

**Union Calendar No.**110TH CONGRESS  
1ST SESSION**H. R. 2262****[Report No. 110-]**

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

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**IN THE HOUSE OF REPRESENTATIVES**

MAY 10, 2007

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

OCTOBER --, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 10, 2007]

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**A BILL**

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

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

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Hardrock Mining and Reclamation Act of 2007”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
5 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions and references.*

*Sec. 3. Application rules.*

*TITLE I—MINERAL EXPLORATION AND DEVELOPMENT*

*Sec. 101. Limitation on patents.*

*Sec. 102. Royalty.*

*Sec. 103. Hardrock mining claim maintenance fee.*

*Sec. 104. Effect of payments for use and occupancy of claims.*

*TITLE II—PROTECTION OF SPECIAL PLACES*

*Sec. 201. Lands open to location.*

*Sec. 202. Withdrawal petitions by States, political subdivisions, and Indian tribes.*

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

*Sec. 301. General standard for hardrock mining on Federal land.*

*Sec. 302. Permits.*

*Sec. 303. Exploration permit.*

*Sec. 304. Operations permit.*

*Sec. 305. Persons ineligible for permits.*

*Sec. 306. Financial assurance.*

*Sec. 307. Operation and reclamation.*

*Sec. 308. State law and regulation.*

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

*TITLE IV—MINING MITIGATION*

*Subtitle A—Locatable Minerals Fund*

*Sec. 401. Establishment of Fund.*

*Sec. 402. Contents of Fund.*

*Sec. 403. Subaccounts.*

*Subtitle B—Use of Hardrock Reclamation Account*

*Sec. 411. Use and objectives of the Account.*

*Sec. 412. Eligible lands and waters.*

*Sec. 413. Expenditures.*

*Sec. 414. Authorization of appropriations.*

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

*Sec. 421. Use and objectives of the Account.*

*Sec. 422. Allocation of funds.*

**TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

*Subtitle A—Administrative Provisions*

*Sec. 501. Policy functions.*

*Sec. 502. User fees.*

*Sec. 503. Inspection and monitoring.*

*Sec. 504. Citizens suits.*

*Sec. 505. Administrative and judicial review.*

*Sec. 506. Enforcement.*

*Sec. 507. Regulations.*

*Sec. 508. Effective date.*

*Subtitle B—Miscellaneous Provisions*

*Sec. 511. Oil shale claims subject to special rules.*

*Sec. 512. Purchasing power adjustment.*

*Sec. 513. Savings clause.*

*Sec. 514. Availability of public records.*

*Sec. 515. Miscellaneous powers.*

*Sec. 516. Multiple mineral development and surface resources.*

*Sec. 517. Mineral materials.*

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

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

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

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

8 (B) *Any partner of such person.*

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

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

14 (3) *The term “beneficiation” means the crushing*  
15 *and grinding of locatable mineral ore and such proc-*

1        *esses as are employed to free the mineral from other*  
2        *constituents, including but not necessarily limited to,*  
3        *physical and chemical separation techniques.*

4            (4) *The term “casual use”—*

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

9                    (B) *includes collection of geochemical, rock,*  
10                   *soil, or mineral specimens using handtools, hand*  
11                   *panning, or nonmotorized sluicing; and*

12                   (C) *does not include—*

13                            (i) *the use of mechanized earth-moving*  
14                            *equipment, suction dredging, or explosives;*

15                            (ii) *the use of motor vehicles in areas*  
16                            *closed to off-road vehicles;*

17                            (iii) *the construction of roads or drill*  
18                            *pads; and*

19                            (iv) *the use of toxic or hazardous mate-*  
20                            *rials.*

21            (5) *The term “claim holder” means a person*  
22            *holding a mining claim, millsite claim, or tunnel site*  
23            *claim located under the general mining laws and*  
24            *maintained in compliance with such laws and this*

1       *Act. Such term may include an agent of a claim hold-*  
2       *er.*

3               (6) *The term “control” means having the ability,*  
4       *directly or indirectly, to determine (without regard to*  
5       *whether exercised through one or more corporate*  
6       *structures) the manner in which an entity conducts*  
7       *mineral activities, through any means, including*  
8       *without limitation, ownership interest, authority to*  
9       *commit the entity’s real or financial assets, position*  
10       *as a director, officer, or partner of the entity, or con-*  
11       *tractual arrangement.*

12               (7) *The term “exploration”—*

13                       (A) *subject to subparagraphs (B) and (C),*  
14       *means creating surface disturbance other than*  
15       *casual use, to evaluate the type, extent, quantity,*  
16       *or quality of minerals present;*

17                       (B) *includes mineral activities associated*  
18       *with sampling, drilling, and analyzing locatable*  
19       *mineral values; and*

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

22               (8) *The term “Federal land” means any land,*  
23       *and any interest in land, that is owned by the United*  
24       *States and open to location of mining claims under*  
25       *the general mining laws and title II of this Act.*

1           (9) *The term “Indian lands” means lands held*  
2 *in trust for the benefit of an Indian tribe or indi-*  
3 *vidual or held by an Indian tribe or individual sub-*  
4 *ject to a restriction by the United States against*  
5 *alienation.*

6           (10) *The term “Indian tribe” means any Indian*  
7 *tribe, band, nation, pueblo, or other organized group*  
8 *or community, including any Alaska Native village*  
9 *or regional corporation as defined in or established*  
10 *pursuant to the Alaska Native Claims Settlement Act*  
11 *(43 U.S.C. 1601 and following), that is recognized as*  
12 *eligible for the special programs and services provided*  
13 *by the United States to Indians because of their sta-*  
14 *tus as Indians.*

15           (11) *The term “locatable mineral”—*

16                   (A) *subject to subparagraph (B), means any*  
17 *mineral, the legal and beneficial title to which*  
18 *remains in the United States and that is not*  
19 *subject to disposition under any of—*

20                           (i) *the Mineral Leasing Act (30 U.S.C.*  
21 *181 and following);*

22                           (ii) *the Geothermal Steam Act of 1970*  
23 *(30 U.S.C. 1001 and following);*

1                   (iii) the Act of July 31, 1947, com-  
2                   monly known as the Materials Act of 1947  
3                   (30 U.S.C. 601 and following); or

4                   (iv) the Mineral Leasing for Acquired  
5                   Lands Act (30 U.S.C. 351 and following);  
6                   and

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

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

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

16                   (12) The term “mineral activities” means any  
17                   activity on a mining claim, millsite claim, or tunnel  
18                   site claim for, related to, or incidental to, mineral ex-  
19                   ploration, mining, beneficiation, processing, or rec-  
20                   lamation activities for any locatable mineral.

21                   (13) The term “National Conservation System  
22                   unit” means any unit of the National Park System,  
23                   National Wildlife Refuge System, National Wild and  
24                   Scenic Rivers System, or National Trails System, or  
25                   a National Conservation Area, a National Recreation

1        *Area, a National Monument, or any unit of the Na-*  
2        *tional Wilderness Preservation System.*

3            *(14) The term “operator” means any person pro-*  
4        *posing or authorized by a permit issued under this*  
5        *Act to conduct mineral activities and any agent of*  
6        *such person.*

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

14           *(16) The term “processing” means processes*  
15       *downstream of beneficiation employed to prepare*  
16       *locatable mineral ore into the final marketable prod-*  
17       *uct, including but not limited to smelting and electro-*  
18       *lytic refining.*

19           *(17) The term “Secretary” means the Secretary*  
20       *of the Interior, unless otherwise specified.*

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

24           *(19) The term “undue degradation” means irrep-*  
25       *arable harm to significant scientific, cultural, or en-*



1        *vironmental resources on public lands that cannot be*  
2        *effectively mitigated.*

3        *(b) TITLE II.—*

4                *(1) VALID EXISTING RIGHTS.—As used in title*  
5        *II, the term “valid existing rights” means a mining*  
6        *claim or millsite claim located on lands described in*  
7        *section 201(b), that—*

8                        *(A) was properly located and maintained*  
9                        *under this Act prior to and on the applicable*  
10                      *date; or*

11                      *(B)(i) was properly located and maintained*  
12                      *under the general mining laws prior to the ap-*  
13                      *plicable date;*

14                      *(ii) was supported by a discovery of a valu-*  
15                      *able mineral deposit within the meaning of the*  
16                      *general mining laws on the applicable date, or*  
17                      *satisfied the limitations under existing law for*  
18                      *millsite claims; and*

19                      *(iii) continues to be valid under this Act.*

20                *(2) APPLICABLE DATE.—As used in paragraph*  
21        *(1), the term “applicable date” means one of the fol-*  
22        *lowing:*

23                      *(A) For lands described in paragraph (1) of*  
24                      *section 201(b), the date of the recommendation*  
25                      *referred to in paragraph (1) of that section if*

1           *such recommendation is made on or after the*  
2           *date of the enactment of this Act.*

3           *(B) For lands described in paragraph (1) of*  
4           *section 201(b), if the recommendation referred to*  
5           *in paragraph (1) of that section is made before*  
6           *the date of the enactment of this Act, the earlier*  
7           *of—*

8                     *(i) the date of the enactment of this*  
9                     *Act; or*

10                    *(ii) the date of any withdrawal of such*  
11                    *lands from mineral activities.*

12           *(C) For lands described in paragraph*  
13           *(3)(B) of section 201(b), the date of the enact-*  
14           *ment of this Act.*

15           *(D) For lands described in paragraph*  
16           *(3)(A) or (3)(C) of section 201(b), the date of the*  
17           *enactment of the amendment to the Wild and*  
18           *Scenic Rivers Act (16 U.S.C. 1271 and fol-*  
19           *lowing) listing the river segment for study.*

20           *(E) For lands described in paragraph*  
21           *(3)(B) of section 201(b), the date of the deter-*  
22           *mination of eligibility of such lands for inclusion*  
23           *in the Wild and Scenic River System.*

1                   (F) For lands described in paragraph (4) of  
2                   section 201(b), the date of the withdrawal under  
3                   other law.

4           (c) *REFERENCES TO OTHER LAWS.*—(1) Any reference  
5 in this Act to the term general mining laws is a reference  
6 to those Acts that generally comprise chapters 2, 12A, and  
7 16, and sections 161 and 162, of title 30, United States  
8 Code.

9           (2) Any reference in this Act to the Act of July 23,  
10 1955, is a reference to the Act entitled “An Act to amend  
11 the Act of July 31, 1947 (61 Stat. 681) and the mining  
12 laws to provide for multiple use of the surface of the same  
13 tracts of the public lands, and for other purposes” (30  
14 U.S.C. 601 and following).

15 **SEC. 3. APPLICATION RULES.**

16           (a) *IN GENERAL.*—This Act applies to any mining  
17 claim, millsite claim, or tunnel site claim located under the  
18 general mining laws, before, on, or after the date of enact-  
19 ment of this Act, except as provided in subsection (b).

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

1 *of this Act, be subject to the requirements of this Act, except*  
2 *as provided in paragraphs (2) and (3).*

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

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

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

17 *(iii) the operator shall bring such mineral activi-*  
18 *ties into compliance with this Act by the end of such*  
19 *10-year period.*

20 *(B) Where an application for modification of a plan*  
21 *of operations referred to in subparagraph (A)(ii) has been*  
22 *timely submitted and an approved plan expires prior to*  
23 *Secretarial action on the application, mineral activities*  
24 *and reclamation may continue in accordance with the*

1 *terms of the expired plan until the Secretary makes an ad-*  
2 *ministrative decision on the application.*

3 *(c) FEDERAL LANDS SUBJECT TO EXISTING PER-*  
4 *MIT.—(1) Any Federal land shall not be subject to the re-*  
5 *quirements of section 102 if the land is—*

6 *(A) subject to an operations permit; and*

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

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

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

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

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

4 (a) *MINING CLAIMS.*—

5 (1) *DETERMINATIONS REQUIRED.*—*After the date*  
6 *of enactment of this Act, no patent shall be issued by*  
7 *the United States for any mining claim located under*  
8 *the general mining laws unless the Secretary deter-*  
9 *mines that, for the claim concerned—*

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

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

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

1        *terminations are withdrawn or invalidated by the*  
2        *Secretary or by a court of the United States.*

3        *(b) MILLSITE CLAIMS.—*

4                *(1) DETERMINATIONS REQUIRED.—After the date*  
5        *of enactment of this Act, no patent shall be issued by*  
6        *the United States for any millsite claim located under*  
7        *the general mining laws unless the Secretary deter-*  
8        *mines that for the millsite concerned—*

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

12                *(B) all requirements applicable to such pat-*  
13        *ent application were fully complied with by that*  
14        *date.*

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

24        **SEC. 102. ROYALTY.**

25        *(a) RESERVATION OF ROYALTY.—*

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

14           (2) *ROYALTY FOR FEDERAL LANDS SUBJECT TO*  
15 *EXISTING PERMIT.*—*The royalty under paragraph (1)*  
16 *shall be 4 percent in the case of any Federal land*  
17 *that—*

18                   (A) *is subject to an operations permit on*  
19 *the date of the enactment of this Act; and*

20                   (B) *produces valuable locatable minerals in*  
21 *commercial quantities on the date of enactment*  
22 *of this Act.*

23           (3) *FEDERAL LAND ADDED TO EXISTING OPER-*  
24 *ATIONS PERMIT.*—*Any Federal land added through a*  
25 *plan modification to an operations permit on Federal*



1        *land that is submitted after the date of enactment of*  
2        *this Act shall be subject to the royalty that applies to*  
3        *other Federal land that is subject to the operations*  
4        *permit before that submission under paragraph (1) or*  
5        *(2), as applicable.*

6                *(4) OTHER APPLICATION PROVISION NOT EFFEC-*  
7        *TIVE.—Section 3(c) of this Act shall have no force or*  
8        *effect.*

9                *(5) DEPOSIT.—Amounts received by the United*  
10        *States as royalties under this subsection shall be de-*  
11        *posited into the account established under section 401.*

12        *(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND*  
13        *TRANSPORTERS.—(1) A person—*

14                *(A) who is required to make any royalty pay-*  
15        *ment under this section shall make such payments to*  
16        *the United States at such times and in such manner*  
17        *as the Secretary may by rule prescribe; and*

18                *(B) shall notify the Secretary, in the time and*  
19        *manner as may be specified by the Secretary, of any*  
20        *assignment that such person may have made of the*  
21        *obligation to make any royalty or other payment*  
22        *under a mining claim.*

