

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

Mr. UDALL (for himself, Mr. BENNET, Mr. HEINRICH, Mr. MARKEY, Mr. WYDEN, Mr. MERKLEY, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on

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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 Reform Act of 2019”.

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

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

TITLE I—LOCATABLE MINERAL DEPOSITS

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

#### TITLE II—ROYALTIES

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

#### TITLE III—MINERAL ACTIVITIES

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

#### TITLE IV—HARDROCK MINERALS RECLAMATION FUND

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

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

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

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

2 In this Act:

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

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

3           (A) a permit under this Act; or

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

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

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

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

14           (4) CASUAL USE.—

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

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

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

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

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

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

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

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

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

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

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

20 (7) EXPLORATION.—

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

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

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

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

11 (A) owned by the United States; and

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

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

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

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

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

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

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

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

6 (12) INDIAN TRIBE.—The term “Indian tribe”  
7 has the meaning given the term in section 4 of the  
8 Indian Self-Determination and Education Assistance  
9 Act (25 U.S.C. 5304).

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) OPERATOR.—The term “operator”  
23 means—

1 (A) any person proposing, or authorized by  
2 a permit, to conduct mineral activities under  
3 this Act; and

4 (B) any agent of a person described in  
5 subparagraph (A).

6 (16) PERSON.—The term “person” means—

7 (A) an individual, Indian tribe, partner-  
8 ship, association, society, joint venture, joint  
9 stock company, firm, company, corporation, co-  
10 operative, trust, consortium, or other organiza-  
11 tion; and

12 (B) any instrumentality of a State or local  
13 government, including any publicly owned util-  
14 ity or publicly owned corporation of a State or  
15 local government.

16 (17) PROCESSING.—

17 (A) IN GENERAL.—The term “processing”  
18 means processes downstream of beneficiation  
19 used to prepare locatable mineral ore into the  
20 final marketable product.

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

23 (18) SECRETARY.—The term “Secretary”  
24 means the Secretary of the Interior.



1           (19) SECRETARY CONCERNED.—The term  
2           “Secretary concerned” means—

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

6                   (B) the Secretary of the Interior (acting  
7                   through the Director of the Bureau of Land  
8                   Management), with respect to land managed by  
9                   the Bureau of Land Management or other Fed-  
10                  eral land.

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

15           (21) UNDUE DEGRADATION.—The term “undue  
16           degradation” means substantial irreparable harm to  
17           significant scientific, cultural, or environmental re-  
18           sources on public land.

## 19   **TITLE I—LOCATABLE MINERAL** 20                                   **DEPOSITS**

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

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

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

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

7           (b) RIGHT TO PATENT.—

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

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

22          (c) REPEAL.—Section 2325 of the Revised Statutes  
23          (30 U.S.C. 29) is repealed.

24          **SEC. 102. FEES.**

25          (a) CLAIM MAINTENANCE FEES.—

1           (1) IN GENERAL.—Not later than August 31,  
2           2020, and each August 31 thereafter, the holder of  
3           each unpatented mining claim, millsite, or tunnel  
4           site shall pay to the Secretary a maintenance fee of  
5           \$200 for each claim, millsite, or tunnel site.

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

8                   (A) the assessment work requirements  
9                   under the general mining laws; and

10                   (B) the related filing requirements under  
11                   subsections (a) and (c) of section 314 of the  
12                   Federal Land Policy and Management Act of  
13                   1976 (43 U.S.C. 1744).

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

19           (4) CLAIM RELOCATION.—

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

23                           (i) the spouse and qualifying child (as  
24                           defined in section 152 of the Internal Rev-

1           venue Code of 1986) of the claim holder;  
2           and

3                   (ii) a person affiliated with the claim  
4           holder, including—

5                           (I) a person controlled by, con-  
6                           trolling, or under common control  
7                           with, the claim holder; or

8                           (II) a subsidiary, parent com-  
9                           pany, partner, director, or officer of  
10           the claim holder.

11           (B) LIMITS ON RELOCATION.—

12                   (i) IN GENERAL.—No claim, millsite,  
13           or tunnel site, or portion of a claim or site,  
14           may be relocated by a person or related  
15           party if the person or related party held  
16           the claim or site and subsequently relin-  
17           quished the claim or site or allowed the  
18           claim or site to become null and void.

19                   (ii) DURATION.—The prohibition on  
20           relocation shall extend for a period of 10  
21           years beginning on the date the claim or  
22           site was relinquished or became null and  
23           void.

