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(Original Signature of Member)

119TH 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 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 “Mining Waste, Fraud, and Abuse Prevention Act of
6 2025”.

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

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

TITLE I—MINERAL LEASING, EXPLORATION, AND DEVELOPMENT

- Sec. 101. Closure to entry and location.
- Sec. 102. Limitation on patents.
- Sec. 103. Prospecting licenses and hardrock leases.
- Sec. 104. Competitive leasing.
- Sec. 105. Small miner's lease.
- Sec. 106. Land containing nonhardrock minerals; other uses.
- Sec. 107. Royalty.
- Sec. 108. Existing production.
- Sec. 109. Hardrock mining claim maintenance fee.
- Sec. 110. Effect of payments for use and occupancy of claims.
- Sec. 111. Protection of special places.
- Sec. 112. Suitability determination.

TITLE II—CONSULTATION PROCEDURE

- Sec. 201. Requirement for consultation.

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.

TITLE IV—ABANDONED HARDROCK MINE RECLAMATION
PROGRAM

- Sec. 401. Funds credited to the Abandoned Hardrock Mine Reclamation Program.
- Sec. 402. Displaced material reclamation fee.

TITLE V—ADDITIONAL PROVISIONS

- Sec. 501. Policy functions.
- Sec. 502. User fees and inflation adjustment.
- Sec. 503. Inspection and monitoring.
- Sec. 504. Citizens suits.
- Sec. 505. Administrative and judicial review.
- Sec. 506. Reporting requirements.
- Sec. 507. Enforcement.
- Sec. 508. Regulations.
- Sec. 509. Oil shale claims.

- Sec. 510. Savings clause.
- Sec. 511. Availability of public records.
- Sec. 512. Miscellaneous powers.
- Sec. 513. Mineral materials.
- Sec. 514. Effective date.

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

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

3 (1) The term “Abandoned Hardrock Mine Rec-
4 lamation Program” means the program established
5 by section 40704 of the Infrastructure Investment
6 and Jobs Act (30 U.S.C. 1245).

7 (2) The term “adjacent land” means any land
8 not more than 2 miles from the boundary of a de-
9 scribed land tract.

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

12 (A) Any person that controls, is controlled
13 by, or is under common control with such per-
14 son.

15 (B) Any partner of such person.

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

18 (4) The term “agency” has the meaning given
19 the term in section 3502 of title 44, United States
20 Code.

21 (5) The term “applicant” means any person ap-
22 plying for a lease, license, or permit under this Act

1 or a modification to or a renewal of a lease, license,
2 or permit issued under this Act.

3 (6) The term “beneficiation” means the crush-
4 ing and grinding of hardrock mineral ore and such
5 processes as are employed to free the mineral from
6 other constituents, including physical and chemical
7 separation techniques.

8 (7) The term “casual use”—

9 (A) means mineral activities that do not
10 ordinarily result in any disturbance of Federal
11 land and resources;

12 (B) includes collection of geochemical,
13 rock, soil, or mineral specimens using
14 handtools, hand panning, or nonmotorized sluic-
15 ing; and

16 (C) does not include—

17 (i) the use of mechanized earth-mov-
18 ing equipment, suction dredging, or explo-
19 sives;

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

22 (iii) the construction of roads or drill
23 pads; or

24 (iv) the use of toxic or hazardous ma-
25 terials.

1 (8) The term “claim holder” means—

2 (A) any person holding a mining claim,
3 millsite, or tunnel site located under the general
4 mining laws or this Act and maintained in com-
5 pliance with such laws; and

6 (B) any agent of such person.

7 (9) The term “control” means having the abil-
8 ity, directly or indirectly, to determine (without re-
9 gard to whether exercised through 1 or more cor-
10 porate structures) the manner in which an entity
11 conducts mineral activities, through any means, in-
12 cluding—

13 (A) ownership interest;

14 (B) authority to commit the real or finan-
15 cial assets of the entity;

16 (C) position as a director, officer, or part-
17 ner of the entity; or

18 (D) contractual arrangement.

19 (10) The term “displaced material” means any
20 raw ore or waste dislodged from its location by
21 human disturbance, including from hardrock mineral
22 activities.

23 (11) The term “exploration”—

1 (A) means creating surface disturbance,
2 other than casual use, to evaluate the type, ex-
3 tent, quantity, or quality of minerals present;

4 (B) includes mineral activities associated
5 with sampling, drilling, and analyzing hardrock
6 mineral values; and

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

9 (12) The term “Federal land”—

10 (A) means any land, and any interest in
11 land, that is owned by the United States; and

12 (B) does not include—

13 (i) lands in the National Park System;

14 (ii) Indian lands; or

15 (iii) lands on the Outer Continental
16 Shelf.

17 (13) The term “hardrock mineral”—

18 (A) means any mineral that was subject to
19 location under the general mining laws as of the
20 effective date of this Act, and that is not sub-
21 ject to disposition under—

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 Act for Ac-
5 quired Lands (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 (14) The term “Indian lands” means—

16 (A) lands held in trust for the benefit of
17 an Indian Tribe or Indian;

18 (B) lands held by an Indian Tribe or In-
19 dian subject to a restriction by the United
20 States against alienation; or

21 (C) lands held by an Alaska Native village,
22 village corporation, or regional corporation, as
23 defined in or established pursuant to the Alaska
24 Native Claims Settlement Act (43 U.S.C. 1601
25 et seq.).

1 (15) The term “Indian Tribe” means any In-
2 dian Tribe, band, nation, pueblo, or other organized
3 group or community, including any Alaska Native
4 village, village corporation, or regional corporation,
5 as defined in or established pursuant to the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1601 et
7 seq.), that is recognized as eligible for the special
8 programs and services provided by the United States
9 to Indians because of their status as Indians.

10 (16) The term “mining claim” means any min-
11 ing claim made pursuant to—

12 (A) this Act; or

13 (B) the Mining Law of 1872 (30 U.S.C.
14 22 et seq.) before the effective date of this Act.

15 (17) The term “mineral activities” means any
16 activity carried out on a mining claim, millsite, or
17 tunnel site, authorized by a lease, license, or permit
18 issued under this Act, for, related to, or incidental
19 to, mineral exploration, mining, beneficiation, proc-
20 essing, or reclamation activities for any hardrock
21 mineral.

22 (18) The term “National Conservation System
23 unit” means any unit of the National Park System,
24 National Wildlife Refuge System, National Wild and
25 Scenic Rivers System, National Wilderness Preserva-

1 tion System, National Landscape Conservation Sys-
2 tem, or National Trails System, or a National Con-
3 servation Area, a National Recreation Area, a Wil-
4 derness Study Area, a National Monument, or any
5 unit of the National Wilderness Preservation System
6 or lands within the National Forest System, includ-
7 ing the following:

8 (A) National Volcanic Monuments.

9 (B) Recreation Areas, Scenic Recreation
10 Areas, and Winter Recreation Areas.

11 (C) Scenic Areas, Scenic-Research Areas,
12 Scenic Highways, and National Scenic and
13 Wildlife Areas.

14 (D) National Game and Wildlife Preserves.

15 (E) Special Management, Wildlife, Con-
16 servation, and Protection Areas, including bo-
17 tanical, hydrological (watershed), geological,
18 historical, paleontological, and zoological areas.

19 (F) Experimental Forests, Ranges, and
20 Watersheds.

21 (G) Research Sites and Research Natural
22 Areas.

23 (H) Inventoried Roadless Area, Colorado
24 Roadless Area, and Idaho Roadless Area.

1 (I) Recommended Wilderness and Primi-
2 tive Areas.

3 (19) The term “operator” means—

4 (A) any person proposing or authorized by
5 a permit issued under this Act to conduct min-
6 eral activities; and

7 (B) any agent of such person.

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

15 (21) The term “processing” means processes
16 downstream of beneficiation employed to prepare
17 hardrock mineral ore into a final marketable prod-
18 uct, including smelting and electrolytic refining.

19 (22) The term “raw ore” means ore in its un-
20 processed form, containing profitable amounts of a
21 hardrock mineral.

22 (23) The term “reclamation” means taking
23 measures following the disturbance of Federal land
24 by mineral activities to meet applicable performance
25 standards and achieve conditions required by the

1 Secretary concerned at the conclusion of such min-
2 eral activities, including, where applicable—

3 (A) isolation, control, or removal of acid-
4 forming, toxic, or deleterious substances;

5 (B) regrading and reshaping to conform
6 with adjacent landforms, facilitate revegetation,
7 control drainage, and minimize erosion;

8 (C) rehabilitation of fisheries or wildlife
9 habitat;

10 (D) placement of growth medium and es-
11 tablishment of self-sustaining revegetation;

12 (E) removal or stabilization of buildings,
13 structures, or other support facilities;

14 (F) plugging of drill holes and closure of
15 underground workings; and

16 (G) providing for post-mining monitoring,
17 maintenance, or treatment.

18 (24) The term “sacred site” means any specific
19 delineated location on Federal land that is identified
20 by an Indian Tribe—

21 (A) as sacred by virtue of its established
22 religious significance to, or ceremonial use by,
23 an Indian religion; or

24 (B) to be of established cultural signifi-
25 cance.

1 (25) The term “Secretary” means the Secretary
2 of the Interior, unless otherwise specified.

3 (26) The term “Secretary concerned” means—

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

7 (B) the Secretary of the Interior (acting
8 through the Director of the Bureau of Land
9 Management) with respect to other Federal
10 land.

11 (27)(A) The term “small miner” means a per-
12 son (including all related parties thereto) that—

13 (i) holds not more than 10 mining claims,
14 millsites, or tunnel sites, or any combination
15 thereof, on Federal land;

16 (ii) is a claim holder or operator with re-
17 spect to not more than 200 acres of Federal
18 land;

19 (iii) certifies to the Secretary in writing
20 that the person had annual gross income in the
21 preceding calendar year from mineral produc-
22 tion in an amount less than \$50,000; and

23 (iv) has performed assessment work re-
24 quired under the Mining Law of 1872 (30
25 U.S.C. 22 et seq.) to maintain any mining

1 claims held by the person and all related parties
2 thereto for the assessment year ending on noon
3 of September 1 of the calendar year in which
4 payment of the claim maintenance fee was due.

5 (B) For purposes of subparagraph (A), with re-
6 spect to any person, the term “all related parties”
7 means—

8 (i) the spouse or qualifying child (as such
9 term is defined in section 152 of the Internal
10 Revenue Code of 1986) of such person; or

11 (ii) an affiliate of the person concerned.

