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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIJALVA (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

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

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

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

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

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

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

TITLE II—PROTECTION OF SPECIAL PLACES

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

TITLE III—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

- Sec. 301. General standard for hardrock mining on Federal land.
- Sec. 302. Permits.
- Sec. 303. Exploration permit.
- Sec. 304. Operations permit.
- Sec. 305. Persons ineligible for permits.
- Sec. 306. Financial assurance.
- Sec. 307. Operation and reclamation.
- Sec. 308. State law and regulation.
- Sec. 309. Limitation on the issuance of permits.

TITLE IV—MINING MITIGATION

Subtitle A—Hardrock Minerals Fund

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

Subtitle B—Use of Hardrock Reclamation Account

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

Subtitle C—Use of Hardrock Community Impact Assistance Account

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

TITLE V—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Subtitle A—Administrative Provisions

- Sec. 501. Policy functions.
- Sec. 502. User fees.
- Sec. 503. Inspection and monitoring.
- Sec. 504. Citizens suits.

- Sec. 505. Administrative and judicial review.
- Sec. 506. Enforcement.
- Sec. 507. Regulations.
- Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

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

TITLE VI—GOOD SAMARITAN CLEANUP OF ABANDONED
HARDROCK MINES

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

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

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

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

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

8 (B) Any partner of such person.

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

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

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

1 processes as are employed to free the mineral from
2 other constituents, including but not necessarily lim-
3 ited to, 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,
10 rock, soil, or mineral specimens using
11 handtools, hand panning, or nonmotorized sluic-
12 ing; and

13 (C) does not include—

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

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

19 (iii) the construction of roads or drill
20 pads; and

21 (iv) the use of toxic or hazardous ma-
22 terials.

23 (5) The term “claim holder” means a person
24 holding a mining claim, millsite claim, or tunnel site
25 claim located under the general mining laws and

1 maintained in compliance with such laws and this
2 Act. Such term may include an agent of a claim
3 holder.

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

13 (7) The term “exploration”—

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

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

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

23 (8) The term “Federal land” means any land,
24 and any interest in land, that is owned by the
25 United States and open to location of mining claims

1 under the general mining laws and title II of this
2 Act.

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

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

17 (11) The term “locatable mineral”—

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

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

24 (ii) the Geothermal Steam Act of
25 1970 (30 U.S.C. 1001 et seq.);

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

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

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

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

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

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

20 (13) The term “National Conservation System
21 unit” means any unit of the National Park System,
22 National Wildlife Refuge System, National Wild and
23 Scenic Rivers System, or National Trails System, or
24 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
4 proposing or authorized by a permit issued under
5 this Act to conduct mineral activities and any agent
6 of 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 elec-
18 trolytic 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 ir-
25 reparable harm to significant scientific, cultural, or

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

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

7 (1) was properly located and maintained under
8 the general mining laws prior to the date of enact-
9 ment of this Act;

10 (2) was supported by a discovery of a valuable
11 mineral deposit within the meaning of the general
12 mining laws on the date of enactment of this Act,
13 or satisfied the limitations under existing law for
14 millsite claims; and

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

16 (c) REFERENCES TO OTHER LAWS.—(1) Any ref-
17 erence in this Act to the term general mining laws is a
18 reference to those Acts that generally comprise chapters
19 2, 12A, and 16, and sections 161 and 162, of title 30,
20 United States Code.

21 (2) Any reference in this Act to the Act of July 23,
22 1955, is a reference to the Act entitled “An Act to amend
23 the Act of July 31, 1947 (61 Stat. 681) and the mining
24 laws to provide for multiple use of the surface of the same

1 tracts of the public lands, and for other purposes” (30
2 U.S.C. 601 et seq.).

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

8 **SEC. 3. APPLICATION RULES.**

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

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

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

1 (i) during the 10-year period beginning on the
2 date of enactment of this Act, mineral activities at
3 such claim or site shall be subject to such plan of
4 operations;

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

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

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

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

23 (A) subject to an operations permit; and

1 (B) producing valuable locatable minerals in
2 commercial quantities prior to the date of enactment
3 of this Act.

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

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

21 **TITLE I—MINERAL EXPLO-**
22 **RATION AND DEVELOPMENT**

23 **SEC. 101. LIMITATION ON PATENTS.**

24 (a) MINING CLAIMS.—

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

6 (A) a patent application was filed with the
7 Secretary on or before September 30, 1994;
8 and

9 (B) all requirements established under sec-
10 tions 2325 and 2326 of the Revised Statutes
11 (30 U.S.C. 29 and 30) for vein or lode claims
12 and sections 2329, 2330, 2331, and 2333 of
13 the Revised Statutes (30 U.S.C. 35, 36, and
14 37) for placer claims were fully complied with
15 by that date.

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

25 (b) MILLSITE CLAIMS.—

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

6 (A) a patent application for such land was
7 filed with the Secretary on or before September
8 30, 1994; and

9 (B) all requirements applicable to such
10 patent application were fully complied with by
11 that date.

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

21 **SEC. 102. ROYALTY.**

22 (a) RESERVATION OF ROYALTY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2) and subject to paragraph (3), production
25 of all locatable minerals from any mining claim lo-

1 cated under the general mining laws and maintained
2 in compliance with this Act, or mineral concentrates
3 or products derived from locatable minerals from
4 any such mining claim, as the case may be, shall be
5 subject to a royalty of 8 percent of the gross income
6 from mining. The claim holder or any operator to
7 whom the claim holder has assigned the obligation
8 to make royalty payments under the claim and any
9 person who controls such claim holder or operator
10 shall be liable for payment of such royalties.

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

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

17 (B) produces valuable locatable minerals in
18 commercial quantities on the date of enactment
19 of this Act.

20 (3) FEDERAL LAND ADDED TO EXISTING OPER-
21 ATIONS PERMIT.—Any Federal land added through
22 a plan modification to an operations permit that is
23 submitted after the date of enactment of this Act
24 shall be subject to the royalty that applies to Fed-
25 eral land under paragraph (1).

1 (4) DEPOSIT.—Amounts received by the United
2 States as royalties under this subsection shall be de-
3 posited into the account established under section
4 401.

5 (5) LIMITATION ON APPLICATION.—

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

14 (B) AGGREGATION OF INCOME.—The dol-
15 lar amount in subparagraph (A) shall be ap-
16 plied, for a person, to the aggregate of all an-
17 nual gross income from mineral production
18 under all mining claims held by or assigned to
19 such person or any related parties with respect
20 to such person, including mining claims located
21 or for which a patent was issued before the date
22 of the enactment of this Act.

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

1 (i) the spouse and all dependents (as
2 defined in section 152 of the Internal Rev-
3 enue Code of 1986 (26 U.S.C. 152)) of the
4 person; or

5 (ii) another person who is affiliated
6 with the person, including—

7 (I) another person controlled by,
8 controlling, or under common control
9 with the person; and

10 (II) a subsidiary or parent com-
11 pany or corporation of the person.

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
16 to the United States at such times and in such man-
17 ner 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 responsi-
3 bility. Such responsibility for the periods referred to in the
4 preceding 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
14 or 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
20 production begins anywhere on a mining claim, or
21 production resumes after more than 90 days after
22 production was suspended, notify the Secretary, in
23 the manner prescribed by the Secretary, of the date
24 on 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
14 Act, through the point of royalty computation shall estab-
15 lish and maintain any records, make any reports, and pro-
16 vide any information that the Secretary may reasonably
17 require for the purposes of implementing this section or
18 determining compliance with rules or orders under this
19 section. Such records shall include, but not be limited to,
20 periodic reports, records, documents, and other data. Such
21 reports may also include, but not be limited to, pertinent
22 technical and financial data relating to the quantity, qual-
23 ity, composition volume, weight, and assay of all minerals
24 extracted from the mining claim. Upon the request of any
25 officer or employee duly designated by the Secretary con-

1 ducting an audit or investigation pursuant to this section,
2 the appropriate records, reports, or information that may
3 be required by this section shall be made available for in-
4 spection and duplication by such officer or employee. Fail-
5 ure by a claim holder, operator, or other person referred
6 to in the first sentence to cooperate with such an audit,
7 provide data required by the Secretary, or grant access
8 to information may, at the discretion of the Secretary, re-
9 sult in involuntary forfeiture 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
16 case when an audit or investigation is underway, records
17 shall be maintained until the Secretary releases the oper-
18 ator of 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,
2 have access to, and may copy, all books, papers and other
3 documents that relate to compliance with any provision
4 of this section by any person.

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

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

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

1 Freedom of Information Act, shall be made available by
2 the Secretary to other Federal agencies as necessary to
3 assure compliance with this Act and other Federal laws.
4 The Secretary, the Secretary of Agriculture, the Adminis-
5 trator of the Environmental Protection Agency, and other
6 Federal officials shall ensure that such information is pro-
7 vided protection in accordance with the requirements of
8 that section.

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

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

24 (3) For the purposes of this subsection, the term
25 “underreporting” means the difference between the roy-

1 alty on the value of the production that should have been
2 reported and the royalty on the value of the production
3 which was reported, if the value that should have been
4 reported is greater than the value that was reported.

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

12 (5) The Secretary shall waive any portion of an as-
13 sessment under paragraph (2) of this subsection attrib-
14 utable to that portion of the underreporting for which the
15 person responsible for paying the royalty demonstrates
16 that—

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

20 (B) such person had substantial authority for
21 reporting royalty on the value of the production on
22 the basis on which it was reported;

23 (C) such person previously had notified the Sec-
24 retary, in such manner as the Secretary may by rule
25 prescribe, of relevant reasons or facts affecting the

1 royalty treatment of specific production which led to
2 the underreporting; or

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

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

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

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

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

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

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

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

17 (a) FEE.—

18 (1) Except as provided in section 2511(e)(2) of
19 the Energy Policy Act of 1992 (relating to oil shale
20 claims), for each unpatented mining claim, mill or
21 tunnel site on federally owned lands, whether located
22 before, on, or after enactment of this Act, each
23 claimant shall pay to the Secretary, on or before Au-
24 gust 31 of each year, a claim maintenance fee of
25 \$200 per claim to hold such unpatented mining

1 claim, mill or tunnel site for the assessment year be-
2 ginning at noon on the next day, September 1. Such
3 claim maintenance fee shall be in lieu of the assess-
4 ment work requirement contained in the Mining Law
5 of 1872 (30 U.S.C. 28 et seq.) and the related filing
6 requirements contained in section 314(a) and (c) of
7 the Federal Land Policy and Management Act of
8 1976 (43 U.S.C. 1744(a) and (c)).

