

111TH CONGRESS  
1ST SESSION

# S. 796

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

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IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. BINGAMAN 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 2009”.

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  
16 under 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.

1    **TITLE I—LOCATABLE MINERAL**  
2                                   **DEPOSITS**

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

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

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

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

14           (b) RIGHT TO PATENT.—

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

24                   (2) WITHDRAWAL.—The claim holder shall not  
25                   be entitled to the issuance of a patent if the deter-

1       minations under paragraphs (1) and (2) of sub-  
2       section (a) are withdrawn or invalidated by the Sec-  
3       retary or, on review, by a court of the United States.

4       (c) REPEAL.—Section 2325 of the Revised Statutes  
5 (30 U.S.C. 29) is repealed.

6 **SEC. 102. FEES.**

7       (a) CLAIM MAINTENANCE FEES.—

8           (1) IN GENERAL.—Not later than August 31,  
9       2009, and each August 31 thereafter, the holder of  
10      each unpatented mining claim, millsite, or tunnel  
11      site shall pay to the Secretary a maintenance fee of  
12      \$150 for each claim, millsite, or tunnel site.

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

15           (A) the assessment work requirements  
16      under the general mining laws; and

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

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

1 (4) CLAIM RELOCATION.—

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

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

9 (ii) a person affiliated with the claim  
10 holder, including—

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

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

17 (B) LIMITS ON RELOCATION.—

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

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

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

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

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

23                  (6) 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 maintenance 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 Notwithstanding subparagraph (A), the Sec-  
9 retary may adjust the amount of the mainte-  
10 nance fees more frequently to reflect changes in  
11 the Consumer Price Index for all urban con-  
12 sumers published by the Department of Labor  
13 if the Secretary determines an adjustment to be  
14 reasonable.

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 (7) APPLICABLE LAW.—The co-ownership pro-  
24 visions of section 2324 of the Revised Statutes (30  
25 U.S.C. 28) shall remain in effect, except that the an-

1 nual maintenance fee, as applicable, shall replace ap-  
2 plicable assessment requirements and expenditures.

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

10 (b) LOCATION FEES.—

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

20 (2) ADJUSTMENT.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graph (B), beginning on the date that is 5  
23 years after the date of enactment of this Act  
24 and every 5 years thereafter, the Secretary shall  
25 adjust the amount of location fees required

1 under paragraph (1) to reflect changes in the  
2 Consumer Price Index for all urban consumers  
3 published by the Department of Labor.

4 (B) MORE FREQUENT ADJUSTMENTS.—

5 Notwithstanding subparagraph (A), the Sec-  
6 retary may adjust the amount of the location  
7 fees more frequently to reflect changes in the  
8 Consumer Price Index for all urban consumers  
9 published by the Department of Labor if the  
10 Secretary determines an adjustment to be rea-  
11 sonable.

12 (C) NOTICE.—Not later than July 1 of any

13 year in which an adjustment is made under this  
14 paragraph, the Secretary shall provide claim  
15 holders notice of the adjustment.

16 (D) APPLICATION.—An adjustment under

17 this paragraph shall apply beginning in the first  
18 calendar year after the calendar year in which  
19 the adjustment is made.

20 (3) EFFECT ON MAINTENANCE FEE.—The loca-

21 tion fee required under paragraph (1) shall be in ad-  
22 dition to the maintenance fee required under sub-  
23 section (a).

24 (c) DISPOSITION OF FUNDS.—



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

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

10          (d) EFFECT OF SECTION.—Nothing in this section  
11 changes or modifies—

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

15           (2) the provisions of subsection (c) of section  
16 314 of the Federal Land Policy and Management  
17 Act of 1976 (43 U.S.C. 1744) relating to filings re-  
18 quired by subsection (b) of that section.

19          (e) AMENDMENT TO REVISED STATUTES.—Section  
20 2324 of the Revised Statutes (30 U.S.C. 28) is amended  
21 by inserting “or section 102(a)(5) of the Hardrock Mining  
22 and Reclamation Act of 2009” after “Omnibus Budget  
23 Reconciliation Act of 1993”.

24 **SEC. 103. LIMITATIONS.**

25          (a) FAILURE TO COMPLY.—

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

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

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

10           (2) EFFECT.—Forfeiture under paragraph (1)  
11 shall not relieve any person of any obligation under  
12 this Act and applicable regulations, including rec-  
13 lamation, and other applicable law.

14           (b) RELINQUISHMENT.—

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

20                   (2) EFFECT.—A claim holder relinquishing a  
21 claim, millsite, or tunnel site under paragraph (1)  
22 shall be responsible for any obligation under this Act  
23 and applicable regulations, including reclamation,  
24 and other applicable law.

25           (c) USE OF MINING CLAIM.—

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

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

## 11                           **TITLE II—ROYALTIES**

### 12          **SEC. 201. ROYALTY.**

13          (a) IN GENERAL.—Subject to subsection (c) and sec-  
14          tion 202, production of all locatable minerals from any  
15          mining claim located under the general mining laws and  
16          maintained in compliance with this Act shall be subject  
17          to a royalty established by the Secretary by regulation of  
18          not less than 2 percent, and not more than 5 percent, of  
19          the value of the production, not including reasonable  
20          transportation, beneficiation, and processing costs.

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

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

4 (1) is subject to an approved plan of operations  
5 or an operations permit on the date of the enact-  
6 ment of this Act; and

7 (2) produces valuable locatable minerals in com-  
8 mercial quantities on the date of enactment of this  
9 Act.

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

17 (e) DEPOSIT.—Amounts received by the United  
18 States as royalties under this section shall be deposited  
19 in the Fund.

20 **SEC. 202. ROYALTY RELIEF.**

21 (a) IN GENERAL.—Subject to subsection (b), in order  
22 to promote the greatest ultimate recovery pursuant to a  
23 mining permit or a plan of operations under which produc-  
24 tion in commercial quantities has occurred and in the in-  
25 terest of conservation of natural resources, the Secretary

1 may reduce any royalty otherwise required for all or part  
2 of a mining operation, on a showing by clear and con-  
3 vincing evidence by the person conducting mineral activi-  
4 ties under the operations or mining permit or plan of oper-  
5 ations that, without the reduction in royalty, production  
6 would not occur.