23        *(2) Any person paying royalties under this section*  
24        *shall file a written instrument, together with the first roy-*  
25        *alty payment, affirming that such person is responsible for*

1 *making proper payments for all amounts due for all time*  
2 *periods for which such person has a payment responsibility.*  
3 *Such responsibility for the periods referred to in the pre-*  
4 *ceding sentence shall include any and all additional*  
5 *amounts billed by the Secretary and determined to be due*  
6 *by final agency or judicial action. Any person liable for*  
7 *royalty payments under this section who assigns any pay-*  
8 *ment obligation shall remain jointly and severally liable*  
9 *for all royalty payments due for the claim for the period.*

10 *(3) A person conducting mineral activities shall—*

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

19 *(B) not later than the 5th business day after pro-*  
20 *duction begins anywhere on a mining claim, or pro-*  
21 *duction resumes after more than 90 days after pro-*  
22 *duction was suspended, notify the Secretary, in the*  
23 *manner prescribed by the Secretary, of the date on*  
24 *which such production has begun or resumed.*

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

9           (c) *RECORDKEEPING AND REPORTING REQUIRE-*  
10 *MENTS.—(1) A claim holder, operator, or other person di-*  
11 *rectly involved in developing, producing, processing, trans-*  
12 *porting, purchasing, or selling locatable minerals, con-*  
13 *centrates, or products derived therefrom, subject to this Act,*  
14 *through the point of royalty computation shall establish and*  
15 *maintain any records, make any reports, and provide any*  
16 *information that the Secretary may reasonably require for*  
17 *the purposes of implementing this section or determining*  
18 *compliance with rules or orders under this section. Such*  
19 *records shall include, but not be limited to, periodic reports,*  
20 *records, documents, and other data. Such reports may also*  
21 *include, but not be limited to, pertinent technical and fi-*  
22 *nancial data relating to the quantity, quality, composition*  
23 *volume, weight, and assay of all minerals extracted from*  
24 *the mining claim. Upon the request of any officer or em-*  
25 *ployee duly designated by the Secretary conducting an*

1 *audit or investigation pursuant to this section, the appro-*  
2 *priate records, reports, or information that may be required*  
3 *by this section shall be made available for inspection and*  
4 *duplication by such officer or employee. Failure by a claim*  
5 *holder, operator, or other person referred to in the first sen-*  
6 *tence to cooperate with such an audit, provide data required*  
7 *by the Secretary, or grant access to information may, at*  
8 *the discretion of the Secretary, result in involuntary for-*  
9 *feiture of the claim.*

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

19       (d) *AUDITS.—The Secretary is authorized to conduct*  
20 *such audits of all claim holders, operators, transporters,*  
21 *purchasers, processors, or other persons directly or indi-*  
22 *rectly involved in the production or sales of minerals cov-*  
23 *ered by this Act, as the Secretary deems necessary for the*  
24 *purposes of ensuring compliance with the requirements of*  
25 *this section. For purposes of performing such audits, the*

1 *Secretary shall, at reasonable times and upon request, have*  
2 *access to, and may copy, all books, papers and other docu-*  
3 *ments that relate to compliance with any provision of this*  
4 *section by any person.*

5 *(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is*  
6 *authorized to enter into cooperative agreements with the*  
7 *Secretary of Agriculture to share information concerning*  
8 *the royalty management of locatable minerals, concentrates,*  
9 *or products derived therefrom, to carry out inspection, au-*  
10 *diting, investigation, or enforcement (not including the col-*  
11 *lection of royalties, civil or criminal penalties, or other pay-*  
12 *ments) activities under this section in cooperation with the*  
13 *Secretary, and to carry out any other activity described in*  
14 *this section.*

15 *(2) Except as provided in paragraph (3)(A) of this*  
16 *subsection (relating to trade secrets), and pursuant to a co-*  
17 *operative agreement, the Secretary of Agriculture shall,*  
18 *upon request, have access to all royalty accounting informa-*  
19 *tion in the possession of the Secretary respecting the pro-*  
20 *duction, removal, or sale of locatable minerals, concentrates,*  
21 *or products derived therefrom from claims on lands open*  
22 *to location under this Act.*

23 *(3) Trade secrets, proprietary, and other confidential*  
24 *information protected from disclosure under section 552 of*  
25 *title 5, United States Code, popularly known as the Free-*

1 *dom of Information Act, shall be made available by the Sec-*  
2 *retary to other Federal agencies as necessary to assure com-*  
3 *pliance with this Act and other Federal laws. The Sec-*  
4 *retary, the Secretary of Agriculture, the Administrator of*  
5 *the Environmental Protection Agency, and other Federal of-*  
6 *ficials shall ensure that such information is provided pro-*  
7 *tection in accordance with the requirements of that section.*

8       (f) *INTEREST AND SUBSTANTIAL UNDERREPORTING*  
9 *ASSESSMENTS.—(1) In the case of mining claims where*  
10 *royalty payments are not received by the Secretary on the*  
11 *date that such payments are due, the Secretary shall charge*  
12 *interest on such underpayments at the same interest rate*  
13 *as the rate applicable under section 6621(a)(2) of the Inter-*  
14 *nal Revenue Code of 1986. In the case of an underpayment,*  
15 *interest shall be computed and charged only on the amount*  
16 *of the deficiency and not on the total amount.*

17       (2) *If there is any underreporting of royalty owed on*  
18 *production from a claim for any production month by any*  
19 *person liable for royalty payments under this section, the*  
20 *Secretary shall assess a penalty of not greater than 25 per-*  
21 *cent of the amount of that underreporting.*

22       (3) *For the purposes of this subsection, the term*  
23 *“underreporting” means the difference between the royalty*  
24 *on the value of the production that should have been re-*  
25 *ported and the royalty on the value of the production which*

1 *was reported, if the value that should have been reported*  
2 *is greater than the value that was reported.*

3 (4) *The Secretary may waive or reduce the assessment*  
4 *provided in paragraph (2) of this subsection if the person*  
5 *liable for royalty payments under this section corrects the*  
6 *underreporting before the date such person receives notice*  
7 *from the Secretary that an underreporting may have oc-*  
8 *curred, or before 90 days after the date of the enactment*  
9 *of this section, whichever is later.*

10 (5) *The Secretary shall waive any portion of an assess-*  
11 *ment under paragraph (2) of this subsection attributable*  
12 *to that portion of the underreporting for which the person*  
13 *responsible for paying the royalty demonstrates that—*

14 (A) *such person had written authorization from*  
15 *the Secretary to report royalty on the value of the*  
16 *production on basis on which it was reported,*

17 (B) *such person had substantial authority for re-*  
18 *porting royalty on the value of the production on the*  
19 *basis on which it was reported,*

20 (C) *such person previously had notified the Sec-*  
21 *retary, in such manner as the Secretary may by rule*  
22 *prescribe, of relevant reasons or facts affecting the*  
23 *royalty treatment of specific production which led to*  
24 *the underreporting, or*

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

3           (6) All penalties collected under this subsection shall  
4           be deposited in the Locatable Minerals Fund established  
5           under title IV.

6           (g) *DELEGATION*.—For the purposes of this section, the  
7           term “Secretary” means the Secretary of the Interior acting  
8           through the Director of the Minerals Management Service.

9           (h) *EXPANDED ROYALTY OBLIGATIONS*.—Each person  
10          liable for royalty payments under this section shall be joint-  
11          ly and severally liable for royalty on all locatable minerals,  
12          concentrates, or products derived therefrom lost or wasted  
13          from a mining claim located under the general mining laws  
14          and maintained in compliance with this Act when such loss  
15          or waste is due to negligence on the part of any person or  
16          due to the failure to comply with any rule, regulation, or  
17          order issued under this section.

18          (i) *GROSS INCOME FROM MINING DEFINED*.—For the  
19          purposes of this section, for any locatable mineral, the term  
20          “gross income from mining” has the same meaning as the  
21          term “gross income” in section 613(c) of the Internal Rev-  
22          enue Code of 1986.

23          (j) *EFFECTIVE DATE*.—The royalty under this section  
24          shall take effect with respect to the production of locatable  
25          minerals after the enactment of this Act, but any royalty



1 *payments attributable to production during the first 12 cal-*  
2 *endar months after the enactment of this Act shall be pay-*  
3 *able at the expiration of such 12-month period.*

4       *(k) FAILURE TO COMPLY WITH ROYALTY REQUIRE-*  
5 *MENTS.—Any person who fails to comply with the require-*  
6 *ments of this section or any regulation or order issued to*  
7 *implement this section shall be liable for a civil penalty*  
8 *under section 109 of the Federal Oil and Gas Royalty Man-*  
9 *agement Act (30 U.S.C. 1719) to the same extent as if the*  
10 *claim located under the general mining laws and main-*  
11 *tained in compliance with this Act were a lease under that*  
12 *Act.*

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

14       *(a) FEE.—*

15               *(1) Except as provided in section 2511(e)(2) of*  
16 *the Energy Policy Act of 1992 (relating to oil shale*  
17 *claims), for each unpatented mining claim, mill or*  
18 *tunnel site on federally owned lands, whether located*  
19 *before, on, or after enactment of this Act, each claim-*  
20 *ant shall pay to the Secretary, on or before August 31*  
21 *of each year, a claim maintenance fee of \$150 per*  
22 *claim to hold such unpatented mining claim, mill or*  
23 *tunnel site for the assessment year beginning at noon*  
24 *on the next day, September 1. Such claim mainte-*  
25 *nance fee shall be in lieu of the assessment work re-*

1        *quirement contained in the Mining Law of 1872 (30*  
2        *U.S.C. 28 et seq.) and the related filing requirements*  
3        *contained in section 314(a) and (c) of the Federal*  
4        *Land Policy and Management Act of 1976 (43 U.S.C.*  
5        *1744(a) and (c)).*

6            *(2)(A) The claim maintenance fee required under*  
7        *this subsection shall be waived for a claimant who*  
8        *certifies in writing to the Secretary that on the date*  
9        *the payment was due, the claimant and all related*  
10       *parties—*

11            *(i) held not more than 10 mining*  
12        *claims, mill sites, or tunnel sites, or any*  
13        *combination thereof, on public lands; and*

14            *(ii) have performed assessment work*  
15        *required under the Mining Law of 1872 (30*  
16        *U.S.C. 28 et seq.) to maintain the mining*  
17        *claims held by the claimant and such re-*  
18        *lated parties for the assessment year ending*  
19        *on noon of September 1 of the calendar year*  
20        *in which payment of the claim maintenance*  
21        *fee was due.*

22            *(B) For purposes of subparagraph (A), with*  
23        *respect to any claimant, the term “all related*  
24        *parties” means—*

1                   (i) the spouse and dependent children  
2                   (as defined in section 152 of the Internal  
3                   Revenue Code of 1986), of the claimant; or

4                   (ii) a person affiliated with the claim-  
5                   ant, including—

6                               (I) a person controlled by, control-  
7                               ling, or under common control with the  
8                               claimant; or

9                               (II) a subsidiary or parent com-  
10                              pany or corporation of the claimant.

11                   (3)(A) The Secretary shall adjust the fees re-  
12                   quired by this subsection to reflect changes in the  
13                   Consumer Price Index published by the Bureau of  
14                   Labor Statistics of the Department of Labor every 5  
15                   years after the date of enactment of this Act, or more  
16                   frequently if the Secretary determines an adjustment  
17                   to be reasonable.

18                               (B) The Secretary shall provide claimants notice  
19                               of any adjustment made under this paragraph not  
20                               later than July 1 of any year in which the adjust-  
21                               ment is made.

22                               (C) A fee adjustment under this paragraph shall  
23                               begin to apply the calendar year following the cal-  
24                               endar year in which it is made.

1           (4) *Monies received under this subsection shall be*  
2           *deposited in the Locatable Minerals Fund established*  
3           *by this Act.*

4           **(b) LOCATION.—**

5           (1) *Notwithstanding any provision of law, for*  
6           *every unpatented mining claim, mill or tunnel site lo-*  
7           *cated after the date of enactment of this Act and be-*  
8           *fore September 30, 1998, the locator shall, at the time*  
9           *the location notice is recorded with the Bureau of*  
10          *Land Management, pay to the Secretary a location*  
11          *fee, in addition to the fee required by subsection (a)*  
12          *of \$50 per claim.*

13          (2) *Moneys received under this subsection that*  
14          *are not otherwise allocated for the administration of*  
15          *the mining laws by the Department of the Interior*  
16          *shall be deposited in the Locatable Minerals Fund es-*  
17          *tablished by this Act.*

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

23          **(d) FAILURE TO PAY.—***Failure to pay the claim main-*  
24          *tenance fee as required by subsection (a) shall conclusively*  
25          *constitute a forfeiture of the unpatented mining claim, mill*

1 *or tunnel site by the claimant and the claim shall be deemed*  
2 *null and void by operation of law.*

3 *(e) OTHER REQUIREMENTS.—*

4 *(1) Nothing in this section shall change or mod-*  
5 *ify the requirements of section 314(b) of the Federal*  
6 *Land Policy and Management Act of 1976 (43 U.S.C.*  
7 *1744(b)), or the requirements of section 314(c) of the*  
8 *Federal Land Policy and Management Act of 1976*  
9 *(43 U.S.C. 1744(c)) related to filings required by sec-*  
10 *tion 314(b), which remain in effect.*

11 *(2) Section 2324 of the Revised Statutes of the*  
12 *United States (30 U.S.C. 28) is amended by inserting*  
13 *“or section 103(a) of the Hardrock Mining and Rec-*  
14 *lamation Act of 2007” after “Act of 1993.”*

15 **SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY**  
16 **OF CLAIMS.**

17 *Timely payment of the claim maintenance fee required*  
18 *by section 103 of this Act or any related law relating to*  
19 *the use of Federal land, asserts the claimant’s authority to*  
20 *use and occupy the Federal land concerned for prospecting*  
21 *and exploration, consistent with the requirements of this*  
22 *Act and other applicable law.*

1           **TITLE II—PROTECTION OF**  
2                           **SPECIAL PLACES**

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

4           (a) *LANDS OPEN TO LOCATION.*—*Except as provided*  
5 *in subsection (b), mining claims may be located under the*  
6 *general mining laws only on such lands and interests as*  
7 *were open to the location of mining claims under the gen-*  
8 *eral mining laws immediately before the enactment of this*  
9 *Act.*

