beneficial title to the minerals were held by  
4 the United States.

5 **SEC. 502. ENFORCEMENT.**

6 (a) ORDERS.—

7 (1) NOTICE OF VIOLATION.—

8 (A) IN GENERAL.—If the Secretary con-  
9 cerned determines that any person is in viola-  
10 tion of any surface management or operation  
11 requirement under title III or any regulation  
12 promulgated to carry out such a requirement or  
13 any permit condition required pursuant to title  
14 III, the Secretary concerned shall provide to the  
15 person a notice that describes the violation and  
16 any necessary corrective actions.

17 (B) ABATEMENT PERIOD.—

18 (i) IN GENERAL.—Subject to clause  
19 (ii), a person that receives notice under  
20 subparagraph (A) shall have not more than  
21 90 days after the date of receipt of the no-  
22 tice to abate the violation.

23 (ii) EXTENSION.—The Secretary con-  
24 cerned may extend the period described in  
25 clause (i) if the person shows good cause



1           for the extension, as determined by the  
2           Secretary concerned.

3           (2) CESSATION ORDER.—

4           (A) IN GENERAL.—The Secretary con-  
5           cerned shall immediately order a cessation of  
6           mineral activities if the Secretary concerned de-  
7           termines that any condition or practice exists,  
8           or any person is in violation of any requirement  
9           of a permit approved, or notice of operations  
10          submitted, under this Act, that is causing, or  
11          can reasonably be expected to cause—

12                   (i) an imminent danger to the health  
13                   or safety of the public; or

14                   (ii) significant, imminent harm to  
15                   land, air, water, or fish or wildlife re-  
16                   sources.

17          (B) REQUIREMENTS.—

18                   (i) IN GENERAL.—A cessation order  
19                   issued under subparagraph (A) shall re-  
20                   main in effect until the Secretary con-  
21                   cerned—

22                           (I) determines that the condition,  
23                           practice, or violation has been abated;  
24                           or

1 (II) modifies, vacates, or termi-  
2 nates the cessation order.

3 (ii) ABATEMENT.—In any cessation  
4 order issued under subparagraph (A), the  
5 Secretary concerned shall—

6 (I) identify the steps necessary to  
7 abate the violation in the most expedi-  
8 tious manner practicable; and

9 (II) require appropriate financial  
10 assurances to ensure that the abate-  
11 ment obligations are met.

12 (C) ENFORCEMENT.—

13 (i) IN GENERAL.—If the required  
14 abatement has not been completed by the  
15 date that is 30 days after the date on  
16 which an order is issued under subpara-  
17 graph (A), the Secretary concerned shall  
18 bring against the person failing to com-  
19 plete the abatement an enforcement action  
20 that is most likely to bring about abate-  
21 ment in the most expeditious manner prac-  
22 ticable, including seeking appropriate in-  
23 junctive relief to bring about abatement.

24 (ii) EFFECT.—Nothing in this sub-  
25 paragraph precludes the Secretary con-

cerned from taking alternative enforcement  
action before the date described in clause  
(i).

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

(4) FORFEITURE.—

(A) IN GENERAL.—If a person fails to  
abate a violation or defaults on the terms of the  
permit, the Secretary concerned shall forfeit the  
financial assurance for the permit as necessary  
to ensure abatement and reclamation under this  
Act.

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

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

(b) CIVIL PENALTIES.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           any person that violates any surface management or  
3           operation requirement under title III, any regulation  
4           promulgated to carry out such a requirement, or any  
5           permit condition required pursuant to title III may  
6           be assessed a civil penalty by the Secretary con-  
7           cerned.

8           (2) CESSATION ORDER.—If the violation leads  
9           to the issuance of a cessation order under subsection  
10          (a)(2), the Secretary concerned shall assess the civil  
11          penalty.

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

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

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

20                 (A) the history of the person of previous  
21                 violations;

22                 (B) the seriousness of the violation, includ-  
23                 ing any irreparable harm to the environment  
24                 and any hazard to the health or safety of the  
25                 public;

1 (C) whether the person was negligent; and

2 (D) the demonstrated good faith of the  
3 person charged in attempting to achieve rapid  
4 compliance after notification of the violation.