9 (2)(A) The claim maintenance fee required
10 under this subsection shall be waived for a claimant
11 who certifies in writing to the Secretary that on the
12 date the payment was due, the claimant and all re-
13 lated parties—

14 (i) held not more than 10 mining claims,
15 mill sites, or tunnel sites, or any combination
16 thereof, on public lands; and

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

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

4 (i) the spouse and dependent children (as
5 defined in section 152 of the Internal Revenue
6 Code of 1986), of the claimant; or

7 (ii) a person affiliated with the claimant,
8 including—

9 (I) a person controlled by, controlling,
10 or under common control with the claim-
11 ant; or

12 (II) a subsidiary or parent company
13 or corporation of the claimant.

14 (3)(A) The Secretary shall adjust the fees re-
15 quired by this subsection to reflect changes in the
16 Consumer Price Index published by the Bureau of
17 Labor Statistics of the Department of Labor every
18 5 years after the date of enactment of this Act, or
19 more frequently if the Secretary determines an ad-
20 justment to be reasonable.

21 (B) The Secretary shall provide claimants no-
22 tice of any adjustment made under this paragraph
23 not later than July 1 of any year in which the ad-
24 justment is made.

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

4 (4) Moneys received under this subsection that
5 are not otherwise allocated for the administration of
6 the mining laws by the Department of the Interior
7 shall be deposited in the Locatable Minerals Fund
8 established by this Act.

9 (b) LOCATION.—

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

18 (2) Moneys received under this subsection that
19 are not otherwise allocated for the administration of
20 the mining laws by the Department of the Interior
21 shall be deposited in the Locatable Minerals Fund
22 established by this Act.

23 (c) CO-OWNERSHIP.—The co-ownership provisions of
24 the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain
25 in effect except that the annual claim maintenance fee,

1 where applicable, shall replace applicable assessment re-
2 quirements and expenditures.

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

8 (e) OTHER REQUIREMENTS.—

9 (1) Nothing in this section shall change or mod-
10 ify the requirements of section 314(b) of the Federal
11 Land Policy and Management Act of 1976 (43
12 U.S.C. 1744(b)), or the requirements of section
13 314(c) of the Federal Land Policy and Management
14 Act of 1976 (43 U.S.C. 1744(c)) related to filings
15 required by section 314(b), which remain in effect.

16 (2) Section 2324 of the Revised Statutes of the
17 United States (30 U.S.C. 28) is amended by insert-
18 ing “or section 103(a) of the Hardrock Mining Re-
19 form and Reclamation Act of 2015” after “Act of
20 1993”.

21 **SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY**
22 **OF CLAIMS.**

23 Timely payment of the claim maintenance fee re-
24 quired by section 103 of this Act or any related law relat-
25 ing to the use of Federal land, asserts the claimant’s au-

1 thority to use and occupy the Federal land concerned for
2 prospecting and exploration, consistent with the require-
3 ments of this Act and other applicable law.

4 **TITLE II—PROTECTION OF** 5 **SPECIAL PLACES**

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

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

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

18 (1) Wilderness study areas.

19 (2) Areas of critical environmental concern.

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

1 for inclusion in such system pursuant to section 5(d)
2 of such Act (16 U.S.C. 1276(d)).

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

7 (c) EXISTING AUTHORITY NOT AFFECTED.—Noth-
8 ing in this Act limits the authority granted the Secretary
9 in section 204 of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1714) to withdraw public
11 lands.

12 **SEC. 202. WITHDRAWAL PETITIONS BY STATES, POLITICAL**
13 **SUBDIVISIONS, AND INDIAN TRIBES.**

14 (a) IN GENERAL.—Subject to valid existing rights,
15 any State or political subdivision of a State or an Indian
16 tribe may submit a petition to the Secretary for the with-
17 drawal of a specific tract of Federal land from the oper-
18 ation of the general mining laws, in order to protect spe-
19 cific values identified in the petition that are important
20 to the State or political subdivision or Indian tribe. Such
21 values may include the value of a watershed to supply
22 drinking water, wildlife habitat value, cultural or historic
23 resources, or value for scenic vistas important to the local
24 economy, and other similar values. In the case of an In-
25 dian tribe, the petition may also identify religious or cul-

1 tural values that are important to the Indian tribe. The
2 petition shall contain the information required by section
3 204 of the Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1714).

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

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

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

9 (3) shall grant the petition subject to valid ex-
10 isting rights, unless the Secretary makes and pub-
11 lishes in the Federal Register specific findings why
12 a decision to grant the petition would be against the
13 national interest.

14 **TITLE III—ENVIRONMENTAL**
15 **CONSIDERATIONS OF MIN-**
16 **ERAL EXPLORATION AND DE-**
17 **VELOPMENT**

18 **SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON**
19 **FEDERAL LAND.**

20 Notwithstanding section 302(b) of the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C. 1732(b)),
22 the first section of the Act of June 4, 1897 (chapter 2;
23 30 Stat. 36 16 U.S.C. 478), and the National Forest Man-
24 agement Act of 1976 (16 U.S.C. 1600 et seq.), and in

1 accordance with this title and applicable law, unless ex-
2 pressly stated otherwise in this Act, the Secretary—

3 (1) shall ensure that mineral activities on any
4 Federal land that is subject to a mining claim, mill-
5 site claim, or tunnel site claim is carefully controlled
6 to prevent undue degradation of public lands and re-
7 sources; and

8 (2) shall not grant permission to engage in min-
9 eral activities if the Secretary, after considering the
10 evidence, makes and publishes in the Federal Reg-
11 ister a determination that undue degradation would
12 result from such activities.

13 **SEC. 302. PERMITS.**

14 (a) **PERMITS REQUIRED.**—No person may engage in
15 mineral activities on Federal land that may cause a dis-
16 turbance of surface resources, including but not limited
17 to land, air, ground water and surface water, and fish and
18 wildlife, unless—

19 (1) the claim was properly located under the
20 general mining laws and maintained in compliance
21 with such laws and this Act; and

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

24 (b) **NEGLIGIBLE DISTURBANCE.**—Notwithstanding
25 subsection (a)(2), a permit under this title shall not be

1 required for mineral activities that are a casual use of the
2 Federal land.

3 (c) COORDINATION WITH NEPA PROCESS.—To the
4 extent practicable, the Secretary and the Secretary of Ag-
5 riculture shall conduct the permit processes under this Act
6 in coordination with the timing and other requirements
7 under section 102 of the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4332).

9 **SEC. 303. EXPLORATION PERMIT.**

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

18 (b) PERMIT APPLICATION REQUIREMENTS.—An ap-
19 plication for an exploration permit under this section shall
20 be submitted in a manner satisfactory to the Secretary
21 or, for National Forest System lands, the Secretary of Ag-
22 riculture, and shall contain an exploration plan, a reclama-
23 tion plan for the proposed exploration, and such docu-
24 mentation as necessary to ensure compliance with applica-
25 ble Federal and State environmental laws and regulations.

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

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

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

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

15 (3) The proposed exploration activities and con-
16 dition of the land after the completion of exploration
17 activities and final reclamation would not conform
18 with the land use plan applicable to the area subject
19 to mineral activities.

20 (4) The area subject to the proposed permit is
21 included within an area not open to location under
22 section 201.

23 (5) The applicant has not demonstrated that
24 the exploration plan and reclamation plan will be in
25 compliance with the requirements of this Act and all

1 other applicable Federal requirements, and any
2 State requirements agreed to by the Secretary of the
3 Interior (or Secretary of Agriculture, as appro-
4 priate).

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

8 (7) The applicant is eligible to receive a permit
9 under section 305.

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

14 (f) PERMIT MODIFICATION.—During the term of an
15 exploration permit the permit holder may submit an appli-
16 cation to modify the permit. To approve a proposed modi-
17 fication to the permit, the Secretary concerned shall make
18 the same determinations as are required in the case of
19 an original permit, except that the Secretary and the Sec-
20 retary of Agriculture may specify by joint rule the extent
21 to which requirements for initial exploration permits under
22 this section shall apply to applications to modify an explo-
23 ration permit based on whether such modifications are
24 deemed significant or minor.

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

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

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

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

15 (C) meets any other requirements specified by
16 the Secretary.

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

23 (4) Each application for approval of a permit trans-
24 fer, assignment, or sale pursuant to this subsection shall
25 be accompanied by a fee payable to the Secretary of the

1 Interior in such amount as may be established by such
2 Secretary. Such amount shall be equal to the actual or
3 anticipated cost to the Secretary or the Secretary of Agri-
4 culture, as appropriate, of reviewing and approving or dis-
5 approving such transfer, assignment, or sale, as deter-
6 mined by the Secretary of the Interior.

7 **SEC. 304. OPERATIONS PERMIT.**

8 (a) OPERATIONS PERMIT.—(1) Any claim holder that
9 is in compliance with the general mining laws and section
10 103 of this Act may apply to the Secretary, or for National
11 Forest System lands, the Secretary of Agriculture, for an
12 operations permit authorizing the claim holder to carry
13 out mineral activities, other than casual use, on—

14 (A) any valid mining claim, valid millsite claim,
15 or valid tunnel site claim; and

16 (B) such additional Federal land as the Sec-
17 retary may determine is necessary to conduct the
18 proposed mineral activities, if the operator obtains a
19 right-of-way permit for use of such additional lands
20 under title V of the Federal Land Policy and Man-
21 agement Act of 1976 (43 U.S.C. 1761 et seq.) and
22 agrees to pay all fees required under that title for
23 the permit under that title.

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

4 (b) PERMIT APPLICATION REQUIREMENTS.—An ap-
5 plication for an operations permit under this section shall
6 be submitted in a manner satisfactory to the Secretary
7 concerned and shall contain site characterization data, an
8 operations plan, a reclamation plan, monitoring plans,
9 long-term maintenance plans, to the extent necessary, and
10 such documentation as necessary to ensure compliance
11 with applicable Federal and State environmental laws and
12 regulations. If the proposed mineral activities will be car-
13 ried out in conjunction with mineral activities on adjacent
14 non-Federal lands, information on the location and nature
15 of such operations may be required by the Secretary.

16 (c) PERMIT ISSUANCE OR DENIAL.—(1) After pro-
17 viding for public participation pursuant to subsection (i),
18 the Secretary, or for National Forest System lands the
19 Secretary of Agriculture, shall issue an operations permit
20 if such Secretary makes each of the following determina-
21 tions in writing, and shall deny a permit if such Secretary
22 finds that the application and applicant do not fully meet
23 the following requirements:

24 (A) The permit application, including the site
25 characterization data, operations plan, and reclama-

1 tion plan, are complete and accurate and sufficient
2 for developing a good understanding of the antici-
3 pated impacts of the mineral activities and the effec-
4 tiveness of proposed mitigation and control.

5 (B) The applicant has demonstrated that the
6 proposed reclamation in the operation and reclama-
7 tion plan can be and is likely to be accomplished by
8 the applicant and will not cause undue degradation.

9 (C) The condition of the land, including the fish
10 and wildlife resources and habitat contained thereon,
11 after the completion of mineral activities and final
12 reclamation, will conform to the land use plan appli-
13 cable to the area subject to mineral activities and
14 are returned to a productive use.