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

15                   (1) *Wilderness study areas.*

16                   (2) *Areas of critical environmental concern.*

17                   (3) *Areas designated for inclusion in the Na-*  
18 *tional Wild and Scenic Rivers System pursuant to*  
19 *the Wild and Scenic Rivers Act (16 U.S.C. 1271 et*  
20 *seq.), areas designated for potential addition to such*  
21 *system pursuant to section 5(a) of that Act (16*  
22 *U.S.C. 1276(a)), and areas determined to be eligible*  
23 *for inclusion in such system pursuant to section 5(d)*  
24 *of such Act (16 U.S.C. 1276(d)).*

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

5           (c) *EXISTING AUTHORITY NOT AFFECTED.—Nothing*  
6           *in this Act limits the authority granted the Secretary in*  
7           *section 204 of the Federal Land Policy and Management*  
8           *Act of 1976 (43 U.S.C. 1714) to withdraw public lands.*

9           **SEC. 202. WITHDRAWAL PETITIONS BY STATES, POLITICAL**  
10           **SUBDIVISIONS, AND INDIAN TRIBES.**

11           (a) *IN GENERAL.—Any State or political subdivision*  
12           *of a State or an Indian tribe may submit a petition to*  
13           *the Secretary for the withdrawal of a specific tract of Fed-*  
14           *eral land from the operation of the general mining laws,*  
15           *in order to protect specific values identified in the petition*  
16           *that are important to the State or political subdivision or*  
17           *Indian tribe. Such values may include the value of a water-*  
18           *shed to supply drinking water, wildlife habitat value, cul-*  
19           *tural or historic resources, or value for scenic vistas impor-*  
20           *tant to the local economy, and other similar values. In the*  
21           *case of an Indian tribe, the petition may also identify reli-*  
22           *gious or cultural values that are important to the Indian*  
23           *tribe. The petition shall contain the information required*  
24           *by section 204 of the Federal Land Policy and Management*  
25           *Act of 1976 (43 U.S.C. 1714).*

- 1       (b) *CONSIDERATION OF PETITION.*—*The Secretary—*  
2             (1) *shall solicit public comment on the petition;*  
3             (2) *shall make a final decision on the petition*  
4       *within 180 days after receiving it; and*  
5             (3) *shall grant the petition unless the Secretary*  
6       *makes and publishes in the Federal Register specific*  
7       *findings why a decision to grant the petition would*  
8       *be against the national interest.*

9       **TITLE            III—ENVIRONMENTAL**  
10       **CONSIDERATIONS OF MIN-**  
11       **ERAL EXPLORATION AND DE-**  
12       **VELOPMENT**

13       **SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON**  
14                        **FEDERAL LAND.**

15       *Notwithstanding section 302(b) of the Federal Land*  
16       *Policy and Management Act of 1976 (43 U.S.C. 1732(b)),*  
17       *the first section of the Act of June 4, 1897 (chapter 2; 30*  
18       *Stat. 36 16 U.S.C. 478), and the National Forest Manage-*  
19       *ment Act of 1976 (16 U.S.C. 1600 et seq.), and in accord-*  
20       *ance with this title and applicable law, unless expressly*  
21       *stated otherwise in this Act, the Secretary—*

- 22             (1) *shall ensure that mineral activities on any*  
23       *Federal land that is subject to a mining claim, mill-*  
24       *site claim, or tunnel site claim is carefully controlled*



1       to prevent undue degradation of public lands and re-  
2       sources; and

3               (2) shall not grant permission to engage in min-  
4       eral activities if the Secretary, after considering the  
5       evidence, makes and publishes in the Federal Register  
6       a determination that undue degradation would result  
7       from such activities.

8       **SEC. 302. PERMITS.**

9       (a) *PERMITS REQUIRED.*—No person may engage in  
10      mineral activities on Federal land that may cause a dis-  
11      turbance of surface resources, including but not limited to  
12      land, air, ground water and surface water, and fish and  
13      wildlife, unless—

14              (1) the claim was properly located under the  
15      general mining laws and maintained in compliance  
16      with such laws and this Act; and

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

19      (b) *NEGLIGIBLE DISTURBANCE.*—Notwithstanding  
20      subsection (a)(2), a permit under this title shall not be re-  
21      quired for mineral activities that are a casual use of the  
22      Federal land.

23      (c) *COORDINATION WITH NEPA PROCESS.*—To the ex-  
24      tent practicable, the Secretary and the Secretary of Agri-  
25      culture shall conduct the permit processes under this Act

1 *in coordination with the timing and other requirements*  
2 *under section 102 of the National Environmental Policy*  
3 *Act of 1969 (42 U.S.C. 4332).*

4 **SEC. 303. EXPLORATION PERMIT.**

5 (a) *AUTHORIZED EXPLORATION ACTIVITY.*—*Any*  
6 *claim holder may apply for an exploration permit for any*  
7 *mining claim authorizing the claim holder to remove a rea-*  
8 *sonable amount of the locatable minerals from the claim*  
9 *for analysis, study and testing. Such permit shall not au-*  
10 *thorize the claim holder to remove any mineral for sale nor*  
11 *to conduct any activities other than those required for explo-*  
12 *ration for locatable minerals and reclamation.*

13 (b) *PERMIT APPLICATION REQUIREMENTS.*—*An appli-*  
14 *cation for an exploration permit under this section shall*  
15 *be submitted in a manner satisfactory to the Secretary or,*  
16 *for National Forest System lands, the Secretary of Agri-*  
17 *culture, and shall contain an exploration plan, a reclama-*  
18 *tion plan for the proposed exploration, and such docu-*  
19 *mentation as necessary to ensure compliance with applica-*  
20 *ble Federal and State environmental laws and regulations.*

21 (c) *RECLAMATION PLAN REQUIREMENTS.*—*The rec-*  
22 *lamation plan required to be included in a permit applica-*  
23 *tion under subsection (b) shall include such provisions as*  
24 *may be jointly prescribed by the Secretary and the Sec-*  
25 *retary of Agriculture.*

1           (d) *PERMIT ISSUANCE OR DENIAL.*—*The Secretary, or*  
2 *for National Forest System lands, the Secretary of Agri-*  
3 *culture, shall issue an exploration permit pursuant to an*  
4 *application under this section unless such Secretary makes*  
5 *any of the following determinations:*

6           (1) *The permit application, the exploration plan*  
7 *and reclamation plan are not complete and accurate.*

8           (2) *The applicant has not demonstrated that*  
9 *proposed reclamation can be accomplished.*

10           (3) *The proposed exploration activities and con-*  
11 *dition of the land after the completion of exploration*  
12 *activities and final reclamation would not conform*  
13 *with the land use plan applicable to the area subject*  
14 *to mineral activities.*

15           (4) *The area subject to the proposed permit is in-*  
16 *cluded within an area not open to location under sec-*  
17 *tion 201.*

18           (5) *The applicant has not demonstrated that the*  
19 *exploration plan and reclamation plan will be in*  
20 *compliance with the requirements of this Act and all*  
21 *other applicable Federal requirements, and any State*  
22 *requirements agreed to by the Secretary of the Inte-*  
23 *rior (or Secretary of Agriculture, as appropriate).*

1           (6) *The applicant has not demonstrated that the*  
2           *requirements of section 306 (relating to financial as-*  
3           *urance) will be met.*

4           (7) *The applicant is eligible to receive a permit*  
5           *under section 305.*

6           (e) *TERM OF PERMIT.—An exploration permit shall*  
7           *be for a stated term. The term shall be no greater than that*  
8           *necessary to accomplish the proposed exploration, and in*  
9           *no case for more than 10 years.*

10          (f) *PERMIT MODIFICATION.—During the term of an ex-*  
11          *ploration permit the permit holder may submit an applica-*  
12          *tion to modify the permit. To approve a proposed modifica-*  
13          *tion to the permit, the Secretary concerned shall make the*  
14          *same determinations as are required in the case of an origi-*  
15          *nal permit, except that the Secretary and the Secretary of*  
16          *Agriculture may specify by joint rule the extent to which*  
17          *requirements for initial exploration permits under this sec-*  
18          *tion shall apply to applications to modify an exploration*  
19          *permit based on whether such modifications are deemed sig-*  
20          *nificant or minor.*

21          (g) *TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—*  
22          (1) *No transfer, assignment, or sale of rights granted by*  
23          *a permit issued under this section shall be made without*  
24          *the prior written approval of the Secretary or for National*  
25          *Forest System lands, the Secretary of Agriculture.*

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

5                 *(A) is eligible to receive a permit in accordance*  
6 *with section 304(d);*

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

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

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

17           (4) *Each application for approval of a permit transfer,*  
18 *assignment, or sale pursuant to this subsection shall be ac-*  
19 *companied by a fee payable to the Secretary of the Interior*  
20 *in such amount as may be established by such Secretary.*  
21 *Such amount shall be equal to the actual or anticipated*  
22 *cost to the Secretary or the Secretary of Agriculture, as ap-*  
23 *propriate, of reviewing and approving or disapproving such*  
24 *transfer, assignment, or sale, as determined by the Sec-*  
25 *retary of the Interior. All moneys received under this sub-*

1 *section shall be deposited in the Locatable Minerals Fund*  
2 *established under title IV of this Act.*

3 **SEC. 304. OPERATIONS PERMIT.**

4 *(a) OPERATIONS PERMIT.—(1) Any claim holder that*  
5 *is in compliance with the general mining laws and section*  
6 *103 of this Act may apply to the Secretary, or for National*  
7 *Forest System lands, the Secretary of Agriculture, for an*  
8 *operations permit authorizing the claim holder to carry out*  
9 *mineral activities, other than casual use, on—*

10 *(A) any valid mining claim, valid millsite*  
11 *claim, or valid tunnel site claim; and*

12 *(B) such additional Federal land as the Sec-*  
13 *retary may determine is necessary to conduct the pro-*  
14 *posed mineral activities, if the operator obtains a*  
15 *right-of-way permit for use of such additional lands*  
16 *under title V of the Federal Land Policy and Manage-*  
17 *ment Act of 1976 (43 U.S.C. 1761 et seq.) and agrees*  
18 *to pay all fees required under that title for the permit*  
19 *under that title.*

20 *(2) If the Secretary decides to issue such permit, the*  
21 *permit shall include such terms and conditions as pre-*  
22 *scribed by such Secretary to carry out this title.*

23 *(b) PERMIT APPLICATION REQUIREMENTS.—An appli-*  
24 *cation for an operations permit under this section shall be*  
25 *submitted in a manner satisfactory to the Secretary con-*

1 *cerned and shall contain site characterization data, an op-*  
2 *erations plan, a reclamation plan, monitoring plans, long-*  
3 *term maintenance plans, to the extent necessary, and such*  
4 *documentation as necessary to ensure compliance with ap-*  
5 *plicable Federal and State environmental laws and regula-*  
6 *tions. If the proposed mineral activities will be carried out*  
7 *in conjunction with mineral activities on adjacent non-Fed-*  
8 *eral lands, information on the location and nature of such*  
9 *operations may be required by the Secretary.*

10 *(c) PERMIT ISSUANCE OR DENIAL.—(1) After pro-*  
11 *viding for public participation pursuant to subsection (i),*  
12 *the Secretary, or for National Forest System lands the Sec-*  
13 *retary of Agriculture, shall issue an operations permit if*  
14 *such Secretary makes each of the following determinations*  
15 *in writing, and shall deny a permit if such Secretary finds*  
16 *that the application and applicant do not fully meet the*  
17 *following requirements:*

18 *(A) The permit application, including the site*  
19 *characterization data, operations plan, and reclama-*  
20 *tion plan, are complete and accurate and sufficient*  
21 *for developing a good understanding of the antici-*  
22 *ipated impacts of the mineral activities and the effec-*  
23 *tiveness of proposed mitigation and control.*

24 *(B) The applicant has demonstrated that the*  
25 *proposed reclamation in the operation and reclama-*

1        *tion plan can be and is likely to be accomplished by*  
2        *the applicant and will not cause undue degradation.*

3            *(C) The condition of the land, including the fish*  
4        *and wildlife resources and habitat contained thereon,*  
5        *after the completion of mineral activities and final*  
6        *reclamation, will conform to the land use plan appli-*  
7        *cable to the area subject to mineral activities and are*  
8        *returned to a productive use.*

9            *(D) The area subject to the proposed plan is*  
10       *open to location for the types of mineral activities*  
11       *proposed.*

12           *(E) The proposed operation has been designed to*  
13       *prevent material damage to the hydrologic balance*  
14       *outside the permit area.*

15           *(F) The applicant will fully comply with the re-*  
16       *quirements of section 306 (relating to financial assur-*  
17       *ance) prior to the initiation of operations.*

18           *(G) Neither the applicant nor operator, nor any*  
19       *subsidiary, affiliate, or person controlled by or under*  
20       *common control with the applicant or operator, is in-*  
21       *eligible to receive a permit under section 305.*

22           *(H) The reclamation plan demonstrates that 10*  
23       *years following mine closure, no treatment of surface*  
24       *or ground water for carcinogens or toxins will be re-*



1        *quired to meet water quality standards at the point*  
2        *of discharge.*

3        *(2) With respect to any activities specified in the rec-*  
4        *lamation plan referred to in subsection (b) that constitutes*  
5        *a removal or remedial action under section 101 of the Com-*  
6        *prehensive Environmental Response, Compensation, and*  
7        *Liability Act of 1980 (42 U.S.C. 9601 and following), the*  
8        *Secretary shall consult with the Administrator of the Envi-*  
9        *ronmental Protection Agency prior to the issuance of an*  
10       *operations permit. The Administrator shall ensure that the*  
11       *reclamation plan does not require activities that would in-*  
12       *crease the costs or likelihood of removal or remedial actions*  
13       *under the Comprehensive Environmental Response, Com-*  
14       *ensation, and Liability Act of 1980 (42 U.S.C. 9601 and*  
15       *following) or corrective actions under the Solid Waste Dis-*  
16       *posal Act (42 U.S.C. 6901 and following).*

17       *(d) TERM OF PERMIT; RENEWAL.—*

18            *(1) An operations permit—*

19                    *(A) shall be for a term that is no longer*  
20                    *than the shorter of—*

21                            *(i) the period necessary to accomplish*  
22                            *the proposed mineral activities subject to*  
23                            *the permit; and*

24                            *(ii) 20 years; and*

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

5                   (2) Failure by the operator to commence mineral  
6                   activities within 2 years of the date scheduled in an  
7                   operations permit shall require a modification of the  
8                   permit if the Secretary concerned determines that  
9                   modifications are necessary to comply with section  
10                  201.