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

10 (1) publishes public notice of the royalty reduc-  
11 tion; and

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

17 **SEC. 203. ENFORCEMENT.**

18 (a) DUTIES OF THE SECRETARY.—

19 (1) IN GENERAL.—The Secretary shall establish  
20 a comprehensive inspection, collection, fiscal, and  
21 production accounting and auditing system—

22 (A) to accurately determine royalties, in-  
23 terest, fines, penalties, fees, deposits, and other  
24 payments owed under this title and section 403;  
25 and

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

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

8 (A) is producing or expected to produce a  
9 significant quantity of locatable minerals in any  
10 year; or

11 (B) has a history of noncompliance with  
12 this Act.

13 (b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND  
14 TRANSPORTERS.—

15 (1) PAYMENT OF ROYALTIES.—

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

22 (B) LIABILITY FOR PAYMENTS.—

23 (i) DESIGNEES.—Any person who  
24 pays, offsets, or credits funds, makes ad-  
25 justments, requests and receives refunds,

1 or submits reports with respect to pay-  
2 ments another person is required to make  
3 shall be considered the designee of the  
4 other person under this title or section  
5 403.

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

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

17 (2) SITE SECURITY.—

18 (A) IN GENERAL.—A person conducting  
19 mineral activities shall develop and comply with  
20 the site security provisions in the mining permit  
21 designed to protect from theft the locatable  
22 minerals that are produced or stored on a min-  
23 ing claim.

24 (B) MINIMUM STANDARDS.—The provi-  
25 sions shall conform with such minimum stand-

1           ards as the Secretary may prescribe by rule,  
2           taking into account the variety of circumstances  
3           on mining claims.

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

14          (c) RECORDKEEPING AND REPORTING REQUIRE-  
15          MENTS.—

16                   (1) IN GENERAL.—A claim holder, operator, or  
17          other person directly or indirectly involved in devel-  
18          oping, producing, processing, transporting, pur-  
19          chasing, or selling locatable or hardrock minerals,  
20          subject to this Act, through the point of first sale,  
21          the point of royalty or fee computation, or the point  
22          of smelting or other processing, whichever is later,  
23          shall establish and maintain any records, make any  
24          reports, and provide any information that the Sec-  
25          retary may reasonably require for the purposes of



1 implementing this title or section 403 or determining  
2 compliance with rules or orders under this title or  
3 section 403.

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

11 (3) DURATION OF RECORDKEEPING REQUIRE-  
12 MENT.—

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

22 (B) ONGOING AUDIT OR INVESTIGATION.—  
23 In any case in which an audit or investigation  
24 is underway, records shall be maintained until  
25 the Secretary releases the claim holder, oper-

1           ator, other person referred to in paragraph (1),  
2           or record holder subject to the recordkeeping  
3           and requirements of this Act of the obligation  
4           to maintain the records.

5           (d) AUDITS.—The Secretary may conduct such au-  
6           dits of all claim holders, operators, producers, trans-  
7           porters, purchasers, processors, or other persons directly  
8           or indirectly involved in the production or sales of  
9           locatable or hardrock minerals covered by this Act, as the  
10          Secretary considers necessary for the purposes of ensuring  
11          compliance with the requirements of this title or section  
12          403.

13          (e) COOPERATIVE AGREEMENTS.—

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

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

19                       (B) to carry out inspection, auditing, in-  
20                       vestigation, or enforcement (not including the  
21                       collection of royalties, civil or criminal penalties,  
22                       or other payments) activities under this section  
23                       in cooperation with the Secretary; and

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

1           (2) ACCESS.—Subject to paragraph (3) and  
2 pursuant to a cooperative agreement, the Secretary  
3 of Agriculture shall, on request, have access to all  
4 royalty or fee accounting information in the posses-  
5 sion of the Secretary relating to the production, re-  
6 moval, or sale of locatable minerals from claims on  
7 Federal land.

8           (3) CONFIDENTIAL INFORMATION.—

9           (A) IN GENERAL.—Trade secrets, propri-  
10 etary information, and other confidential infor-  
11 mation protected from disclosure under section  
12 552 of title 5, United States Code (commonly  
13 known as the “Freedom of Information Act”),  
14 shall be made available by the Secretary to  
15 other Federal agencies as necessary to ensure  
16 compliance with this Act and other Federal  
17 laws.

18           (B) PROTECTION BY OTHER FEDERAL OF-  
19 FICIALS.—The Secretary, the Secretary of Agri-  
20 culture, and other Federal officials shall ensure  
21 that information described in subparagraph (A)  
22 is provided protection in accordance with sec-  
23 tion 552 of title 5, United States Code.

24           (f) INTEREST.—

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

10           (2) NONPAYMENT AND UNDERPAYMENT.—

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

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

23           (C) INTEREST RATE.—In the case of non-  
24 payment or underpayment, interest shall be  
25 charged at the rate applicable under section

1           6621(a)(2) of the Internal Revenue Code of  
2           1986.

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

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

14           (1) conduct any investigation or other inquiry  
15           necessary and appropriate;

16           (2) conduct, after notice, any necessary and ap-  
17           propriate hearing or audit under rules prescribed by  
18           the Secretary; and

19           (3) administer oaths and issue subpoenas in  
20           conducting such proceedings.

21          (i) CIVIL PENALTIES.—

22           (1) FAILURE TO COMPLY WITH APPLICABLE  
23           LAW, RULES OR REGULATIONS, OR TO PERMIT IN-  
24           SPECTION.—

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

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

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

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

18 (i) the violation was discovered and  
19 reported to the Secretary or the authorized  
20 representative of the Secretary by the lia-  
21 ble person and corrected within 20 days  
22 after the report (or such longer period to  
23 which the Secretary may agree); or

24 (ii) after the due notice of violation  
25 required under subparagraph (A)(i) has

1           been given to the person by the Secretary  
2           or the authorized representative of the Sec-  
3           retary, the person has corrected the viola-  
4           tion within 20 days of the notification (or  
5           such longer period to which the Secretary  
6           may agree).