15 (D) The area subject to the proposed plan is
16 open to location for the types of mineral activities
17 proposed.

18 (E) The proposed operation has been designed
19 to prevent material damage to the hydrologic bal-
20 ance outside the permit area.

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

24 (G) Neither the applicant nor operator, nor any
25 subsidiary, affiliate, or person controlled by or under

1 common control with the applicant or operator, is in-
2 eligible to receive a permit under section 305.

3 (H) The reclamation plan demonstrates that 10
4 years following mine closure, no treatment of surface
5 or ground water for carcinogens or toxins will be re-
6 quired to meet water quality standards at the point
7 of discharge.

8 (2) With respect to any activities specified in the rec-
9 lamation plan referred to in subsection (b) that constitutes
10 a removal or remedial action under section 101 of the
11 Comprehensive Environmental Response, Compensation,
12 and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the
13 Secretary shall consult with the Administrator of the En-
14 vironmental Protection Agency prior to the issuance of an
15 operations permit. The Administrator shall ensure that
16 the reclamation plan does not require activities that would
17 increase the costs or likelihood of removal or remedial ac-
18 tions under the Comprehensive Environmental Response,
19 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
20 et seq.) or corrective actions under the Solid Waste Dis-
21 posal Act (42 U.S.C. 6901 et seq.).

22 (d) TERM OF PERMIT; RENEWAL.—

23 (1) An operations permit—

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

1 (i) the period necessary to accomplish
2 the proposed mineral activities subject to
3 the permit; and

4 (ii) 20 years; and

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

9 (2) Failure by the operator to commence min-
10 eral activities within 2 years of the date scheduled
11 in an operations permit shall require a modification
12 of the permit if the Secretary concerned determines
13 that modifications are necessary to comply with sec-
14 tion 201.

15 (e) PERMIT MODIFICATION.—

16 (1) During the term of an operations permit
17 the operator may submit an application to modify
18 the permit (including the operations plan or rec-
19 lamation plan, or both).

20 (2) The Secretary, or for National Forest Sys-
21 tem lands the Secretary of Agriculture, may, at any
22 time, require reasonable modification to any oper-
23 ations plan or reclamation plan upon a determina-
24 tion that the requirements of this Act cannot be met
25 if the plan is followed as approved. Such determina-

1 tion shall be based on a written finding and subject
2 to public notice and hearing requirements estab-
3 lished by the Secretary concerned.

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

8 (A) development of acid or toxic drainage;

9 (B) loss of springs or water supplies;

10 (C) water quantity, water quality, or other
11 resulting water impacts that are significantly
12 different than those predicted in the applica-
13 tion;

14 (D) the need for long-term water treat-
15 ment;

16 (E) significant reclamation difficulties or
17 reclamation failure;

18 (F) the discovery of significant scientific,
19 cultural, or biological resources that were not
20 addressed in the original plan; or

21 (G) the discovery of hazards to public safe-
22 ty.

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

24 An operator conducting mineral activities under an oper-
25 ations permit in effect under this title may not temporarily

1 cease mineral activities for a period greater than 180 days
2 unless the Secretary concerned has approved such tem-
3 porary cessation or unless the temporary cessation is per-
4 mitted under the original permit. Any operator tempo-
5 rarily ceasing mineral activities for a period greater than
6 90 days under an operations permit issued before the date
7 of the enactment of this Act shall submit, before the expi-
8 ration of such 90-day period, a complete application for
9 temporary cessation of operations to the Secretary con-
10 cerned for approval unless the temporary cessation is per-
11 mitted under the original permit.

12 (2) An application for approval of temporary ces-
13 sation of operations shall include such information re-
14 quired under subsection (b) and any other provisions pre-
15 scribed by the Secretary concerned to minimize impacts
16 on the environment. After receipt of a complete applica-
17 tion for temporary cessation of operations such Secretary
18 shall conduct an inspection of the area for which tem-
19 porary cessation of operations has been requested.

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

23 (A) A determination that the methods for se-
24 curing surface facilities and restricting access to the
25 permit area, or relevant portions thereof, will effec-

1 tively ensure against hazards to the health and safe-
2 ty of the public and fish and wildlife.

3 (B) A determination that reclamation is in com-
4 pliance with the approved reclamation plan, except
5 in those areas specifically designated in the applica-
6 tion for temporary cessation of operations for which
7 a delay in meeting such standards is necessary to fa-
8 cilitate the resumption of operations.

9 (C) A determination that the amount of finan-
10 cial assurance filed with the permit application is
11 sufficient to assure completion of the reclamation ac-
12 tivities identified in the approved reclamation plan in
13 the event of forfeiture.

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

21 (g) PERMIT REVIEWS.—The Secretary, or for Na-
22 tional Forest System lands the Secretary of Agriculture,
23 shall review each permit issued under this section every
24 10 years during the term of such permit, shall provide
25 public notice of the permit review, and, based upon a writ-

1 ten finding, such Secretary shall require the operator to
2 take such actions as the Secretary deems necessary to as-
3 sure that mineral activities conform to the permit, includ-
4 ing adjustment of financial assurance requirements.

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

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

15 (A) has submitted information required and is
16 eligible to receive a permit in accordance with sec-
17 tion 305;

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

20 (C) meets any other requirements specified by
21 such Secretary.

22 (3) The successor in interest shall assume the liability
23 and reclamation responsibilities established by the existing
24 permit and shall conduct the mineral activities in full com-
25 pliance with this Act, and the terms and conditions of the

1 permit as in effect at the time of transfer, assignment,
2 or sale.

3 (4) Each application for approval of a permit trans-
4 fer, assignment, or sale pursuant to this subsection shall
5 be accompanied by a fee payable to the Secretary of the
6 Interior, or for National Forest System lands, the Sec-
7 retary of Agriculture, in such amount as may be estab-
8 lished by such Secretary, or for National Forest System
9 lands, by the Secretary of Agriculture. Such amount shall
10 be equal to the actual or anticipated cost to the Secretary
11 or, for National Forest System lands, to the Secretary of
12 Agriculture, of reviewing and approving or disapproving
13 such transfer, assignment, or sale, as determined by such
14 Secretary.

15 (i) PUBLIC PARTICIPATION.—The Secretary of the
16 Interior and the Secretary of Agriculture shall jointly pro-
17 mulgate regulations to ensure transparency and public
18 participation in permit decisions required under this Act,
19 consistent with any requirements that apply to such deci-
20 sions under section 102 of the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4332).

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

23 (a) CURRENT VIOLATIONS.—Unless corrective action
24 has been taken in accordance with subsection (c), no per-
25 mit under this title shall be issued or transferred to an

1 applicant if the applicant or any agent of the applicant,
2 the operator (if different than the applicant) of the claim
3 concerned, any claim holder (if different than the appli-
4 cant) of the claim concerned, or any affiliate or officer
5 or director of the applicant is currently in violation of any
6 of the following:

7 (1) A provision of this Act or any regulation
8 under this Act.

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

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

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

1 (c) CORRECTION.—(1) The Secretary, or for National
2 Forest System lands the Secretary of Agriculture, may
3 issue or reinstate a permit under this title if the applicant
4 submits proof that the violation referred to in subsection
5 (a) or (b) has been corrected or is in the process of being
6 corrected to the satisfaction of such Secretary and the reg-
7 ulatory authority involved or if the applicant submits proof
8 that the violator has filed and is presently pursuing, a di-
9 rect administrative or judicial appeal to contest the exist-
10 ence of the violation. For purposes of this section, an ap-
11 peal of any applicant's relationship to an affiliate shall not
12 constitute a direct administrative or judicial appeal to con-
13 test the existence of the violation.

14 (2) Any permit which is issued or reinstated based
15 upon proof submitted under this subsection shall be condi-
16 tionally approved or conditionally reinstated, as the case
17 may be. If the violation is not successfully abated or the
18 violation is upheld on appeal, the permit shall be sus-
19 pended or revoked.

20 (d) PATTERN OF WILLFUL VIOLATIONS.—No permit
21 under this Act may be issued to any applicant if there
22 is a demonstrated pattern of willful violations of the envi-
23 ronmental protection requirements of this Act by the ap-
24 plicant, any affiliate of the applicant, or the operator or
25 claim holder if different than the applicant.

1 **SEC. 306. FINANCIAL ASSURANCE.**

2 (a) FINANCIAL ASSURANCE REQUIRED.—(1) After a
3 permit is issued under this title and before any exploration
4 or operations begin under the permit, the operator shall
5 file with the Secretary, or for National Forest System
6 lands the Secretary of Agriculture, evidence of financial
7 assurance payable to the United States. The financial as-
8 surance shall be provided in the form of a surety bond,
9 a trust fund, letters of credits, government securities, cer-
10 tificates of deposit, cash, or an equivalent form approved
11 by such Secretary.

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

20 (b) AMOUNT.—The amount of the financial assur-
21 ance required under this section shall be sufficient to as-
22 sure the completion of reclamation and restoration satis-
23 fying the requirements of this Act if the work were to be
24 performed by the Secretary concerned in the event of for-
25 feiture, including the construction and maintenance costs
26 for any treatment facilities necessary to meet Federal and

1 State environmental requirements. The calculation of such
2 amount shall take into account the maximum level of fi-
3 nancial exposure which shall arise during the mineral ac-
4 tivity and administrative costs associated with a govern-
5 ment agency reclaiming the site.

6 (c) DURATION.—The financial assurance required
7 under this section shall be held for the duration of the
8 mineral activities and for an additional period to cover the
9 operator's responsibility for reclamation, restoration, and
10 long-term maintenance, and effluent treatment as speci-
11 fied in subsection (g).

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

23 (e) RELEASE.—Upon request, and after notice and
24 opportunity for public comment, and after inspection by
25 the Secretary, or for National Forest System lands, the

1 Secretary of Agriculture, such Secretary may, after con-
2 sultation with the Administrator of the Environmental
3 Protection Agency, release in whole or in part the financial
4 assurance required under this section if the Secretary
5 makes both of the following determinations:

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

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

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

16 (1) After the operator has completed any re-
17 quired backfilling, regrading, and drainage control of
18 an area subject to mineral activities and covered by
19 the financial assurance, and has commenced revege-
20 tation on the regraded areas subject to mineral ac-
21 tivities in accordance with the approved plan, that
22 portion of the total financial assurance secured for
23 the area subject to mineral activities attributable to
24 the completed activities may be released except that
25 sufficient assurance must be retained to address

1 other required reclamation and restoration needs
2 and to assure the long-term success of the revegeta-
3 tion.

4 (2) After the operator has completed success-
5 fully all remaining mineral activities and reclamation
6 activities and all requirements of the operations plan
7 and the reclamation plan, and all other requirements
8 of this Act have been fully met, the remaining por-
9 tion of the financial assurance may be released.