24                   (5) WAIVER.—The maintenance fee required  
25           under paragraph (1) shall be waived for a claim

1 holder who certifies in writing to the Secretary that  
2 on the date the maintenance fee was due, the claim  
3 holder and all related parties—

4 (A) held not more than 10 mining claims,  
5 millsites, tunnel sites, or any combination of  
6 claims and sites on Federal land; and

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

16 (6) ADJUSTMENT.—

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

1 (B) MORE FREQUENT ADJUSTMENTS.—

2 The Secretary may adjust the amount of the  
3 maintenance fees more frequently than specified  
4 in subparagraph (A) to reflect changes in the  
5 Consumer Price Index for all urban consumers  
6 published by the Department of Labor if the  
7 Secretary determines an adjustment to be rea-  
8 sonable.

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

13 (D) APPLICATION.—An adjustment under  
14 this paragraph shall apply beginning in the first  
15 calendar year after the calendar year in which  
16 the adjustment is made.

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

22 (8) USE AND OCCUPANCY OF CLAIMS.—Timely  
23 performance of required assessment work or pay-  
24 ment of the maintenance fee under this subsection  
25 satisfies any obligation the claim holder has under

1 the pedis possessio doctrine for any claim properly  
2 located in accordance with the general mining laws  
3 and applicable State law.

4 (b) LOCATION FEES.—

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

14 (2) ADJUSTMENT.—

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

23 (B) MORE FREQUENT ADJUSTMENTS.—

24 The Secretary may adjust the amount of the lo-  
25 cation fees more frequently than specified in

1           subparagraph (A) to reflect changes in the Con-  
2           sumer Price Index for all urban consumers pub-  
3           lished by the Department of Labor if the Sec-  
4           retary determines an adjustment to be reason-  
5           able.

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

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

14          (3) EFFECT ON MAINTENANCE FEE.—The loca-  
15          tion fee required under paragraph (1) shall be in ad-  
16          dition to the maintenance fee required under sub-  
17          section (a).

18          (c) DISPOSITION OF FUNDS.—

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



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

4           (d) **EFFECT OF SECTION.**—Nothing in this section  
5           changes or modifies—

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

9           (2) the provisions of subsection (c) of section  
10          314 of the Federal Land Policy and Management  
11          Act of 1976 (43 U.S.C. 1744) relating to filings re-  
12          quired by subsection (b) of that section.

13          (e) **AMENDMENT TO REVISED STATUTES.**—Section  
14          2324 of the Revised Statutes (30 U.S.C. 28) is amended  
15          by inserting “or section 102(a)(5) of the Hardrock Mining  
16          Reform Act of 2019” after “Omnibus Budget Reconcili-  
17          ation Act of 1993”.

18          **SEC. 103. LIMITATIONS.**

19          (a) **FAILURE TO COMPLY.**—

20               (1) **IN GENERAL.**—The failure of the claim  
21               holder to perform assessment work or to pay a  
22               maintenance fee if required under section 102(a), to  
23               pay a location fee under section 102(b), or to file a  
24               timely notice of location shall—

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

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

5 (2) EFFECT.—Forfeiture under paragraph (1)  
6 shall not relieve any person of any obligation under  
7 this Act and applicable regulations, including rec-  
8 lamation, and other applicable law.

9 (b) RELINQUISHMENT.—

10 (1) IN GENERAL.—A claim holder deciding not  
11 to pursue mineral activities on a mining claim, mill-  
12 site, or tunnel site, may relinquish the claim or site  
13 by notifying the Secretary of the intent to relinquish  
14 the claim or site.

15 (2) EFFECT.—A claim holder relinquishing a  
16 claim, millsite, or tunnel site under paragraph (1)  
17 shall be responsible for any obligation under this Act  
18 and applicable regulations, including reclamation,  
19 and other applicable law.

20 (c) USE OF MINING CLAIM.—

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

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

## 7           **TITLE II—ROYALTIES**

### 8           **SEC. 201. ROYALTY.**

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

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

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

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

4           (2) produces valuable locatable minerals in com-  
5           mercial quantities on the date of enactment of this  
6           Act.

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

13          (e) **DEPOSIT.**—Amounts received by the United  
14          States as royalties under this section shall be deposited  
15          in the Fund.

16          **SEC. 202. ROYALTY RELIEF.**

17          (a) **IN GENERAL.**—Subject to subsection (b), in order  
18          to promote the greatest ultimate recovery pursuant to a  
19          mining permit or a plan of operations under which produc-  
20          tion in commercial quantities has occurred and in the in-  
21          terest of conservation of natural resources, the Secretary  
22          may reduce any royalty otherwise required for all or part  
23          of a mining operation, on a showing by clear and con-  
24          vincing evidence by the person conducting mineral activi-  
25          ties under the operations or mining permit or plan of oper-

1 ations that, without the reduction in royalty, production  
2 would not occur.