5 (6) CORPORATE LIABILITY.—If a corporate per-  
6 mittee is in violation of a requirement of any surface  
7 management or operations requirement under title  
8 III of this Act, any regulation promulgated to carry  
9 out such a requirement, or any permit condition re-  
10 quired pursuant to title III, or fails or refuses to  
11 comply with a notice or an order issued under sub-  
12 section (a), any director, officer, or agent of the cor-  
13 poration who willfully and knowingly authorized, or-  
14 dered, or carried out the violation, failure, or refusal  
15 shall be subject to civil penalties, fines, and impris-  
16 onment that may be imposed under a person under  
17 this subsection, subsection (d) or (e).

18 (c) ADMINISTRATIVE REVIEW.—

19 (1) COMPLIANCE ORDER.—Any person issued a  
20 notice of violation or a cessation order under sub-  
21 section (a) may apply to the Secretary concerned for  
22 review of the notice or order by the date that is not  
23 later than 30 days after receipt of the notice or  
24 order.

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

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

11                (A) issued a notice of violation under sub-  
12              section (a)(1);

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

15                (C) subject to civil penalties under sub-  
16              section (b).

17      (d) CIVIL ACTION.—

18           (1) IN GENERAL.—The Secretary concerned  
19       may submit to the Attorney General a request to  
20       bring a civil action for relief, including a permanent  
21       or temporary injunction or restraining order and the  
22       imposition of civil penalties, in any appropriate dis-  
23       trict court of the United States, if a person—

1 (A) violates, fails, or refuses to comply  
 2 with any notice or order issued by the Secretary  
 3 concerned under subsection (a); or

4 (B) interferes with, hinders, or delays the  
 5 Secretary concerned in carrying out an inspec-  
 6 tion under section 309.

7 (2) RELIEF.—

8 (A) IN GENERAL.—The court hearing a  
 9 civil action brought under paragraph (1) shall  
 10 have the jurisdiction to provide any relief that  
 11 the court determines to be appropriate.

12 (B) REVIEW.—Any relief granted by the  
 13 court to enforce an order under paragraph (1)  
 14 shall continue in effect until the date on which  
 15 all proceedings for review of the order are com-  
 16 pleted or terminated unless the court granting  
 17 the relief sets the relief aside.

18 (e) CRIMINAL PENALTIES.—

19 (1) FALSE STATEMENTS; TAMPERING.—

20 (A) IN GENERAL.—A person shall, on con-  
 21 viction, be punished by a fine of not more than  
 22 \$25,000, imprisonment for not more than 1  
 23 year, or fine and imprisonment if the person  
 24 willfully and knowingly—

1 (i) makes any false material state-  
 2 ment, representation, or certification in,  
 3 omits or conceals material information  
 4 from, or unlawfully alters, any mining  
 5 claim, notice of location, application,  
 6 record, report, plan, or other document  
 7 filed or required to be maintained under  
 8 this Act; or

9 (ii) falsifies, tampers with, renders in-  
 10 accurate, or fails to install any monitoring  
 11 device or method required to be maintained  
 12 under this Act.

13 (B) SECOND VIOLATION.—If a conviction  
 14 of a person under subparagraph (A) is for a  
 15 violation committed after a first conviction of  
 16 the person under that subparagraph, punish-  
 17 ment shall be by a fine of not more than  
 18 \$50,000, imprisonment of not more than 2  
 19 years, or fine and imprisonment.

20 (2) KNOWING VIOLATIONS.—

21 (A) IN GENERAL.—A person shall, on con-  
 22 viction, be punished by a fine of not more than  
 23 \$25,000, imprisonment for not more than 1  
 24 year, or both if the person willfully and know-  
 25 ingly—



1 (i) engages in mineral activities with-  
2 out a permit if required under section 302  
3 or 303; or

4 (ii) violates any surface management  
5 or operation requirement under title III  
6 (including any regulation promulgated to  
7 carry out the requirement) or any require-  
8 ment, condition, or limitation of a permit  
9 issued under this Act.