7           (2) FAILURE TO TAKE CORRECTIVE ACTION.—  
8           If corrective action is not taken within 40 days (or  
9           a longer period to which the Secretary may agree),  
10          after due notice or submission of a report referred  
11          to in paragraph (1)(A)(i), the person shall be liable  
12          for a civil penalty of not more than \$5,000 per viola-  
13          tion for each day the violation continues, dating  
14          from the date of the notice or report.

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

20                 (A) knowingly or willfully fails to make  
21                 any payment of any royalty under this title or  
22                 fee under section 403 by the date as specified  
23                 by law (including regulation or order);

24                 (B) fails or refuses to permit lawful entry,  
25                 inspection, or audit; or

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

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

9           (A) knowingly or willfully prepares, main-  
10          tains, or submits false, inaccurate, or mis-  
11          leading reports, notices, affidavits, records,  
12          data, or other written information;

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

18          (C) purchases, accepts, sells, transports, or  
19          conveys to another, any locatable mineral know-  
20          ing or having reason to know that the locatable  
21          mineral was stolen or unlawfully removed or di-  
22          verted.

23          (5) HEARING.—No penalty under this sub-  
24          section shall be assessed until the person charged



1 with a violation has been given the opportunity for  
2 a hearing on the record.

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

8 (7) COMPROMISE OR REDUCTION OF PEN-  
9 ALTIES.—On a case-by-case basis, the Secretary  
10 may compromise or reduce civil penalties under this  
11 subsection.

12 (8) NOTICE.—

13 (A) IN GENERAL.—Notice under this sub-  
14 section shall be by personal service by an au-  
15 thorized representative of the Secretary or by  
16 registered mail.

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

22 (9) REASONS ON RECORD FOR AMOUNT OF  
23 PENALTY.—In determining the amount of the pen-  
24 alty under this subsection, whether the penalty  
25 should be remitted or reduced, and by what amount,

1 the Secretary shall state on the record the reasons  
2 for the determinations of the Secretary.

3 (10) REVIEW.—

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

12 (B) BASIS FOR REVIEW.—Review by the  
13 district court shall be only on the administrative  
14 record and not de novo.

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

20 (11) FAILURE TO PAY PENALTY.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graphs (B) and (C), if any person fails to pay  
23 an assessment of a civil penalty under this Act,  
24 the court shall have jurisdiction to award the  
25 amount assessed plus interest from the date of

1 the expiration of the 90-day period referred to  
2 in paragraph (10)(C).

3 (B) APPLICATION.—Subparagraph (A) ap-  
4 plies—

5 (i) after the order making the assess-  
6 ment has become a final order and if the  
7 person does not file a petition for judicial  
8 review of the order in accordance with  
9 paragraph (10); or

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

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

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

20 (k) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in sec-  
22 tion 201(b) with respect to the payment of royalties,  
23 the royalty required under section 201 or fee re-  
24 quired under section 403 shall take effect with re-

1 spect to the production of minerals on or after the  
2 date of enactment of this Act.

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

10 (1) INJUNCTION AND SPECIFIC ENFORCEMENT AU-  
11 THORITY.—

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

18 (A) to restrain any violation of this title or  
19 section 403; or

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

22 (2) VENUE.—A civil action described in para-  
23 graph (1) may be brought only in the United States  
24 district court for the judicial district in which the  
25 act, omission, or transaction constituting a violation

1 under this title or section 403 occurred, or in which  
2 the defendant is found or transacts business.

3 **SEC. 204. REVIEW.**

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

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

12 (1) the total revenues received (by category) on  
13 an annual basis as—

14 (A) claim maintenance fees;

15 (B) location fees;

16 (C) land use fees;

17 (D) royalties and related payments; and

18 (E) abandoned mine land fees;

19 (2) the disposition of the fees and royalties, in-  
20 cluding—

21 (A) the amount used for mining law pro-  
22 gram administration; and

23 (B) the amount used for abandoned mine  
24 land reclamation, including allocation by State  
25 and Indian tribe;

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

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

7           (5) any recommendations with respect to  
8 changes in Federal law (including regulations) relat-  
9 ing to the amount or method of collection (including  
10 auditing, compliance, and enforcement) of the fees  
11 and royalties.

## 12 **TITLE III—MINERAL ACTIVITIES**

### 13 **SEC. 301. PERMITS.**

14       (a) IN GENERAL.—Except as provided in section  
15 501(a)(2), no person may engage in mineral activities on  
16 Federal land that may cause a disturbance of surface re-  
17 sources, including land, air, water, and fish and wildlife,  
18 unless a permit authorizing the activities was issued to  
19 the person under this title.

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

23       (c) NO MODIFICATION.—Nothing in this section en-  
24 larges, diminishes, establishes, repeals, or otherwise modi-  
25 fies any requirement of law that a mining claim, millsite,

1 or tunnel site be valid in order for mineral activities to  
2 be undertaken.

3 (d) COORDINATION WITH NEPA PROCESS.—To the  
4 maximum extent practicable, the Secretary concerned  
5 shall conduct the permit processes under this Act in co-  
6 ordination with the timing and other requirements of sec-  
7 tion 102 of the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4332).

9 **SEC. 302. EXPLORATION PERMITS.**

10 (a) IN GENERAL.—Except as provided in section  
11 501(a)(2), an exploration permit shall be required prior  
12 to conducting any exploration activities on Federal land  
13 that involve more than the casual use of the Federal land.

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

16 (1) remove any mineral for sale; or

17 (2) conduct any activity other than an activity  
18 required for—

19 (A) exploration for locatable minerals; or

20 (B) reclamation.