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

6 (1) publishes public notice of the royalty reduc-  
7 tion; and

8 (2) submits to the Committee on Energy and  
9 Natural Resources of the Senate and the Committee  
10 on Natural Resources of the House of Representa-  
11 tives notice and a statement of the reasons for  
12 granting the royalty reduction.

13 **SEC. 203. ENFORCEMENT.**

14 (a) DUTIES OF THE SECRETARY.—

15 (1) IN GENERAL.—The Secretary shall establish  
16 a comprehensive inspection, collection, fiscal, and  
17 production accounting and auditing system—

18 (A) to accurately determine royalties, in-  
19 terest, fines, penalties, fees, deposits, and other  
20 payments owed under this title and section 403;  
21 and

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

24 (2) INSPECTIONS.—The Secretary shall estab-  
25 lish procedures to ensure that authorized and prop-

1 erly identified representatives of the Secretary will  
2 inspect at least once annually each mining claim  
3 that—

4 (A) is producing or expected to produce a  
5 significant quantity of locatable minerals in any  
6 year; or

7 (B) has a history of noncompliance with  
8 this Act.

9 (b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND  
10 TRANSPORTERS.—

11 (1) PAYMENT OF ROYALTIES.—

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

18 (B) LIABILITY FOR PAYMENTS.—

19 (i) DESIGNEES.—Any person who  
20 pays, offsets, or credits funds, makes ad-  
21 justments, requests and receives refunds,  
22 or submits reports with respect to pay-  
23 ments another person is required to make  
24 shall be considered the designee of the

1 other person under this title or section  
2 403.

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

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

14 (2) SITE SECURITY.—

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

21 (B) MINIMUM STANDARDS.—The provi-  
22 sions shall conform with such minimum stand-  
23 ards as the Secretary may prescribe by rule,  
24 taking into account the variety of circumstances  
25 on mining claims.

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

11               (c) RECORDKEEPING AND REPORTING REQUIRE-  
12               MENTS.—

13               (1) IN GENERAL.—A claim holder, operator, or  
14               other person directly or indirectly involved in devel-  
15               oping, producing, processing, transporting, pur-  
16               chasing, or selling locatable or hardrock minerals,  
17               subject to this Act, through the point of first sale,  
18               the point of royalty or fee computation, or the point  
19               of smelting or other processing, whichever is later,  
20               shall establish and maintain any records, make any  
21               reports, and provide any information that the Sec-  
22               retary may reasonably require for the purposes of  
23               implementing this title or section 403 or determining  
24               compliance with rules or orders under this title or  
25               section 403.



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

8           (3) DURATION OF RECORDKEEPING REQUIRE-  
9 MENT.—

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

19           (B) ONGOING AUDIT OR INVESTIGATION.—  
20 In any case in which an audit or investigation  
21 is underway, records shall be maintained until  
22 the Secretary releases the claim holder, oper-  
23 ator, other person referred to in paragraph (1),  
24 or record holder subject to the recordkeeping

1           and requirements of this Act of the obligation  
2           to maintain the records.

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

11          (e) COOPERATIVE AGREEMENTS.—

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

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

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

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

24           (2) ACCESS.—Subject to paragraph (3) and  
25           pursuant to a cooperative agreement, the Secretary

1 of Agriculture shall, on request, have access to all  
2 royalty or fee accounting information in the posses-  
3 sion of the Secretary relating to the production, re-  
4 moval, or sale of locatable minerals from claims on  
5 Federal land.

6 (3) CONFIDENTIAL INFORMATION.—

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

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

22 (f) INTEREST.—

23 (1) DEFINITION OF UNDERPAYMENT.—In this  
24 subsection, the term “underpayment” means the dif-  
25 ference between the royalty on the value of the pro-

1       duction or the fee under section 403 that should  
2       have been received by the Secretary and the royalty  
3       on the value of the production or the fee under sec-  
4       tion 403 that was received by the Secretary, if the  
5       royalty or fee that should have been received is  
6       greater than the royalty or fee that was received.

7               (2) NONPAYMENT AND UNDERPAYMENT.—

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

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

20              (C) INTEREST RATE.—In the case of non-  
21      payment or underpayment, interest shall be  
22      charged at the rate applicable under section  
23      6621(a)(2) of the Internal Revenue Code of  
24      1986.