10 (B) SECOND VIOLATION.—If a conviction  
11 of a person under subparagraph (A) is for a  
12 violation committed after the first conviction of  
13 the person under that subparagraph, punish-  
14 ment shall be a fine of not more than \$50,000,  
15 imprisonment of not more than 2 years, or  
16 both.

17 (f) DELEGATION.—Notwithstanding any other provi-  
18 sion of law, the Secretary may use personnel of the Office  
19 of Surface Mining Reclamation and Enforcement or the  
20 Bureau of Land Management to ensure compliance with  
21 this Act.

1 **SEC. 503. JUDICIAL REVIEW.**

2 (a) RULEMAKING.—

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

6 (A) Any final action by the Secretary con-  
7 cerned in promulgating regulations to carry out  
8 this Act.

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

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

16 (b) FINAL AGENCY ACTION.—Except as provided in  
17 subsection (a), final agency action under this Act shall be  
18 subject to judicial review in the district courts of the  
19 United States in accordance with section 1391 of title 28,  
20 United States Code.

21 **SEC. 504. UNCOMMON VARIETIES.**

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

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

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

2 “(a) IN GENERAL.—No deposit”;

3 (2) in the first sentence—

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

6 (B) by striking “or cinders” and inserting  
7 “cinders, and clay”;

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

10 “(c) DEFINITIONS.—In this Act:

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

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

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

17 (5) by inserting after subsection (a) the fol-  
18 lowing:

19 “(b) DISPOSAL OF MINERAL MATERIALS.—

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

24 “(A) had and still has some property giv-  
25 ing mineral material the distinct and special  
26 value referred to in this section or, as the case

1           may be, met the definition of block pumice re-  
 2           ferred to in subsection (c)(1);

3           “(B) was properly located and maintained  
 4           under the general mining laws prior to the date  
 5           of enactment of this subsection;

6           “(C) was supported by a discovery of a val-  
 7           uable mineral deposit within the meaning of the  
 8           general mining laws as in effect immediately  
 9           prior to the date of enactment of this sub-  
 10          section; and

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

12          “(2) DISPOSAL.—Subject to valid existing  
 13          rights, effective beginning on the date of enactment  
 14          of this subsection, notwithstanding the references to  
 15          the term common varieties in this section and to the  
 16          exception to the term relating to a deposit of mate-  
 17          rials with some property giving it distinct and spe-  
 18          cial value, all deposits of mineral materials referred  
 19          to in this section (including the block pumice re-  
 20          ferred to in subsection (c)(1)) shall be subject to dis-  
 21          posal only under the terms and conditions of the Act  
 22          of July 31, 1947 (commonly known as the ‘Materials  
 23          Act of 1947’) (30 U.S.C. 601 et seq.).”.

24          (b) CONFORMING AMENDMENT.—The first section of  
 25          the Act of July 31, 1947 (commonly known as the “Mate-

1 rials Act of 1947”) (30 U.S.C. 601), is amended in the  
 2 first sentence by striking “common varieties of”.

3 **SEC. 505. REVIEW OF URANIUM DEVELOPMENT ON FED-**  
 4 **ERAL LAND.**

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

8 (b) REVIEW.—

9 (1) IN GENERAL.—Not later than 90 days after  
 10 the date of enactment of this Act, the Secretary, in  
 11 consultation with the Secretary of Agriculture, shall  
 12 enter into an arrangement under which the National  
 13 Academy of Sciences shall conduct a study of ura-  
 14 nium development on Federal land.