11               (e) *PERMIT MODIFICATION.*—

12               (1) During the term of an operations permit the  
13               operator may submit an application to modify the  
14               permit (including the operations plan or reclamation  
15               plan, or both).

16               (2) The Secretary, or for National Forest System  
17               lands the Secretary of Agriculture, may, at any time,  
18               require reasonable modification to any operations  
19               plan or reclamation plan upon a determination that  
20               the requirements of this Act cannot be met if the plan  
21               is followed as approved. Such determination shall be  
22               based on a written finding and subject to public no-  
23               tice and hearing requirements established by the Sec-  
24               retary concerned.

1           (3) *A permit modification is required before*  
2 *changes are made to the approved plan of operations,*  
3 *or if unanticipated events or conditions exist on the*  
4 *mine site, including in the case of—*

5                   (A) *development of acid or toxic drainage;*

6                   (B) *loss of springs or water supplies;*

7                   (C) *water quantity, water quality, or other*  
8 *resulting water impacts that are significantly*  
9 *different than those predicted in the application;*

10                  (D) *the need for long-term water treatment;*

11                  (E) *significant reclamation difficulties or*  
12 *reclamation failure;*

13                  (F) *the discovery of significant scientific,*  
14 *cultural, or biological resources that were not ad-*  
15 *dressed in the original plan; or*

16                  (G) *the discovery of hazards to public safe-*  
17 *ty.*

18           (f) *TEMPORARY CESSATION OF OPERATIONS.—(1) An*  
19 *operator conducting mineral activities under an operations*  
20 *permit in effect under this title may not temporarily cease*  
21 *mineral activities for a period greater than 180 days unless*  
22 *the Secretary concerned has approved such temporary ces-*  
23 *sation or unless the temporary cessation is permitted under*  
24 *the original permit. Any operator temporarily ceasing min-*  
25 *eral activities for a period greater than 90 days under an*

1 *operations permit issued before the date of the enactment*  
2 *of this Act shall submit, before the expiration of such 90-*  
3 *day period, a complete application for temporary cessation*  
4 *of operations to the Secretary concerned for approval unless*  
5 *the temporary cessation is permitted under the original per-*  
6 *mit.*

7       (2) *An application for approval of temporary cessation*  
8 *of operations shall include such information required under*  
9 *subsection (b) and any other provisions prescribed by the*  
10 *Secretary concerned to minimize impacts on the environ-*  
11 *ment. After receipt of a complete application for temporary*  
12 *cessation of operations such Secretary shall conduct an in-*  
13 *spection of the area for which temporary cessation of oper-*  
14 *ations has been requested.*

15       (3) *To approve an application for temporary cessation*  
16 *of operations, the Secretary concerned shall make each of*  
17 *the following determinations:*

18           (A) *A determination that the methods for secur-*  
19 *ing surface facilities and restricting access to the per-*  
20 *mit area, or relevant portions thereof, will effectively*  
21 *ensure against hazards to the health and safety of the*  
22 *public and fish and wildlife.*

23           (B) *A determination that reclamation is in com-*  
24 *pliance with the approved reclamation plan, except in*  
25 *those areas specifically designated in the application*

1       *for temporary cessation of operations for which a*  
2       *delay in meeting such standards is necessary to facili-*  
3       *tate the resumption of operations.*

4           *(C) A determination that the amount of finan-*  
5       *cial assurance filed with the permit application is*  
6       *sufficient to assure completion of the reclamation ac-*  
7       *tivities identified in the approved reclamation plan*  
8       *in the event of forfeiture.*

9           *(D) A determination that any outstanding no-*  
10       *tices of violation and cessation orders incurred in*  
11       *connection with the plan for which temporary ces-*  
12       *sation is being requested are either stayed pursuant*  
13       *to an administrative or judicial appeal proceeding or*  
14       *are in the process of being abated to the satisfaction*  
15       *of the Secretary concerned.*

16       *(g) PERMIT REVIEWS.—The Secretary, or for National*  
17       *Forest System lands the Secretary of Agriculture, shall re-*  
18       *view each permit issued under this section every 10 years*  
19       *during the term of such permit, shall provide public notice*  
20       *of the permit review, and, based upon a written finding,*  
21       *such Secretary shall require the operator to take such ac-*  
22       *tions as the Secretary deems necessary to assure that min-*  
23       *eral activities conform to the permit, including adjustment*  
24       *of financial assurance requirements.*

1           (h) *TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.*—

2           (1) *No transfer, assignment, or sale of rights granted by*  
3 *a permit under this section shall be made without the prior*  
4 *written approval of the Secretary, or for National Forest*  
5 *System lands the Secretary of Agriculture.*

6           (2) *The Secretary, or for National Forest System*  
7 *lands, the Secretary of Agriculture, may allow a person*  
8 *holding a permit to transfer, assign, or sell rights under*  
9 *the permit to a successor, if such Secretary finds, in writ-*  
10 *ing, that the successor—*

11                   (A) *has submitted information required and is*  
12 *eligible to receive a permit in accordance with section*  
13 *305;*

14                   (B) *has submitted evidence of financial assur-*  
15 *ance satisfactory under section 306; and*

16                   (C) *meets any other requirements specified by*  
17 *such Secretary.*

18           (3) *The successor in interest shall assume the liability*  
19 *and reclamation responsibilities established by the existing*  
20 *permit and shall conduct the mineral activities in full com-*  
21 *pliance with this Act, and the terms and conditions of the*  
22 *permit as in effect at the time of transfer, assignment, or*  
23 *sale.*

24           (4) *Each application for approval of a permit transfer,*  
25 *assignment, or sale pursuant to this subsection shall be ac-*

1 *companied by a fee payable to the Secretary of the Interior,*  
2 *or for National Forest System lands, the Secretary of Agri-*  
3 *culture, in such amount as may be established by such Sec-*  
4 *retary, or for National Forest System lands, by the Sec-*  
5 *retary of Agriculture. Such amount shall be equal to the*  
6 *actual or anticipated cost to the Secretary or, for National*  
7 *Forest System lands, to the Secretary of Agriculture, of re-*  
8 *viewing and approving or disapproving such transfer, as-*  
9 *signment, or sale, as determined by such Secretary. All*  
10 *moneys received under this subsection shall be deposited in*  
11 *the Locatable Minerals Fund established under title IV.*

12 *(i) PUBLIC PARTICIPATION.—The Secretary of the In-*  
13 *terior and the Secretary of Agriculture shall jointly promul-*  
14 *gate regulations to ensure transparency and public partici-*  
15 *pation in permit decisions required under this Act, con-*  
16 *sistent with any requirements that apply to such decisions*  
17 *under section 102 of the National Environmental Policy*  
18 *Act of 1969 (42 U.S.C. 4332).*

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

20 *(a) CURRENT VIOLATIONS.—Unless corrective action*  
21 *has been taken in accordance with subsection (c), no permit*  
22 *under this title shall be issued or transferred to an appli-*  
23 *cant if the applicant or any agent of the applicant, the op-*  
24 *erator (if different than the applicant) of the claim con-*  
25 *cerned, any claim holder (if different than the applicant)*

1 *of the claim concerned, or any affiliate or officer or director*  
2 *of the applicant is currently in violation of any of the fol-*  
3 *lowing:*

4 (1) *A provision of this Act or any regulation*  
5 *under this Act.*

6 (2) *An applicable State or Federal toxic sub-*  
7 *stance, solid waste, air, water quality, or fish and*  
8 *wildlife conservation law or regulation at any site*  
9 *where mining, beneficiation, or processing activities*  
10 *are occurring or have occurred.*

11 (3) *The Surface Mining Control and Reclama-*  
12 *tion Act of 1977 (30 U.S.C. 1201 and following) or*  
13 *any regulation implementing that Act at any site*  
14 *where surface coal mining operations have occurred*  
15 *or are occurring.*

16 (b) *SUSPENSION.*—*The Secretary, or for National For-*  
17 *est System lands the Secretary of Agriculture, shall suspend*  
18 *an operations permit, in whole or in part, if such Secretary*  
19 *determines that any of the entities described in subsection*  
20 *(a) were in violation of any requirement listed in subsection*  
21 *(a) at the time the permit was issued.*

22 (c) *CORRECTION.*—(1) *The Secretary, or for National*  
23 *Forest System lands the Secretary of Agriculture, may issue*  
24 *or reinstate a permit under this title if the applicant sub-*  
25 *mits proof that the violation referred to in subsection (a)*



1 *or (b) has been corrected or is in the process of being cor-*  
2 *rected to the satisfaction of such Secretary and the regu-*  
3 *latory authority involved or if the applicant submits proof*  
4 *that the violator has filed and is presently pursuing, a di-*  
5 *rect administrative or judicial appeal to contest the exist-*  
6 *ence of the violation. For purposes of this section, an appeal*  
7 *of any applicant's relationship to an affiliate shall not con-*  
8 *stitute a direct administrative or judicial appeal to contest*  
9 *the existence of the violation.*

10 (2) *Any permit which is issued or reinstated based*  
11 *upon proof submitted under this subsection shall be condi-*  
12 *tionally approved or conditionally reinstated, as the case*  
13 *may be. If the violation is not successfully abated or the*  
14 *violation is upheld on appeal, the permit shall be suspended*  
15 *or revoked.*

16 (d) *PATTERN OF WILLFUL VIOLATIONS.—No permit*  
17 *under this Act may be issued to any applicant if there is*  
18 *a demonstrated pattern of willful violations of the environ-*  
19 *mental protection requirements of this Act by the applicant,*  
20 *any affiliate of the applicant, or the operator or claim hold-*  
21 *er if different than the applicant.*

22 **SEC. 306. FINANCIAL ASSURANCE.**

23 (a) *FINANCIAL ASSURANCE REQUIRED.—(1) After a*  
24 *permit is issued under this title and before any exploration*  
25 *or operations begin under the permit, the operator shall file*

1 *with the Secretary, or for National Forest System lands the*  
2 *Secretary of Agriculture, evidence of financial assurance*  
3 *payable to the United States. The financial assurance shall*  
4 *be provided in the form of a surety bond, a trust fund, let-*  
5 *ters of credits, government securities, certificates of deposit,*  
6 *cash, or an equivalent form approved by such Secretary.*

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

15       (b) *AMOUNT.—The amount of the financial assurance*  
16 *required under this section shall be sufficient to assure the*  
17 *completion of reclamation and restoration satisfying the re-*  
18 *quirements of this Act if the work were to be performed by*  
19 *the Secretary concerned in the event of forfeiture, including*  
20 *the construction and maintenance costs for any treatment*  
21 *facilities necessary to meet Federal and State environ-*  
22 *mental requirements. The calculation of such amount shall*  
23 *take into account the maximum level of financial exposure*  
24 *which shall arise during the mineral activity and adminis-*

1 *trative costs associated with a government agency reclaim-*  
2 *ing the site.*

3       (c) *DURATION.*—*The financial assurance required*  
4 *under this section shall be held for the duration of the min-*  
5 *eral activities and for an additional period to cover the op-*  
6 *erator's responsibility for reclamation, restoration, and*  
7 *long-term maintenance, and effluent treatment as specified*  
8 *in subsection (g).*

9       (d) *ADJUSTMENTS.*—*The amount of the financial as-*  
10 *surance and the terms of the acceptance of the assurance*  
11 *may be adjusted by the Secretary concerned from time to*  
12 *time as the area requiring coverage is increased or de-*  
13 *creased, or where the costs of reclamation or treatment*  
14 *change, or pursuant to section 304(f) (relating to temporary*  
15 *cessation of operations), but the financial assurance shall*  
16 *otherwise be in compliance with this section. The Secretary*  
17 *concerned shall review the financial guarantee every 3 years*  
18 *and as part of the permit application review under section*  
19 *304(c).*

20       (e) *RELEASE.*—*Upon request, and after notice and op-*  
21 *portunity for public comment, and after inspection by the*  
22 *Secretary, or for National Forest System lands, the Sec-*  
23 *retary of Agriculture, such Secretary may, after consulta-*  
24 *tion with the Administrator of the Environmental Protec-*  
25 *tion Agency, release in whole or in part the financial assur-*

1 *ance required under this section if the Secretary makes both*  
2 *of the following determinations:*

3 *(1) A determination that reclamation or restora-*  
4 *tion covered by the financial assurance has been ac-*  
5 *complished as required by this Act.*

6 *(2) A determination that the terms and condi-*  
7 *tions of any other applicable Federal requirements,*  
8 *and State requirements applicable pursuant to coop-*  
9 *erative agreements under section 308, have been ful-*  
10 *filled.*

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

13 *(1) After the operator has completed any re-*  
14 *quired backfilling, regrading, and drainage control of*  
15 *an area subject to mineral activities and covered by*  
16 *the financial assurance, and has commenced revegeta-*  
17 *tion on the regraded areas subject to mineral activi-*  
18 *ties in accordance with the approved plan, that por-*  
19 *tion of the total financial assurance secured for the*  
20 *area subject to mineral activities attributable to the*  
21 *completed activities may be released except that suffi-*  
22 *cient assurance must be retained to address other re-*  
23 *quired reclamation and restoration needs and to as-*  
24 *sure the long-term success of the revegetation.*

1           (2) *After the operator has completed successfully*  
2           *all remaining mineral activities and reclamation ac-*  
3           *tivities and all requirements of the operations plan*  
4           *and the reclamation plan, and all other requirements*  
5           *of this Act have been fully met, the remaining portion*  
6           *of the financial assurance may be released.*

7           *During the period following release of the financial assur-*  
8           *ance as specified in paragraph (1), until the remaining*  
9           *portion of the financial assurance is released as provided*  
10          *in paragraph (2), the operator shall be required to comply*  
11          *with the permit issued under this title.*

12          (g) *EFFLUENT.—Notwithstanding section 307(b)(4),*  
13          *where any discharge or other water-related condition result-*  
14          *ing from the mineral activities requires treatment in order*  
15          *to meet the applicable effluent limitations and water qual-*  
16          *ity standards, the financial assurance shall include the esti-*  
17          *mated cost of maintaining such treatment for the projected*  
18          *period that will be needed after the cessation of mineral ac-*  
19          *tivities. The portion of the financial assurance attributable*  
20          *to such estimated cost of treatment shall not be released*  
21          *until the discharge has ceased for a period of 5 years, as*  
22          *determined by ongoing monitoring and testing, or, if the*  
23          *discharge continues, until the operator has met all applica-*  
24          *ble effluent limitations and water quality standards for 5*  
25          *full years without treatment.*

1           (h) *ENVIRONMENTAL HAZARDS.*—If the Secretary, or  
2 for National Forest System lands, the Secretary of Agri-  
3 culture, determines, after final release of financial assur-  
4 ance, that an environmental hazard resulting from the min-  
5 eral activities exists, or the terms and conditions of the ex-  
6 plorations or operations permit of this Act were not fulfilled  
7 in fact at the time of release, such Secretary shall issue an  
8 order under section 506 requiring the claim holder or oper-  
9 ator (or any person who controls the claim holder or oper-  
10 ator) to correct the condition such that applicable laws and  
11 regulations and any conditions from the plan of operations  
12 are met.