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

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

12 (1) conduct any investigation or other inquiry  
13 necessary and appropriate;

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

17 (3) administer oaths and issue subpoenas in  
18 conducting such proceedings.

19 (i) CIVIL PENALTIES.—

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

23 (A) IN GENERAL.—Except as provided in  
24 subparagraph (B), a person shall be liable for  
25 a penalty of up to \$500 per violation for each

1 day the violation continues, dating from the  
2 date of the notice or report, if the person—

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

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

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

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

21 (ii) after the due notice of violation  
22 required under subparagraph (A)(i) has  
23 been given to the person by the Secretary  
24 or the authorized representative of the Sec-  
25 retary, the person has corrected the viola-

1                   tion within 20 days of the notification (or  
2                   such longer period to which the Secretary  
3                   may agree).

4                   (2) FAILURE TO TAKE CORRECTIVE ACTION.—

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

12                  (3) FAILURE TO MAKE PAYMENT OR TO PERMIT

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

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

21                         (B) fails or refuses to permit lawful entry,  
22                         inspection, or audit; or

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

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

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

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

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

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



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

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

10          (8) NOTICE.—

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

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

20          (9) REASONS ON RECORD FOR AMOUNT OF  
21           PENALTY.—In determining the amount of the pen-  
22           alty under this subsection, whether the penalty  
23           should be remitted or reduced, and by what amount,  
24           the Secretary shall state on the record the reasons  
25           for the determinations of the Secretary.

1 (10) REVIEW.—

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

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

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

18 (11) FAILURE TO PAY PENALTY.—

19 (A) IN GENERAL.—Subject to subpara-  
20 graphs (B) and (C), if any person fails to pay  
21 an assessment of a civil penalty under this Act,  
22 the court shall have jurisdiction to award the  
23 amount assessed plus interest from the date of  
24 the expiration of the 90-day period referred to  
25 in paragraph (10)(C).

1 (B) APPLICATION.—Subparagraph (A) ap-  
2 plies—

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

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

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

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

18 (k) EFFECTIVE DATE.—

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

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

8           (1) INJUNCTION AND SPECIFIC ENFORCEMENT AU-  
9           THORITY.—

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

16                   (A) to restrain any violation of this title or  
17                   section 403; or

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

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

1 **SEC. 204. REVIEW.**

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

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

10 (1) the total revenues received (by category) on  
11 an annual basis as—

12 (A) claim maintenance fees;

13 (B) location fees;

14 (C) land use fees;

15 (D) royalties and related payments; and

16 (E) abandoned mine land fees;

17 (2) the disposition of the fees and royalties, in-  
18 cluding—

19 (A) the amount used for mining law pro-  
20 gram administration; and

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

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

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

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

### 9   **TITLE III—MINERAL ACTIVITIES**

#### 10 **SEC. 301. PERMITS.**

11       (a) **IN GENERAL.**—Except as provided in section  
12 501(a)(2), no person may engage in mineral activities on  
13 Federal land that may cause a disturbance of surface re-  
14 sources, including land, air, water, and fish and wildlife,  
15 unless a permit authorizing the activities was issued to  
16 the person under this title.

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

20       (c) **NO MODIFICATION.**—Nothing in this section en-  
21 larges, diminishes, establishes, repeals, or otherwise modi-  
22 fies any requirement of law that a mining claim, millsite,  
23 or tunnel site be valid in order for mineral activities to  
24 be undertaken.

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

7 **SEC. 302. EXPLORATION PERMITS.**

8 (a) IN GENERAL.—Except as provided in section  
9 501(a)(2), an exploration permit shall be required prior  
10 to conducting any exploration activities on Federal land  
11 that involve more than the casual use of the Federal land.

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

14 (1) remove any mineral for sale; or

15 (2) conduct any activity other than an activity  
16 required for—

17 (A) exploration for locatable minerals; or

18 (B) reclamation.

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

24 (1) an exploration plan demonstrating that—

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

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

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

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

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

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

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

22 (6) a monitoring and evaluation plan to ensure  
23 compliance with reclamation and other requirements  
24 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           section 302(b) of the Federal Land Policy and Manage-  
10          ment Act of 1976 (43 U.S.C. 1732(b)), the first section  
11          of the Act of June 4, 1897 (commonly known as the “Or-  
12          ganic Act of 1897”) (16 U.S.C. 478), or the Forest and  
13          Rangeland Renewable Resources Planning Act of 1974  
14          (16 U.S.C. 1600 et seq.), and in accordance with this title  
15          and applicable law, unless expressly stated otherwise in  
16          this Act, the Secretary concerned—

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

22                 (2) shall not grant permission to engage in min-  
23                 eral activities if the Secretary concerned, after con-  
24                 sidering the evidence, makes a determination that

1 undue degradation would result from those activi-  
2 ties.