15 (2) MATTERS TO BE ADDRESSED.—The study  
 16 shall describe and analyze—

17 (A) the laws applicable to the development  
 18 of uranium on Federal land and the agencies  
 19 responsible for administering and enforcing  
 20 those laws;

21 (B) the requirements relating to the devel-  
 22 opment of uranium under sections 2318  
 23 through 2352 of the Revised Statutes (com-  
 24 monly known and referred to in this section as

1 the “Mining Law of 1872”) (30 U.S.C. 21 et  
2 seq.);

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

6 (D) the uranium leasing program adminis-  
7 tered by the Department of Energy under that  
8 Act;

9 (E) the requirements relating to the ap-  
10 proval of uranium in-situ leasing recovery and  
11 the licensing process required by the Nuclear  
12 Regulatory Commission;

13 (F) the efficacy of bonds or other forms of  
14 financial surety in ensuring the reclamation of  
15 Federal land and associated waters impacted by  
16 the development of uranium; and

17 (G) the efficacy of Federal law in pro-  
18 tecting public health and safety and the envi-  
19 ronment from impacts due to the development  
20 of uranium on Federal land.

21 (c) RECOMMENDATIONS.—The study shall—

22 (1) analyze the effectiveness of current Federal  
23 requirements applicable to the exploration, develop-  
24 ment, and production of uranium on Federal land in  
25 allowing for the production of uranium while ensur-

1 ing protection of public health and safety and the  
2 environment; and

3 (2) make recommendations as to changes, if  
4 any, to Federal law (including regulations) and  
5 agency procedures relating to the development of  
6 uranium resources on Federal land to allow for the  
7 production of uranium while ensuring protection of  
8 public health and safety and the environment, in-  
9 cluding specific recommendations on whether—

10 (A) future development of uranium on  
11 Federal land should be—

12 (i) removed from operation of the  
13 Mining Law of 1872; and

14 (ii) subject to leasing;

15 (B) additional requirements (including ad-  
16 ditional financial assurances or fees) should be  
17 applicable to ensure reclamation of uranium  
18 mine sites, including abandoned uranium mine  
19 sites; and

20 (C) whether additional land should be  
21 withdrawn from location and entry of uranium  
22 mining claims by the Secretary.

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

1           (1) not later than 18 months after the date of  
2       enactment of this Act, submit the findings and rec-  
3       ommendations of the study to the Secretary and the  
4       Secretary of Agriculture; and

5           (2) on completion of the study, make the results  
6       of the study available to the public.

7       (e) REPORT.—Not later than 180 days after receiving  
8       the results of the study, the Secretary, in consultation with  
9       the Secretary of Agriculture, shall submit to the Com-  
10      mittee on Energy and Natural Resources of the Senate  
11      and the Committee on Natural Resources of the House  
12      of Representatives a report on—

13           (1) the findings and recommendations of the  
14      study;

15           (2) the agreement or disagreement of the Secre-  
16      taries with each of the findings and recommenda-  
17      tions of the study; and

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

21           (B) if the Secretary declines to implement a  
22      recommendation, the justification for declining to  
23      implement the recommendation.



1 **SEC. 506. EFFECT.**

2 (a) SPECIAL APPLICATION OF GENERAL MINING  
3 LAWS.—

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

15 (2) EXISTING LAWS.—Any law described in  
16 paragraph (1) shall remain in force and effect with  
17 respect to claims and sites located or proposed to be  
18 located under this Act.

19 (3) MINERAL INVESTIGATIONS.—Nothing in  
20 this Act applies to or limits mineral investigations,  
21 studies, or other mineral activities conducted by any  
22 Federal or State agency acting in a governmental  
23 capacity under other authorities.

24 (b) ENVIRONMENTAL LAWS.—Nothing in this Act af-  
25 fects or limits any assessment, investigation, evaluation,  
26 or listing under—

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

4           (2) the Solid Waste Disposal Act (42 U.S.C.  
5        3251 et seq.).

6        (c) EFFECT ON GENERAL MINING LAWS.—

7           (1) IN GENERAL.—This Act supersedes the gen-  
8        eral mining laws, except for the provisions of the  
9        general mining laws relating to the location of min-  
10       ing claims that are not expressly modified by this  
11       Act.

12          (2) LIMITATION.—Nothing in this Act super-  
13        sedes, modifies, amends, or repeals any provision of  
14        Federal law not expressly superseded, modified,  
15        amended, or repealed by this Act, other than the  
16        general mining laws.

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