13 **SEC. 307. OPERATION AND RECLAMATION.**

14           (a) *GENERAL RULE.*—(1) The operator shall restore  
15 lands subject to mineral activities carried out under a per-  
16 mit issued under this title to a condition capable of sup-  
17 porting—

18                   (A) the uses which such lands were capable of  
19 supporting prior to surface disturbance by the oper-  
20 ator, or

21                   (B) other beneficial uses which conform to appli-  
22 cable land use plans as determined by the Secretary,  
23 or for National Forest System lands, the Secretary of  
24 Agriculture.

1           (2) *Reclamation shall proceed as contemporaneously*  
2 *as practicable with the conduct of mineral activities. In the*  
3 *case of a cessation of mineral activities beyond that pro-*  
4 *vided for as a temporary cessation under this Act, reclama-*  
5 *tion activities shall begin immediately.*

6           (b) *OPERATION AND RECLAMATION STANDARDS.—The*  
7 *Secretary of the Interior and the Secretary of Agriculture*  
8 *shall jointly promulgate regulations that establish operation*  
9 *and reclamation standards for mineral activities permitted*  
10 *under this Act. The Secretaries may determine whether out-*  
11 *come-based performance standards or technology-based de-*  
12 *sign standards are most appropriate. The regulations shall*  
13 *address the following:*

14                   (1) *Segregation, protection, and replacement of*  
15 *topsoil or other suitable growth medium, and the pre-*  
16 *vention, where possible, of soil contamination.*

17                   (2) *Maintenance of the stability of all surface*  
18 *areas.*

19                   (3) *Control of sediments to prevent erosion and*  
20 *manage drainage.*

21                   (4) *Minimization of the formation and migra-*  
22 *tion of acidic, alkaline, metal-bearing, or other deleter-*  
23 *ious leachate.*

1           (5) *Reduction of the visual impact of mineral*  
2           *activities to the surrounding topography, including as*  
3           *necessary pit backfill.*

4           (6) *Establishment of a diverse, effective, and per-*  
5           *manent vegetative cover of the same seasonal variety*  
6           *native to the area affected by mineral activities, and*  
7           *equal in extent of cover to the natural vegetation of*  
8           *the area.*

9           (7) *Design and maintenance of leach operations,*  
10          *impoundments, and excess waste according to stand-*  
11          *ard engineering standards to achieve and maintain*  
12          *stability and reclamation of the site.*

13          (8) *Removal of structures and roads and sealing*  
14          *of drill holes.*

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

17          (10) *Preservation of cultural, paleontological,*  
18          *and cave resources.*

19          (11) *Prevention and suppression of fire in the*  
20          *area of mineral activities.*

21          (c) *SURFACE OR GROUNDWATER WITHDRAWALS.—The*  
22          *Secretary shall work with State and local governments with*  
23          *authority over the allocation and use of surface and ground-*  
24          *water in the area around the mine site as necessary to en-*  
25          *sure that any surface or groundwater withdrawals made*



1 *as a result of mining activities approved under this section*  
2 *do not cause undue degradation.*

3 (d) *SPECIAL RULE.—Reclamation activities for a*  
4 *mining claim that has been forfeited, relinquished, or*  
5 *lapsed, or a plan that has expired or been revoked or sus-*  
6 *pending, shall continue subject to review and approval by*  
7 *the Secretary, or for National Forest System lands the Sec-*  
8 *retary of Agriculture.*

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

10 (a) *STATE LAW.—(1) Any reclamation, land use, envi-*  
11 *ronmental, or public health protection standard or require-*  
12 *ment in State law or regulation that meets or exceeds the*  
13 *requirements of this Act shall not be construed to be incon-*  
14 *sistent with any such standard.*

15 (2) *Any bonding standard or requirement in State law*  
16 *or regulation that meets or exceeds the requirements of this*  
17 *Act shall not be construed to be inconsistent with such re-*  
18 *quirements.*

19 (3) *Any inspection standard or requirement in State*  
20 *law or regulation that meets or exceeds the requirements*  
21 *of this Act shall not be construed to be inconsistent with*  
22 *such requirements.*

23 (b) *APPLICABILITY OF OTHER STATE REQUIRE-*  
24 *MENTS.—(1) Nothing in this Act shall be construed as af-*  
25 *fecting any toxic substance, solid waste, or air or water*

1 *quality, standard or requirement of any State, county,*  
2 *local, or tribal law or regulation, which may be applicable*  
3 *to mineral activities on lands subject to this Act.*

4       (2) *Nothing in this Act shall be construed as affecting*  
5 *in any way the right of any person to enforce or protect,*  
6 *under applicable law, such person's interest in water re-*  
7 *sources affected by mineral activities on lands subject to this*  
8 *Act.*

9       (c) *COOPERATIVE AGREEMENTS.—(1) Any State may*  
10 *enter into a cooperative agreement with the Secretary, or*  
11 *for National Forest System lands the Secretary of Agri-*  
12 *culture, for the purposes of such Secretary applying such*  
13 *standards and requirements referred to in subsection (a)*  
14 *and subsection (b) to mineral activities or reclamation on*  
15 *lands subject to this Act.*

16       (2) *In such instances where the proposed mineral ac-*  
17 *tivities would affect lands not subject to this Act in addition*  
18 *to lands subject to this Act, in order to approve a plan of*  
19 *operations the Secretary concerned shall enter into a coop-*  
20 *erative agreement with the State that sets forth a common*  
21 *regulatory framework consistent with the requirements of*  
22 *this Act for the purposes of such plan of operations. Any*  
23 *such common regulatory framework shall not negate the au-*  
24 *thority of the Federal Government to independently inspect*

1 *mines and operations and bring enforcement actions for*  
2 *violations.*

3       (3) *The Secretary concerned shall not enter into a co-*  
4 *operative agreement with any State under this section until*  
5 *after notice in the Federal Register and opportunity for*  
6 *public comment and hearing.*

7       (d) *PRIOR AGREEMENTS.—Any cooperative agreement*  
8 *or such other understanding between the Secretary con-*  
9 *cerned and any State, or political subdivision thereof, relat-*  
10 *ing to the management of mineral activities on lands sub-*  
11 *ject to this Act that was in existence on the date of enact-*  
12 *ment of this Act may only continue in force until 1 year*  
13 *after the date of enactment of this Act. During such 1-year*  
14 *period, the State and the Secretary shall review the terms*  
15 *of the agreement and make changes that are necessary to*  
16 *be consistent with this Act.*

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

18       *No permit shall be issued under this title that author-*  
19 *izes mineral activities that would impair the land or re-*  
20 *sources of the National Park System or a National Monu-*  
21 *ment. For purposes of this section, the term “impair” shall*  
22 *include any diminution of the affected land including its*  
23 *scenic assets, its water resources, its air quality, and its*  
24 *acoustic qualities, or other changes that would impair a*

1 *citizen's experience at the National Park or National Monu-*  
2 *ment.*

3 ***TITLE IV—MINING MITIGATION***  
4 ***Subtitle A—Locatable Minerals***  
5 ***Fund***

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

7 *(a) ESTABLISHMENT.—There is established on the*  
8 *books of the Treasury of the United States a separate ac-*  
9 *count to be known as the Locatable Minerals Fund (herein-*  
10 *after in this subtitle referred to as the “Fund”).*

11 *(b) INVESTMENT.—The Secretary shall notify the Sec-*  
12 *retary of the Treasury as to what portion of the Fund is*  
13 *not, in the Secretary's judgment, required to meet current*  
14 *withdrawals. The Secretary of the Treasury shall invest*  
15 *such portion of the Fund in public debt securities with ma-*  
16 *turities suitable for the needs of such Fund and bearing in-*  
17 *terest at rates determined by the Secretary of the Treasury,*  
18 *taking into consideration current market yields on out-*  
19 *standing marketplace obligations of the United States of*  
20 *comparable maturities.*

21 ***SEC. 402. CONTENTS OF FUND.***

22 *The following amounts shall be credited to the Fund:*

23 *(1) All moneys collected pursuant to section 506*  
24 *(relating to enforcement) and section 504 (relating to*  
25 *citizens suits).*

1           (2) *All permit fees and transfer fees received*  
2           *under section 304.*

3           (3) *All donations by persons, corporations, asso-*  
4           *ciations, and foundations for the purposes of this sub-*  
5           *title.*

6           (4) *All amounts deposited in the Fund under*  
7           *section 102 (relating to royalties and penalties for*  
8           *underreporting).*

9           (5) *All amounts received by the United States*  
10          *pursuant to section 101 from issuance of patents.*

11          (6) *All amounts received by the United States*  
12          *pursuant to section 103 as claim maintenance and lo-*  
13          *cation fees.*

14          (7) *All income on investments under section*  
15          *401(b).*

16 **SEC. 403. SUBACCOUNTS.**

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

18           (1) *The Hardrock Reclamation Account, which*  
19           *shall consist of  $\frac{2}{3}$  of the amounts credited to the Fund*  
20           *under section 402 and which shall be administered by*  
21           *the Secretary acting through the Director of the Office*  
22           *of Surface Mining and Enforcement.*

23           (2) *The Hardrock Community Impact Assistance*  
24           *Account, which shall consist of  $\frac{1}{3}$  of the amounts*  
25           *credited to the Fund under section 402 and which*

1       *shall be administered by the Secretary acting through*  
2       *the Director of the Bureau of Land Management.*

3                ***Subtitle B—Use of Hardrock***  
4                ***Reclamation Account***

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

6        (a) *IN GENERAL.*—*The Secretary is authorized, subject*  
7        *to appropriations, to use moneys in the Hardrock Reclama-*  
8        *tion Account for the reclamation and restoration of land*  
9        *and water resources adversely affected by past mineral ac-*  
10       *tivities on lands the legal and beneficial title to which re-*  
11       *sides in the United States, land within the exterior bound-*  
12       *ary of any national forest system unit, or other lands de-*  
13       *scribed in subsection (d) or section 412, including any of*  
14       *the following:*

- 15                (1) *Protecting public health and safety.*
- 16                (2) *Preventing, abating, treating, and control-*  
17        *ling water pollution created by abandoned mine*  
18        *drainage.*
- 19                (3) *Reclaiming and restoring abandoned surface*  
20        *and underground mined areas.*
- 21                (4) *Reclaiming and restoring abandoned milling*  
22        *and processing areas.*
- 23                (5) *Backfilling, sealing, or otherwise controlling,*  
24        *abandoned underground mine entries.*

1           (6) *Revegetating land adversely affected by past*  
2           *mineral activities in order to prevent erosion and*  
3           *sedimentation, to enhance wildlife habitat, and for*  
4           *any other reclamation purpose.*

5           (7) *Controlling of surface subsidence due to*  
6           *abandoned underground mines.*

7           (b) *PRIORITIES.—Expenditures of moneys from the*  
8           *Hardrock Reclamation Account shall reflect the following*  
9           *priorities in the order stated:*

10           (1) *The protection of public health and safety,*  
11           *from extreme danger from the adverse effects of past*  
12           *mineral activities, especially as relates to surface*  
13           *water and groundwater contaminants.*

14           (2) *The protection of public health and safety,*  
15           *from the adverse effects of past mineral activities.*

16           (3) *The restoration of land, water, and fish and*  
17           *wildlife resources previously degraded by the adverse*  
18           *effects of past mineral activities.*

19           (c) *HABITAT.—Reclamation and restoration activities*  
20           *under this subtitle, particularly those identified under sub-*  
21           *section (a)(4), shall include appropriate mitigation meas-*  
22           *ures to provide for the continuation of any established habi-*  
23           *tat for wildlife in existence prior to the commencement of*  
24           *such activities.*

1           (d) *OTHER AFFECTED LANDS.*—Where mineral explo-  
2 ration, mining, beneficiation, processing, or reclamation  
3 activities have been carried out with respect to any mineral  
4 which would be a locatable mineral if the legal and bene-  
5 ficial title to the mineral were in the United States, if such  
6 activities directly affect lands managed by the Bureau of  
7 Land Management as well as other lands and if the legal  
8 and beneficial title to more than 50 percent of the affected  
9 lands resides in the United States, the Secretary is author-  
10 ized, subject to appropriations, to use moneys in the  
11 Hardrock Reclamation Account for reclamation and res-  
12 toration under subsection (a) for all directly affected lands.