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

15 (g) EFFLUENT.—Notwithstanding section 307(b)(4),
16 where any discharge or other water-related condition re-
17 sulting from the mineral activities requires treatment in
18 order to meet the applicable effluent limitations and water
19 quality standards, the financial assurance shall include the
20 estimated cost of maintaining such treatment for the pro-
21 jected period that will be needed after the cessation of
22 mineral activities. The portion of the financial assurance
23 attributable to such estimated cost of treatment shall not
24 be released until the discharge has ceased for a period of
25 5 years, as determined by ongoing monitoring and testing,

1 or, if the discharge continues, until the operator has met
2 all applicable effluent limitations and water quality stand-
3 ards for 5 full years without treatment.

4 (h) ENVIRONMENTAL HAZARDS.—If the Secretary,
5 or for National Forest System lands, the Secretary of Ag-
6 riculture, determines, after final release of financial assur-
7 ance, that an environmental hazard resulting from the
8 mineral activities exists, or the terms and conditions of
9 the explorations or operations permit of this Act were not
10 fulfilled in fact at the time of release, such Secretary shall
11 issue an order under section 506 requiring the claim hold-
12 er or operator (or any person who controls the claim hold-
13 er or operator) to correct the condition such that applica-
14 ble laws and regulations and any conditions from the plan
15 of operations are met.

16 **SEC. 307. OPERATION AND RECLAMATION.**

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

21 (A) the uses which such lands were capable of
22 supporting prior to surface disturbance by the oper-
23 ator, or

24 (B) other beneficial uses which conform to ap-
25 plicable land use plans as determined by the Sec-

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

3 (2) Reclamation shall proceed as contemporaneously
4 as practicable with the conduct of mineral activities. In
5 the case of a cessation of mineral activities beyond that
6 provided for as a temporary cessation under this Act, rec-
7 lamation activities shall begin immediately.

8 (b) OPERATION AND RECLAMATION STANDARDS.—
9 The Secretary of the Interior and the Secretary of Agri-
10 culture shall jointly promulgate regulations that establish
11 operation and reclamation standards for mineral activities
12 permitted under this Act. The Secretaries may determine
13 whether outcome-based performance standards or tech-
14 nology-based design standards are most appropriate. The
15 regulations shall address the following:

16 (1) Segregation, protection, and replacement of
17 topsoil or other suitable growth medium, and the
18 prevention, where possible, of soil contamination.

19 (2) Maintenance of the stability of all surface
20 areas.

21 (3) Control of sediments to prevent erosion and
22 manage drainage.

23 (4) Minimization of the formation and migra-
24 tion of acidic, alkaline, metal-bearing, or other dele-
25 terious leachate.

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

4 (6) Establishment of a diverse, effective, and
5 permanent vegetative cover of the same seasonal va-
6 riety native to the area affected by mineral activities,
7 and equal in extent of cover to the natural vegeta-
8 tion of the area.

9 (7) Design and maintenance of leach oper-
10 ations, impoundments, and excess waste according to
11 standard engineering standards to achieve and main-
12 tain stability and reclamation of the site.

13 (8) Removal of structures and roads and seal-
14 ing 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.—

22 The Secretary shall work with State and local govern-
23 ments with authority over the allocation and use of surface
24 and groundwater in the area around the mine site as nec-
25 essary to ensure that any surface or groundwater with-

1 drawals made as a result of mining activities approved
2 under this section 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 pended, shall continue subject to review and approval by
7 the Secretary, or for National Forest System lands the
8 Secretary of Agriculture.

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

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

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

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
8 this Act.

9 (c) COOPERATIVE AGREEMENTS.—(1) Any State
10 may enter into a cooperative agreement with the Sec-
11 retary, or for National Forest System lands the Secretary
12 of Agriculture, for the purposes of such Secretary applying
13 such standards and requirements referred to in subsection
14 (a) and subsection (b) to mineral activities or reclamation
15 on 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 addi-
18 tion to lands subject to this Act, in order to approve a
19 plan of operations the Secretary concerned shall enter into
20 a cooperative agreement with the State that sets forth a
21 common regulatory framework consistent with the require-
22 ments of this Act for the purposes of such plan of oper-
23 ations. Any such common regulatory framework shall not
24 negate the authority of the Federal Government to inde-

1 pendently inspect mines and operations and bring enforce-
2 ment actions for violations.

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

7 (d) **PRIOR AGREEMENTS.**—Any cooperative agree-
8 ment or such other understanding between the Secretary
9 concerned and any State, or political subdivision thereof,
10 relating to the management of mineral activities on lands
11 subject to this Act that was in existence on the date of
12 enactment of this Act may only continue in force until 1
13 year after the date of enactment of this Act. During such
14 1-year period, the State and the Secretary shall review the
15 terms of the agreement and make changes that are nec-
16 essary to 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 a National Park or a National Monument. For
21 purposes of this section, the term “impair” shall include
22 any diminution of the affected land including wildlife, sce-
23 nic assets, water resources, air quality, and acoustic quali-
24 ties, or other changes that would impair a citizen’s experi-
25 ence at the National Park or National Monument.

1 **TITLE IV—MINING MITIGATION**
2 **Subtitle A—Hardrock Minerals**
3 **Fund**

4 **SEC. 401. DEFINITIONS.**

5 As used in this title:

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

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

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

19 (4) **FUND.**—The term “Fund” means the
20 Hardrock Minerals Fund established by section 402.

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

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

24 (B) with respect to State, Indian, and pri-
25 vate lands, any mineral on those lands that

1 would be considered hardrock mineral under
2 subparagraph (A) if such mineral had been
3 mined under the Mining Law of 1872.

4 (6) The term “hardrock mining operation”
5 means—

6 (A) any activity or operation conducted to
7 mine a mineral under the Mining Law of 1872
8 (30 U.S.C. 22 et seq.);

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

15 (C) any activities or operations to mine
16 any other mineral the mining of which, at any
17 time on or after the date of the enactment of
18 this Act, is or was subject to the Mining Law
19 of 1872.

20 (7) The term “mineral activity” means any ac-
21 tivity on a mining claim, millsite claim, or tunnel
22 site claim for, related to, or incidental to, any min-
23 eral exploration, mining, beneficiation, processing, or
24 reclamation activity for any hardrock mineral.

1 (8) The term “operator” means any person that
2 conducts a mineral activity and any agent of such
3 person.

4 (9) The term “ton” means 2,000 pounds avoirdupois (.90718 metric ton).

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

9 **SEC. 402. ESTABLISHMENT OF FUND.**

10 (a) **ESTABLISHMENT.**—There is established on the
11 books of the Treasury a separate account to be known as
12 the Hardrock Minerals Fund.

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

23 (c) **ADMINISTRATION.**—In addition to other uses au-
24 thorized by this title, the Secretary may use amounts in
25 the Fund as necessary for the administrative expenses of

1 the United States, Indian tribes, and the States to imple-
2 ment this title.

3 **SEC. 403. CONTENTS OF FUND.**

4 The following amounts shall be credited to the Fund:

5 (1) All moneys collected pursuant to section
6 506 and section 504.

7 (2) All fees received under section
8 304(a)(1)(B).

9 (3) All donations by persons, corporations, as-
10 sociations, and foundations for the purposes of this
11 subtitle.

12 (4) All amounts deposited in the Fund under
13 section 102.

14 (5) All amounts received by the United States
15 from issuance of patents based on a determination
16 under section 101.

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

22 (7) All income on investments under section
23 402(b).

24 (8) All amounts deposited in the Fund under
25 section 405.

1 **SEC. 404. SUBACCOUNTS.**

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

3 (1) The Hardrock Reclamation Account, which
4 shall consist of two-thirds of the amounts credited to
5 the Fund under section 403 and which shall be ad-
6 ministered by the Secretary acting through the Di-
7 rector of the Office of Surface Mining and Enforce-
8 ment.

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

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

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

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

1 (c) SUBMISSION OF STATEMENT.—Together with
2 such reclamation fee, all operators of hardrock mining op-
3 erations shall submit to the Secretary a statement of the
4 amount of displaced material produced during mineral ac-
5 tivities during the previous calendar year, the accuracy of
6 which shall be sworn to by the operator and notarized.

7 (d) PENALTY.—Any corporate officer, agent, or di-
8 rector of a person conducting a hardrock mining oper-
9 ation, and any other person acting on behalf of such a
10 person, who knowingly makes any false statement, rep-
11 resentation, or certification, or knowingly fails to make
12 any statement, representation, or certification, required
13 under this section with respect to such operation shall,
14 upon conviction, be punished by a fine of not more than
15 \$10,000.

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

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

25 (g) EXEMPTION.—

1 (1) IN GENERAL.—The fee under this section
2 shall not apply for a person for any tax year for
3 which the person certifies to the Secretary in writing
4 that the person and all related parties with respect
5 to such person, in the aggregate, had annual gross
6 income from mineral production in an amount less
7 than \$100,000.

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

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

19 (A) the spouse and all dependents (as de-
20 fined in section 152 of the Internal Revenue
21 Code of 1986 (26 U.S.C. 152)) of the person;
22 or

23 (B) another person who is affiliated with
24 the person, including—

1 (i) another person controlled by, con-
2 trolling, or under common control with the
3 person; and

4 (ii) a subsidiary or parent company or
5 corporation of the person.

6 **Subtitle B—Use of Hardrock**
7 **Reclamation Account**

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

9 (a) AUTHORIZED USES.—

10 (1) IN GENERAL.—The Secretary may, subject
11 to appropriations, use moneys in the Hardrock Rec-
12 lamation Account (hereinafter in this subtitle re-
13 ferred to as the “Account”) for the reclamation and
14 restoration of land and water resources adversely af-
15 fected by past hardrock mineral activities and re-
16 lated activities on lands described in section 412, in-
17 cluding any of the following:

18 (A) Protecting public health and safety.

19 (B) Preventing, abating, treating, and con-
20 trolling water pollution created by abandoned
21 mine drainage, including in river watershed
22 areas.

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

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

3 (E) Backfilling, sealing, or otherwise con-
4 trolling abandoned underground mine entries.

5 (F) Revegetating land adversely affected
6 by past mineral activities in order to prevent
7 erosion and sedimentation, to enhance wildlife
8 habitat, and for any other reclamation purpose.

9 (G) Controlling surface subsidence due to
10 abandoned underground mines.

11 (H) Enhancing fish and wildlife habitat.

12 (2) MANNER OF USE.—Amounts in the Account
13 may—

14 (A) be expended by the Secretary for the
15 purposes described in paragraph (1);

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

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

5 (b) ALLOCATION.—Of the amounts deposited into the
6 Account—

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

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

21 (3) 50 percent shall be allocated for expenditure
22 by the Secretary to address high-priority needs ac-
23 cording to the priorities in subsection (c).