3 (d) OPERATION AND RECLAMATION STANDARDS.—

4 The Secretary and the Secretary of Agriculture shall joint-  
5 ly promulgate regulations that carry out this Act.

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

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

11 (2) the National Forest Management Act of  
12 1976 (16 U.S.C. 472a et seq.); and

13 (3) the Act of June 4, 1897 (commonly known  
14 as the “Organic Act of 1897”) (16 U.S.C. 473–482,  
15 551).

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

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

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

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

24 “(4) REVIEW OF LAND.—

1           “(A) DEFINITION OF NATIONAL CON-  
2           SERVATION SYSTEM UNIT.—In this paragraph,  
3           the term ‘National Conservation System unit’  
4           means—

5                   “(i) any unit of—

6                           “(I) the National Park System;

7                           “(II) the National Wildlife Ref-  
8                   uge System; or

9                           “(III) the National Wild and  
10                   Scenic Rivers System;

11                   “(ii) a National Monument; or

12                   “(iii) a National Conservation Area.

13           “(B) REVIEW.—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)(B), in addi-  
25 tion to withdrawals made pursuant to section

1           204 and subject to valid existing rights, tracts  
2           of Federal land may, pursuant to this para-  
3           graph, be removed from operation of sections  
4           2318 through 2352 of the Revised Statutes  
5           (commonly known and referred to in this sub-  
6           section as the ‘Mining Law of 1872’) (30  
7           U.S.C. 21 et seq.) if the Secretary, based on  
8           the analysis of the local Federal land manager,  
9           and in the case of National Forest System land,  
10          on the recommendation of the Secretary of Ag-  
11          riculture based on the analysis of the local Fed-  
12          eral land manager, determines that the action is  
13          appropriate after application of the criteria es-  
14          tablished 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 (b) TIMING.—

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

6 (A) any Federal funds are expended for  
7 the mineral activity; and

8 (B) the issuance of any permit for the  
9 mineral activity.

10 (2) EXCEPTION.—Paragraph (1) shall not  
11 apply to nondestructive project planning for a min-  
12 eral activity.

13 (c) REQUIREMENTS.—The Secretary concerned shall  
14 ensure that consultation with an Indian tribe under this  
15 section—

16 (1) provides the Indian tribe a reasonable op-  
17 portunity—

18 (A) to identify any concerns of the Indian  
19 tribe;

20 (B) to advise on the identification and  
21 evaluation of other areas that potentially would  
22 be impacted by the mineral activities, including  
23 areas of traditional religious or cultural impor-  
24 tance;

1 (C) to articulate the views of the Indian  
2 tribe regarding the direct and indirect effects of  
3 the mineral activities on the areas identified  
4 and evaluated under subparagraph (B); and

5 (D) to participate in the resolution of any  
6 potential adverse effects of the mineral activi-  
7 ties;

8 (2) includes consultation with the representa-  
9 tives designated or identified by the Indian tribe;

10 (3) recognizes that the relationship between the  
11 Federal Government and Indian tribes—

12 (A) is a government-to-government rela-  
13 tionship; and

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

17 (4) is conducted in a manner—

18 (A) sensitive to the concerns and needs of  
19 the Indian tribe; and

20 (B) respectful of Tribal sovereignty.

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

22 (1) alters, amends, repeals, interprets, or modi-  
23 fies Tribal sovereignty or the treaty or other rights  
24 of any Indian tribe; or

1           (2) preempts, modifies, or limits the exercise of  
2           Tribal sovereignty or the treaty or other rights of  
3           any Indian tribe.

4                           **TITLE IV—HARDROCK**  
5           **MINERALS RECLAMATION FUND**

6   **SEC. 401. ESTABLISHMENT OF FUND.**

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

11                  (1) any amounts received by the United States  
12                  under section 101;

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

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

17                  (4) any amounts collected under section 201;

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

19                  (6) any amounts collected under section 403;

20                  (7) any amounts collected under sections 203  
21                  and 502; and

22                  (8) any income on investments under subsection  
23                  (b).

24                  (b) INVESTMENT.—

1           (1) IN GENERAL.—The Secretary shall notify  
2           the Secretary of the Treasury of any portion of the  
3           Fund that the Secretary determines is not required  
4           to meet current withdrawals.