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



1 *creases the costs or likelihood of removal or remedial actions*  
2 *under the Comprehensive Environmental Response, Com-*  
3 *pensation, and Liability Act of 1980 (42 U.S.C. 9601 and*  
4 *following), and that avoid oversight by multiple agencies*  
5 *to the maximum extent practicable.*

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

7 (a) *ELIGIBILITY.—Reclamation expenditures under*  
8 *this subtitle may only be made with respect to Federal lands*  
9 *or Indian lands or water resources that traverse or are con-*  
10 *tiguous to Federal lands or Indian lands where such lands*  
11 *or water resources have been affected by past mineral activi-*  
12 *ties, including any of the following:*

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

17 (2) *Lands for which the Secretary makes a deter-*  
18 *mination that there is no continuing reclamation re-*  
19 *sponsibility of a claim holder, operator, or other per-*  
20 *son who abandoned the site prior to completion of re-*  
21 *quired reclamation under State or other Federal laws.*

22 (3) *Lands for which it can be established that*  
23 *such lands do not contain locatable minerals which*  
24 *could economically be extracted through the reprocess-*  
25 *ing or remining of such lands, unless such consider-*

1        *ations are in conflict with the priorities set forth*  
2        *under paragraphs (1) and (2) of section 302(b).*

3        *(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The*  
4        *provisions of section 411(d) of the Surface Mining Control*  
5        *and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall*  
6        *apply to expenditures made from the Hardrock Reclama-*  
7        *tion Account.*

8        *(c) INVENTORY.—The Secretary shall prepare and*  
9        *maintain a publicly available inventory of abandoned*  
10       *locatable minerals mines on public lands and any aban-*  
11       *doned mine on Indian lands that may be eligible for ex-*  
12       *penditures under this subtitle, and shall deliver a yearly*  
13       *report to the Congress on the progress in cleanup of such*  
14       *sites.*

15       **SEC. 413. EXPENDITURES.**

16       *Moneys available from the Hardrock Reclamation Ac-*  
17       *count may be expended for the purposes specified in section*  
18       *411 directly by the Director of the Office of Surface Mining*  
19       *Reclamation and Enforcement. The Director may also make*  
20       *such money available for such purposes to the Director of*  
21       *the Bureau of Land Management, the Chief of the United*  
22       *States Forest Service, the Director of the National Park*  
23       *Service, or Director of the United States Fish and Wildlife*  
24       *Service, to any other agency of the United States, to an*  
25       *Indian tribe, or to any public entity that volunteers to de-*

1 *velop and implement, and that has the ability to carry out,*  
2 *all or a significant portion of a reclamation program under*  
3 *this subtitle.*

4 **SEC. 414. AUTHORIZATION OF APPROPRIATIONS.**

5 *Amounts credited to the Hardrock Reclamation Ac-*  
6 *count are authorized to be appropriated for the purpose of*  
7 *this subtitle without fiscal year limitation.*

8 ***Subtitle C—Use of Hardrock Com-***  
9 ***munity Impact Assistance Ac-***  
10 ***count***

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

12 *Amounts in the Hardrock Community Impact Assist-*  
13 *ance Account shall be available to the Secretary, subject to*  
14 *appropriations, to provide assistance for the planning, con-*  
15 *struction, and maintenance of public facilities and the pro-*  
16 *vision of public services to States, political subdivisions and*  
17 *Indian tribes that are socially or economically impacted by*  
18 *mineral activities conducted under the general mining laws.*

19 **SEC. 422. ALLOCATION OF FUNDS.**

20 *Moneys deposited into the Hardrock Community Im-*  
21  *pact Assistance Account shall be allocated by the Secretary*  
22 *for purposes of section 421 among the States within the*  
23 *boundaries of which occurs production of locatable minerals*  
24 *from mining claims located under the general mining laws*  
25 *and maintained in compliance with this Act, or mineral*

1 *concentrates or products derived from locatable minerals*  
2 *from mining claims located under the general mining laws*  
3 *and maintained in compliance with this Act, as the case*  
4 *may be, in proportion to the amount of such production*  
5 *in each such State.*

6 ***TITLE V—ADMINISTRATIVE AND***  
7 ***MISCELLANEOUS PROVISIONS***  
8 ***Subtitle A—Administrative***  
9 ***Provisions***

10 ***SEC. 501. POLICY FUNCTIONS.***

11 *(a) MINERALS POLICY.—Section 101 of the Mining*  
12 *and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amend-*  
13 *ed—*

14 *(1) in the first sentence by inserting before the*  
15 *period at the end the following: “and to ensure that*  
16 *mineral extraction and processing not cause undue*  
17 *degradation of the natural and cultural resources of*  
18 *the public lands”;* and

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

23 *(b) MINERAL DATA.—Section 5(e)(3) of the National*  
24 *Materials and Minerals Policy, Research and Development*  
25 *Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by inserting*

1 *before the period the following: “, except that for National*  
2 *Forest System lands the Secretary of Agriculture shall*  
3 *promptly initiate actions to improve the availability and*  
4 *analysis of mineral data in public land use decision-*  
5 *making”.*

6 **SEC. 502. USER FEES.**

7       (a) *IN GENERAL.*—*The Secretary and the Secretary of*  
8 *Agriculture may each establish and collect from persons*  
9 *subject to the requirements of this Act such user fees as may*  
10 *be necessary to reimburse the United States for the expenses*  
11 *incurred in administering such requirements. Fees may be*  
12 *assessed and collected under this section only in such man-*  
13 *ner as may reasonably be expected to result in an aggregate*  
14 *amount of the fees collected during any fiscal year which*  
15 *does not exceed the aggregate amount of administrative ex-*  
16 *penses referred to in this section.*

17       (b) *ADJUSTMENT.*—(1) *The Secretary shall adjust the*  
18 *fees required by this section to reflect changes in the Con-*  
19 *sumer Price Index published by the Bureau of Labor Statis-*  
20 *tics of the Department of Labor every 5 years after the date*  
21 *of enactment of this Act, or more frequently if the Secretary*  
22 *determines an adjustment to be reasonable.*

23       (2) *The Secretary shall provide claimants notice of*  
24 *any adjustment made under this subsection not later than*  
25 *July 1 of any year in which the adjustment is made.*

1       (3) *A fee adjustment under this subsection shall begin*  
2 *to apply the calendar year following the calendar year in*  
3 *which it is made.*

4 **SEC. 503. INSPECTION AND MONITORING.**

5       (a) *INSPECTIONS.—(1) The Secretary, or for National*  
6 *Forest System lands the Secretary of Agriculture, shall*  
7 *make inspections of mineral activities so as to ensure com-*  
8 *pliance with the requirements of this Act.*

9       (2) *The Secretary concerned shall establish a frequency*  
10 *of inspections for mineral activities conducted under a per-*  
11 *mit issued under title III, but in no event shall such inspec-*  
12 *tion frequency be less than one complete inspection per cal-*  
13 *endar quarter or, two per calendar quarter in the case of*  
14 *a permit for which the Secretary concerned approves an*  
15 *application under section 304(f) (relating to temporary ces-*  
16 *sation of operations). After revegetation has been established*  
17 *in accordance with a reclamation plan, such Secretary shall*  
18 *conduct annually 2 complete inspections. Such Secretary*  
19 *shall have the discretion to modify the inspection frequency*  
20 *for mineral activities that are conducted on a seasonal*  
21 *basis. Inspections shall continue under this subsection until*  
22 *final release of financial assurance.*

23       (3)(A) *Any person who has reason to believe he or she*  
24 *is or may be adversely affected by mineral activities due*  
25 *to any violation of the requirements of a permit approved*

1 *under this Act may request an inspection. The Secretary,*  
2 *or for National Forest System lands the Secretary of Agri-*  
3 *culture, shall determine within 10 working days of receipt*  
4 *of the request whether the request states a reason to believe*  
5 *that a violation exists. If the person alleges and provides*  
6 *reason to believe that an imminent threat to the environ-*  
7 *ment or danger to the health or safety of the public exists,*  
8 *the 10-day period shall be waived and the inspection shall*  
9 *be conducted immediately. When an inspection is conducted*  
10 *under this paragraph, the Secretary concerned shall notify*  
11 *the person requesting the inspection, and such person shall*  
12 *be allowed to accompany the Secretary concerned or the*  
13 *Secretary's authorized representative during the inspection.*  
14 *The Secretary shall not incur any liability for allowing*  
15 *such person to accompany an authorized representative.*  
16 *The identity of the person supplying information to the Sec-*  
17 *retary relating to a possible violation or imminent danger*  
18 *or harm shall remain confidential with the Secretary if so*  
19 *requested by that person, unless that person elects to accom-*  
20 *pany an authorized representative on the inspection.*

21 *(B) The Secretaries shall, by joint rule, establish proce-*  
22 *dures for the review of (i) any decision by an authorized*  
23 *representative not to inspect; or (ii) any refusal by such*  
24 *representative to ensure that remedial actions are taken*  
25 *with respect to any alleged violation. The Secretary con-*

1 *cerned shall furnish such persons requesting the review a*  
2 *written statement of the reasons for the Secretary's final*  
3 *disposition of the case.*

4       **(b) MONITORING.**—(1) *The Secretary, or for National*  
5 *Forest System lands the Secretary of Agriculture, shall re-*  
6 *quire all operators to develop and maintain a monitoring*  
7 *and evaluation system that shall identify compliance with*  
8 *all requirements of a permit approved under this Act. The*  
9 *Secretary concerned may require additional monitoring to*  
10 *be conducted as necessary to assure compliance with the rec-*  
11 *lamation and other environmental standards of this Act.*  
12 *Such plan must be reviewed and approved by the Secretary*  
13 *and shall become a part of the explorations or operations*  
14 *permit.*

15       (2) *The operator shall file reports with the Secretary,*  
16 *or for National Forest System lands the Secretary of Agri-*  
17 *culture, on a frequency determined by the Secretary con-*  
18 *cerned, on the results of the monitoring and evaluation*  
19 *process, except that if the monitoring and evaluation show*  
20 *a violation of the requirements of a permit approved under*  
21 *this Act, it shall be reported immediately to the Secretary*  
22 *concerned. The Secretary shall evaluate the reports sub-*  
23 *mitted pursuant to this paragraph, and based on those re-*  
24 *ports and any necessary inspection shall take enforcement*  
25 *action pursuant to this section. Such reports shall be main-*



1 *tained by the operator and by the Secretary and shall be*  
2 *made available to the public.*

3 *(3) The Secretary, or for National Forest System lands*  
4 *the Secretary of Agriculture, shall determine what informa-*  
5 *tion shall be reported by the operator pursuant to para-*  
6 *graph (3). A failure to report as required by the Secretary*  
7 *concerned shall constitute a violation of this Act and subject*  
8 *the operator to enforcement action pursuant to section 506.*

9 **SEC. 504. CITIZENS SUITS.**

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

13 *(1) against any person (including the Secretary*  
14 *or the Secretary of Agriculture) who is alleged to be*  
15 *in violation of any of the provisions of this Act or*  
16 *any regulation promulgated pursuant to this Act or*  
17 *any term or condition of any permit issued under*  
18 *this Act; or*

19 *(2) against the Secretary or the Secretary of Ag-*  
20 *riculture where there is alleged a failure of such Sec-*  
21 *retary to perform any act or duty under this Act, or*  
22 *to promulgate any regulation under this Act, which*  
23 *is not within the discretion of the Secretary con-*  
24 *cerned.*

1 *The United States district courts shall have jurisdiction*  
2 *over actions brought under this section, without regard to*  
3 *the amount in controversy or the citizenship of the parties,*  
4 *including actions brought to apply any civil penalty under*  
5 *this Act. The district courts of the United States shall have*  
6 *jurisdiction to compel agency action unreasonably delayed,*  
7 *except that an action to compel agency action reviewable*  
8 *under section 505 may only be filed in a United States*  
9 *district court within the circuit in which such action would*  
10 *be reviewable under section 505.*

11 *(b) EXCEPTIONS.—(1) No action may be commenced*  
12 *under subsection (a) before the end of the 60-day period be-*  
13 *ginning on the date the plaintiff has given notice in writing*  
14 *of such alleged violation to the the alleged violator and the*  
15 *Secretary, or for National Forest System lands the Sec-*  
16 *retary of Agriculture, except that any such action may be*  
17 *brought immediately after such notification if the violation*  
18 *complained of constitutes an imminent threat to the envi-*  
19 *ronment or to the health or safety of the public.*

20 *(2) No action may be brought against any person other*  
21 *than the Secretary or the Secretary of Agriculture under*  
22 *subsection (a)(1) if such Secretary has commenced and is*  
23 *diligently prosecuting a civil or criminal action in a court*  
24 *of the United States to require compliance.*

1           (3) *No action may be commenced under paragraph (2)*  
2 *of subsection (a) against either Secretary to review any rule*  
3 *promulgated by, or to any permit issued or denied by such*  
4 *Secretary if such rule or permit issuance or denial is judi-*  
5 *cially reviewable under section 505 or under any other pro-*  
6 *vision of law at any time after such promulgation, issuance,*  
7 *or denial is final.*

8           (c) *VENUE.—Venue of all actions brought under this*  
9 *section shall be determined in accordance with section 1391*  
10 *of title 28, United States Code.*

11          (d) *COSTS.—The court, in issuing any final order in*  
12 *any action brought pursuant to this section may award*  
13 *costs of litigation (including attorney and expert witness*  
14 *fees) to any party whenever the court determines such*  
15 *award is appropriate. The court may, if a temporary re-*  
16 *straining order or preliminary injunction is sought, require*  
17 *the filing of a bond or equivalent security in accordance*  
18 *with the Federal Rules of Civil Procedure.*

19          (e) *SAVINGS CLAUSE.—Nothing in this section shall*  
20 *restrict any right which any person (or class of persons)*  
21 *may have under chapter 7 of title 5, United States Code,*  
22 *under this section, or under any other statute or common*  
23 *law to bring an action to seek any relief against the Sec-*  
24 *retary or the Secretary of Agriculture or against any other*  
25 *person, including any action for any violation of this Act*

1 *or of any regulation or permit issued under this Act or for*  
2 *any failure to act as required by law. Nothing in this sec-*  
3 *tion shall affect the jurisdiction of any court under any pro-*  
4 *vision of title 28, United States Code, including any action*  
5 *for any violation of this Act or of any regulation or permit*  
6 *issued under this Act or for any failure to act as required*  
7 *by law.*

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

9       (a) *REVIEW BY SECRETARY.—(1)(A) Any person*  
10 *issued a notice of violation or cessation order under section*  
11 *506, or any person having an interest which is or may be*  
12 *adversely affected by such notice or order, may apply to*  
13 *the Secretary, or for National Forest System lands the Sec-*  
14 *retary of Agriculture, for review of the notice or order with-*  
15 *in 30 days after receipt thereof, or as the case may be, with-*  
16 *in 30 days after such notice or order is modified, vacated,*  
17 *or terminated.*

18       (B) *Any person who is subject to a penalty assessed*  
19 *under section 506 may apply to the Secretary concerned*  
20 *for review of the assessment within 45 days of notification*  
21 *of such penalty.*

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

1           (D) Pending a review by the Secretary or resolution  
2 of an administrative appeal, final decisions (except enforce-  
3 ment actions under section 506) shall be stayed.