21 (c) REQUIREMENTS.—To be eligible for an explo-  
22 ration permit, a person shall submit to the Secretary con-  
23 cerned, in a manner prescribed by the Secretary con-  
24 cerned, an application for an exploration permit that con-  
25 tains—

1 (1) an exploration plan demonstrating that—

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

4 (B) the formation of acid mine drainage  
5 will be avoided to the maximum extent prac-  
6 ticable; and

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

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

13 (3) a reclamation plan for the proposed explo-  
14 ration activity demonstrating that the applicant will  
15 conduct reclamation activities in accordance with  
16 section 306;

17 (4) evidence of adequate financial assurance in  
18 accordance with section 304;

19 (5) the necessary documentation to demonstrate  
20 that the proposed exploration activity will comply  
21 with applicable Federal and State environmental  
22 laws (including regulations);

23 (6) a monitoring and evaluation plan to ensure  
24 compliance with reclamation and other requirements  
25 of this Act; and



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

4           (d) PERMIT ISSUANCE.—

5           (1) APPROVAL.—

6           (A) IN GENERAL.—Subject to subpara-  
7           graph (B), the Secretary concerned shall ap-  
8           prove an application and issue an exploration  
9           permit if the Secretary concerned determines  
10          that the application is in compliance with—

11                   (i) this Act;

12                   (ii) any regulations promulgated  
13                   under this Act; and

14                   (iii) any other applicable laws.

15          (B) CONDITIONS.—The Secretary con-  
16          cerned may reasonably condition the approval  
17          of such a permit to satisfy the requirements of  
18          this Act and applicable regulations.

19          (2) DENIAL.—The Secretary concerned shall  
20          deny the issuance of an exploration permit if the  
21          Secretary concerned determines that the permit does  
22          not meet the requirements of—

23                   (A) this Act;

24                   (B) any regulations promulgated under  
25                   this Act; or

1 (C) other applicable laws.

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

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

7 (B) may hold a public hearing.

8 (e) MODIFICATIONS TO PERMIT.—

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

12 (2) APPROVAL.—

13 (A) IN GENERAL.—In determining whether  
14 to approve or disapprove a proposed modifica-  
15 tion to an exploration permit, the Secretary  
16 concerned shall make the same determinations  
17 as are required in the case of the original per-  
18 mit.

19 (B) EXCEPTIONS.—Subparagraph (A)  
20 shall not apply to minor modifications to an ex-  
21 ploration permit or instances in which the na-  
22 ture of the modifications make compliance with  
23 the requirements unnecessary, as determined by  
24 the Secretary concerned.

1           (3) 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 **SEC. 303. MINING PERMITS.**

16          (a) IN GENERAL.—Except as provided in section  
17          501(a)(2), a mining permit shall be required prior to con-  
18          ducting mineral activities on Federal land, other than cas-  
19          ual use or exploration on the Federal land.

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

- 1           (1) a description of the condition of the land  
2           and water resources of the area before mining activi-  
3           ties are initiated;
- 4           (2) an operations plan demonstrating that—
  - 5                (A) the applicant will operate in accord-  
6                ance with this Act and applicable regulations;
  - 7                (B) the formation of acid mine drainage  
8                will be avoided to the maximum extent prac-  
9                ticable; and
  - 10              (C) mineral activities will be conducted in  
11              a manner that uses best management practices;
- 12          (3) a description of potential impacts to  
13          groundwater and surface water, including appro-  
14          priate hydrological assessments and analyses, as rea-  
15          sonably required by the Secretary;
- 16          (4) a reclamation plan for the proposed mineral  
17          activities demonstrating that the applicant will con-  
18          duct reclamation activities in accordance with sec-  
19          tion 306;
- 20          (5) evidence of adequate financial assurance  
21          under section 304, including, if required, a trust  
22          fund as required under section 304(i);
- 23          (6) the necessary documentation to demonstrate  
24          that the proposed mineral activities will comply with

1 applicable Federal and State environmental laws (in-  
2 cluding regulations);

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

6 (8) any other relevant information determined  
7 by the Secretary concerned to be necessary to satisfy  
8 the requirements of this Act and other applicable  
9 law.

10 (c) PERMIT ISSUANCE.—

11 (1) APPROVAL.—

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

17 (i) this Act;

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

20 (iii) other applicable laws.

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

1           (2) DENIAL.—The Secretary concerned shall  
2 deny the issuance of a mining permit if the Sec-  
3 retary 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 a  
10 mining permit under this subsection, the Secretary  
11 concerned—

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

14           (B) may hold a public hearing.

15           (d) TERM OF PERMIT; CONTINUATION.—

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

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

19           (B) continue for so long thereafter as  
20 locatable minerals are produced in commercial  
21 quantities from the permit area in compliance  
22 with the requirements of this Act and other ap-  
23 plicable law.

24           (2) CONTINUATION.—No permit shall expire be-  
25 cause operations or production have ceased pursuant

1 to an approved temporary cessation or been sus-  
2 pended pursuant to any order of, or with the consent  
3 of, the Secretary concerned.

4 (e) MODIFICATIONS TO PERMIT.—

5 (1) REQUEST FROM PERMIT HOLDER.—

6 (A) IN GENERAL.—A mining permit holder  
7 may submit to the Secretary concerned an ap-  
8 plication to modify the mining permit.

9 (B) APPROVAL.—

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

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

22 (2) MODIFICATIONS FROM SECRETARY CON-  
23 CERNED.—

24 (A) IN GENERAL.—The Secretary con-  
25 cerned may require reasonable modification to

1 any permit on a determination that the require-  
2 ments of this Act or other applicable law cannot  
3 be met if the permit is followed as approved.

4 (B) REQUIREMENTS FOR DETERMINA-  
5 TION.—A determination under subparagraph  
6 (A) shall be—

7 (i) based on a written finding; and

8 (ii) subject to notice and hearing re-  
9 quirements established by the Secretary  
10 concerned.

11 (f) LAND USE FEES.—

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

24 (2) ADDITIONAL FEE.—The land use fee im-  
25 posed under this subsection shall be in addition to



1 the claim maintenance fees imposed under section  
2 102(a).

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

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

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

18 (g) TEMPORARY CESSATION OF OPERATIONS.—

19 (1) IN GENERAL.—An operator conducting min-  
20 eral activities under this title may not temporarily  
21 cease mineral activities for a period of greater than  
22 180 days unless—

23 (A) the Secretary concerned has approved  
24 the temporary cessation; or

1 (B) the temporary cessation is permitted  
2 under the exploration or mining permit.