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

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

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

18          (d) EXPENDITURES.—Subject to section 402,  
19          amounts in the Fund may, without fiscal year limitation  
20          and without further appropriation—

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

23                 (2) be transferred by the Secretary to the Di-  
24                 rector of the Bureau of Land Management, the  
25                 Chief of the Forest Service, the Director of the Na-

1 tional Park Service, the Director of the United  
2 States Fish and Wildlife Service, or the head of any  
3 other Federal agency, that develops, implements,  
4 and has the ability to carry out all or a significant  
5 portion of a reclamation program under this title; or

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

9 (e) STATE AND TRIBAL RECLAMATION PROGRAMS.—

10 (1) IN GENERAL.—Each State having within  
11 the borders of the State, or Indian tribe having  
12 within the borders of the reservation of the Indian  
13 tribe, mined land that is eligible for reclamation  
14 under this title may submit to the Secretary a re-  
15 clamation program for the land.

16 (2) APPROVAL.—If the Secretary determines  
17 that a State or Indian tribe has developed and sub-  
18 mitted a program for reclamation of abandoned  
19 mines consistent with the priorities established  
20 under section 402(c) and has the ability and nec-  
21 essary State or tribal legislation to implement this  
22 title, the Secretary shall—

23 (A) approve the program; and

1 (B) grant to the State or Indian tribe the  
2 exclusive responsibility and authority to imple-  
3 ment the approved program.

4 (3) WITHDRAWAL OF APPROVAL.—The Sec-  
5 retary shall withdraw the approval and authorization  
6 if the Secretary determines that the State or tribal  
7 program is not in compliance with procedures,  
8 guidelines, and requirements established by the Sec-  
9 retary.

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

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

20 (a) USE.—

21 (1) IN GENERAL.—The Secretary may, without  
22 fiscal year limitation and without further appropria-  
23 tion, use amounts in the Fund for the reclamation  
24 and restoration of land and water resources ad-  
25 versely affected by past hardrock minerals and min-

1       ing and related activities in abandoned hardrock  
2       mine States and on Indian land located within the  
3       exterior boundaries of abandoned hardrock mine  
4       States, including the conduct of activities—

5               (A) to protect public health and safety;

6               (B) to prevent, abate, treat, and control  
7       water pollution created by abandoned mine  
8       drainage, including activities conducted in wa-  
9       tersheds;

10              (C) to reclaim and restore abandoned sur-  
11       face and underground mined areas;

12              (D) to reclaim and restore abandoned mill-  
13       ing and processing areas;

14              (E) to backfill, seal, or otherwise control  
15       abandoned underground mine entries;

16              (F) to revegetate land adversely affected  
17       by past mining activities—

18                      (i) to prevent erosion and sedimenta-  
19       tion; and

20                      (ii) for any other reclamation purpose;

21              (G) to control surface subsidence due to  
22       abandoned underground mines; and

23              (H) to enhance fish and wildlife habitat.

24       (2)     DETERMINATION.—Before     expending  
25       amounts in the Fund for the purposes described in



1 paragraph (1), the Secretary shall make a deter-  
2 mination that there is no continuing reclamation re-  
3 sponsibility of the claim holder, operator, or other  
4 person who abandoned the site before completion of  
5 the required reclamation under Federal or State law.

6 (b) ALLOCATION.—Of the amounts deposited in the  
7 Fund each fiscal year—

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

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

24 (3) 25 percent shall be allocated by the Sec-  
25 retary for expenditure on Federal land;

1           (4) 10 percent shall be available to the Sec-  
2           retary for grants under subsection (e);

3           (5) 10 percent shall be available to the Sec-  
4           retary for grants under subsection (f); and

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

9           (c) PRIORITIES.—

10           (1) IN GENERAL.—Subject to paragraph (2),  
11           expenditures from the Fund shall be based on the  
12           following priorities:

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

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

23           (2) MULTIPLE PRIORITIES.—In complying with  
24           the priorities established under this subsection,  
25           funds may be expended for reclamation activities

1 under paragraph (1)(B) before the completion of all  
2 reclamation projects under paragraph (1)(A) if the  
3 expenditure of the funds for reclamation activities  
4 under paragraph (1)(B) is made in conjunction with  
5 reclamation activities under paragraph (1)(A).

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

11 (d) ELIGIBLE LAND AND WATER.—

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

16 (A) affected by hardrock mineral mining  
17 activities; and

18 (B) abandoned or left in an inadequate  
19 reclamation status.

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

24 (3) INVENTORY.—

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

1 (i) prepare and maintain a publicly  
2 available inventory of abandoned hardrock  
3 minerals mines on Federal land, State  
4 land, other publicly owned land, private  
5 land, and any abandoned mine on Indian  
6 land that may be eligible for expenditures  
7 under this section; and

8 (ii) submit to Congress an annual re-  
9 port that describes the progress in reclaim-  
10 ing the sites listed on the inventory.