12 (C) For purposes of subparagraph (A)(iii), the
13 dollar amount shall be applied, for a person, to the
14 aggregate of all annual gross income from mineral
15 production under all mining claims held by or as-
16 signed to such person and all related parties with re-
17 spect to such person, including mining claims lo-
18 cated or for which a patent was issued before the ef-
19 fective date of this Act.

20 (28) The term “temporary cessation” means a
21 halt in mineral activities for a continuous period
22 that does not exceed 5 years.

23 (29) The term “ton” means 2,000 pounds av-
24 oirdupois (.90718 metric ton).

1 (30) The term “unnecessary or undue degrada-
2 tion” means irreparable harm to significant sci-
3 entific, cultural, or environmental resources on Fed-
4 eral land.

5 (31) The term “valuable mineral deposit”
6 means a deposit of hardrock minerals that is of suf-
7 ficient value for a prudent operator to extract, re-
8 move, and market at a profit.

9 (32) The term “waste” means rock that must
10 be fractured and removed in order to gain access to
11 raw ore.

12 (b) REFERENCES TO OTHER LAWS.—

13 (1) GENERAL MINING LAWS.—Any reference in
14 this Act to the term “general mining laws” is a ref-
15 erence to those Acts that generally comprise chap-
16 ters 2, 12A, and 16, and sections 161 and 162, of
17 title 30, United States Code.

18 (2) ACT OF JULY 23, 1955.—Any reference in
19 this Act to the Act of July 23, 1955, is a reference
20 to the Act entitled “An Act to amend the Act of
21 July 31, 1947 (61 Stat. 681) and the mining laws
22 to provide for multiple use of the surface of the
23 same tracts of the public lands, and for other pur-
24 poses” (30 U.S.C. 601 et seq.).

1 **SEC. 3. APPLICATION RULES.**

2 (a) APPLICATION TO EXISTING CLAIMS.—This Act
3 shall apply to any mining claim, millsite, or tunnel site
4 located under the general mining laws before or on the
5 effective date of this Act.

6 (b) APPLICATION TO BENEFACTION OR PROCESSING
7 ACTIVITIES.—This Act shall apply in the same manner
8 and to the same extent to mining claims, millsites, tunnel
9 sites, and any land included in a lease, license, or permit
10 issued under this Act used for beneficiation or processing
11 activities for any hardrock mineral.

12 **TITLE I—MINERAL LEASING, EX-**
13 **PLOURATION, AND DEVELOP-**
14 **MENT**

15 **SEC. 101. CLOSURE TO ENTRY AND LOCATION.**

16 (a) CLOSURE.—Except as otherwise provided in this
17 section, as of the effective date of this Act, all Federal
18 land is closed to entry and location under the general min-
19 ing laws, and no new rights under the general mining laws
20 may be acquired.

21 (b) EXISTING CLAIMS WITHOUT PLAN OF OPER-
22 ATIONS.—

23 (1) CLAIMS WITHOUT PLAN OF OPERATIONS.—
24 Any claim under the general mining laws existing on
25 the effective date of this Act for which a plan of op-
26 erations is not approved, or a notice of operations is

1 not filed, before such date shall be subject to the re-
2 quirements of this Act, and may remain in effect
3 until not later than the end of the 10-year period be-
4 ginning on such date if the claim holder remains in
5 compliance with section 109, unless the claim hold-
6 er—

7 (A) relinquishes the claim; or

8 (B) demonstrates eligibility for a lease and
9 requests conversion under the regulations
10 issued under subsection (d).

11 (2) SHORTENING OF PERIOD.—The 10-year pe-
12 riod referred to in paragraph (1) shall be shortened
13 to 3 years if—

14 (A) the claim is for an area that is located
15 in an area withdrawn or temporarily segregated
16 from location under the general mining laws as
17 of the effective date of this Act; or

18 (B) the claim belongs to a small miner.

19 (3) CONVERSION.—The Secretary concerned
20 may convert a claim described in paragraph (1) to
21 a noncompetitive mining lease pursuant to the regu-
22 lations issued under subsection (d) if such Secretary
23 determines that the claim holder has shown the
24 presence of a valuable mineral deposit on the land
25 subject to such claim.

1 (4) CLAIMS NOT CONVERTED.—Any claims de-
2 scribed in paragraph (1) not converted to non-
3 competitive leases under paragraph (3) at the end of
4 the applicable period under paragraph (1) or (2)
5 shall be void.

6 (c) EXISTING CLAIMS WITH PLAN OF OPER-
7 ATIONS.—

8 (1) IN GENERAL.—In the case of any claim
9 under the general mining laws for which a plan of
10 operations has been approved but for which oper-
11 ations have not commenced before the on the effec-
12 tive date of this Act—

13 (A) during the 10-year period beginning on
14 the effective date of this Act—

15 (i) mineral activities on lands subject
16 to such claim shall be subject to such plan
17 of operations; and

18 (ii) the Secretary shall allow the oper-
19 ator to make changes to such plan subject
20 to applicable law as in effect on the day
21 before the effective date of this Act if the
22 Secretary determines that the requested
23 changes are minor; and

1 (B) the operator shall bring such mineral
2 activities into compliance with this Act by the
3 end of such 10-year period.

4 (2) ACTIVITIES PENDING DECISION ON MODI-
5 FICATION TO PLAN OF OPERATIONS.—If an applica-
6 tion for modification of a plan of operations referred
7 to in paragraph (1)(A)(ii) has been timely submitted
8 by the claim holder and an approved plan of oper-
9 ations expires before the Secretary concerned takes
10 action on such application, mineral activities and
11 reclamation may continue in accordance with the
12 terms of the expired plan of operations until the
13 Secretary concerned makes an administrative deci-
14 sion on the application.

15 (3) CONVERSION REQUIREMENT.—

16 (A) IN GENERAL.—A claim described in
17 paragraph (1) may remain in effect for a period
18 of not more than 10 years.

19 (B) FEE.—A claim described in paragraph
20 (1) that is not converted to a noncompetitive
21 lease pursuant to the regulations issued under
22 subsection (d) before the end of such period
23 shall, beginning on the first date after the end
24 of such period, be subject to a fee of \$100 per

1 acre per day until such claim is converted to a
2 noncompetitive lease.

3 (d) CONVERSION REGULATIONS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the effective date of this Act, the Secretary shall
6 issue regulations regarding the conversion of existing
7 mining claims to noncompetitive mining leases.

8 (2) CONTENT.—Such regulations shall—

9 (A) prohibit the conversion of a mining
10 claim to a mining lease by a claim holder who
11 is in violation of this Act or other State or Fed-
12 eral environmental, health, or worker safety
13 laws;

14 (B) allow the Secretary to exercise discre-
15 tion to include nonmineral lands within the
16 boundaries of any millsite associated with the
17 mining claim to be converted to a noncompeti-
18 tive lease;

19 (C) prohibit the area in any noncompetitive
20 mining lease issued under this section from ex-
21 ceeding the maximum area authorized by this
22 Act to be leased to any person;

23 (D) require the consent of the surface
24 managing agency for conversion of a mining
25 claim to a noncompetitive mining lease;

1 (E) require the financial terms of the con-
2 verted noncompetitive mining lease to be the
3 same as those provided in this Act for other
4 hardrock mining leases; and

5 (F) include any other terms the Secretary
6 considers appropriate.

7 (e) NATIONAL ENVIRONMENTAL POLICY ACT.—The
8 Secretary is not required to conduct an environmental
9 analysis under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) to issue a noncompetitive
11 mining lease under this section, unless such noncompeti-
12 tive mining lease modifies or extends the surface disturb-
13 ance already authorized under a mine plan of operations
14 covering the mining claim that is converted.

15 **SEC. 102. LIMITATION ON PATENTS.**

16 (a) MINING CLAIMS.—

17 (1) DETERMINATIONS REQUIRED.—After the
18 effective date of this Act, no patent shall be issued
19 by the United States for any mining claim located
20 under the general mining laws unless the Secretary
21 determines that, for such mining claim—

22 (A) a patent application was filed with the
23 Secretary on or before September 30, 1994;
24 and

1 (B) all requirements established under sec-
2 tions 2325 and 2326 of the Mining Law of
3 1872 (30 U.S.C. 29 and 30), in the case of a
4 vein or lode claim, or sections 2329, 2330,
5 2331, and 2333 of that Act (30 U.S.C. 35, 36,
6 and 37), in the case of a placer claim, were
7 fully complied with by that date.

8 (2) RIGHT TO PATENT.—If the Secretary makes
9 the determinations required under paragraph (1) for
10 any mining claim, the claim holder shall be entitled
11 to the issuance of a patent in the same manner and
12 degree to which such claim holder would have been
13 entitled to before the effective date of this Act, un-
14 less such determinations are withdrawn or invali-
15 dated by the Secretary or by a court of the United
16 States.

17 (b) MILLSITES.—

18 (1) DETERMINATIONS REQUIRED.—After the
19 effective date of this Act, no patent shall be issued
20 by the United States for any millsite located under
21 the general mining laws unless the Secretary deter-
22 mines that, for such millsite—

23 (A) a patent application was filed with the
24 Secretary on or before September 30, 1994;
25 and

1 (B) all requirements applicable to such
2 patent application were fully complied with be-
3 fore that date.

4 (2) RIGHT TO PATENT.—If the Secretary makes
5 the determinations required under paragraph (1) for
6 any millsite, the claim holder shall be entitled to the
7 issuance of a patent in the same manner and degree
8 to which such claim holder would have been entitled
9 to before the effective date of this Act, unless such
10 determinations are withdrawn or invalidated by the
11 Secretary or by a court of the United States.

12 **SEC. 103. PROSPECTING LICENSES AND HARDROCK**
13 **LEASES.**

14 (a) IN GENERAL.—No person may conduct mineral
15 prospecting for commercial purposes for any hardrock
16 mineral on Federal land without a prospecting license or
17 a small miner's lease.

18 (b) PROSPECTING LICENSES.—

19 (1) IN GENERAL.—The Secretary may, under
20 such regulations as the Secretary may issue and
21 with the concurrence of the relevant surface manage-
22 ment agency, grant an applicant a prospecting li-
23 cense that shall give the exclusive right to prospect
24 for specified hardrock minerals on Federal land for
25 a period not longer than 2 years.

1 (2) MAXIMUM AREA.—The area subject to a
2 prospecting license granted under paragraph (1)
3 shall not exceed 2,560 acres of land, in reasonably
4 compact form.

5 (3) PROSPECTING LICENSE APPLICATION
6 FEE.—The Secretary shall charge a fee for each
7 prospecting license application to cover the costs of
8 reviewing such application.