1 (c) PRIORITIES.—Expenditures of moneys from the
2 Account shall reflect the following priorities in the order
3 stated:

4 (1) The protection of public health and safety
5 from extreme danger from the adverse effects of
6 past mineral activities, especially as relates to sur-
7 face water and ground water contaminants.

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

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

14 (d) HABITAT.—Reclamation and restoration activi-
15 ties under this subtitle shall include appropriate mitiga-
16 tion measures to provide for the continuation of any estab-
17 lished habitat for wildlife in existence before the com-
18 mencement of such activities.

19 (e) RESPONSE OR REMOVAL ACTIONS.—Reclamation
20 and restoration activities under this subtitle that con-
21 stitute a removal or remedial action under section 101 of
22 the Comprehensive Environmental Response, Compensa-
23 tion, and Liability Act of 1980 (42 U.S.C. 9601), shall
24 be conducted with the concurrence of the Administrator
25 of the Environmental Protection Agency. The Secretary

1 and the Administrator shall enter into a memorandum of
2 understanding to establish procedures for consultation,
3 concurrence, training, exchange of technical expertise, and
4 joint activities under the appropriate circumstances, that
5 provide assurances that reclamation or restoration activi-
6 ties under this subtitle shall not be conducted in a manner
7 that increases the costs or likelihood of removal or reme-
8 dial actions under the Comprehensive Environmental Re-
9 sponse, Compensation, and Liability Act of 1980 (42
10 U.S.C. 9601 et seq.), and that avoid oversight by multiple
11 agencies to the maximum extent practicable.

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

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

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

23 (2) Lands for which the Secretary makes a de-
24 termination that there is no continuing reclamation
25 responsibility of a claim holder, operator, or other

1 person who abandoned the site prior to completion
2 of required reclamation under State or other Federal
3 laws.

4 (b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—
5 Sites and areas designated for remedial action pursuant
6 to the Uranium Mill Tailings Radiation Control Act of
7 1978 (42 U.S.C. 7901 et seq.) shall not be eligible for
8 expenditures from the Account under this section.

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

16 **SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

17 Amounts credited to the Hardrock Reclamation Ac-
18 count are authorized to be appropriated for the purpose
19 of this subtitle without fiscal year limitation.

20 **Subtitle C—Use of Hardrock Com-**
21 **munity Impact Assistance Ac-**
22 **count**

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

24 Amounts in the Hardrock Community Impact Assist-
25 ance Account shall be available to the Secretary, subject

1 to appropriations, to provide assistance for the planning,
2 construction, and maintenance of public facilities and the
3 provision of public services to States, political subdivisions,
4 and Indian tribes that are socially or economically im-
5 pacted by mineral activities conducted under the general
6 mining laws.

7 **SEC. 422. ALLOCATION OF FUNDS.**

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

1 **TITLE V—ADMINISTRATIVE AND**
2 **MISCELLANEOUS PROVISIONS**
3 **Subtitle A—Administrative**
4 **Provisions**

5 **SEC. 501. POLICY FUNCTIONS.**

6 (a) **MINERALS POLICY.**—Section 101 of the Mining
7 and Minerals Policy Act of 1970 (30 U.S.C. 21a) is
8 amended—

9 (1) in the first sentence by inserting before the
10 period at the end the following: “and to ensure that
11 mineral extraction and processing not cause undue
12 degradation of the natural and cultural resources of
13 the public lands”; and

14 (2) by adding at the end thereof the following:
15 “It shall also be the responsibility of the Secretary
16 of Agriculture to carry out the policy provisions of
17 clauses (1) and (2) of the first paragraph of this
18 section.”.

19 (b) **MINERAL DATA.**—Section 5(e)(3) of the National
20 Materials and Minerals Policy, Research and Development
21 Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by insert-
22 ing before the period the following: “, except that for Na-
23 tional Forest System lands the Secretary of Agriculture
24 shall promptly initiate actions to improve the availability

1 and analysis of mineral data in public land use decision-
2 making”.

3 **SEC. 502. USER FEES.**

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

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

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

23 (3) A fee adjustment under this subsection shall
24 begin to apply the calendar year following the calendar
25 year in which it is made.

1 **SEC. 503. INSPECTION AND MONITORING.**

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

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

21 (3)(A) Any person who has reason to believe he or
22 she is or may be adversely affected by mineral activities
23 due to any violation of the requirements of a permit ap-
24 proved under this Act may request an inspection. The Sec-
25 retary, or for National Forest System lands the Secretary
26 of Agriculture, shall determine within 10 working days of

1 receipt of the request whether the request states a reason
2 to believe that a violation exists. If the person alleges and
3 provides reason to believe that an imminent threat to the
4 environment or danger to the health or safety of the public
5 exists, the 10-day period shall be waived and the inspec-
6 tion shall be conducted immediately. When an inspection
7 is conducted under this paragraph, the Secretary con-
8 cerned shall notify the person requesting the inspection,
9 and such person shall be allowed to accompany the Sec-
10 retary concerned or the Secretary's authorized representa-
11 tive during the inspection. The Secretary shall not incur
12 any liability for allowing such person to accompany an au-
13 thorized representative. The identity of the person sup-
14 plying information to the Secretary relating to a possible
15 violation or imminent danger or harm shall remain con-
16 fidential with the Secretary if so requested by that person,
17 unless that person elects to accompany an authorized rep-
18 resentative on the inspection.

19 (B) The Secretaries shall, by joint rule, establish pro-
20 cedures for the review of (i) any decision by an authorized
21 representative not to inspect; or (ii) any refusal by such
22 representative to ensure that remedial actions are taken
23 with respect to any alleged violation. The Secretary con-
24 cerned shall furnish such persons requesting the review

1 a written statement of the reasons for the Secretary's final
2 disposition of the case.

3 (b) MONITORING.—(1) The Secretary, or for Na-
4 tional Forest System lands the Secretary of Agriculture,
5 shall require all operators to develop and maintain a moni-
6 toring and evaluation system that shall identify compli-
7 ance with all requirements of a permit approved under this
8 Act. The Secretary concerned may require additional mon-
9 itoring to be conducted as necessary to assure compliance
10 with the reclamation and other environmental standards
11 of this Act. Such plan must be reviewed and approved by
12 the Secretary and shall become a part of the explorations
13 or operations permit.

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

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

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

10 **SEC. 504. CITIZENS SUITS.**

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

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

20 (2) against the Secretary or the Secretary of
21 Agriculture where there is alleged a failure of such
22 Secretary to perform any act or duty under this Act,
23 or to promulgate any regulation under this Act,
24 which is not within the discretion of the Secretary
25 concerned.

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
6 have jurisdiction to compel agency action unreasonably de-
7 layed, except that an action to compel agency action re-
8 viewable under section 505 may only be filed in a United
9 States district court within the circuit in which such action
10 would 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
13 beginning on the date the plaintiff has given notice in writ-
14 ing of such alleged violation to the alleged violator and
15 the Secretary, or for National Forest System lands the
16 Secretary of Agriculture, except that any such action may
17 be brought immediately after such notification if the viola-
18 tion complained of constitutes an imminent threat to the
19 environment or to the health or safety of the public.

20 (2) No action may be brought against any person
21 other than the Secretary or the Secretary of Agriculture
22 under subsection (a)(1) if such Secretary has commenced
23 and is diligently prosecuting a civil or criminal action in
24 a court 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
3 rule promulgated by, or to any permit issued or denied
4 by such Secretary if such rule or permit issuance or denial
5 is judicially reviewable under section 505 or under any
6 other provision of law at any time after such promulga-
7 tion, issuance, or denial is final.

8 (c) VENUE.—Venue of all actions brought under this
9 section shall be determined in accordance with section
10 1391 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
2 for any failure to act as required by law. Nothing in this
3 section shall affect the jurisdiction of any court under any
4 provision of title 28, United States Code, including any
5 action for any violation of this Act or of any regulation
6 or permit issued under this Act or for any failure to act
7 as required 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 sec-
11 tion 506, or any person having an interest which is or
12 may be adversely affected by such notice or order, may
13 apply to the Secretary, or for National Forest System
14 lands the Secretary of Agriculture, for review of the notice
15 or order within 30 days after receipt thereof, or as the
16 case may be, within 30 days after such notice or order
17 is modified, vacated, 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 en-
3 forcement 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
6 to the proceeding as specified in paragraph (1). The filing
7 of an application for review under this subsection shall not
8 operate as a stay of any order or notice issued under sec-
9 tion 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 assess-
15 ment, the amount of penalty that is warranted. Where the
16 application for review concerns a cessation order issued
17 under section 506 the Secretary concerned shall issue the
18 written decision within 30 days of the receipt of the appli-
19 cation for review or within 30 days after the conclusion
20 of any hearing referred to in paragraph (2), whichever is
21 later, unless temporary relief has been granted by the Sec-
22 retary 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
5 an order or decision granting or denying such relief. The
6 Secretary concerned may grant such relief under such con-
7 ditions 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
13 under section 504 (relating to citizen suits).

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

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

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

15 (3) The availability of judicial review established in
16 this subsection shall not be construed to limit the oper-
17 ations of rights under section 504 (relating to citizens
18 suits).

19 (4) The court shall hear any petition or complaint
20 filed under this subsection solely on the record made be-
21 fore the Secretary or Secretaries concerned. The court
22 may affirm or vacate any order or decision or may remand
23 the proceedings to the Secretary or Secretaries for such
24 further action as it may direct.

1 (5) The commencement of a proceeding under this
2 section shall not, unless specifically ordered by the court,
3 operate as a stay of the action, order, or decision of the
4 Secretary or Secretaries concerned.

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

20 **SEC. 506. ENFORCEMENT.**

21 (a) ORDERS.—(1) If the Secretary, or for National
22 Forest System lands the Secretary of Agriculture, or an
23 authorized representative of such Secretary, determines
24 that any person is in violation of any environmental pro-
25 tection requirement under title III or any regulation

1 issued by the Secretaries to implement this Act, such Sec-
2 retary or authorized representative shall issue to such per-
3 son a notice of violation describing the violation and the
4 corrective measures to be taken. The Secretary concerned,
5 or the authorized representative of such Secretary, shall
6 provide such person with a period of time not to exceed
7 30 days to abate the violation. Such period of time may
8 be extended by the Secretary concerned upon a showing
9 of good cause by such person. If, upon the expiration of
10 time provided for such abatement, the Secretary con-
11 cerned, or the authorized representative of such Secretary,
12 finds that the violation has not been abated he or she shall
13 immediately order a cessation of all mineral activities or
14 the portion thereof relevant to the violation.