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

15 (e) GRANTS TO CERTAIN STATES AND INDIAN  
16 TRIBES.—

17 (1) IN GENERAL.—The Secretary shall use  
18 amounts made available under subsection (b)(4) to  
19 make grants to States (other than abandoned  
20 hardrock mine States) and Indian tribes to carry out  
21 reclamation and restoration of land and water re-  
22 sources adversely affected by past hardrock minerals  
23 and mining activities, including the conduct of ac-  
24 tivities described in subsection (a)(1).

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

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

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

13                   (B) priority for those projects for which  
14 Federal funding is not available under other  
15 laws or programs.

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

- 1 (1) improve water quality and quantity;
- 2 (2) restore watersheds in which historic mining
- 3 dewatered or otherwise fragmented stream habitats;
- 4 (3) restore instream habitat conditions nec-
- 5 essary to support aquatic species;
- 6 (4) restore vegetative cover and streamside
- 7 areas to control erosion and improve conditions for
- 8 fish and wildlife;
- 9 (5) control and remove noxious weeds and
- 10 invasive species associated with historic mining dis-
- 11 turbances that affect fish and wildlife;
- 12 (6) restore fish and wildlife habitat in cases in
- 13 which previous hardrock minerals and mining activ-
- 14 ity limits fish and wildlife productivity;
- 15 (7) protect and restore fish and wildlife habitat
- 16 in areas affected by historic minerals and mining ac-
- 17 tivity; and
- 18 (8) mitigate impacts to watersheds affected by
- 19 past hardrock minerals and mining activities.

20 (g) RESPONSE OR REMOVAL ACTIONS.—

- 21 (1) IN GENERAL.—Reclamation and restoration
- 22 activities conducted under this section that con-
- 23 stitute a removal or remedial action under section
- 24 101 of the Comprehensive Environmental Response,
- 25 Compensation, and Liability Act of 1980 (42 U.S.C.

1 9601) shall be conducted only with the concurrence  
2 of the Administrator of the Environmental Protec-  
3 tion Agency.

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

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

18 (B) to the maximum extent practicable,  
19 avoids oversight by multiple agencies.

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

21 (a) IMPOSITION OF FEE.—Each operator of a  
22 hardrock minerals mining operation shall pay to the Sec-  
23 retary, for deposit in the Fund, a reclamation fee in an  
24 amount established by the Secretary by regulation of not  
25 less than 1 percent, and not more than 3 percent, of the

1 value of the production from the hardrock minerals mining  
2 operation for each calendar year.

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

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

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

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

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

20 **SEC. 501. TRANSITION RULES.**

21 (a) APPLICABILITY.—

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



1 mining laws, before, on, or after the date of enact-  
2 ment of this Act.

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

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

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

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

19 (B) the operator shall bring the mineral  
20 activities into compliance with this Act (includ-  
21 ing implementing regulations) by the end of the  
22 10-year period beginning on the date of enact-  
23 ment of this Act.

24 (3) FEES.—Except as provided in sections  
25 201(b) and 303(f), all fees required to be paid under

1       this Act shall apply beginning on the date of enact-  
2       ment of this Act to—

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

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

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

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

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

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

3           (A) are locatable minerals; or

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

7 **SEC. 502. ENFORCEMENT.**

8           (a) ORDERS.—

9           (1) NOTICE OF VIOLATION.—

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

19           (B) ABATEMENT PERIOD.—

20           (i) IN GENERAL.—Subject to clause  
21 (ii), a person that receives notice under  
22 subparagraph (A) shall have not more than  
23 90 days after the date of receipt of the no-  
24 tice to abate the violation.

1                   (ii) EXTENSION.—The Secretary con-  
2                   cerned may extend the period described in  
3                   clause (i) if the person shows good cause  
4                   for the extension, as determined by the  
5                   Secretary concerned.

6                   (2) CESSATION ORDER.—

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

15                  (i) an imminent danger to the health  
16                  or safety of the public; or

17                  (ii) significant, imminent harm to  
18                  land, air, water, or fish or wildlife re-  
19                  sources.

20                  (B) REQUIREMENTS.—

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

1 (I) determines that the condition,  
2 practice, or violation has been abated;  
3 or

4 (II) modifies, vacates, or termi-  
5 nates the cessation order.