4           (2) The Secretary concerned shall provide an oppor-  
5 tunity for a public hearing at the request of any party to  
6 the proceeding as specified in paragraph (1). The filing of  
7 an application for review under this subsection shall not  
8 operate as a stay of any order or notice issued under section  
9 506.

10          (3) For any review proceeding under this subsection,  
11 the Secretary concerned shall make findings of fact and  
12 shall issue a written decision incorporating therein an  
13 order vacating, affirming, modifying, or terminating the  
14 notice, order, or decision, or with respect to an assessment,  
15 the amount of penalty that is warranted. Where the appli-  
16 cation for review concerns a cessation order issued under  
17 section 506 the Secretary concerned shall issue the written  
18 decision within 30 days of the receipt of the application  
19 for review or within 30 days after the conclusion of any  
20 hearing referred to in paragraph (2), whichever is later,  
21 unless temporary relief has been granted by the Secretary  
22 concerned under paragraph (4).

23          (4) Pending completion of any review proceedings  
24 under this subsection, the applicant may file with the Sec-  
25 retary, or for National Forest System lands the Secretary

1 of Agriculture, a written request that the Secretary grant  
2 temporary relief from any order issued under section 506  
3 together with a detailed statement giving reasons for such  
4 relief. The Secretary concerned shall expeditiously issue an  
5 order or decision granting or denying such relief. The Sec-  
6 retary concerned may grant such relief under such condi-  
7 tions as he or she may prescribe only if such relief shall  
8 not adversely affect the health or safety of the public or  
9 cause imminent environmental harm to land, air, or water  
10 resources.

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

14 (b) JUDICIAL REVIEW.—(1) Any final action by the  
15 Secretaries of the Interior and Agriculture in promulgating  
16 regulations to implement this Act, or any other final ac-  
17 tions constituting rulemaking to implement this Act, shall  
18 be subject to judicial review only in the United States Court  
19 of Appeals for the District of Columbia. Any action subject  
20 to judicial review under this subsection shall be affirmed  
21 unless the court concludes that such action is arbitrary, ca-  
22 pricious, or otherwise inconsistent with law. A petition for  
23 review of any action subject to judicial review under this  
24 subsection shall be filed within 60 days from the date of  
25 such action, or after such date if the petition is based solely

1 *on grounds arising after the 60th day. Any such petition*  
2 *may be made by any person who commented or otherwise*  
3 *participated in the rulemaking or any person who may be*  
4 *adversely affected by the action of the Secretaries.*

5       (2) *Final agency action under this subsection, includ-*  
6 *ing such final action on those matters described under sub-*  
7 *section (a), shall be subject to judicial review in accordance*  
8 *with paragraph (4) and pursuant to section 1391 of title*  
9 *28, United States Code, on or before 60 days from the date*  
10 *of such final action. Any action subject to judicial review*  
11 *under this subsection shall be affirmed unless the court con-*  
12 *cludes that such action is arbitrary, capricious, or otherwise*  
13 *inconsistent with law.*

14       (3) *The availability of judicial review established in*  
15 *this subsection shall not be construed to limit the operations*  
16 *of rights under section 504 (relating to citizens suits).*

17       (4) *The court shall hear any petition or complaint*  
18 *filed under this subsection solely on the record made before*  
19 *the Secretary or Secretaries concerned. The court may af-*  
20 *firm or vacate any order or decision or may remand the*  
21 *proceedings to the Secretary or Secretaries for such further*  
22 *action as it may direct.*

23       (5) *The commencement of a proceeding under this sec-*  
24 *tion shall not, unless specifically ordered by the court, oper-*

1 *ate as a stay of the action, order, or decision of the Sec-*  
2 *retary or Secretaries concerned.*

3       (c) *COSTS.*—Whenever a proceeding occurs under sub-  
4 *section (a) or (b), at the request of any person, a sum equal*  
5 *to the aggregate amount of all costs and expenses (including*  
6 *attorney fees) as determined by the Secretary or Secretaries*  
7 *concerned or the court to have been reasonably incurred by*  
8 *such person for or in connection with participation in such*  
9 *proceedings, including any judicial review of the pro-*  
10 *ceeding, may be assessed against either party as the court,*  
11 *in the case of judicial review, or the Secretary or Secretaries*  
12 *concerned in the case of administrative proceedings, deems*  
13 *proper if it is determined that such party prevailed in*  
14 *whole or in part, achieving some success on the merits, and*  
15 *that such party made a substantial contribution to a full*  
16 *and fair determination of the issues.*

17 **SEC. 506. ENFORCEMENT.**

18       (a) *ORDERS.*—(1) *If the Secretary, or for National*  
19 *Forest System lands the Secretary of Agriculture, or an au-*  
20 *thorized representative of such Secretary, determines that*  
21 *any person is in violation of any environmental protection*  
22 *requirement under title III or any regulation issued by the*  
23 *Secretaries to implement this Act, such Secretary or author-*  
24 *ized representative shall issue to such person a notice of*  
25 *violation describing the violation and the corrective meas-*



1 *ures to be taken. The Secretary concerned, or the authorized*  
2 *representative of such Secretary, shall provide such person*  
3 *with a period of time not to exceed 30 days to abate the*  
4 *violation. Such period of time may be extended by the Sec-*  
5 *retary concerned upon a showing of good cause by such per-*  
6 *son. If, upon the expiration of time provided for such abate-*  
7 *ment, the Secretary concerned, or the authorized representa-*  
8 *tive of such Secretary, finds that the violation has not been*  
9 *abated he or she shall immediately order a cessation of all*  
10 *mineral activities or the portion thereof relevant to the vio-*  
11 *lation.*

12 *(2) If the Secretary concerned, or the authorized rep-*  
13 *resentative of the Secretary concerned, determines that any*  
14 *condition or practice exists, or that any person is in viola-*  
15 *tion of any requirement under a permit approved under*  
16 *this Act, and such condition, practice or violation is caus-*  
17 *ing, or can reasonably be expected to cause—*

18 *(A) an imminent danger to the health or safety*  
19 *of the public; or*

20 *(B) significant, imminent environmental harm*  
21 *to land, air, water, or fish or wildlife resources;*

22 *such Secretary or authorized representative shall imme-*  
23 *diately order a cessation of mineral activities or the portion*  
24 *thereof relevant to the condition, practice, or violation.*

1           (3)(A) *A cessation order pursuant to paragraphs (1)*  
2 *or (2) shall remain in effect until such Secretary, or author-*  
3 *ized representative, determines that the condition, practice,*  
4 *or violation has been abated, or until modified, vacated or*  
5 *terminated by the Secretary or authorized representative.*  
6 *In any such order, the Secretary or authorized representa-*  
7 *tive shall determine the steps necessary to abate the viola-*  
8 *tion in the most expeditious manner possible and shall in-*  
9 *clude the necessary measures in the order. The Secretary*  
10 *concerned shall require appropriate financial assurances to*  
11 *ensure that the abatement obligations are met.*

12           (B) *Any notice or order issued pursuant to paragraphs*  
13 *(1) or (2) may be modified, vacated, or terminated by the*  
14 *Secretary concerned or an authorized representative of such*  
15 *Secretary. Any person to whom any such notice or order*  
16 *is issued shall be entitled to a hearing on the record.*

17           (4) *If, after 30 days of the date of the order referred*  
18 *to in paragraph (3)(A) the required abatement has not oc-*  
19 *curred, the Secretary concerned shall take such alternative*  
20 *enforcement action against the claim holder or operator (or*  
21 *any person who controls the claim holder or operator) as*  
22 *will most likely bring about abatement in the most expedi-*  
23 *tious manner possible. Such alternative enforcement action*  
24 *may include, but is not necessarily limited to, seeking ap-*  
25 *propriate injunctive relief to bring about abatement. Noth-*

1 *ing in this paragraph shall preclude the Secretary, or for*  
2 *National Forest System lands the Secretary of Agriculture,*  
3 *from taking alternative enforcement action prior to the ex-*  
4 *piration of 30 days.*

5       (5) *If a claim holder or operator (or any person who*  
6 *controls the claim holder or operator) fails to abate a viola-*  
7 *tion or defaults on the terms of the permit, the Secretary,*  
8 *or for National Forest System lands the Secretary of Agri-*  
9 *culture, shall forfeit the financial assurance for the plan*  
10 *as necessary to ensure abatement and reclamation under*  
11 *this Act. The Secretary concerned may prescribe conditions*  
12 *under which a surety may perform reclamation in accord-*  
13 *ance with the approved plan in lieu of forfeiture.*

14       (6) *The Secretary, or for National Forest System lands*  
15 *the Secretary of Agriculture, shall not cause forfeiture of*  
16 *the financial assurance while administrative or judicial re-*  
17 *view is pending.*

18       (7) *In the event of forfeiture, the claim holder, oper-*  
19 *ator, or any affiliate thereof, as appropriate as determined*  
20 *by the Secretary by rule, shall be jointly and severally liable*  
21 *for any remaining reclamation obligations under this Act.*

22       (b) *COMPLIANCE.—The Secretary, or for National For-*  
23 *est System lands the Secretary of Agriculture, may request*  
24 *the Attorney General to institute a civil action for relief,*  
25 *including a permanent or temporary injunction or re-*

1 *straining order, or any other appropriate enforcement*  
2 *order, including the imposition of civil penalties, in the dis-*  
3 *trict court of the United States for the district in which*  
4 *the mineral activities are located whenever a person—*

5 *(1) violates, fails, or refuses to comply with any*  
6 *order issued by the Secretary concerned under sub-*  
7 *section (a); or*

8 *(2) interferes with, hinders, or delays the Sec-*  
9 *retary concerned in carrying out an inspection under*  
10 *section 503.*

11 *Such court shall have jurisdiction to provide such relief as*  
12 *may be appropriate. Any relief granted by the court to en-*  
13 *force an order under paragraph (1) shall continue in effect*  
14 *until the completion or final termination of all proceedings*  
15 *for review of such order unless the district court granting*  
16 *such relief sets it aside.*

17 *(c) DELEGATION.—Notwithstanding any other provi-*  
18 *sion of law, the Secretary may utilize personnel of the Office*  
19 *of Surface Mining Reclamation and Enforcement to ensure*  
20 *compliance with the requirements of this Act.*

21 *(d) PENALTIES.—(1) Any person who fails to comply*  
22 *with any requirement of a permit approved under this Act*  
23 *or any regulation issued by the Secretaries to implement*  
24 *this Act shall be liable for a penalty of not more than*

1 \$25,000 per violation. Each day of violation may be deemed  
2 a separate violation for purposes of penalty assessments.

3 (2) A person who fails to correct a violation for which  
4 a cessation order has been issued under subsection (a) with-  
5 in the period permitted for its correction shall be assessed  
6 a civil penalty of not less than \$1,000 per violation for each  
7 day during which such failure continues.

8 (3) Whenever a corporation is in violation of a re-  
9 quirement of a permit approved under this Act or any regu-  
10 lation issued by the Secretaries to implement this Act or  
11 fails or refuses to comply with an order issued under sub-  
12 section (a), any director, officer, or agent of such corpora-  
13 tion who knowingly authorized, ordered, or carried out such  
14 violation, failure, or refusal shall be subject to the same pen-  
15 alties as may be imposed upon the person referred to in  
16 paragraph (1).

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

21 (1) knowingly made or knowingly makes any  
22 false, inaccurate, or misleading material statement in  
23 any mining claim, notice of location, application,  
24 record, report, plan, or other document filed or re-  
25 quired to be maintained under this Act;

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

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

5           (4) *refuses to permit an audit pursuant to this*  
6           *Act;*

7           (5) *fails to maintain an adequate financial as-*  
8           *urance under section 306;*

9           (6) *fails to pay claim maintenance fees or other*  
10          *moneys due and owing under this Act; or*

11          (7) *with regard to plans conditionally approved*  
12          *under section 305(c)(2), fails to abate a violation to*  
13          *the satisfaction of the Secretary concerned, or if the*  
14          *validity of the violation is upheld on the appeal*  
15          *which formed the basis for the conditional approval.*

16          (f) *FALSE STATEMENTS; TAMPERING.—Any person*  
17          *who knowingly—*

18               (1) *makes any false material statement, rep-*  
19               *resentation, or certification in, or omits or conceals*  
20               *material information from, or unlawfully alters, any*  
21               *mining claim, notice of location, application, record,*  
22               *report, plan, or other documents filed or required to*  
23               *be maintained under this Act; or*

1           (2) *falsifies, tampers with, renders inaccurate, or*  
2           *fails to install any monitoring device or method re-*  
3           *quired to be maintained under this Act,*  
4           *shall upon conviction, be punished by a fine of not more*  
5           *than \$10,000, or by imprisonment for not more than 2*  
6           *years, or by both. If a conviction of a person is for a viola-*  
7           *tion committed after a first conviction of such person under*  
8           *this subsection, punishment shall be by a fine of not more*  
9           *than \$20,000 per day of violation, or by imprisonment of*  
10           *not more than 4 years, or both. Each day of continuing*  
11           *violation may be deemed a separate violation for purposes*  
12           *of penalty assessments.*

13           (g) *KNOWING VIOLATIONS.*—*Any person who know-*  
14           *ingly—*

15           (1) *engages in mineral activities without a per-*  
16           *mit required under title III, or*

17           (2) *violates any other requirement of a permit*  
18           *issued under this Act, or any condition or limitation*  
19           *thereof,*

20           *shall upon conviction be punished by a fine of not less than*  
21           *\$5,000 nor more than \$50,000 per day of violation, or by*  
22           *imprisonment for not more than 3 years, or both. If a con-*  
23           *viction of a person is for a violation committed after the*  
24           *first conviction of such person under this subsection, pun-*  
25           *ishment shall be a fine of not less than \$10,000 per day*

1 *of violation, or by imprisonment of not more than 6 years,*  
2 *or both.*

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

9 *(i) DEFINITION.—For purposes of this section, the*  
10 *term “person” includes any officer, agent, or employee of*  
11 *a person.*

12 **SEC. 507. REGULATIONS.**

13 *The Secretary and the Secretary of Agriculture shall*  
14 *issue such regulations as are necessary to implement this*  
15 *Act. The regulations implementing title II, title III, title*  
16 *IV, and title V that affect the Forest Service shall be joint*  
17 *regulations issued by both Secretaries, and shall be issued*  
18 *no later than 180 days after the date of enactment of this*  
19 *Act.*

20 **SEC. 508. EFFECTIVE DATE.**

21 *This Act shall take effect on the date of enactment of*  
22 *this Act, except as otherwise provided in this Act.*



1                   ***Subtitle B—Miscellaneous***  
2                                   ***Provisions***

3   ***SEC. 511. OIL SHALE CLAIMS SUBJECT TO SPECIAL RULES.***

4           (a) *APPLICATION OF SECTION 511.*—Section 511 shall  
5   apply to oil shale claims referred to in section 2511(e)(2)  
6   of the Energy Policy Act of 1992 (Public Law 102–486).