3 (2) MULTIPLE TEMPORARY CESSATIONS.—The  
4 Secretary concerned may approve more than 1 tem-  
5 porary cessation for mineral activities under a per-  
6 mit.

7 (3) INTERIM MANAGEMENT PLAN.—Any oper-  
8 ator temporarily ceasing mineral activities shall fol-  
9 low an interim management plan approved by the  
10 Secretary concerned.

11 **SEC. 304. FINANCIAL ASSURANCES.**

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

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

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

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

7 (3) all land added and water affected pursuant  
8 to any permit modification.

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

14 (1) review the financial assurance to determine  
15 if the amount of the financial assurance is adequate  
16 for purposes of this section; and

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

21 (d) REDUCTION.—

22 (1) IN GENERAL.—The Secretary concerned  
23 may reduce the amount of the financial assurance  
24 required if the Secretary concerned determines that

1 a portion of the reclamation is completed in accord-  
2 ance with section 306.

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

8 (e) INCREMENTAL FINANCIAL ASSURANCE.—

9 (1) IN GENERAL.—The Secretary concerned  
10 may authorize amounts of financial assurance for in-  
11 cremental mineral activities if—

12 (A) no mineral activities are allowed be-  
13 yond the activities for which financial assurance  
14 is provided;

15 (B) the financial assurance for an incre-  
16 ment covers all reclamation costs within the  
17 permit area for the increment; and

18 (C) the amount and terms of the financial  
19 assurance for each increment are reviewed an-  
20 nually.

21 (2) REVIEW.—Notwithstanding subsection (e),  
22 the Secretary concerned shall—

23 (A) review at least on an annual basis the  
24 amount and terms of the financial assurance  
25 for any increment; and

1                   (B) adjust the financial assurance as ap-  
2                   propriate.

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

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

15                   (1) reclamation covered by the financial assur-  
16                   ance has been accomplished as required by this Act  
17                   and other applicable law; and

18                   (2) the terms and conditions of any other appli-  
19                   cable Federal and State requirements have been ful-  
20                   filled.

21           (h) RELEASE OF FINANCIAL ASSURANCE FOR  
22 WATER.—If the Secretary concerned does not require the  
23 establishment of a trust fund or other long-term funding  
24 mechanism under subsection (i), the portion of the finan-  
25 cial assurance attributable to the estimated cost of treat-

1 ment of any discharge or other water-related condition re-  
2 sulting from mineral activities shall not be released until  
3 the public has been provided notice and an opportunity  
4 to comment in accordance with subsection (g) and—

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

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

11 (i) LONG-TERM FINANCIAL ASSURANCES.—

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

20 (2) LONG-TERM FUNDING MECHANISMS.—

21 (A) IN GENERAL.—The Secretary con-  
22 cerned shall, if determined necessary by the  
23 Secretary concerned, require the operator to es-  
24 tablish a trust fund or other funding mecha-  
25 nism to provide financial assurances to ensure

1 the continuation of long-term treatment or  
2 other management to achieve water quality  
3 standards and for other long-term, post-mining  
4 maintenance or monitoring requirements.

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

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

15 (j) REPORT.—

16 (1) IN GENERAL.—Not later than 3 years after  
17 the date of enactment of this Act, the Secretary, in  
18 consultation with the Secretary of Agriculture and  
19 the Administrator of the Environmental Protection  
20 Agency, shall conduct a review and submit to the  
21 Committee on Energy and Natural Resources of the  
22 Senate and the Committee on Natural Resources of  
23 the House of Representatives a report regarding the  
24 sufficiency of financial assurances for locatable min-

1 erals activities (including exploration and mining) on  
2 Federal land.

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

4 (A) methods for establishing financial as-  
5 surances levels;

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

9 (C) for each mine on Federal land—

10 (i) the dates of approval of any plan  
11 of operation or mining permit;

12 (ii) the acreage involved;

13 (iii) the expected life of the mine;

14 (iv) the type, level, and adequacy of fi-  
15 nancial assurance; and

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

19 (D) the effectiveness of various types of fi-  
20 nancial assurances; and

21 (E) the availability of and costs associated  
22 with various types of financial assurances.

23 (3) RECOMMENDATIONS.—The report shall in-  
24 clude any recommendations for modifications to  
25 Federal law or applicable regulations to improve the



1 effectiveness of financial assurances for locatable  
2 mineral activities described in paragraph (1).

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

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

13 **SEC. 306. OPERATION AND RECLAMATION.**

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

18 (1) the uses that the land and water was capa-  
19 ble of supporting before surface disturbance by the  
20 operator; or

21 (2) other beneficial uses that conform to appli-  
22 cable land use plans (including, if appropriate, the  
23 generation of renewable energy), as determined by  
24 the Secretary concerned.

25 (b) TIMING.—

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

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

8           (c) ADMINISTRATION OF LAND.—Notwithstanding  
9           any other provision of law, in administering the conduct  
10          of mineral activities on National Forest System land, the  
11          Secretary of Agriculture shall, by regulation or otherwise,  
12          take any action necessary to prevent unnecessary or undue  
13          degradation of the lands.

14          (d) OPERATION AND RECLAMATION STANDARDS.—  
15          The Secretary of the Interior and the Secretary of Agri-  
16          culture shall jointly promulgate regulations that carry out  
17          this Act.