15 (2) If the Secretary concerned, or the authorized rep-
16 resentative of the Secretary concerned, determines that
17 any condition or practice exists, or that any person is in
18 violation of any requirement under a permit approved
19 under this Act, and such condition, practice or violation
20 is causing, or can reasonably be expected to cause—

21 (A) an imminent danger to the health or safety
22 of the public; or

23 (B) significant, imminent environmental harm
24 to land, air, water, or fish or wildlife resources,

1 such Secretary or authorized representative shall imme-
2 diately order a cessation of mineral activities or the por-
3 tion thereof relevant to the condition, practice, or viola-
4 tion.

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

16 (B) Any notice or order issued pursuant to para-
17 graphs (1) or (2) may be modified, vacated, or terminated
18 by the Secretary concerned or an authorized representa-
19 tive of such Secretary. Any person to whom any such no-
20 tice or order is issued shall be entitled to a hearing on
21 the record.

22 (4) If, after 30 days of the date of the order referred
23 to in paragraph (3)(A) the required abatement has not
24 occurred, the Secretary concerned shall take such alter-
25 native enforcement action against the claim holder or op-

1 erator (or any person who controls the claim holder or op-
2 erator) as will most likely bring about abatement in the
3 most expeditious manner possible. Such alternative en-
4 forcement action may include, but is not necessarily lim-
5 ited to, seeking appropriate injunctive relief to bring about
6 abatement. Nothing in this paragraph shall preclude the
7 Secretary, or for National Forest System lands the Sec-
8 retary of Agriculture, from taking alternative enforcement
9 action prior to the expiration of 30 days.

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

19 (6) The Secretary, or for National Forest System
20 lands the Secretary of Agriculture, shall not cause for-
21 feiture of the financial assurance while administrative or
22 judicial review is pending.

23 (7) In the event of forfeiture, the claim holder, oper-
24 ator, or any affiliate thereof, as appropriate as determined
25 by the Secretary by rule, shall be jointly and severally lia-

1 ble for any remaining reclamation obligations under this
2 Act.

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

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

14 (2) interferes with, hinders, or delays the Sec-
15 retary concerned in carrying out an inspection under
16 section 503.

17 Such court shall have jurisdiction to provide such relief
18 as may be appropriate. Any relief granted by the court
19 to enforce an order under paragraph (1) shall continue
20 in effect until the completion or final termination of all
21 proceedings for review of such order unless the district
22 court granting such relief sets it aside.

23 (c) DELEGATION.—Notwithstanding any other provi-
24 sion of law, the Secretary may utilize personnel of the Of-

1 fice of Surface Mining Reclamation and Enforcement to
2 ensure compliance with the requirements of this Act.

3 (d) PENALTIES.—(1) Any person who fails to comply
4 with any requirement of a permit approved under this Act
5 or any regulation issued by the Secretaries to implement
6 this Act shall be liable for a penalty of not more than
7 \$25,000 per violation. Each day of violation may be
8 deemed a separate violation for purposes of penalty assess-
9 ments.

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

15 (3) Whenever a corporation is in violation of a re-
16 quirement of a permit approved under this Act or any reg-
17 ulation issued by the Secretaries to implement this Act
18 or fails or refuses to comply with an order issued under
19 subsection (a), any director, officer, or agent of such cor-
20 poration who knowingly authorized, ordered, or carried
21 out such violation, failure, or refusal shall be subject to
22 the same penalties as may be imposed upon the person
23 referred to in paragraph (1).

24 (e) SUSPENSIONS OR REVOCATIONS.—The Secretary,
25 or for National Forest System lands the Secretary of Agri-

1 culture, shall suspend or revoke a permit issued under title
2 III, in whole or in part, if the operator—

3 (1) knowingly made or knowingly makes any
4 false, inaccurate, or misleading material statement
5 in any mining claim, notice of location, application,
6 record, report, plan, or other document filed or re-
7 quired to be maintained under this Act;

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

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

12 (4) refuses to permit an audit pursuant to this
13 Act;

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

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

18 (7) with regard to plans conditionally approved
19 under section 305(c)(2), fails to abate a violation to
20 the satisfaction of the Secretary concerned, or if the
21 validity of the violation is upheld on the appeal
22 which formed the basis for the conditional approval.

23 (f) FALSE STATEMENTS; TAMPERING.—Any person
24 who knowingly—

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

7 (2) falsifies, tampers with, renders inaccurate,
8 or fails to install any monitoring device or method
9 required to be maintained under this Act,

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

19 (g) KNOWING VIOLATIONS.—Any person who know-
20 ingly—

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

23 (2) violates any other requirement of a permit
24 issued under this Act, or any condition or limitation
25 thereof,

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

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

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

18 **SEC. 507. REGULATIONS.**

19 The Secretary and the Secretary of Agriculture shall
20 issue such regulations as are necessary to implement this
21 Act. The regulations implementing title II, title III, title
22 IV, and title V that affect the Forest Service shall be joint
23 regulations issued by both Secretaries, and shall be issued
24 no later than 180 days after the date of enactment of this
25 Act.

1 **SEC. 508. EFFECTIVE DATE.**

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

4 **Subtitle B—Miscellaneous**
5 **Provisions**

6 **SEC. 511. OIL SHALE CLAIMS.**

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

9 (1) by striking “as prescribed by the Sec-
10 retary”; and

11 (2) by inserting before the period the following:
12 “in the same manner as required by title II and title
13 III of the Hardrock Mining Reform and Reclamation
14 Act of 2015”.

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, em-
21 ploying the Consumer Price Index for All-Urban Con-
22 sumers published by the Department of Labor as the basis
23 for adjustment, and rounding according to the adjustment
24 process of conditions of the Federal Civil Penalties Infla-
25 tion Adjustment Act of 1990 (104 Stat. 890).

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

2 (a) SPECIAL APPLICATION OF MINING LAWS.—Noth-
3 ing in this Act shall be construed as repealing or modi-
4 fying any Federal law, regulation, order, or land use plan,
5 in effect prior to the date of enactment of this Act that
6 prohibits 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
10 the extent such laws provide for protection of natural and
11 cultural resources and the environment greater than re-
12 quired under this Act, and any such prior law shall remain
13 in force and effect with respect to claims located (or pro-
14 posed to be located) or converted under this Act. Nothing
15 in this Act shall be construed as applying to or limiting
16 mineral investigations, studies, or other mineral activities
17 conducted by any Federal or State agency acting in its
18 governmental capacity pursuant to other authority. Noth-
19 ing in this Act shall affect or limit any assessment, inves-
20 tigation, evaluation, or listing pursuant to the Comprehen-
21 sive Environmental Response, Compensation, and Liabil-
22 ity Act of 1980 (42 U.S.C. 9601 et seq.), or the Solid
23 Waste Disposal Act (42 U.S.C. 3251 et seq.).

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 respect-

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

1 ecution Act of 1990, and the Federal Facilities Compli-
2 ance Act of 1992, or any statute containing an amend-
3 ment to any of such Acts. Nothing in this Act shall be
4 construed as modifying or affecting any provision of the
5 Native American Graves Protection and Repatriation Act
6 (Public Law 101–601) or any provision of the American
7 Indian Religious Freedom Act (42 U.S.C. 1996), the Na-
8 tional Historic Preservation Act (16 U.S.C. 470 et seq.),
9 and the Religious Freedom Restoration Act of 1993 (42
10 U.S.C. 2000bb et seq.).

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

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

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

22 Copies of records, reports, inspection materials, or in-
23 formation obtained by the Secretary or the Secretary of
24 Agriculture under this Act shall be made immediately
25 available to the public, consistent with section 552 of title

1 5, United States Code, in central and sufficient locations
2 in the county, multicounty, and State area of mineral ac-
3 tivity or reclamation so that such items are conveniently
4 available to residents in the area proposed or approved for
5 mineral activities and on the Internet.

6 **SEC. 515. MISCELLANEOUS POWERS.**

7 (a) IN GENERAL.—In carrying out his or her duties
8 under this Act, the Secretary, or for National Forest Sys-
9 tem lands the Secretary of Agriculture, may conduct any
10 investigation, inspection, or other inquiry necessary and
11 appropriate and may conduct, after notice, any hearing
12 or audit, necessary and appropriate to carrying out his
13 or her duties.

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

19 (1) Require, by special or general order, any
20 person to submit in writing such affidavits and an-
21 swers to questions as the Secretary concerned may
22 reasonably prescribe, which submission shall be
23 made within such reasonable period and under oath
24 or otherwise, as may be necessary.

25 (2) Administer oaths.

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

5 (4) Order testimony to be taken by deposition
6 before any person who is designated by such Sec-
7 retary and who has the power to administer oaths,
8 and to compel testimony and the production of evi-
9 dence in the same manner as authorized under para-
10 graph (3) of this subsection.

11 (5) Pay witnesses the same fees and mileage as
12 are paid in like circumstances in the courts of the
13 United States.

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

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

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

9 (2) may at reasonable times, and without delay,
10 have access to records, inspect any monitoring
11 equipment, or review any method of operation re-
12 quired under this Act;

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

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

1 required by law, if such documentation is required
2 under this Act; and

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

15 **SEC. 516. MULTIPLE MINERAL DEVELOPMENT AND SUR-**
16 **FACE RESOURCES.**

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

1 **SEC. 517. MINERAL MATERIALS.**

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

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

5 (2) by inserting “mineral materials, including
6 but not limited to” after “varieties of” in the first
7 sentence;

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

10 (4) by adding the following new subsection at
11 the end thereof:

12 “(b)(1) Subject to valid existing rights, after the date
13 of enactment of the Hardrock Mining Reform and Rec-
14 lamation Act of 2015, notwithstanding the reference to
15 common varieties in subsection (a) and to the exception
16 to such term relating to a deposit of materials with some
17 property giving it distinct and special value, all deposits
18 of mineral materials referred to in such subsection, includ-
19 ing the block pumice referred to in such subsection, shall
20 be subject to disposal only under the terms and conditions
21 of the Materials Act of 1947.

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

25 “(A) had and still has some property giving it
26 the distinct and special value referred to in sub-

1 section (a), or as the case may be, met the definition
2 of block pumice referred to in such subsection;

3 “(B) was properly located and maintained
4 under the general mining laws prior to the date of
5 enactment of the Hardrock Mining Reform and Rec-
6 lamation Act of 2015;

7 “(C) was supported by a discovery of a valuable
8 mineral deposit within the meaning of the general
9 mining laws as in effect immediately prior to the
10 date of enactment of the Hardrock Mining Reform
11 and Reclamation Act of 2015; and

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

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

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

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

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

1 (d) SHORT TITLES.—

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

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

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

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

14 (e) REPEALS.—(1) Subject to valid existing rights,
15 the Act of August 4, 1892 (chapter 375; 27 Stat. 348;
16 30 U.S.C. 161), commonly known as the Building Stone
17 Act, is hereby repealed.