9 (4) ANNUAL RENTAL.—Each prospecting li-
10 cense granted under paragraph (1) shall be subject
11 to annual rentals equal to \$10 per acre per year.

12 (5) TERMS AND CONDITIONS.—A prospecting li-
13 cense shall conform with the terms and conditions of
14 a comprehensive land use plan approved under—

15 (A) the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1701 et seq.); or

17 (B) the Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16 U.S.C.
19 1600 et seq.).

20 (6) AREAS WITHOUT APPROVED COMPREHEN-
21 SIVE LAND USE PLAN.—For land covered by a
22 prospecting license for which a comprehensive land
23 use plan treating hardrock mining as a multiple-use
24 activity has not been completed, the Secretary con-

1 cerned shall ensure that such land is suitable for
2 mineral activities.

3 (7) EXTENSION.—The Secretary may extend a
4 prospecting license granted under this subsection for
5 not more than additional 4 years upon a showing by
6 the licensee that—

7 (A) the licensee explored with reasonable
8 diligence and was unable to determine the exist-
9 ence and workability of a valuable mineral de-
10 posit covered by the license; or

11 (B) if the licensee failed to perform dili-
12 gent prospecting activities, such failure was due
13 to conditions beyond the control of the licensee.

14 (c) NONCOMPETITIVE LEASES.—

15 (1) IN GENERAL.—Upon a showing to the satis-
16 faction of the Secretary by a prospecting licensee
17 under subsection (a) that a valuable mineral deposit
18 has been discovered by the licensee within an area
19 covered by the prospecting license and with the con-
20 sent of the surface agency, the licensee shall be enti-
21 tled to a lease for any or all of the land included in
22 the prospecting license, as well as any nonmineral
23 lands necessary for processing or milling operations,
24 at a royalty of not less than 12.5 percent of the
25 gross value of production of hardrock minerals or

1 mineral concentrates or products derived from
2 hardrock minerals under the lease.

3 (2) RENTALS.—

4 (A) IN GENERAL.—Rentals for a lease
5 under this section shall be set by the Secretary
6 at not less than \$10 per acre per year, with
7 rentals paid in any 1 year credited against roy-
8 alties accruing for that year.

9 (B) OPERATIONS PERMIT.—A lessee under
10 this section is not entitled to an operations per-
11 mit.

12 (3) LEASE PERIOD.—

13 (A) IN GENERAL.—A lease under this sub-
14 section shall be for a period of 20 years, with
15 the right to renew for successive periods of 10
16 years if hardrock minerals are being produced
17 in commercial quantities under the lease.

18 (B) EXTENSION DURING NONPRODUC-
19 TION.—The Secretary may issue not more than
20 1 10-year extension of a lease under this sub-
21 section if hardrock minerals are not being pro-
22 duced in commercial quantities at the end of
23 the primary, or any subsequent, term of such
24 lease and—

1 (i) it is in the interest of conservation
2 or reclamation maintenance;

3 (ii) the lessee shows that the lease
4 cannot be successfully operated at a profit;
5 or

6 (iii) the Secretary determines that
7 issuing such extension is appropriate.

8 (C) DEFINITION OF COMMERCIAL QUAN-
9 TITIES.—In this paragraph, the term “commer-
10 cial quantities” means any economic amount
11 sold, bartered, or traded for profit.

12 (d) CUMULATIVE ACREAGE LIMITATION.—No person
13 may take, hold, own, or control at 1 time, whether ac-
14 quired directly from the Secretary under this Act or other-
15 wise, hardrock mining leases or licenses for an aggregate
16 of more than 20,480 acres in any 1 State.

17 (e) REDUCTION OF ROYALTY RATE.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary—

20 (A) may reduce the royalty rate for a lease
21 under this section upon a showing by clear and
22 convincing evidence by the operator that pro-
23 duction would not occur without the reduction
24 in royalty rate; and

1 (B) may reduce the royalty and rental
2 rates for a lease under this section to encourage
3 exploration for and development of critical min-
4 erals (as such term is defined in section
5 7002(a) of the Energy Act of 2020 (30 U.S.C.
6 1606(a)).

7 (2) LIMITATION.—The Secretary may not re-
8 duce the royalty rate for a lease pursuant to para-
9 graph (1) to less than 6.25 percent.

10 (f) PROTECTION OF LAND AND OTHER RE-
11 SOURCES.—The Secretary, in consultation with any appli-
12 cable surface management agency, may include in any
13 lease or license issued under this Act such provisions as
14 are necessary to adequately protect land and other re-
15 sources in the vicinity of the area subject to the lease or
16 license.

17 **SEC. 104. COMPETITIVE LEASING.**

18 (a) IN GENERAL.—Subject to sections 111 and 112,
19 Federal land known to contain valuable mineral deposits
20 that is not covered by claims, licenses, or leases issued
21 under this Act may only be open to hardrock mineral ex-
22 ploration or development through competitive leasing by
23 the Secretary through such methods the Secretary may
24 adopt by regulation and in such areas as the Secretary

1 may determine, including nonmineral lands the Secretary
2 considers necessary for processing or milling operations.

3 (b) LIMITATION.—The total area of land subject to
4 a competitive lease under this section shall not exceed
5 2,560 acres.

6 (c) TERMS AND REQUIREMENTS.—All terms and re-
7 quirements for competitive leases under this section shall
8 be the same as if the leases were issued noncompetitively
9 under section 103(c).

10 **SEC. 105. SMALL MINER'S LEASE.**

11 (a) IN GENERAL.—The Secretary may issue a small
12 miner's lease to a qualified small miner that applies, under
13 such regulations as the Secretary may issue, including
14 conditions to require diligent development of such lease
15 and to ensure protection of surface resources and ground
16 water.

17 (b) EXCLUSIVE RIGHT.—A small miner's lease shall
18 give the lessee the exclusive right to prospect for hardrock
19 minerals for 3 years on not more than 200 acres of contig-
20 uous or noncontiguous Federal land.

21 (c) APPLICATION FEE.—The Secretary shall charge
22 a reasonable application fee for a small miner's lease
23 under this subsection (a).

1 (d) RENTALS.—Annual rentals for a small miner’s
2 lease issued under this section shall be \$5 per acre per
3 year for the first 3 years.

4 (e) RENEWAL.—A small miner’s leases issued under
5 this section may be renewed for any number of additional
6 3-year periods. The rental for such a renewed lease shall
7 be \$10 per acre per year rental charged.

8 (f) CHALLENGE.—

9 (1) IN GENERAL.—Any individual may file a
10 challenge with the Secretary that a lessee is in viola-
11 tion of the diligence terms of a small miner’s lease
12 or does not qualify as a small miner.

13 (2) RENEWAL WHEN SUBJECT TO CHAL-
14 LENGE.—A small miner’s lease that is subject to a
15 challenge under paragraph (1) may not be renewed
16 unless the Secretary has determined that the lessee
17 is a small miner and is in compliance with all the
18 terms of the small miner’s lease.

19 (g) NO ROYALTIES.—The Secretary shall not charge
20 royalties for commercial production under a small miner’s
21 lease.

22 (h) CONVERSION OF EXISTING CLAIMS.—A claim ex-
23 isting on the effective date of this Act that belongs to an
24 individual that qualifies as a small miner may be converted
25 to a small miner’s lease under the same terms and condi-

1 tions that apply to a small miner's lease under this sec-
2 tion, except that such lease—

3 (1) shall not be subject to rental during the pri-
4 mary term of the lease;

5 (2) shall be subject to a rental of \$5 per acre
6 per year for the first 3-year renewal of the lease;
7 and

8 (3) shall be subject to a rental of \$10 per acre
9 per year for any subsequent 3-year renewal of the
10 lease.

11 (i) LIMITATIONS.—A small miner's lease—

12 (1) may only be held by the primary lease hold-
13 er, a spouse thereof, or a direct descendent thereof;

14 (2) may not be sold or transferred, other than
15 to a spouse or direct descendent of the primary lease
16 holder; and

17 (3) is subject to all permitting requirements
18 under this Act.

19 (j) CONVERSION TO HARDROCK MINERAL LEASE.—

20 (1) IN GENERAL.—If, with regard to a small
21 miner's lease, the lessee does not qualify as a small
22 miner at the time such lessee applies for a renewal
23 of such lease, such lessee shall not be eligible to
24 renew such lease, but shall be eligible for a non-

1 competitive hardrock mineral lease issued under sec-
2 tion 103(c).

3 (2) ROYALTIES.—Notwithstanding section
4 103(c)(1), royalties under a small miner’s lease con-
5 verted to a hardrock mineral lease under this sub-
6 section shall only be due on the gross income that
7 exceeds \$50,000 annually or the amount of gross in-
8 come specified by the Secretary as of the time such
9 noncompetitive lease is issued.

10 **SEC. 106. LAND CONTAINING NONHARDROCK MINERALS;**

11 **OTHER USES.**

12 (a) IN GENERAL.—In issuing licenses and leases
13 under this Act for land that contains deposits of coal or
14 other nonhardrock minerals, the Secretary shall reserve to
15 the United States such nonhardrock minerals for disposal
16 under applicable laws.

17 (b) OTHER USES OF LICENSED AND LEASED
18 LANDS.—

19 (1) IN GENERAL.—The Secretary shall issue
20 regulations to allow for other uses of the land cov-
21 ered by a prospecting license under this Act, includ-
22 ing leases for other minerals, if such other uses
23 would not unreasonably interfere with operations
24 under the prospecting license.

1 (2) TERMS AND CONDITIONS.—The Secretary
2 shall include in each prospecting license issued under
3 section 103(b) such terms and conditions as the Sec-
4 retary determines necessary to avoid unreasonable
5 interference with other uses occurring on, or other
6 leases of, the licensed land.

7 (3) LEASES.—The Secretary shall include in
8 leases issued under this Act stipulations to allow for
9 simultaneous operations under other leases for the
10 same land.

11 **SEC. 107. ROYALTY.**

12 (a) EXISTING PRODUCTION.—

13 (1) IN GENERAL.—Production of hardrock min-
14 erals, mineral concentrates, or products derived from
15 hardrock minerals on Federal land under an oper-
16 ations permit from which valuable hardrock minerals
17 were produced in commercial quantities before the
18 effective date of this Act, other than production
19 under a small miner's lease, shall be subject to a
20 royalty established by the Secretary of not less than
21 8 percent of the gross value of such production.