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

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

23                 (2) the National Forest Management Act of  
24                 1976 (16 U.S.C. 472a et seq.); and

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

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

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

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

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

12          “(4) REVIEW OF LAND.—

13                 “(A) IN GENERAL.—Not later than 3 years  
14                 after the date of enactment of this paragraph,  
15                 each Secretary concerned, acting through the  
16                 local Federal land manager, shall, consistent  
17                 with the respective jurisdiction of each Sec-  
18                 retary concerned, undertake and complete a re-  
19                 view of—

20                         “(i) public land designated as a wil-  
21                         derness study area or National Forest Sys-  
22                         tem land identified as suitable for wilder-  
23                         ness designation;

24                         “(ii) areas of critical environmental  
25                         concern;

1           “(iii) Federal land in which mineral  
2           activities pose a reasonable likelihood of  
3           substantial adverse impacts on National  
4           Conservation system units;

5           “(iv)(I) areas designated for inclusion  
6           in the National Wild and Scenic Rivers  
7           System pursuant to the Wild and Scenic  
8           Rivers Act (16 U.S.C. 1271 et seq.);

9           “(II) areas designated for potential  
10          addition to the System pursuant to section  
11          5(a) of that Act (16 U.S.C. 1276(a)); and

12          “(III) areas determined to be eligible  
13          for inclusion in the System pursuant to  
14          section 5(d) of that Act (16 U.S.C.  
15          1276(d)); and

16          “(v) the areas identified in the set of  
17          inventoried roadless area maps contained  
18          in the Forest Service Roadless Areas Con-  
19          servation, Final Environmental Impact  
20          Statement, volume 2, dated November  
21          2000.

22          “(5) WITHDRAWALS OF LAND.—

23          “(A) IN GENERAL.—Subsequent to review  
24          in accordance with paragraph (4), in addition to  
25          withdrawals made pursuant to section 204 and

1 subject to valid existing rights, tracts of Fed-  
2 eral land may, pursuant to this paragraph, be  
3 removed from operation of sections 2318  
4 through 2352 of the Revised Statutes (com-  
5 monly known and referred to in this subsection  
6 as the ‘Mining Law of 1872’) (30 U.S.C. 21 et  
7 seq.) if the Secretary, based on the analysis of  
8 the local Federal land manager, and in the case  
9 of National Forest System land, on the rec-  
10 ommendation of the Secretary of Agriculture  
11 based on the analysis of the local Federal land  
12 manager, determines that the action is appro-  
13 priate after application of the criteria estab-  
14 lished under subsection (c).

15 “(B) REVISION OF LAND USE PLANS.—

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

24 “(C) SEGREGATION FROM GENERAL MIN-  
25 ING LAWS PENDING COMPLETION.—On a deter-

1           mination by the Secretary that the land should  
2           be removed from operation of the Mining Law  
3           of 1872, the land shall be immediately seg-  
4           regated from operation of the Mining Law of  
5           1872 until the plan amendment or revision is  
6           completed.

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

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

15                 “(A) the Secretary concerned to direct the  
16                 local Federal land manager to undertake a re-  
17                 view under paragraph (4); and

18                 “(B) the Secretary to determine whether  
19                 land within the State should be removed from  
20                 operation of the Mining Law of 1872, subject  
21                 to valid existing rights, pursuant to paragraph  
22                 (5).”.

23 **SEC. 308. STATE LAW.**

24           Any reclamation, environmental, public health protec-  
25          tion, bonding, or inspection standard or requirement in

1 State law (including regulations) that meets or exceeds the  
2 requirements of this Act shall not be considered to be in-  
3 consistent with this Act.

4 **SEC. 309. INSPECTION AND MONITORING.**

5 (a) INSPECTIONS.—

6 (1) IN GENERAL.—The Secretary concerned  
7 shall make inspections of mineral activities to ensure  
8 compliance with this Act.

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

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

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

1           (5) FINANCIAL ASSURANCE.—Inspections shall  
2           continue under this subsection until the final release  
3           of financial assurance.

4           (b) MONITORING.—The Secretary concerned shall re-  
5           quire all operators—

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

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

## 11                           **TITLE IV—HARDROCK** 12                           **MINERALS RECLAMATION FUND**

### 13           **SEC. 401. ESTABLISHMENT OF FUND.**

14          (a) ESTABLISHMENT.—There is established in the  
15          Treasury of the United States a separate account, to be  
16          known as the “Hardrock Minerals Reclamation Fund”,  
17          consisting of—

18               (1) any amounts received by the United States  
19               under section 101;

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

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

24               (4) any amounts collected under section 201;

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



1           (6) any amounts collected under section 403;

2           (7) any amounts collected under sections 203  
3 and 502; and

4           (8) any income on investments under subsection  
5 (b).

6           (b) INVESTMENT.—

7           (1) IN GENERAL.—The Secretary shall notify  
8 the Secretary of the Treasury of any portion of the  
9 Fund that the Secretary determines is not required  
10 to meet current withdrawals.

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

15           (3) INTEREST.—Investments in public debt se-  
16 curities shall bear interest at rates determined by  
17 the Secretary of the Treasury, taking into consider-  
18 ation current market yields on outstanding market-  
19 place obligations of the United States of comparable  
20 maturity.

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

1 (d) EXPENDITURES.—Subject to section 402,  
2 amounts in the Fund may, without fiscal year limitation  
3 and without further appropriation—

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

6 (2) be transferred by the Secretary to the Di-  
7 rector of the Bureau of Land Management, the  
8 Chief of the Forest Service, the Director of the Na-  
9 tional Park Service, the Director of the United  
10 States Fish and Wildlife Service, or the head of any  
11 other Federal agency, that develops, implements,  
12 and has the ability to carry out all or a significant  
13 portion of a reclamation program under this title; or

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

17 (e) STATE AND TRIBAL RECLAMATION PROGRAMS.—

18 (1) IN GENERAL.—Each State having within  
19 the borders of the State, or tribe having within the  
20 borders of the reservation of the tribe, mined land  
21 that is eligible for reclamation under this title may  
22 submit to the Secretary a reclamation program for  
23 the land.

24 (2) APPROVAL.—If the Secretary determines  
25 that a State or tribe has developed and submitted a

1 program for reclamation of abandoned mines con-  
2 sistent with the priorities established under section  
3 402(c) and has the ability and necessary State or  
4 tribal legislation to implement this title, the Sec-  
5 retary shall—

6 (A) approve the program; and

7 (B) grant to the State or tribe the exclu-  
8 sive responsibility and authority to implement  
9 the approved program.

10 (3) WITHDRAWAL OF APPROVAL.—The Sec-  
11 retary shall withdraw the approval and authorization  
12 if the Secretary determines that the State or tribal  
13 program is not in compliance with procedures,  
14 guidelines, and requirements established by the Sec-  
15 retary.