7           (b) *AMENDMENT.*—Section 2511(f) of the Energy Pol-  
8   icy Act of 1992 (Public Law 102–486) is amended as fol-  
9   lows:

10                   (1) *By striking “as prescribed by the Secretary”.*

11                   (2) *By inserting before the period the following:*  
12           *“in the same manner as if such claim was subject to*  
13           *title II and title III of the Hardrock Mining and Rec-*  
14           *lamation Act of 2007”.*

15   ***SEC. 512. PURCHASING POWER ADJUSTMENT.***

16           *The Secretary shall adjust all location fees, claim*  
17   *maintenance rates, penalty amounts, and other dollar*  
18   *amounts established in this Act for changes in the pur-*  
19   *chasing power of the dollar no less frequently than every*  
20   *5 years following the date of enactment of this Act, employ-*  
21   *ing the Consumer Price Index for All-Urban Consumers*  
22   *published by the Department of Labor as the basis for ad-*  
23   *justment, and rounding according to the adjustment process*  
24   *of conditions of the Federal Civil Penalties Inflation Adjust-*  
25   *ment Act of 1990 (104 Stat. 890).*

1 **SEC. 513. SAVINGS CLAUSE.**

2 (a) *SPECIAL APPLICATION OF MINING LAWS.*—*Nothing*  
3 *in this Act shall be construed as repealing or modifying*  
4 *any Federal law, regulation, order, or land use plan, in*  
5 *effect prior to the date of enactment of this Act that pro-*  
6 *hibits or restricts the application of the general mining*  
7 *laws, including laws that provide for special management*  
8 *criteria for operations under the general mining laws as*  
9 *in effect prior to the date of enactment of this Act, to the*  
10 *extent such laws provide for protection of natural and cul-*  
11 *tural resources and the environment greater than required*  
12 *under this Act, and any such prior law shall remain in*  
13 *force and effect with respect to claims located (or proposed*  
14 *to be located) or converted under this Act. Nothing in this*  
15 *Act shall be construed as applying to or limiting mineral*  
16 *investigations, studies, or other mineral activities conducted*  
17 *by any Federal or State agency acting in its governmental*  
18 *capacity pursuant to other authority. Nothing in this Act*  
19 *shall affect or limit any assessment, investigation, evalua-*  
20 *tion, or listing pursuant to the Comprehensive Environ-*  
21 *mental Response, Compensation, and Liability Act of 1980*  
22 *(42 U.S.C. 9601 and following), or the Solid Waste Disposal*  
23 *Act (42 U.S.C. 3251 and following).*

24 (b) *EFFECT ON OTHER FEDERAL LAWS.*—*The provi-*  
25 *sions of this Act shall supersede the general mining laws,*  
26 *except for those parts of the general mining laws respecting*

1 *location of mining claims that are not expressly modified*  
2 *by this Act. Except for the general mining laws, nothing*  
3 *in this Act shall be construed as superseding, modifying,*  
4 *amending, or repealing any provision of Federal law not*  
5 *expressly superseded, modified, amended, or repealed by this*  
6 *Act. Nothing in this Act shall be construed as altering, af-*  
7 *fecting, amending, modifying, or changing, directly or indi-*  
8 *rectly, any law which refers to and provides authorities or*  
9 *responsibilities for, or is administered by, the Environ-*  
10 *mental Protection Agency or the Administrator of the Envi-*  
11 *ronmental Protection Agency, including the Federal Water*  
12 *Pollution Control Act, title XIV of the Public Health Service*  
13 *Act (the Safe Drinking Water Act), the Clean Air Act, the*  
14 *Pollution Prevention Act of 1990, the Toxic Substances*  
15 *Control Act, the Federal Insecticide, Fungicide, and*  
16 *Rodenticide Act, the Federal Food, Drug, and Cosmetic Act,*  
17 *the Motor Vehicle Information and Cost Savings Act, the*  
18 *Federal Hazardous Substances Act, the Endangered Species*  
19 *Act of 1973, the Atomic Energy Act, the Noise Control Act*  
20 *of 1972, the Solid Waste Disposal Act, the Comprehensive*  
21 *Environmental Response, Compensation, and Liability Act*  
22 *of 1980, the Superfund Amendments and Reauthorization*  
23 *Act of 1986, the Ocean Dumping Act, the Environmental*  
24 *Research, Development, and Demonstration Authorization*  
25 *Act, the Pollution Prosecution Act of 1990, and the Federal*

1 *Facilities Compliance Act of 1992, or any statute con-*  
2 *taining an amendment to any of such Acts. Nothing in this*  
3 *Act shall be construed as modifying or affecting any provi-*  
4 *sion of the Native American Graves Protection and Repa-*  
5 *triation Act (Public Law 101–601) or any provision of the*  
6 *American Indian Religious Freedom Act (42 U.S.C. 1996),*  
7 *the National Historic Preservation Act (16 U.S.C. 470 et*  
8 *seq.), and the Religious Freedom Restoration Act of 1993*  
9 *(42 U.S.C. 2000bb et seq.).*

10 *(c) PROTECTION OF CONSERVATION AREAS.—In order*  
11 *to protect the resources and values of National Conservation*  
12 *System units, the Secretary, as appropriate, shall utilize*  
13 *authority under this Act and other applicable law to the*  
14 *fullest extent necessary to prevent mineral activities that*  
15 *could have an adverse impact on the resources or values*  
16 *for which such units were established.*

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

18 *Copies of records, reports, inspection materials, or in-*  
19 *formation obtained by the Secretary or the Secretary of Ag-*  
20 *riculture under this Act shall be made immediately avail-*  
21 *able to the public, consistent with section 552 of title 5,*  
22 *United States Code, in central and sufficient locations in*  
23 *the county, multicounty, and State area of mineral activity*  
24 *or reclamation so that such items are conveniently available*

1 *to residents in the area proposed or approved for mineral*  
2 *activities and on the Internet.*

3 **SEC. 515. MISCELLANEOUS POWERS.**

4 (a) *IN GENERAL.*—*In carrying out his or her duties*  
5 *under this Act, the Secretary, or for National Forest System*  
6 *lands the Secretary of Agriculture, may conduct any inves-*  
7 *tigation, inspection, or other inquiry necessary and appro-*  
8 *priate and may conduct, after notice, any hearing or audit,*  
9 *necessary and appropriate to carrying out his or her duties.*

10 (b) *ANCILLARY POWERS.*—*In connection with any*  
11 *hearing, inquiry, investigation, or audit under this Act, the*  
12 *Secretary, or for National Forest System lands the Sec-*  
13 *retary of Agriculture, is authorized to take any of the fol-*  
14 *lowing actions:*

15 (1) *Require, by special or general order, any per-*  
16 *son to submit in writing such affidavits and answers*  
17 *to questions as the Secretary concerned may reason-*  
18 *ably prescribe, which submission shall be made within*  
19 *such reasonable period and under oath or otherwise,*  
20 *as may be necessary.*

21 (2) *Administer oaths.*

22 (3) *Require by subpoena the attendance and tes-*  
23 *timony of witnesses and the production of all books,*  
24 *papers, records, documents, matter, and materials, as*  
25 *such Secretary may request.*

1           (4) *Order testimony to be taken by deposition be-*  
2           *fore any person who is designated by such Secretary*  
3           *and who has the power to administer oaths, and to*  
4           *compel testimony and the production of evidence in*  
5           *the same manner as authorized under paragraph (3)*  
6           *of this subsection.*

7           (5) *Pay witnesses the same fees and mileage as*  
8           *are paid in like circumstances in the courts of the*  
9           *United States.*

10          (c) *ENFORCEMENT.*—*In cases of refusal to obey a sub-*  
11          *poena served upon any person under this section, the dis-*  
12          *trict court of the United States for any district in which*  
13          *such person is found, resides, or transacts business, upon*  
14          *application by the Attorney General at the request of the*  
15          *Secretary concerned and after notice to such person, shall*  
16          *have jurisdiction to issue an order requiring such person*  
17          *to appear and produce documents before the Secretary con-*  
18          *cerned. Any failure to obey such order of the court may*  
19          *be punished by such court as contempt thereof and subject*  
20          *to a penalty of up to \$10,000 a day.*

21          (d) *ENTRY AND ACCESS.*—*Without advance notice and*  
22          *upon presentation of appropriate credentials, the Secretary,*  
23          *or for National Forest System lands the Secretary of Agri-*  
24          *culture, or any authorized representative thereof—*

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

5           (2) may at reasonable times, and without delay,  
6 have access to records, inspect any monitoring equip-  
7 ment, or review any method of operation required  
8 under this Act;

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

12           (4) may, on any mining claim located under the  
13 general mining laws and maintained in compliance  
14 with this Act, and without advance notice, stop and  
15 inspect any motorized form of transportation that  
16 such Secretary has probable cause to believe is car-  
17 rying locatable minerals, concentrates, or products de-  
18 rived therefrom from a claim site for the purpose of  
19 determining whether the operator of such vehicle has  
20 documentation related to such locatable minerals, con-  
21 centrates, or products derived therefrom as required  
22 by law, if such documentation is required under this  
23 Act; and

24           (5) may, if accompanied by any appropriate law  
25 enforcement officer, or an appropriate law enforce-

1        *ment officer alone, stop and inspect any motorized*  
2        *form of transportation which is not on a claim site*  
3        *if he or she has probable cause to believe such vehicle*  
4        *is carrying locatable minerals, concentrates, or prod-*  
5        *ucts derived therefrom from a claim site on Federal*  
6        *lands or allocated to such claim site. Such inspection*  
7        *shall be for the purpose of determining whether the*  
8        *operator of such vehicle has the documentation re-*  
9        *quired by law, if such documentation is required*  
10       *under this Act.*

11    **SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SUR-**  
12                                    **FACE RESOURCES.**

13        *The provisions of sections 4 and 6 of the Act of August*  
14    *13, 1954 (30 U.S.C. 524 and 526), commonly known as*  
15    *the Multiple Minerals Development Act, and the provisions*  
16    *of section 4 of the Act of July 23, 1955 (30 U.S.C. 612),*  
17    *shall apply to all mining claims located under the general*  
18    *mining laws and maintained in compliance with such laws*  
19    *and this Act.*

20    **SEC. 517. MINERAL MATERIALS.**

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

23                    *(1) By inserting “(a)” before the first sentence.*



1           (2) *By inserting “mineral materials, including*  
2           *but not limited to” after “varieties of” in the first*  
3           *sentence.*

4           (3) *By striking “or cinders” and inserting in*  
5           *lieu thereof “cinders, and clay”.*

6           (4) *By adding the following new subsection at*  
7           *the end thereof:*

8           “(b)(1) *Subject to valid existing rights, after the date*  
9           *of enactment of the Hardrock Mining and Reclamation Act*  
10           *of 2007, notwithstanding the reference to common varieties*  
11           *in subsection (a) and to the exception to such term relating*  
12           *to a deposit of materials with some property giving it dis-*  
13           *tinct and special value, all deposits of mineral materials*  
14           *referred to in such subsection, including the block pumice*  
15           *referred to in such subsection, shall be subject to disposal*  
16           *only under the terms and conditions of the Materials Act*  
17           *of 1947.*

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

21           “(A) *had and still has some property giving it*  
22           *the distinct and special value referred to in subsection*  
23           *(a), or as the case may be, met the definition of block*  
24           *pumice referred to in such subsection;*

1           “(B) was properly located and maintained  
2           under the general mining laws prior to the date of en-  
3           actment of the *Hardrock Mining and Reclamation*  
4           *Act of 2007*;

5           “(C) was supported by a discovery of a valuable  
6           mineral deposit within the meaning of the general  
7           mining laws as in effect immediately prior to the  
8           date of enactment of the *Hardrock Mining and Rec-*  
9           *lamation Act of 2007*; and

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

12           (b) *MINERAL MATERIALS DISPOSAL CLARIFICA-*  
13           *TION.—Section 4 of the Act of July 23, 1955 (30 U.S.C.*  
14           *612), is amended as follows:*

15                   (1) *In subsection (b) by inserting “and mineral*  
16                   *material” after “vegetative”.*

17                   (2) *In subsection (c) by inserting “and mineral*  
18                   *material” after “vegetative”.*

19           (c) *CONFORMING AMENDMENT.—Section 1 of the Act*  
20           *of July 31, 1947, entitled “An Act to provide for the dis-*  
21           *posal of materials on the public lands of the United States”*  
22           *(30 U.S.C. 601 and following) is amended by striking*  
23           *“common varieties of” in the first sentence.*

24           (d) *SHORT TITLES.—*

1           (1) *SURFACE RESOURCES.*—*The Act of July 23,*  
2           *1955, is amended by inserting after section 7 the fol-*  
3           *lowing new section:*

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

6           (2) *MINERAL MATERIALS.*—*The Act of July 31,*  
7           *1947, entitled “An Act to provide for the disposal of*  
8           *materials on the public lands of the United States”*  
9           *(30 U.S.C. 601 and following) is amended by insert-*  
10          *ing after section 4 the following new section:*

11          “*SEC. 5. This Act may be cited as the ‘Materials Act*  
12          *of 1947’.*”.

13          (e) *REPEALS.*—(1) *Subject to valid existing rights, the*  
14          *Act of August 4, 1892 (27 Stat. 348, 30 U.S.C. 161), com-*  
15          *monly known as the Building Stone Act, is hereby repealed.*

16          (2) *Subject to valid existing rights, the Act of January*  
17          *31, 1901 (30 U.S.C. 162), commonly known as the Saline*  
18          *Placer Act, is hereby repealed.*

Union Calendar No.

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2262**

[Report No. 110-]

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**A BILL**

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

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