6 (ii) ABATEMENT.—In any cessation  
7 order issued under subparagraph (A), the  
8 Secretary concerned shall—

9 (I) identify the steps necessary to  
10 abate the violation in the most expedi-  
11 tious manner practicable; and

12 (II) require appropriate financial  
13 assurances to ensure that the abate-  
14 ment obligations are met.

15 (C) ENFORCEMENT.—

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

1            ticable, including seeking appropriate in-  
2            junctive relief to bring about abatement.

3            (ii) EFFECT.—Nothing in this sub-  
4            paragraph precludes the Secretary con-  
5            cerned from taking alternative enforcement  
6            action before the date described in clause  
7            (i).

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

11           (4) FORFEITURE.—

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

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

23           (C) LIABILITY.—In the event of forfeiture,  
24           the claim holder or operator, or a subsidiary,  
25           parent company, corporation, or partner of the

1 claim holder, or operator shall be jointly and  
2 severally liable for any remaining reclamation  
3 obligations under this Act.

4 (b) CIVIL PENALTIES.—

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

12 (2) CESSATION ORDER.—If the violation leads  
13 to the issuance of a cessation order under subsection  
14 (a)(2), the Secretary concerned shall assess the civil  
15 penalty.

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

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

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

24 (A) the history of the person of previous  
25 violations;

1           (B) the seriousness of the violation, includ-  
2           ing any irreparable harm to the environment  
3           and any hazard to the health or safety of the  
4           public;

5           (C) whether the person was negligent; and

6           (D) the demonstrated good faith of the  
7           person charged in attempting to achieve rapid  
8           compliance after notification of the violation.

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

22          (c) ADMINISTRATIVE REVIEW.—

23               (1) COMPLIANCE ORDER.—Any person issued a  
24               notice of violation or a cessation order under sub-  
25               section (a) may apply to the Secretary concerned for



1 review of the notice or order by the date that is not  
2 later than 30 days after receipt of the notice or  
3 order.

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

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

14 (A) issued a notice of violation under sub-  
15 section (a)(1);

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

18 (C) subject to civil penalties under sub-  
19 section (b).

20 (d) CIVIL ACTION.—

21 (1) IN GENERAL.—The Secretary concerned  
22 may submit to the Attorney General a request to  
23 bring a civil action for relief, including a permanent  
24 or temporary injunction or restraining order and the

1 imposition of civil penalties, in any appropriate dis-  
2 trict court of the United States, if a person—

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

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

9 (2) RELIEF.—

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

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

20 (e) CRIMINAL PENALTIES.—

21 (1) FALSE STATEMENTS; TAMPERING.—

22 (A) IN GENERAL.—A person shall, on con-  
23 viction, be punished by a fine of not more than  
24 \$25,000, imprisonment for not more than 1

1 year, or fine and imprisonment if the person  
2 willfully and knowingly—

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

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

15 (B) SECOND VIOLATION.—If a conviction  
16 of a person under subparagraph (A) is for a  
17 violation committed after a first conviction of  
18 the person under that subparagraph, punish-  
19 ment shall be by a fine of not more than  
20 \$50,000, imprisonment of not more than 2  
21 years, or fine and imprisonment.

22 (2) KNOWING VIOLATIONS.—

23 (A) IN GENERAL.—A person shall, on con-  
24 viction, be punished by a fine of not more than  
25 \$25,000, imprisonment for not more than 1

1           year, or both if the person willfully and know-  
2           ingly—

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

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

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

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

24   **SEC. 503. JUDICIAL REVIEW.**

25               (a) RULEMAKING.—

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

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

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

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

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

19   **SEC. 504. UNCOMMON VARIETIES.**

20           (a) DETERMINATIONS.—Section 3 of the Act of July  
21           23, 1955 (30 U.S.C. 611), is amended—

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

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

25           “(a) IN GENERAL.—No deposit”;

1 (2) in the first sentence—

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

4 (B) by striking “or cinders” and inserting  
5 “cinders, and clay”;

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

8 “(c) DEFINITIONS.—In this Act:

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

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

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

15 (5) by inserting after subsection (a) the fol-  
16 lowing:

17 “(b) DISPOSAL OF MINERAL MATERIALS.—

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

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

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

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

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

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

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

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

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

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

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

8 (b) REVIEW.—

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

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

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

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



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

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

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

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

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

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

21 (c) RECOMMENDATIONS.—The study shall—

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

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

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

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

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

14 (ii) subject to leasing;

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

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

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

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

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

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

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

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

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

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

1 **SEC. 506. EFFECT.**

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

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

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

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

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

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

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

6           (c) EFFECT ON GENERAL MINING LAWS.—

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

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