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

1 **TITLE VI—GOOD SAMARITAN**
2 **CLEANUP OF ABANDONED**
3 **HARDROCK MINES**

4 **SEC. 601. SHORT TITLE.**

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

7 **SEC. 602. FINDINGS; PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the Federal Government and State govern-
10 ments have encouraged hardrock mining in the
11 United States through a wide variety of laws, poli-
12 cies, and actions;

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

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

18 (4) the mining activities that took place prior to
19 the enactment of modern environmental laws often
20 disturbed public and private land, and those disturb-
21 ances led to environmental pollution, including the
22 discharge of pollutants into surface water and
23 groundwater;

24 (5) many of the individuals and corporate own-
25 ers and operators of mines the actions of which

1 caused the pollution described in paragraph (4) are
2 no longer alive or in existence;

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

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

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

13 (9) some of the remaining owners and operators
14 of historic mine sites do not have adequate resources
15 to properly conduct the remediation of the mine sites
16 under applicable environmental laws;

17 (10) from time to time, States, individuals, and
18 companies are willing to remediate historic mine
19 sites for the public good as Good Samaritans, de-
20 spite the fact that those States, individuals, and
21 companies are not legally required to do so;

22 (11) Good Samaritan remediation activities
23 may—

24 (A) vary in size and complexity;

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

3 (C) include, among other activities—

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

6 (ii) passive or active water treatment;

7 and

8 (iii) runoff or runoff controls;

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

16 (13) it is in the interest of the United States,
17 the States, and local communities to remediate his-
18 toric mine sites—

19 (A) in appropriate circumstances and to
20 the maximum extent practicable; and

21 (B) so that the detrimental environmental
22 impacts of the historic mine sites are lessened
23 in the future; and

24 (14) if appropriate protections are provided to
25 Good Samaritans, Good Samaritans will have a

1 greater incentive to remediate historic mine sites for
2 the public good.

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

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

8 (2) to allow any individual or entity not legally
9 responsible for environmental conditions relating to
10 an inactive or abandoned mine site—

11 (A) to make further progress toward the
12 goal of meeting water quality standards in all
13 water of the United States; and

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

20 (3) to ensure that remediation activities per-
21 formed by Good Samaritans—

22 (A) result in actual and significant envi-
23 ronmental benefits; and

24 (B) are carried out—

1 (i) with the approval and agreement,
2 and at the discretion, of affected Federal,
3 State, and tribal authorities;

4 (ii) in a manner that enables the pub-
5 lie to conduct a review of, and submit com-
6 ments relating to, the remediation activi-
7 ties; and

8 (iii) in a manner that is beneficial to
9 the environment and each community af-
10 fected by the remediation activities; and

11 (4) to further the innovations of, and coopera-
12 tion among, the Federal Government, State and
13 tribal governments, private individuals, and corpora-
14 tions to accelerate efforts relating to conservation
15 and environmental restoration.

16 **SEC. 603. SCOPE.**

17 Nothing in this title (or an amendment made by this
18 title)—

19 (1) reduces any existing liability; or

20 (2) facilitates the conduct of any mining or
21 processing other than the conduct of any mining or
22 processing that is required for the remediation of
23 historic mine residue for the public good.

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

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

5 “(s) GOOD SAMARITAN DISCHARGE PERMITS.—

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

7 “(A) COOPERATING PERSON.—

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

10 “(I) is a Good Samaritan;

11 “(II) assists a permittee in the
12 remediation of an inactive or aban-
13 doned mine site; and

14 “(III) is identified in a Good Sa-
15 maritan discharge permit issued
16 under paragraph (2).

17 “(ii) INCLUSION.—The term ‘cooper-
18 ating person’ includes the Federal Govern-
19 ment.

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

22 “(i) is a Good Samaritan; and

23 “(ii) proposes a project, the purpose
24 of which is to remediate, in whole or in
25 part, actual or threatened pollution caused

1 by historic mine residue at an inactive or
2 abandoned mine site.

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

7 “(i) had no role in the creation of the
8 historic mine residue;

9 “(ii) had no role in creating any envi-
10 ronmental pollution caused by the historic
11 mine residue; and

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

15 “(D) HISTORIC MINE RESIDUE.—

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

21 “(I) causes or contributes to the
22 actual or threatened discharge of pol-
23 lutants from the inactive or aban-
24 doned mine site; or

1 “(II) otherwise pollutes the envi-
2 ronment.

3 “(ii) INCLUSIONS.—The term ‘historic
4 mine residue’ includes—

5 “(I) ores and minerals that—

6 “(aa) were mined during the
7 active operation of an inactive or
8 abandoned mine site; and

9 “(bb) contribute to acid
10 mine drainage or other environ-
11 mental pollution;

12 “(II) equipment (including mate-
13 rials in equipment);

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

20 “(IV) any acidic or otherwise pol-
21 luted flow in surface water or ground-
22 water that originates from an inactive
23 or abandoned mine site.

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

4 “(i) legally responsible under section
5 301 for a discharge that originates from
6 an inactive or abandoned mine site; and

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

10 “(F) INACTIVE OR ABANDONED MINE
11 SITE.—

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

15 “(I) is located in the United
16 States;

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

19 “(III) has historic mine residue;
20 and

21 “(IV) is no longer actively mined
22 on the date on which an eligible appli-
23 cant submits to a permitting authority
24 a remediation plan relating to an ap-
25 plication for a Good Samaritan dis-

1 charge permit under paragraph (3)(B)
2 for the remediation of the mine site.

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

7 “(I) in a temporary shutdown;

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

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

21 “(G) INDIAN TRIBE.—The term ‘Indian
22 tribe’ has the meaning given the term in section
23 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 450b).

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

4 “(I) PERMITTING AUTHORITY.—

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

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

14 “(J) PERSON.—The term ‘person’ in-
15 cludes—

16 “(i) an individual;

17 “(ii) a firm;

18 “(iii) a corporation;

19 “(iv) an association;

20 “(v) a partnership;

21 “(vi) a consortium;

22 “(vii) a joint venture;

23 “(viii) a commercial entity;

24 “(ix) a nonprofit organization;

25 “(x) the Federal Government;

1 “(xi) a State (including a political
2 subdivision of a State);

3 “(xii) an interstate entity;

4 “(xiii) a commission; and

5 “(xiv) an Indian tribe.

6 “(2) GOOD SAMARITAN DISCHARGE PERMITS.—

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

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

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

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

23 “(i) the State or Indian tribe has, as
24 of the date of enactment of this subsection,

1 authority to issue a permit under sub-
2 section (b); and

3 “(ii) the State or Indian tribe re-
4 quests such authority.

5 “(3) PERMIT PROCESS.—

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

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

21 “(i) an identification of—

22 “(I) the eligible applicant (includ-
23 ing any cooperating person) with re-
24 spect to the remediation plan;

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

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

13 “(ii) a description of—

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

19 “(aa) the nature and extent
20 of any adverse impact on the
21 quality of each body of water
22 caused by the drainage of historic
23 mine residue or other discharges
24 from the inactive or abandoned
25 mine site; and

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

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

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

16 “(IV) each remediation goal and
17 objective proposed by the eligible ap-
18 plicant, including—

19 “(aa) each pollutant to be
20 addressed by the remediation
21 plan; and

22 “(bb) each action that the
23 eligible applicant proposes to
24 take that, to the maximum extent
25 reasonable and practicable under

1 the circumstances, will assist in
2 the attainment of each applicable
3 water quality standard;

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

11 “(aa) in the case of a new
12 remediation project, the prelimi-
13 nary system design and construc-
14 tion, operation, and maintenance
15 plans relating to the new remedi-
16 ation project; and

17 “(bb) in the case of an exist-
18 ing remediation project, available
19 system design and construction,
20 operation, and maintenance plans
21 and any planned improvements
22 with respect to the existing reme-
23 diation project;

24 “(VI) any proposed recycling or
25 reprocessing of historic mine residue

1 to be conducted by the eligible appli-
2 cant (including a description of how
3 each proposed recycling or reprocess-
4 ing activity relates to the remediation
5 of an inactive or abandoned mine
6 site);

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

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

21 “(IX) the legal authority of the
22 eligible applicant to enter, and con-
23 duct activities at, the inactive or
24 abandoned mine site that is the sub-
25 ject of the remediation plan; and

1 “(X) any public outreach activity
2 to be conducted by the eligible appli-
3 cant;

4 “(iii) an explanation of the manner by
5 which the practices described in clause
6 (ii)(V) are expected to achieve each reme-
7 diation goal and objective described in
8 clause (ii)(IV);

9 “(iv) a schedule for the periodic re-
10 porting by the eligible applicant with re-
11 spect to any progress in implementing the
12 remediation plan;

13 “(v) a budget for the remediation plan
14 that includes a description of each funding
15 source that will support the implementa-
16 tion of the remediation plan, including—

17 “(I) each practice described in
18 clause (ii)(VIII);

19 “(II) each action described in
20 clause (ii)(IV)(bb); and

21 “(III) each monitoring or other
22 appropriate activity described in
23 clause (ii)(VII); and

24 “(vi) any other additional information
25 requested by the Administrator to clarify

1 the remediation plan and each proposed
2 activity covered by the remediation plan.

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

10 “(D) INVESTIGATIVE MEASURES.—

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

22 “(ii) PROGRAM REQUIREMENTS.—Any
23 water sampling included in the program of
24 investigative measures described in clause
25 (i) shall be conducted by an eligible appli-

1 cant in accordance with any applicable
2 method described in part 136 of title 40,
3 Code of Federal Regulations.

4 “(iii) REQUIREMENTS RELATING TO
5 SAMPLES.—In conducting a program of in-
6 vestigative measures described in clause
7 (i), an eligible applicant shall—

8 “(I) ensure that each sample col-
9 lected under the program is represent-
10 ative of the conditions present at the
11 inactive or abandoned mine site that
12 is the subject of the program; and

13 “(II) retain records of all sam-
14 pling events for a period of not less
15 than 3 years.

16 “(iv) INITIAL PLAN.—

17 “(I) IN GENERAL.—If an eligible
18 applicant proposes to conduct a pro-
19 gram of investigative measures, the el-
20 ible applicant shall submit to the
21 permitting authority a plan that con-
22 tains, to the extent known by the eli-
23 gible applicant as of the date on which
24 the eligible applicant submits the ap-
25 plication—

1 “(aa) each description re-
2 quired under subclauses (I), (II),
3 and (IV) through (VIII) of sub-
4 paragraph (B)(ii);

5 “(bb) the explanation re-
6 quired under subparagraph
7 (B)(iii);

8 “(cc) the schedule required
9 under subparagraph (B)(iv); and

10 “(dd) the budget required
11 under subparagraph (B)(v).

12 “(II) RESPONSIBILITY TO SUP-
13 PLEMENT DESCRIPTIONS.—An eligible
14 applicant that conducts a program of
15 investigative measures shall, based on
16 the results of the program, supple-
17 ment each item described in subclause
18 (I), as necessary.