22 (2) ADDITIONAL FEDERAL LAND.—Production
23 of hardrock minerals, mineral concentrates, or prod-
24 ucts derived from hardrock minerals on Federal land
25 added through a plan modification to an operations

1 permit that is submitted after the effective date of
2 this Act shall be subject to a royalty established by
3 the Secretary for such lease of not less than 12.5
4 percent of the gross value such production.

5 (b) LIABILITY.—The claim holder or lessee, or any
6 operator to whom the claim holder or lessee has assigned
7 the obligation to make royalty payments under the claim
8 or lease and any person who controls such claim or lease
9 holder or operator, shall be liable for payment of such roy-
10 alties.

11 (c) DISPOSITION.—Of the revenues collected under
12 this title, including rents, royalties, claim maintenance
13 fees, interest charges, fines, and penalties—

14 (1) 25 percent shall be paid to the State within
15 the boundaries of which the leased, licensed, or
16 claimed lands, or operations subject to such interest
17 charges, fines, or penalties are or were located; and

18 (2) the remainder shall be made available to
19 carry out, to remain available until expended without
20 fiscal year limitation, the Abandoned Hardrock Mine
21 Reclamation Program.

22 (d) DUTIES OF CLAIM HOLDERS, LESSEES, OPERA-
23 TORS, AND TRANSPORTERS.—

24 (1) REGULATION.—The Secretary shall issue
25 regulations regarding the time and manner in which

1 a person who is required to make a royalty payment
2 under this section shall—

3 (A) make such payment; and

4 (B) notify the Secretary of any assignment
5 that such person may have made of the obliga-
6 tion to make any royalty or other payment
7 under a mining claim or lease under this title.

8 (2) WRITTEN INSTRUMENT.—Any person pay-
9 ing royalties under this section shall file a written
10 instrument, together with the first royalty payment,
11 affirming that such person is responsible for making
12 proper payments for all amounts due for all time pe-
13 riods for which such person has a payment responsi-
14 bility.

15 (3) ADDITIONAL AMOUNTS.—Such responsi-
16 bility for the periods referred to in paragraph (2)
17 shall include any and all additional amounts billed
18 by the Secretary and determined to be due by final
19 agency or judicial action.

20 (4) JOINT AND SEVERAL LIABILITY.—Any per-
21 son liable for royalty payments under this section
22 who assigns any payment obligation shall remain
23 jointly and severally liable for such royalty pay-
24 ments.

1 (5) OBLIGATIONS.—A person conducting min-
2 eral activities shall—

3 (A) develop and comply with the site secu-
4 rity provisions in the operations permit de-
5 signed to protect from theft the hardrock min-
6 erals, concentrates, or products derived there-
7 from that are produced or stored on the area
8 subject to a mining claim or lease, and such
9 provisions shall conform with such minimum
10 standards as the Secretary may issue by regula-
11 tion, taking into account the variety of cir-
12 cumstances on areas subject to mining claims
13 and leases; and

14 (B) not later than the fifth business day
15 after production begins anywhere on an area
16 subject to a mining claim or lease, or produc-
17 tion resumes after more than 90 days after pro-
18 duction was suspended, notify the Secretary, in
19 the manner prescribed by the Secretary, of the
20 date on which such production has begun or re-
21 sumed.

22 (6) REQUIRED DOCUMENTATION.—The Sec-
23 retary may by regulation require any person engaged
24 in transporting a hardrock mineral, concentrate, or
25 product derived therefrom to carry on his or her per-

1 son, in his or her vehicle, or in his or her immediate
2 control, documentation showing, at a minimum, the
3 amount, origin, and intended destination of the
4 hardrock mineral, concentrate, or product derived
5 therefrom in such circumstances as the Secretary
6 determines appropriate.

7 (e) RECORDKEEPING AND REPORTING REQUIRE-
8 MENTS.—

9 (1) IN GENERAL.—

10 (A) REQUIREMENT.—A claim holder or
11 lessee, operator, or other person directly in-
12 volved in developing, producing, processing,
13 transporting, purchasing, or selling hardrock
14 minerals, concentrates, or products derived
15 therefrom, subject to this Act, through the
16 point of royalty computation shall establish and
17 maintain any records, make any reports, and
18 provide any information that the Secretary may
19 reasonably require for the purposes of imple-
20 menting this section or determining compliance
21 with regulations or orders under this section.

22 (B) INCLUSIONS.—

23 (i) RECORDS.—Records described in
24 subparagraph (A) shall include periodic re-
25 ports, records, documents, and other data.

1 (ii) REPORTS.—Reports described in
2 subparagraph (A) may include pertinent
3 technical and financial data relating to the
4 quantity, quality, composition volume,
5 weight, and assay of all minerals extracted
6 from the mining claim or lease.

7 (2) AVAILABILITY FOR INSPECTION.—Upon the
8 request of any officer or employee duly designated
9 by the Secretary to conduct an audit or investigation
10 pursuant to this section, the appropriate records, re-
11 ports, or information that may be required by this
12 section shall be made available for inspection and
13 duplication by such officer or employee.

14 (3) FORFEITURE.—Failure by a claim holder or
15 lessee, operator, or other person referred to in para-
16 graph (1)(A) to cooperate with an audit or investiga-
17 tion under paragraph (2), provide data required by
18 the Secretary, or grant access to information may,
19 at the discretion of the Secretary, result in involun-
20 tary forfeiture of the claim or lease.

21 (4) MAINTENANCE OF RECORDS.—

22 (A) IN GENERAL.—Records required by
23 the Secretary under this section shall be main-
24 tained for 7 years after release of financial as-
25 surance under section 306 unless the Secretary

1 notifies the operator that the Secretary has ini-
2 tiated an audit or investigation involving such
3 records and that such records must be main-
4 tained for a longer period.

5 (B) AUDIT OR INVESTIGATION.—In any
6 case when an audit or investigation is under-
7 way, records shall be maintained until the Sec-
8 retary releases the operator of the obligation to
9 maintain such records.

10 (f) AUDITS.—

11 (1) IN GENERAL.—The Secretary is authorized
12 to conduct such audits of all claim holders or lessees,
13 operators, transporters, purchasers, processors, or
14 other persons directly or indirectly involved in the
15 production or sale of minerals covered by this Act,
16 as the Secretary determines necessary for the pur-
17 poses of ensuring compliance with the requirements
18 of this section.

19 (2) AVAILABILITY OF INFORMATION.—For pur-
20 poses of performing such audits, the Secretary shall,
21 at reasonable times and upon request, have access
22 to, and may copy, all books, papers, and other docu-
23 ments that relate to compliance with any provision
24 of this section by any person.

25 (g) COOPERATIVE AGREEMENTS.—

1 (1) IN GENERAL.—The Secretary is authorized
2 to enter into cooperative agreements with the Sec-
3 retary of Agriculture to share information con-
4 cerning the royalty management of hardrock min-
5 erals, concentrates, or products derived therefrom to
6 carry out inspection, auditing, investigation, or en-
7 forcement (not including the collection of royalties,
8 civil or criminal penalties, or other payments) activi-
9 ties under this section, and to carry out any other
10 activity described in this section.

11 (2) SECRETARY OF AGRICULTURE.—Except as
12 provided in paragraph (3), and pursuant to a coop-
13 erative agreement entered into under paragraph (1),
14 the Secretary of Agriculture shall, upon request,
15 have access to all royalty accounting information in
16 the possession of the Secretary with respect to the
17 production, removal, or sale of hardrock minerals,
18 concentrates, or products derived therefrom from
19 claims or leases on land open to mineral exploration
20 and production under this Act.

21 (3) CONFIDENTIAL INFORMATION.—

22 (A) IN GENERAL.—Trade secrets, propri-
23 etary information, and other confidential infor-
24 mation protected from disclosure under section
25 552 of title 5, United States Code, shall be

1 made available by the Secretary to other Fed-
2 eral agencies as necessary to ensure compliance
3 with this Act and other Federal laws.

4 (B) PROTECTION OF INFORMATION.—The
5 Secretary, the Secretary of Agriculture, and
6 other Federal officials shall ensure that the in-
7 formation described in subparagraph (A) is pro-
8 vided protection in accordance with the require-
9 ments of that section.

10 (h) INTEREST AND SUBSTANTIAL UNDERREPORTING
11 ASSESSMENTS.—

12 (1) PAYMENTS NOT RECEIVED.—

13 (A) IN GENERAL.—In the case of mining
14 claims or leases where royalty payments are not
15 received by the Secretary on the date that such
16 payments are due, the Secretary shall charge
17 interest on such underpayments at the same in-
18 terest rate as the rate applicable under section
19 6621(a)(2) of the Internal Revenue Code of
20 1986.

21 (B) COMPUTATION.—In the case of an un-
22 derpayment, interest shall be computed and
23 charged only on the amount of the deficiency
24 and not on the total amount.

1 (2) UNDERREPORTING.—If there is any under-
2 reporting of royalty owed on production from a
3 claim or lease for any production month by any per-
4 son liable for royalty payments under this section,
5 the Secretary shall assess a penalty of not more
6 than 25 percent of the amount of the under-
7 reporting.

8 (3) SELF-REPORTING.—The Secretary may
9 waive or reduce the assessment under paragraph (2)
10 if the person liable for royalty payments under this
11 section corrects the underreporting before the later
12 of—

13 (A) the date such person receives notice
14 from the Secretary that an underreporting may
15 have occurred; and

16 (B) the date that is 90 days after the ef-
17 fective date of this Act.

18 (4) WAIVER.—The Secretary shall waive any
19 portion of an assessment under paragraph (2) at-
20 tributable to that portion of the underreporting for
21 which the person responsible for paying the royalty
22 demonstrates that such person—

23 (A) had written authorization from the
24 Secretary to report royalty on the value of the

1 production on the basis on which it was re-
2 ported;

3 (B) had substantial authority for reporting
4 royalty on the value of the production on the
5 basis on which it was reported;

6 (C) previously had notified the Secretary,
7 in such manner as the Secretary may by regula-
8 tion issue, of relevant reasons or facts affecting
9 the royalty treatment of specific production
10 which led to the underreporting; or

11 (D) meets any other exception which the
12 Secretary may, by regulation, establish.

13 (5) ABANDONED HARDROCK MINE RECLAMA-
14 TION PROGRAM.—All penalties collected under this
15 subsection shall be shall be made available to carry
16 out, to remain available until expended without fiscal
17 year limitation, the Abandoned Hardrock Mine Rec-
18 lamation Program.

19 (6) UNDERREPORTING DEFINED.—In this sub-
20 section, the term “underreporting” means the dif-
21 ference between the royalty on the value of the pro-
22 duction that should have been reported and the roy-
23 alty on the value of the production which was re-
24 ported, if the value that should have been reported
25 is greater than the value that was reported.