16 (4) APPROVAL OF EXISTING PROGRAMS.—Sub-  
17 ject to paragraph (3), any State program in an  
18 abandoned hardrock mine State or tribal program  
19 for reclamation of abandoned mines approved under  
20 title IV of the Surface Mining Control and Reclama-  
21 tion Act of 1977 (30 U.S.C. 1231 et seq.) before the  
22 date of enactment of this Act and in good standing  
23 with the Secretary as of that date shall be consid-  
24 ered approved under this title.

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

2 (a) USE.—

3 (1) IN GENERAL.—The Secretary may, subject  
4 to the availability of appropriations, use amounts in  
5 the Fund for the reclamation and restoration of land  
6 and water resources adversely affected by past  
7 hardrock minerals and mining and related activities  
8 in abandoned hardrock mine States and on Indian  
9 land located within the exterior boundaries of aban-  
10 doned hardrock mine States, including the conduct  
11 of activities—

12 (A) to protect public health and safety;

13 (B) to prevent, abate, treat, and control  
14 water pollution created by abandoned mine  
15 drainage, including activities conducted in wa-  
16 tersheds;

17 (C) to reclaim and restore abandoned sur-  
18 face and underground mined areas;

19 (D) to reclaim and restore abandoned mill-  
20 ing and processing areas;

21 (E) to backfill, seal, or otherwise control  
22 abandoned underground mine entries;

23 (F) to revegetate land adversely affected  
24 by past mining activities—

25 (i) to prevent erosion and sedimenta-  
26 tion; and

1 (ii) for any other reclamation purpose;

2 (G) to control surface subsidence due to  
3 abandoned underground mines; and

4 (H) to enhance fish and wildlife habitat.

5 (2) DETERMINATION.—Before expending  
6 amounts in the Fund for the purposes described in  
7 paragraph (1), the Secretary shall make a deter-  
8 mination that there is no continuing reclamation re-  
9 sponsibility of the claim holder, operator, or other  
10 person who abandoned the site before completion of  
11 the required reclamation under Federal or State law.

12 (b) ALLOCATION.—Of the amounts deposited in the  
13 Fund each fiscal year—

14 (1) 20 percent shall be allocated by the Sec-  
15 retary for expenditure by the Secretary or, if a State  
16 or Indian tribe has an approved program pursuant  
17 to section 401(e), by the State or Indian tribe, in  
18 the States in which, or on Indian land on which,  
19 hardrock minerals are produced, based on a formula  
20 reflecting existing production in the State or on the  
21 land of the Indian tribe;

22 (2) 30 percent shall be allocated by the Sec-  
23 retary for expenditure by the Secretary or, if a State  
24 or Indian tribe has an approved program pursuant  
25 to section 401(e), by the State or Indian tribe, in

1 the States and on Indian land using a formula based  
2 on the quantity of hardrock minerals historically  
3 produced in the State or from the Indian land before  
4 the date of enactment of this Act;

5 (3) 25 percent shall be allocated by the Sec-  
6 retary for expenditure on Federal land;

7 (4) 10 percent shall be available to the Sec-  
8 retary for grants under subsection (e);

9 (5) 10 percent shall be available to the Sec-  
10 retary for grants under subsection (f); and

11 (6) 5 percent shall be available for administra-  
12 tive expenses of the United States, Indian tribes,  
13 and the States to accomplish the purposes of this  
14 title.

15 (c) PRIORITIES.—

16 (1) IN GENERAL.—Subject to paragraph (2),  
17 expenditures from the Fund shall be based on the  
18 following priorities:

19 (A) The conduct of activities to protect  
20 public health and safety from the adverse ef-  
21 fects of past hardrock mineral mining activities,  
22 including activities addressing surface water  
23 and groundwater contaminants.

24 (B) The conduct of activities to restore  
25 land, water, and fish and wildlife resources de-

1           graded by the adverse effects of past hardrock  
2           mineral mining activities, including restoration  
3           activities in watershed areas.

4           (2) MULTIPLE PRIORITIES.—In complying with  
5           the priorities established under this subsection,  
6           funds may be expended for reclamation activities  
7           under paragraph (1)(B) before the completion of all  
8           reclamation projects under paragraph (1)(A) if the  
9           expenditure of the funds for reclamation activities  
10          under paragraph (1)(B) is made in conjunction with  
11          reclamation activities under paragraph (1)(A).

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

17          (d) ELIGIBLE LAND AND WATER.—

18                 (1) IN GENERAL.—Amounts may be expended  
19                 for reclamation activities under this section only  
20                 with respect to land or water resources if the land  
21                 or water resources have been—

22                         (A) affected by hardrock mineral mining  
23                         activities; and

24                         (B) abandoned or left in an inadequate  
25                         reclamation status.

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

5           (3) INVENTORY.—

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

7           (i) prepare and maintain a publicly  
8 available inventory of abandoned hardrock  
9 minerals mines on Federal land, State  
10 land, other publicly owned land, private  
11 land, and any abandoned mine on Indian  
12 land that may be eligible for expenditures  
13 under this section; and

14           (ii) submit to Congress an annual re-  
15 port that describes the progress in reclaim-  
16 ing the sites listed on the inventory.

17           (B) MAXIMUM EXPENDITURE.—The Sec-  
18 retary shall expend not more than \$5,000,000  
19 to carry out the inventory required by this  
20 paragraph.

21           (e) GRANTS TO CERTAIN STATES.—

22           (1) IN GENERAL.—The Secretary shall use  
23 amounts made available under subsection (b)(4) to  
24 make grants to States, other than abandoned  
25 hardrock mine States, to carry out reclamation and



1 restoration of land and water resources adversely af-  
2 fected by past hardrock minerals and mining activi-  
3 ties, including the conduct of activities described in  
4 subsection (a)(1).

5 (2) DETERMINATION.—Before awarding a  
6 grant under this subsection, the Secretary shall  
7 make a determination that there is no continuing  
8 reclamation responsibility of any person who aban-  
9 doned the site before completion of required rec-  
10 lamation under Federal or State law.

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

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

17 (B) priority for those projects for which  
18 Federal funding is not available under other  
19 laws or programs.