19 “(v) REPORT OF RESULTS.—The re-
20 sults of the program of investigative meas-
21 ures shall be—

22 “(I) detailed in a report for the
23 permitting agency; and

1 “(II) made available by the appli-
2 cant to any member of the public that
3 requests the report.

4 “(vi) PERMIT MODIFICATION.—Based
5 upon the results of the investigative meas-
6 ures, a Good Samaritan discharge permit
7 may be modified pursuant to the permit
8 procedures described in this subsection.

9 “(vii) OPTION TO DECLINE REMEDI-
10 ATION.—A Good Samaritan discharge per-
11 mit may allow the permittee to decline to
12 undertake remediation based on the results
13 of the investigative sampling program, if—

14 “(I) the program of investigative
15 measures is authorized under this
16 subparagraph; and

17 “(II) the activities under the pro-
18 gram of investigative measures have
19 not resulted in surface water quality
20 conditions, taken as a whole, that are
21 worse than the baseline condition of
22 bodies of water described in subpara-
23 graph (B)(ii)(I).

24 “(E) REVIEW OF APPLICATION.—

1 “(i) INITIAL REVIEW.—The permit-
2 ting authority shall—

3 “(I) review each application sub-
4 mitted by an eligible applicant for a
5 Good Samaritan discharge permit;

6 “(II) provide to the public, with
7 respect to the Good Samaritan dis-
8 charge permit—

9 “(aa) notice and a reason-
10 able opportunity to comment;
11 and

12 “(bb) a public hearing;

13 “(III) if the Administrator is the
14 permitting authority, provide a copy
15 of the application to each affected
16 State, Indian tribe, and other Federal
17 agency; and

18 “(IV) determine whether the ap-
19 plication for the Good Samaritan dis-
20 charge permit meets each requirement
21 described in subparagraph (B).

22 “(ii) REQUIREMENTS NOT MET.—If
23 the permitting authority determines that
24 an application for a Good Samaritan dis-
25 charge permit does not meet each require-

1 ment described in subparagraph (B), the
2 permitting authority shall—

3 “(I) notify the eligible applicant
4 that the application is disapproved
5 and explain the reasons for the dis-
6 approval; and

7 “(II) allow the eligible applicant
8 to submit a revised application.

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

16 “(F) PERMIT ISSUANCE.—After notice and
17 opportunity for public comment with respect to
18 a Good Samaritan discharge permit proposed
19 by a permitting authority to be issued under
20 this subsection (including any additional re-
21 quirement that the permitting authority deter-
22 mines would facilitate the implementation of
23 this subsection), the permitting authority may
24 issue a permit to an eligible applicant if—

1 “(i) the permitting authority deter-
2 mines that—

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

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

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

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

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

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

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

20 “(ii) any Federal, State, or tribal land
21 management agency with jurisdiction over
22 any inactive or abandoned mine site that is
23 the subject of the proposed permit, or any
24 public trustee for natural resources af-
25 fected by historic mine residue associated

1 with any inactive or abandoned mine site
2 that is the subject of the proposed permit,
3 does not object to the issuance of the per-
4 mit; and

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

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

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

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

21 “(H) MODIFICATION OF PERMIT.—

22 “(i) APPROVAL AND DISAPPROVAL
23 PROCESS.—In accordance with clause (ii),
24 after the date of receipt by a permitting
25 authority of a written request by a per-

1 mittee to modify the Good Samaritan dis-
2 charge permit of the permittee, the permit-
3 ting authority shall approve or disapprove
4 the request for modification.

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

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

14 “(II) subject to—

15 “(aa) a period of public no-
16 tice and comment; and

17 “(bb) a public hearing;

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

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

24 “(4) CONTENTS OF PERMITS.—

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

3 “(i) contain—

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

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

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

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

20 “(C) REVIEW.—A Good Samaritan dis-
21 charge permit shall contain a schedule for re-
22 view, to be conducted by the permitting author-
23 ity, to determine compliance by the permittee
24 with each condition and limitation of the per-
25 mit.

1 “(5) EFFECT OF PERMIT COMPLIANCE.—

2 “(A) COMPLIANCE WITH ACT.—

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

9 “(ii) COMPLIANCE WITH PERMIT.—

10 Compliance by the permittee, and any co-
11 operating persons, with respect to the
12 Good Samaritan discharge permit shall
13 constitute compliance with this Act.

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

20 “(6) FAILURE TO COMPLY.—If a permittee, or
21 any cooperating person fails to comply with any con-
22 dition or limitation of the permit, the permittee, or
23 cooperating person, shall be subject to liability only
24 under section 309.

25 “(7) TERMINATION OF PERMIT.—

1 “(A) IN GENERAL.—A permitting author-
2 ity shall terminate a Good Samaritan discharge
3 permit if—

4 “(i) the permittee successfully com-
5 pletes the implementation of the remedi-
6 ation plan; or

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

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

17 “(III) the permitting authority, upon
18 request of the permittee, agrees that the
19 permit should be terminated.

20 “(B) UNFORSEEN CIRCUMSTANCES.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii), the permitting author-
23 ity, in cooperation with the permittee, shall
24 seek to modify a Good Samaritan dis-
25 charge permit to take into account any

1 event or condition encountered by the per-
2 mittee if the event or condition encoun-
3 tered by the permittee—

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

9 “(II) was not—

10 “(aa) contemplated by the
11 permittee; or

12 “(bb) taken into account in
13 the remediation plan of the per-
14 mittee; and

15 “(III) is beyond the control of
16 the permittee, as determined by the
17 permitting authority.

18 “(ii) EXCEPTION.—If a permittee de-
19 scribed in clause (i) does not agree to a
20 modification of the Good Samaritan dis-
21 charge permit of the permittee, or the per-
22 mitting authority determines that remedi-
23 ation activities conducted by the permittee
24 pursuant to the permit have resulted or
25 will result in surface water quality condi-

1 tions that, taken as a whole, are or will be
2 worse than the baseline water conditions
3 described in paragraph (3)(B)(ii)(I), the
4 permitting authority shall terminate the
5 permit.

6 “(C) NO ENFORCEMENT LIABILITY.—

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

17 “(ii) OTHER PARTIES.—Clause (i)
18 does not limit the liability of any person
19 that is not described in clause (i).

20 “(iii) VIOLATION OF PERMIT PRIOR
21 TO TERMINATION.—The discharge of liabil-
22 ity for a permittee of a permit, or a co-
23 operating person with respect to the reme-
24 diation plan of the permittee, under clause
25 (i) shall not apply with respect to any vio-

1 lation of the permit that occurs before the
2 date on which the permit is terminated.

3 “(8) LIMITATIONS.—

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

9 “(B) PRIOR VIOLATIONS.—

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

19 “(ii) EXCEPTIONS.—

20 “(I) SCOPE OF PERMIT.—If a
21 Good Samaritan discharge permit cov-
22 ers remediation activities carried out
23 by the permittee on a date before the
24 issuance of the Good Samaritan dis-
25 charge permit, clause (i) shall not

1 apply to any action that is based on
2 any condition that results from the re-
3 mediation activities.

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

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

14 “(D) OTHER DEVELOPMENT.—

15 “(i) IN GENERAL.—Any development
16 of an inactive or abandoned mine site (in-
17 cluding any activity relating to mineral ex-
18 ploration, processing, beneficiation, or min-
19 ing), including development by a permittee
20 or any cooperating person, not authorized
21 in a permit issued by the permitting au-
22 thority under this subsection shall be sub-
23 ject to this Act.

24 “(ii) COMMINGLING OF DIS-
25 CHARGES.—The commingling of any other

1 discharge or water with any discharge or
2 water subject to a Good Samaritan dis-
3 charge permit issued under this subsection
4 shall not limit or reduce the liability of any
5 person associated with the water or dis-
6 charge that is not subject to the Good Sa-
7 maritan discharge permit.

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

13 “(i) remediation of the site addressed
14 in the permit; or

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

18 “(F) STATE CERTIFICATION.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), to the extent that this
21 subsection relates to water quality stand-
22 ards, certification under section 401 shall
23 not apply to any Good Samaritan dis-
24 charge permit issued under this subsection.

1 “(ii) EXCEPTION.—In any case in
2 which certification under section 401
3 would otherwise be required, no Good Sa-
4 maritan discharge permit shall be issued
5 by a permitting authority under this sub-
6 section without the concurrence of—

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

9 “(II) the Indian tribe that owns
10 or has jurisdiction over the site on
11 which a remediation project is pro-
12 posed.

13 “(G) STATE AND TRIBAL RECLAMATION
14 PROGRAMS.—No State, Indian tribe, or other
15 person shall be required to obtain a Good Sa-
16 maritan discharge permit pursuant to this sub-
17 section for any discharge, including any dis-
18 charge associated with the remediation of an in-
19 active or abandoned mine site with respect to
20 the conduct of reclamation work under a State
21 or tribal abandoned mine reclamation plan ap-
22 proved under title IV of the Surface Mining
23 Control and Reclamation Act of 1977 (30
24 U.S.C. 1231 et seq.).

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

7 “(10) REGULATIONS.—

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

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

20 “(ii) any other requirement that the
21 Administrator determines to be necessary.

22 “(B) SPECIFIC REQUIREMENTS BEFORE
23 PROMULGATION OF REGULATIONS.—Before the
24 date on which the Administrator promulgates
25 regulations under subparagraph (A), a permit-

1 ting authority may establish, on a case-by-case
2 basis, specific requirements that the permitting
3 authority determines would facilitate the imple-
4 mentation of this subsection with respect to a
5 Good Samaritan discharge permit issued to a
6 permittee.

7 “(11) FUNDING.—

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

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

17 “(12) REPORT TO CONGRESS.—

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

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

4 “(i) a description of—

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

8 “(II) each permittee;

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

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

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

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

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

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

15 “(II) the budget of the activities
16 conducted pursuant to the remedi-
17 ation plan; and

18 “(III) the practices to be em-
19 ployed by each permittee in accord-
20 ance with the remediation plan of the
21 permittee to reduce, control, mitigate,
22 or eliminate adverse impacts to the
23 quality of applicable bodies of water;
24 and

1 “(iii) any recommendations that may
2 be proposed by the Administrator to mod-
3 ify any law (including this subsection and
4 any regulation promulgated under para-
5 graph (10)) to facilitate the improvement
6 of water quality through the remediation of
7 inactive or abandoned mine sites.

8 “(13) TERMINATION OF AUTHORITY.—The au-
9 thority granted to the permitting authority under
10 this subsection to issue Good Samaritan discharge
11 permits terminates on the date that is 10 years after
12 the date of enactment of this subsection.

13 “(14) SEVERABILITY.—If any provision of this
14 subsection, or the application of any provision of this
15 subsection to any person or circumstance, is held in-
16 valid, the application of such provision to other per-
17 sons or circumstances, and the remainder of this
18 subsection, shall not be affected thereby.”.