1 (i) EXPANDED ROYALTY OBLIGATIONS.—Each per-
2 son liable for royalty payments under this section shall
3 be jointly and severally liable for royalty on all hardrock
4 minerals, concentrates, or products derived therefrom that
5 are lost or wasted from a mining claim or lease if such
6 loss or waste is due to negligence on the part of any person
7 or due to the failure to comply with this section.

8 (j) FAILURE TO COMPLY WITH ROYALTY REQUIRE-
9 MENTS.—Any person who fails to comply with the require-
10 ments of this section shall be liable for a civil penalty
11 under section 109 of the Federal Oil and Gas Royalty
12 Management Act of 1982 (30 U.S.C. 1719) to the same
13 extent as if the claim or lease maintained in compliance
14 with this Act were a lease under such Act.

15 (k) GROSS INCOME FROM MINING DEFINED.—In
16 this section, for any hardrock mineral, the term “gross
17 income from mining” has the meaning given the term
18 “gross income” in section 613(c) of the Internal Revenue
19 Code of 1986.

20 (l) EFFECTIVE DATE.—Royalties under this Act shall
21 take effect with respect to the production of hardrock min-
22 erals after the effective date of this Act, but any royalty
23 payments attributable to production during the first 12
24 calendar months after the effective date of this Act shall
25 be payable at the expiration of such 12-month period.

1 **SEC. 108. EXISTING PRODUCTION.**

2 (a) IN GENERAL.—The claim holder of a mining
3 claim located or converted under this Act for which min-
4 eral activities have commenced under an approved plan of
5 operations as of the effective date of this Act shall have
6 the exclusive right of possession and use of the land sub-
7 ject to such mining claim for mineral activities, including
8 the right of ingress and egress to such land for mineral
9 activities, subject to the rights of the United States under
10 this Act and other applicable Federal law.

11 (b) TERMINATION.—The rights of the claim holder
12 under subsection (a) shall terminate upon completion of
13 mineral activities on such land to the satisfaction of the
14 Secretary.

15 **SEC. 109. HARDROCK MINING CLAIM MAINTENANCE FEE.**

16 (a) FEE.—

17 (1) IN GENERAL.—

18 (A) REQUIRED FEES.—

19 (i) IN GENERAL.—Except as provided
20 in section 2511(e)(2) of the Energy Policy
21 Act of 1992 (30 U.S.C. 242(e)(2)) and as
22 otherwise provided in this Act, for each
23 unpatented mining claim, millsite, or tun-
24 nel site on Federal land, whether located
25 before or on the effective date of this Act,
26 each such claimant shall pay to the Sec-

1 retary, on or before September 1 of each
2 year, a claim maintenance fee of \$200 per
3 claim to hold such unpatented mining
4 claim, millsite, or tunnel site for the as-
5 sessment year beginning at noon the fol-
6 lowing day.

7 (ii) FEE IN PLACE OF ASSESSMENT
8 WORK.—A claim maintenance fee paid
9 under clause (i) shall be in lieu of the as-
10 sessment work requirement in the Mining
11 Law of 1872 (30 U.S.C. 28 et seq.) and
12 the related filing requirements in sections
13 314(a) and (c) of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C.
15 1744(a) and (c)).

16 (B) FEE ADJUSTMENTS.—Any adjustment
17 to a fee under this subsection made under sec-
18 tion 502 shall begin to apply in the first assess-
19 ment year which begins after the adjustment is
20 made.

21 (C) EXCEPTION FOR SMALL MINERS.—
22 Subparagraph (A) and the assessment work re-
23 quirement in the Mining Law of 1872 (30
24 U.S.C. 28 et seq.) shall not apply with respect
25 to a small miner's lease.

1 (2) RECLAMATION PROGRAM.—Moneys received
2 under this subsection that are not otherwise allo-
3 cated for the administration of this Act by the Sec-
4 retary shall be made available to carry out, to re-
5 main available until expended without fiscal year
6 limitation, the Abandoned Hardrock Mine Reclama-
7 tion Program.

8 (b) CO-OWNERSHIP.—The co-ownership provisions of
9 the Mining Law of 1872 (30 U.S.C. 28 et seq.) shall re-
10 main in effect except that the annual claim maintenance
11 fee under subsection (a), where applicable, shall replace
12 applicable assessment requirements and expenditures
13 under that Act.

14 (c) FAILURE TO PAY.—Failure to pay the claim
15 maintenance fee under subsection (a) in a timely manner
16 shall conclusively constitute a forfeiture of the unpatented
17 mining claim, millsite, or tunnel site by the claimant and
18 the claim, millsite, or tunnel site shall be deemed null and
19 void by operation of law.

20 (d) OTHER REQUIREMENTS.—

21 (1) REQUIRED FILINGS.—Nothing in this sec-
22 tion shall change or modify the requirements of sec-
23 tion 314(b) of the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1744(b)) or the re-
25 quirements of section 314(c) of that Act (43 U.S.C.

1 1744(e)) related to filings required by section 314(b)
2 of that Act (43 U.S.C. 1744(b)), which remain in ef-
3 fect.

4 (2) MINING LAW OF 1872.—Section 2324 of the
5 Mining Law of 1872 (30 U.S.C. 28) is amended by
6 inserting “or section 103(a) of the Mining Waste,
7 Fraud, and Abuse Prevention Act of 2025” after
8 “Act of 1993”.

9 **SEC. 110. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY**
10 **OF CLAIMS.**

11 Except as otherwise provided in section 101, timely
12 payment of the claim maintenance fee required by section
13 109 or any related law relating to the use of Federal land,
14 asserts the authority of the claimant to use and occupy
15 the Federal land concerned for prospecting and explo-
16 ration, consistent with the requirements of this Act and
17 other applicable law.

18 **SEC. 111. PROTECTION OF SPECIAL PLACES.**

19 (a) PROTECTION OF NATIONAL PARK SYSTEM UNITS
20 AND NATIONAL MONUMENTS.—No agency may authorize
21 any mineral activity that would impair the land or re-
22 sources of a unit of the National Park System or a na-
23 tional monument, including—

1 (1) any diminution of the affected land, includ-
2 ing wildlife, scenic assets, water resources, air qual-
3 ity, and acoustic qualities; or

4 (2) other changes that would impair a the expe-
5 rience of a citizen at the National Park System unit
6 or a national monument.

7 (b) PROTECTION OF NATIONAL CONSERVATION SYS-
8 TEM UNITS.—In order to protect the resources and values
9 of National Conservation System units, the Secretary, as
10 appropriate, shall use authority under this Act and other
11 applicable law to the fullest extent necessary to prevent
12 mineral activities that could have an adverse impact on
13 the resources or values for which such units were estab-
14 lished.

15 (c) LANDS NOT OPEN TO MINING.—Notwithstanding
16 any other provision of law and subject to valid existing
17 rights, no agency shall authorize mineral activities within
18 any of the following areas:

19 (1) Sacred sites.

20 (2) Wilderness study areas.

21 (3) Habitat designated as critical habitat under
22 section 4 of the Endangered Species Act of 1973 (16
23 U.S.C. 1533).

24 (4) Areas of critical environmental concern (as
25 such term is defined in section 103 of the Federal

1 Land Policy and Management Act of 1976 (43
2 U.S.C. 1702)).

3 (5) Units of the National Conservation System.

4 (6) Areas designated for inclusion in the Na-
5 tional Wild and Scenic Rivers System pursuant to
6 the Wild and Scenic Rivers Act (16 U.S.C. 1271 et
7 seq.), areas designated for potential addition to such
8 system pursuant to section 5(a) of that Act (16
9 U.S.C. 1276(a)), and areas determined to be eligible
10 for inclusion in such system pursuant to section 5(d)
11 of such Act (16 U.S.C. 1276(d)).

12 (7) Inventoried Roadless Areas under the
13 Roadless Area Conservation Rule, part 294 of title
14 36, Code of Federal Regulations, Colorado Roadless
15 Areas, or Idaho Roadless Areas.

16 **SEC. 112. SUITABILITY DETERMINATION.**

17 (a) IN GENERAL.—In accordance with subsection (b),
18 the Secretary concerned shall make each determination of
19 whether land is suitable for mineral activities that is re-
20 quired by this Act.

21 (b) SUITABILITY.—

22 (1) IN GENERAL.—The Secretary concerned
23 shall consider land suitable for mineral activities if
24 the Secretary concerned finds that such mineral ac-
25 tivities would not result in unnecessary or undue

1 degradation to a special characteristic described in
2 paragraph (2) of such land that cannot be prevented
3 by the imposition of conditions in the permit re-
4 quired for such activities under title III.

5 (2) SPECIAL CHARACTERISTICS.—For purposes
6 of paragraph (1), the Secretary concerned shall con-
7 sider each of the following to be a special char-
8 acteristic:

9 (A) The existence of a significant water re-
10 source or supply in or associated with such
11 land, including any aquifer or aquifer recharge
12 area.

13 (B) The presence on such land, or any ad-
14 jacent land, of a publicly owned place that is
15 listed on, or determined by the Secretary to be
16 eligible for listing on, the National Register of
17 Historic Places.

18 (C) The designation of all or any portion
19 of such land, or any adjacent land, as a Na-
20 tional Conservation System unit.

21 (D) The designation of all or any portion
22 of such land, or any adjacent land, as critical
23 habitat under the Endangered Species Act of
24 1973 (16 U.S.C. 1531 et seq.).

1 (E) The designation of all or any portion
2 of such land, or any adjacent land, as a class
3 I area under section 162 of the Clean Air Act
4 (42 U.S.C. 7472).

5 (F) The presence of such other resource
6 values as the Secretary concerned may by regu-
7 lation specify, determined based upon field test-
8 ing, evaluation, or credible information that
9 verifies such values.

10 (G) The designation of such land, or adja-
11 cent land, as a Research Natural Area.

12 (H) The presence on such land, or any ad-
13 jacent land, of a sacred site.

14 (I) The presence or designation of such
15 land adjacent to land not open to mining pursu-
16 ant to section 111.

17 (3) PUBLIC COMMENT.—A determination under
18 this subsection of suitability for mineral activities
19 shall be made after publication of notice and an op-
20 portunity for submission of public comment for a pe-
21 riod of not less than 60 days.

22 (4) INCLUSION IN FEDERAL LAND USE PLAN.—
23 Any determination made in accordance with this
24 subsection with respect to land shall be incorporated
25 into each Federal land use plan applicable to such

1 land, at the time such Federal land use plan is
2 adopted, revised, or significantly amended pursuant
3 to any Federal law other than this Act.