20 (f) GRANTS TO PUBLIC ENTITIES AND NONPROFIT  
21 ORGANIZATIONS.—The Secretary shall use amounts made  
22 available under subsection (b)(5) to make grants to public  
23 entities (including State fish and game agencies and local  
24 governments) and nonprofit organizations (based on cri-  
25 teria established by the Secretary by regulation) to carry

1 out activities that support collaborative restoration  
2 projects to improve fish and wildlife habitat affected by  
3 past hardrock minerals and mining activities, including ac-  
4 tivities that—

5 (1) improve water quality and quantity;

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

8 (3) restore instream habitat conditions nec-  
9 essary to support aquatic species;

10 (4) restore vegetative cover and streamside  
11 areas to control erosion and improve conditions for  
12 fish and wildlife;

13 (5) control and remove noxious weeds and  
14 invasive species associated with historic mining dis-  
15 turbances that affect fish and wildlife;

16 (6) restore fish and wildlife habitat in cases in  
17 which previous hardrock minerals and mining activ-  
18 ity limits fish and wildlife productivity;

19 (7) protect and restore fish and wildlife habitat  
20 in areas affected by historic minerals and mining ac-  
21 tivity; and

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

24 (g) RESPONSE OR REMOVAL ACTIONS.—

1           (1) IN GENERAL.—Reclamation and restoration  
2 activities conducted under this section that con-  
3 stitute a removal or remedial action under section  
4 101 of the Comprehensive Environmental Response,  
5 Compensation, and Liability Act of 1980 (42 U.S.C.  
6 9601) shall be conducted only with the concurrence  
7 of the Administrator of the Environmental Protec-  
8 tion Agency.

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

18                   (A) increases the costs or likelihood of re-  
19 moval or remedial actions under the Com-  
20 prehensive Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42 U.S.C. 9601  
22 et seq.); or

23                   (B) to the maximum extent practicable,  
24 avoids oversight by multiple agencies.

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

2 (a) IMPOSITION OF FEE.—Each operator of a  
3 hardrock minerals mining operation shall pay to the Sec-  
4 retary, for deposit in the Fund, a reclamation fee in an  
5 amount established by the Secretary by regulation of not  
6 less than 0.3 percent, and not more than 1.0 percent, of  
7 the value of the production (other than reasonable trans-  
8 portation, beneficiation, and processing costs) from the  
9 hardrock minerals mining operation for each calendar  
10 year.

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

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

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

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

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

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

6 (a) APPLICABILITY.—

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

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

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

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

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

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

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

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

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

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

21           (C) with respect to the fee established by  
22           section 403, any production on or after the date  
23           of enactment of this Act from any hardrock  
24           minerals mining operation.

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

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

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

14 (A) are locatable minerals; or

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

18 **SEC. 502. ENFORCEMENT.**

19 (a) ORDERS.—

20 (1) NOTICE OF VIOLATION.—

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

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

5 (B) ABATEMENT PERIOD.—

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

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

16 (2) CESSATION ORDER.—

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



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

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

6 (B) REQUIREMENTS.—

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

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

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

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

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

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

25 (C) ENFORCEMENT.—

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

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

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

20 (4) FORFEITURE.—

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

1 to ensure abatement and reclamation under this  
2 Act.

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

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

14 (b) CIVIL PENALTIES.—

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

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

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

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

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

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

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

15                   (C) whether the person was negligent; and

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

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

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

7 (c) ADMINISTRATIVE REVIEW.—

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

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

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

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

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

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

5 (d) CIVIL ACTION.—

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

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

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

18 (2) RELIEF.—

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

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

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

4 (e) CRIMINAL PENALTIES.—

5 (1) FALSE STATEMENTS; TAMPERING.—

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

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

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

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

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

5 (2) KNOWING VIOLATIONS.—

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

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

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

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



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

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

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

9           (a) RULEMAKING.—

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

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

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

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

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

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

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

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

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

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

9 “(a) IN GENERAL.—No deposit”;

10 (2) in the first sentence—

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

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

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

17 “(c) DEFINITIONS.—In this Act:

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

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

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

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

1 “(b) DISPOSAL OF MINERAL MATERIALS.—

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

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

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

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

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

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

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

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

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

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

17       (b) REVIEW.—

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

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

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

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

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

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

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

23           (F) the efficacy of bonds or other forms of  
24 financial surety in ensuring the reclamation of

1 Federal land and associated waters impacted by  
2 the development of uranium; and

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

7 (c) RECOMMENDATIONS.—The study shall—

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

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

21 (A) future development of uranium on  
22 Federal land should be—

23 (i) removed from operation of the  
24 Mining Law of 1872; and

25 (ii) subject to leasing;

1           (B) additional requirements (including ad-  
2           ditional financial assurances or fees) should be  
3           applicable to ensure reclamation of uranium  
4           mine sites, including abandoned uranium mine  
5           sites; and

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

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

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

15           (2) on completion of the study, make the results  
16           of the study available to the public.

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

23           (1) the findings and recommendations of the  
24           study;

1           (2) the agreement or disagreement of the Secre-  
2           taries with each of the findings and recommenda-  
3           tions of the study; and

4           (3)(A) a plan and time frame for implementing  
5           those recommendations of the study that do not re-  
6           quire legislation; or

7           (B) if the Secretary declines to implement a  
8           recommendation, the justification for declining to  
9           implement the recommendation.

10 **SEC. 506. EFFECT.**

11       (a) SPECIAL APPLICATION OF GENERAL MINING  
12 LAWS.—

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

24           (2) EXISTING LAWS.—Any law described in  
25           paragraph (1) shall remain in force and effect with



1 respect to claims and sites located or proposed to be  
2 located under this Act.

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

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

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

14 (2) the Solid Waste Disposal Act (42 U.S.C.  
15 3251 et seq.).

16 (c) EFFECT ON GENERAL MINING LAWS.—

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

22 (2) LIMITATION.—Nothing in this Act super-  
23 sedes, modifies, amends, or repeals any provision of  
24 Federal law not expressly superseded, modified,

1 amended, or repealed by this Act, other than the  
2 general mining laws.

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