4 (c) CHANGE REQUEST.—The Secretary concerned
5 shall, by regulation, provide an opportunity for any person
6 to request a change in determination for any Federal land
7 found suitable under subsection (a).

8 (d) EXISTING OPERATIONS.—Nothing in this section
9 shall be construed to affect land on which mineral activi-
10 ties were being conducted on the effective date of this Act
11 under an approved plan of operations or under notice.

12 **TITLE II—CONSULTATION** 13 **PROCEDURE**

14 **SEC. 201. REQUIREMENT FOR CONSULTATION.**

15 Agencies shall conduct meaningful timely consulta-
16 tion with Indian Tribes following the procedures of the
17 President’s Memorandum of Uniform Standards for Trib-
18 al Consultation, issued on November 30, 2022, before un-
19 dertaking any mineral activities that may have a direct,
20 indirect, or cumulative impact on—

21 (1) the land, including allotted, ceded, or tradi-
22 tional land, or interests in such land of an Indian
23 Tribe or member of an Indian Tribe;

1 (2) Tribal land, cultural practices, resources, or
2 access to traditional areas of cultural or religious
3 importance;

4 (3) any part of any Federal land that shares a
5 border with Indian country, as such term is defined
6 in section 1151 of title 18, United States Code;

7 (4) the protected rights of an Indian Tribe,
8 whether or not such rights are enumerated in a trea-
9 ty, including water, hunting, gathering, and fishing
10 rights;

11 (5) the ability of an Indian Tribe to govern or
12 provide services to members of the Indian Tribe;

13 (6) the relationship between the Federal Gov-
14 ernment and an Indian Tribe; or

15 (7) the trust responsibility of the Federal Gov-
16 ernment to an Indian Tribe.

17 **TITLE III—ENVIRONMENTAL**
18 **CONSIDERATIONS OF MIN-**
19 **ERAL EXPLORATION AND DE-**
20 **VELOPMENT**

21 **SEC. 301. GENERAL STANDARD FOR HARDROCK MINING ON**
22 **FEDERAL LAND.**

23 Notwithstanding section 302(b) of the Federal Land
24 Policy and Management Act of 1976 (43 U.S.C. 1732(b)),
25 the first section of the Act of June 4, 1897 (16 U.S.C.

1 478), and the National Forest Management Act of 1976
2 (16 U.S.C. 1600 et seq.), and in accordance with this title
3 and applicable law, unless expressly stated otherwise in
4 this Act, the Secretary shall ensure that mineral activities
5 on any Federal land that is subject to a mining claim,
6 millsite, tunnel site, or any authorization issued under title
7 I of this Act are carefully controlled to prevent unneces-
8 sary or undue degradation of Federal land and resources.

9 **SEC. 302. PERMITS.**

10 (a) PERMITS REQUIRED.—No person may engage in
11 mineral activities on Federal land that may cause a dis-
12 turbance of surface resources, including land, air, ground
13 water and surface water, and fish and wildlife, unless a
14 permit is issued to such person under this title authorizing
15 such activities.

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

19 (c) NATIONAL ENVIRONMENTAL POLICY ACT.—

20 (1) IN GENERAL.—The Secretary and the Sec-
21 retary of Agriculture shall conduct the permit proc-
22 esses under this Act in accordance with the timing
23 and other requirements under section 102 of the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4332).

1 (2) COORDINATION.—To the extent practicable,
2 the Secretary and the Secretary of Agriculture shall
3 coordinate the permit process.

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

5 (a) AUTHORIZED EXPLORATION ACTIVITY.—

6 (1) IN GENERAL.—A person may apply for an
7 exploration permit for any mining claim, license, or
8 lease authorizing the applicant to remove a reason-
9 able amount of the hardrock minerals, as defined in
10 the license or lease or established in such regulations
11 as the Secretary shall issue, from the area that is
12 subject to the mining claim, license, or lease, respec-
13 tively, for analysis, study, and testing.

14 (2) LIMITATION.—Such permit shall not au-
15 thorize the applicant to remove any mineral for sale
16 nor to conduct any activities other than those re-
17 quired for exploration for hardrock minerals and rec-
18 lamation.

19 (b) PERMIT APPLICATION REQUIREMENTS.—To
20 apply for an exploration permit under this section, a per-
21 son shall submit to the Secretary concerned an application
22 for such permit in a manner determined satisfactory by
23 the Secretary concerned, which shall include—

24 (1) an exploration plan;

1 (2) a reclamation plan for the proposed explo-
2 ration; and

3 (3) such documentation as is necessary to en-
4 sure compliance with applicable Federal and State
5 environmental laws and regulations.

6 (c) RECLAMATION PLAN REQUIREMENTS.—The rec-
7 lamation plan required to be included in a permit applica-
8 tion under subsection (b) shall include such provisions as
9 may be jointly issued by the Secretary and the Secretary
10 of Agriculture by regulation, including the following re-
11 quirements:

12 (1) The applicant has demonstrated that pro-
13 posed reclamation can be accomplished.

14 (2) The proposed exploration activities and con-
15 dition of the land after the completion of exploration
16 activities and final reclamation will conform with the
17 land use plan applicable to the area subject to min-
18 eral activities.

19 (3) The area subject to the proposed explo-
20 ration permit is not included within an area listed
21 in section 111.

22 (4) The applicant has demonstrated that the
23 exploration plan and reclamation plan will be in
24 compliance with the requirements of this Act and all
25 other applicable Federal requirements, and any

1 State requirements agreed to by the Secretary con-
2 cerned.

3 (5) The applicant has demonstrated that the re-
4 quirements of section 306 will be met.

5 (6) The applicant is eligible to receive a permit
6 under section 305.

7 (d) TERM OF PERMIT.—An exploration permit shall
8 be for a stated term, which shall be—

9 (1) not greater than that necessary to accom-
10 plish the proposed exploration; and

11 (2) in no case for more than 10 years.

12 (e) PERMIT MODIFICATION.—

13 (1) IN GENERAL.—An exploration permit holder
14 may, during the term of the exploration permit, sub-
15 mit to the Secretary concerned an application to
16 modify such permit.

17 (2) APPROVAL OF MODIFICATION.—To approve
18 a proposed modification to the permit, the Secretary
19 concerned shall make the same determinations as
20 are required in the case of an original permit, except
21 that the Secretary and the Secretary of Agriculture
22 may specify by joint regulation the extent to which
23 requirements for initial exploration permits under
24 this section shall apply to applications to modify an
25 exploration permit based on whether the Secretary

1 concerned determines such modifications are signifi-
2 cant or minor.

3 (f) TRANSFER, ASSIGNMENT, OR SALE OF RIGHTS.—

4 (1) PRIOR WRITTEN APPROVAL.—No transfer,
5 assignment, or sale of rights granted by an explo-
6 ration permit issued under this section may be made
7 without the prior written approval of the Secretary
8 concerned.

9 (2) APPROVAL.—The Secretary concerned shall
10 allow an exploration permit holder to transfer, as-
11 sign, or sell rights under such permit to a successor,
12 if the Secretary concerned finds in writing that the
13 successor—

14 (A) is eligible to receive a permit under
15 section 304;

16 (B) has submitted evidence of financial as-
17 surance satisfactory under section 306; and

18 (C) meets any other requirements specified
19 by the Secretary concerned.

20 (3) ASSUMED LIABILITY.—The successor in in-
21 terest shall assume the liability and reclamation re-
22 sponsibilities established by the existing exploration
23 permit and shall conduct the mineral activities in
24 full compliance with this Act, and the terms and

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

3 (4) FEE.—Each application for approval of an
4 exploration permit transfer, assignment, or sale pur-
5 suant to this subsection shall be accompanied by a
6 fee payable to the Secretary concerned in such
7 amount as may be established by the Secretary con-
8 cerned, which shall be equal to the actual or antici-
9 pated cost to the Secretary concerned of reviewing
10 and approving or disapproving such transfer, assign-
11 ment, or sale, as determined by the Secretary con-
12 cerned.

13 **SEC. 304. OPERATIONS PERMIT.**

14 (a) OPERATIONS PERMIT.—

15 (1) IN GENERAL.—A person that is in compli-
16 ance with this Act may apply to the Secretary con-
17 cerned for an operations permit authorizing the per-
18 son to carry out mineral activities on—

19 (A) any valid mining claim, millsite, tunnel
20 site, or lease issued under this Act; and

21 (B) such additional Federal land as the
22 Secretary concerned may determine is necessary
23 to conduct the proposed mineral activities, if
24 the operator—

1 (i) obtains a right-of-way permit for
2 use of such additional lands under title V
3 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1761 et
5 seq.); and

6 (ii) agrees to pay all fees required
7 under that title for such permit.

8 (2) TERMS AND CONDITIONS.—The Secretary
9 concerned shall include in each permit issued under
10 this section such terms and conditions as the Sec-
11 retary concerned determines necessary to carry out
12 this title.

13 (b) PERMIT APPLICATION REQUIREMENTS.—To
14 apply for an operations permit under this section, a person
15 shall submit to the Secretary concerned an application for
16 such permit in a manner determined satisfactory by the
17 Secretary concerned, which shall include site characteriza-
18 tion data, an operations plan, a reclamation plan, moni-
19 toring plans, long-term maintenance plans, to the extent
20 necessary, and such documentation as necessary to ensure
21 compliance with applicable Federal and State environ-
22 mental laws and regulations. If the proposed mineral ac-
23 tivities will be carried out in conjunction with mineral ac-
24 tivities on adjacent non-Federal land, information on the

1 location and nature of such operations may be required
2 by the Secretary.

3 (c) PERMIT ISSUANCE OR DENIAL.—

4 (1) IN GENERAL.—After providing for public
5 participation pursuant to subsection (i), the Sec-
6 retary concerned shall issue an operations permit if
7 the Secretary concerned makes each of the following
8 determinations in writing, and shall deny an oper-
9 ations permit if the Secretary concerned finds that
10 the application and applicant do not fully meet the
11 following requirements:

12 (A) The permit application, including the
13 site characterization data, operations plan, and
14 reclamation plan, are complete, accurate, and
15 sufficient to develop a good understanding of
16 the anticipated impacts of the mineral activities
17 and the effectiveness of proposed mitigation and
18 control of such mineral activities.

19 (B) The applicant has demonstrated that
20 the proposed reclamation in the operations and
21 reclamation plans can be and is likely to be ac-
22 complished by the applicant and will not cause
23 unnecessary or undue degradation.

24 (C) The condition of the land subject to
25 the operations permit, including the fish and

1 wildlife resources and habitat contained there-
2 on, will be fully reclaimed after the completion
3 of mineral activities.

4 (D) The area subject to the proposed plan
5 is not listed in section 111 or otherwise ineli-
6 gible for mineral activities.

7 (E) The proposed operation has been de-
8 signed to prevent material damage to the hy-
9 drologic balance outside the land subject to the
10 operations permit.

11 (F) The applicant will fully comply with
12 the requirements of section 306 before the initi-
13 ation of operations.

14 (G) Neither the applicant nor operator (or
15 any subsidiary or affiliate the applicant or oper-
16 ator) is ineligible to receive a permit under sec-
17 tion 305.

18 (H) The reclamation plan demonstrates
19 that 10 years after the end of mineral activities
20 under the operations permit, no treatment of
21 surface or ground water for carcinogens or tox-
22 ins will be required to meet water quality stand-
23 ards at the point of discharge.

24 (2) CONSULTATION WITH ENVIRONMENTAL
25 PROTECTION AGENCY.—With respect to any activi-

1 ties specified in the reclamation plan referred to in
2 subsection (b) that constitute a removal or remedial
3 action under section 101 of the Comprehensive Envi-
4 ronmental Response, Compensation, and Liability
5 Act of 1980 (42 U.S.C. 9601), the Secretary con-
6 cerned shall consult with the Administrator of the
7 Environmental Protection Agency before the
8 issuance of an operations permit, who shall ensure
9 that the reclamation plan does not require activities
10 that would increase the costs or likelihood of re-
11 moval or remedial actions under the that Act (42
12 U.S.C. 9601 et seq.) or corrective actions under the
13 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

14 (d) TERM OF PERMIT; RENEWAL.—

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

17 (A) be for an initial term not longer than
18 the shorter of—

19 (i) the period necessary to accomplish
20 the proposed mineral activities subject to
21 the permit; and

22 (ii) the length of time remaining on
23 the hardrock mining lease of the applicant;

24 (B) be renewed for additional 10-year peri-
25 ods if—

1 (i) the operation subject to the permit
2 is in compliance with the requirements of
3 this Act and other applicable law; and

4 (ii) the hardrock mining lease of the
5 applicant has been renewed for that 10-
6 year period; and

7 (C) expire 5 years after the commencement
8 of a temporary cessation unless, before the expi-
9 ration of the 5 years, the operator has filed
10 with the Secretary concerned a request for ap-
11 proval to resume operations.

12 (2) FAILURE TO COMMENCE MINERAL ACTIVI-
13 TIES.—Failure by the operator to commence mineral
14 activities not later than 2 years after the date sched-
15 uled in an operations permit shall require a modi-
16 fication of the permit if the Secretary concerned de-
17 termines that modifications are necessary to comply
18 with section 111.

19 (e) PERMIT MODIFICATION.—

20 (1) APPLICATION.—An operator may, during
21 the term of the operations permit, submit to the
22 Secretary concerned an application to modify such
23 permit or the operations plan or reclamation plan
24 associated with such permit.

1 (2) MODIFICATION BY SECRETARY CON-
2 CERNED.—

3 (A) IN GENERAL.—At any time, the Sec-
4 retary concerned may require reasonable modi-
5 fication to any operations plan or reclamation
6 plan upon a determination that the require-
7 ments of this Act cannot be met if the plan is
8 followed as approved, which shall be based on
9 a written finding and subject to public notice
10 and hearing requirements established by the
11 Secretary concerned.

12 (B) WAIVER OF PUBLIC NOTICE AND
13 HEARING.—The Secretary concerned may waive
14 the public notice and hearing requirements
15 under subparagraph (A) in the case of immi-
16 nent threat to health, safety, or the environ-
17 ment.

18 (3) UNANTICIPATED EVENTS OR CONDI-
19 TIONS.—A permit modification is required before
20 changes are made to the approved operations plan,
21 or if unanticipated events or conditions exist on the
22 land subject to the permit, including in the case of—

23 (A) development of acid or toxic drainage;

24 (B) loss of springs or water supplies;

1 (C) water quantity, water quality, or other
2 resulting water impacts that are significantly
3 different than those predicted in the application
4 for the operations permit;

5 (D) the need for long-term water treat-
6 ment;

7 (E) significant reclamation difficulties or
8 reclamation failure;

9 (F) the discovery of significant scientific or
10 biological resources that were not addressed in
11 the original plan;

12 (G) the discovery of property eligible for
13 listing on the National Register of Historic
14 Places; or

15 (H) the discovery of a hazard to public
16 safety.

17 (f) TEMPORARY CESSATION OF OPERATIONS.—

18 (1) SECRETARIAL APPROVAL REQUIRED.—An
19 operator conducting mineral activities under an op-
20 erations permit in effect under this title may not
21 temporarily cease mineral activities for a period of
22 more than 180 days unless the Secretary concerned
23 has approved such temporary cessation or unless the
24 temporary cessation is permitted under the original
25 operations permit.

1 (2) PREVIOUSLY ISSUED OPERATIONS PER-
2 MITS.—An operator that temporarily ceases mineral
3 activities for a period of more than 90 days under
4 an operations permit issued before the effective date
5 of this Act shall submit, before the expiration of
6 such 90-day period, a complete application for tem-
7 porary cessation of operations to the Secretary con-
8 cerned for approval unless the temporary cessation
9 is permitted under the original operations permit.

10 (3) REQUIRED INFORMATION.—

11 (A) IN GENERAL.—To apply for an ap-
12 proval of temporary cessation of operations, an
13 operator shall submit to the Secretary con-
14 cerned such information required under sub-
15 section (b) and any other provisions prescribed
16 by the Secretary concerned to minimize impacts
17 on human health, the environment, or property
18 eligible for listing on the National Register of
19 Historic Places.

20 (B) INSPECTION.—After receipt of a com-
21 plete application for temporary cessation of op-
22 erations, the Secretary concerned shall conduct
23 an inspection of the area for which temporary
24 cessation of operations has been requested.

1 (4) CONDITIONS FOR APPROVAL.—The Sec-
2 retary concerned may approve an application for
3 temporary cessation of operations if such Secretary
4 determines the following:

5 (A) The methods for securing surface fa-
6 cilities and restricting access to the land subject
7 to the operations permit, or relevant portions
8 thereof, will effectively protect against hazards
9 to the health and safety of the public and fish
10 and wildlife or damage to property eligible for
11 listing on the National Register of Historic
12 Places.

13 (B) Reclamation is in compliance with the
14 approved reclamation plan, except in those
15 areas specifically designated in the application
16 for temporary cessation of operations for which
17 a delay in meeting such standards is necessary
18 to facilitate the resumption of operations.

19 (C) The amount of financial assurance
20 filed with the permit application is sufficient to
21 ensure completion of the reclamation activities
22 identified in the approved reclamation plan in
23 the event of forfeiture.

24 (D) Any outstanding notices of violation
25 and cessation orders incurred in connection

1 with the plan for which temporary cessation is
2 being requested are either stayed pursuant to
3 an administrative or judicial appeal proceeding
4 or are in the process of being abated to the sat-
5 isfaction of the Secretary concerned.

6 (g) PERMIT REVIEWS.—The Secretary concerned
7 shall review each operations permit issued under this sec-
8 tion every 10 years during the term of such operations
9 permit, and before approving the resumption of operations
10 under subsection (f), the Secretary concerned shall require
11 the operator to take such actions as the Secretary con-
12 cerned deems necessary to ensure that mineral activities
13 conform to the operations permit, including adjustment of
14 financial assurance requirements.

15 (h) TRANSFER, ASSIGNMENT, OR SALE OF
16 RIGHTS.—

17 (1) WRITTEN APPROVAL.—No transfer, assign-
18 ment, or sale of rights granted by an operations per-
19 mit under this section may be made without the
20 prior written approval of the Secretary concerned.

21 (2) CONDITIONS OF APPROVAL.—The Secretary
22 concerned may allow a permit holder to transfer, as-
23 sign, or sell rights under the permit to a successor,
24 if the Secretary concerned finds, in writing, that the
25 successor—

1 (A) has submitted all required information
2 and is eligible to receive a permit in accordance
3 with section 305;

4 (B) has submitted evidence of financial as-
5 surance satisfactory under section 306; and

6 (C) meets any other requirements specified
7 by the Secretary concerned.

8 (3) ASSUMED LIABILITY.—The successor de-
9 scribed in paragraph (2) shall assume the liability
10 and reclamation responsibilities established by the
11 existing operations permit and shall conduct the
12 mineral activities in full compliance with this Act
13 and the terms and conditions of the operations per-
14 mit as in effect at the time of transfer, assignment,
15 or sale.

16 (4) FEE.—Each application for approval of an
17 operations permit transfer, assignment, or sale pur-
18 suant to this subsection shall be accompanied by a
19 fee payable to the Secretary concerned in such
20 amount as may be established by the Secretary con-
21 cerned, which shall be equal to the actual or antici-
22 pated cost of reviewing and approving or dis-
23 approving such transfer, assignment, or sale, as de-
24 termined by the Secretary concerned.

1 (i) PUBLIC PARTICIPATION.—The Secretary and the
2 Secretary of Agriculture shall jointly issue regulations to
3 ensure transparency and public participation in permit de-
4 cisions required under this Act, consistent with any re-
5 quirements that apply to such decisions under section 102
6 of the National Environmental Policy Act of 1969 (42
7 U.S.C. 4332).

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

9 (a) CURRENT VIOLATIONS.—Unless corrective action
10 has been taken in accordance with subsection (c), no per-
11 mit under this title may be issued, transferred, assigned,
12 or sold to an applicant if the applicant or any agent of
13 the applicant, the operator (if different from the appli-
14 cant), any claim or lease holder (if different from the ap-
15 plicant) of the claim, license, or lease concerned, or any
16 affiliate of the applicant is in violation of the following:

17 (1) This Act.

18 (2) An applicable State or Federal toxic sub-
19 stance, solid waste, air, water quality, or fish and
20 wildlife conservation law or regulation at any site
21 where mining, beneficiation, or processing activities
22 are occurring or have occurred.

23 (3) The Surface Mining Control and Reclama-
24 tion Act of 1977 (30 U.S.C. 1201 et seq.) at any

1 site where surface coal mining operations are occur-
2 ring or have occurred.

3 (b) SUSPENSION.—The Secretary concerned shall
4 suspend a permit, in whole or in part, if the Secretary
5 concerned determines that any of the entities described in
6 subsection (a) were in violation of any requirement de-
7 scribed in subsection (a) at the time such permit was
8 issued.

9 (c) CORRECTION.—

10 (1) REINSTATEMENT.—

11 (A) IN GENERAL.—The Secretary con-
12 cerned may issue or reinstate a permit under
13 this title if the applicant submits proof that—

14 (i) the violation under subsection (a)
15 or (b) has been corrected or is in the proc-
16 ess of being corrected to the satisfaction of
17 the Secretary concerned and the regulatory
18 authority involved; or

19 (ii) the violator has filed, and is pur-
20 suing at the time of such submission, a di-
21 rect administrative or judicial appeal to
22 contest the existence of the violation.

23 (B) APPEAL OF RELATIONSHIP TO AFFIL-
24 IATE.—An appeal of the relationship of an ap-
25 plicant to an affiliate shall not constitute a di-

1 rect administrative or judicial appeal to contest
2 the existence of the violation under subpara-
3 graph (A)(ii).

4 (2) **CONDITIONAL APPROVAL.**—

5 (A) **IN GENERAL.**—A permit that is issued
6 or reinstated based upon proof submitted under
7 this subsection shall be conditionally issued or
8 conditionally reinstated, respectively.

9 (B) **SUSPENSION; REVOCATION.**—The Sec-
10 retary concerned shall suspend or revoke a per-
11 mit that is conditionally issued or conditionally
12 reinstated if the relevant violation is not suc-
13 cessfully abated or is upheld on appeal.

14 (d) **PATTERN OF WILLFUL VIOLATION.**—No permit
15 may be issued under this Act to any applicant if there
16 is a demonstrated pattern of willful violations of the envi-
17 ronmental protection requirements of this Act by the ap-
18 plicant, an affiliate of the applicant, or the operator or
19 claim, license, or lease holder if different than the appli-
20 cant.

21 **SEC. 306. FINANCIAL ASSURANCE.**

22 (a) **FINANCIAL ASSURANCE REQUIRED.**—

23 (1) **FORM OF ASSURANCE.**—After a permit is
24 issued under this title and before any exploration or
25 operations begin under the relevant permit, the oper-

1 ator shall file with the Secretary concerned evidence
2 of financial assurance payable to the United States,
3 which shall be provided in the form of a surety bond,
4 letters of credit, certificates of deposit, or cash.

5 (2) COVERED ACTIVITIES.—The financial assur-
6 ance required under paragraph (1) shall cover all
7 land within the initial permit area and all affected
8 waters that may require restoration, treatment, or
9 other management as a result of mineral activities,
10 and shall be extended to cover all land and water
11 added to the permit area pursuant to any permit
12 modification made under section 303(e) or 304(e) or
13 affected by mineral activities within the permit area.

14 (b) AMOUNT.—

15 (1) IN GENERAL.—The amount of the financial
16 assurance required under this section shall be suffi-
17 cient to ensure the completion of reclamation satis-
18 fying the requirements of this Act if the work were
19 to be performed by the Secretary concerned, or by
20 a third-party contractor hired by the Secretary con-
21 cerned, in the event of forfeiture, including the con-
22 struction and maintenance costs for any treatment
23 facilities necessary to meet Federal and State envi-
24 ronmental requirements.

1 (2) CALCULATION.—The calculation of the
2 amount under paragraph (1) shall take into account
3 the maximum estimated cost of reclamation, as de-
4 termined by the best available science, and adminis-
5 trative costs associated with a government agency
6 reclaiming the site.

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

13 (d) ADJUSTMENTS.—

14 (1) IN GENERAL.—The Secretary concerned
15 may adjust the amount of the financial assurance
16 required under this section and the terms of the ac-
17 ceptance of the financial assurance as needed as the
18 land subject to the relevant permit is increased or
19 decreased, the costs of reclamation or treatment
20 change, or pursuant to section 304(f), but the finan-
21 cial assurance shall otherwise be in compliance with
22 this section.

23 (2) REVIEW.—The Secretary concerned shall
24 review the financial assurance every 3 years and as

1 part of the permit application review under section
2 304(g).

3 (e) RELEASE.—The Secretary concerned may, upon
4 request, after consultation with the Administrator of the
5 Environmental Protection Agency, notice and opportunity
6 for public comment, and inspection by the Secretary con-
7 cerned, release, in whole or in part, the financial assurance
8 required under this section if the Secretary concerned
9 makes both of the following determinations:

10 (1) Reclamation or restoration covered by the
11 financial assurance has been accomplished as re-
12 quired by this Act.

13 (2) The terms and conditions of any other ap-
14 plicable Federal requirements, and State require-
15 ments applicable pursuant to cooperative agreements
16 under section 308, have been fulfilled.

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

19 (1) After the operator has completed any re-
20 quired backfilling, regrading, and drainage control of
21 an area subject to mineral activities and covered by
22 the financial assurance, and has commenced revege-
23 tation on the regraded areas subject to mineral ac-
24 tivities in accordance with the approved reclamation
25 plan, that portion of the total financial assurance se-

1 cured for the area subject to mineral activities at-
2 tributable to the completed activities may be re-
3 leased, except that sufficient financial assurance
4 must be retained to address other required reclama-
5 tion needs and to ensure the long-term success of
6 the revegetation.

7 (2) After the operator has successfully com-
8 pleted all remaining mineral activities and reclama-
9 tion activities and all requirements of the operations
10 plan and the reclamation plan, and all other require-
11 ments of this Act have been fully met, the remaining
12 portion of the financial assurance may be released.
13 During the period following release of the financial assur-
14 ance as specified in paragraph (1), until the remaining
15 portion of the financial assurance is released as provided
16 in paragraph (2), the operator shall be required to comply
17 with the relevant permit issued under this title.

18 (g) EFFLUENT.—

19 (1) IN GENERAL.—Notwithstanding section
20 307(b)(2)(D), where any discharge or other water-
21 related condition resulting from mineral activities re-
22 quires treatment in order to meet applicable effluent
23 limitations and water quality standards, the finan-
24 cial assurance shall include the estimated cost of
25 maintaining such treatment for the projected period

1 that will be needed after the cessation of mineral ac-
2 tivities.

3 (2) **RELEASE OF FINANCIAL ASSURANCE.**—The
4 portion of the financial assurance attributable to
5 such estimated cost of treatment shall not be re-
6 leased until such discharge has ceased for a period
7 of 5 years, as determined by ongoing monitoring and
8 testing, or, if the discharge continues, until the oper-
9 ator has met all applicable effluent limitations and
10 water quality standards for 5 full years without
11 treatment.

12 (h) **ENVIRONMENTAL HAZARDS.**—If the Secretary
13 concerned determines, after final release of a financial as-
14 surance, that an environmental hazard resulting from the
15 mineral activities exists, or the terms and conditions of
16 the exploration permit or operations permit of this Act
17 were not fulfilled at the time of such release, the Secretary
18 concerned shall issue an order under section 507 requiring
19 the claim holder or operator (or any person who controls
20 the claim holder or operator) to correct the condition such
21 that applicable laws and regulations and any conditions
22 from the operations plan are met.

23 **SEC. 307. OPERATION AND RECLAMATION.**

24 (a) **GENERAL RULE.**—

1 (1) IN GENERAL.—An operator shall reclaim
2 land subject to mineral activities carried out under
3 a permit issued under this title to a condition capa-
4 ble of supporting—

5 (A) the uses which such land was capable
6 of supporting before surface disturbance by the
7 operator; or

8 (B) other beneficial uses which conform to
9 applicable land use plans as determined by the
10 Secretary concerned.

11 (2) CONTEMPORANEOUS RECLAMATION.—Rec-
12 lamation shall proceed as contemporaneously as
13 practicable with the conduct of mineral activities,
14 and in the case of a cessation of mineral activities
15 beyond that provided for as a temporary cessation
16 under this Act, reclamation activities shall begin im-
17 mediately.

18 (b) OPERATION AND RECLAMATION STANDARDS.—

19 (1) IN GENERAL.—The Secretary and the Sec-
20 retary of Agriculture shall jointly issue regulations
21 that establish operations and reclamation standards
22 for mineral activities permitted under this Act and
23 may determine whether outcome-based performance
24 standards or technology-based design standards are
25 most appropriate.

1 (2) INCLUSIONS.—The regulations required
2 under paragraph (1) shall address the following:

3 (A) Segregation, protection, and replace-
4 ment of topsoil or other suitable growth me-
5 dium, and the prevention, where possible, of soil
6 contamination.

7 (B) Maintenance of the stability of all sur-
8 face areas.

9 (C) Control of sediments to prevent erosion
10 and manage drainage.

11 (D) Minimization of the formation and mi-
12 gration of acidic, alkaline, metal-bearing, or
13 other deleterious leachate.

14 (E) Reduction of the visual impact of min-
15 eral activities to the surrounding topography,
16 including as necessary pit backfill.

17 (F) Establishment of a diverse, effective,
18 and permanent vegetative cover of the same
19 seasonal variety native to the area affected by
20 mineral activities, and equal in extent of cover
21 to the natural vegetation of the area.

22 (G) Design and maintenance of leach oper-
23 ations, impoundments, and excess waste accord-
24 ing to standard engineering standards to

1 achieve and maintain stability and reclamation
2 of the site.

3 (H) Removal of structures and roads and
4 sealing of drill holes.

5 (I) Restoration of, or mitigation for, fish
6 and wildlife habitat disturbed by mineral activi-
7 ties.

8 (J) Preservation of cultural, paleontolog-
9 ical, and cave resources.

10 (K) Prevention and suppression of fire
11 within the area affected by mineral activities.

12 (c) SURFACE OR GROUND WATER WITHDRAWALS.—

13 The Secretary concerned shall work with State and local
14 governments with authority over the allocation and use of
15 surface and ground water in the area around the mine
16 site as necessary to ensure that any surface or ground
17 water withdrawals made as a result of mineral activities
18 approved under this title do not cause undue degradation.

19 (d) SPECIAL RULE.—Reclamation activities for a
20 mining claim, license, or lease that has been forfeited, re-
21 linquished, or lapsed, or a plan that has expired or been
22 revoked or suspended, shall continue subject to review and
23 approval by the Secretary concerned.

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

25 (a) STATE LAW.—

1 (1) RECLAMATION, LAND USE, ENVIRON-
2 MENTAL, AND PUBLIC HEALTH STANDARDS.—Any
3 reclamation, land use, environmental, or public
4 health protection standard or requirement in State
5 law that meets or exceeds the requirements of this
6 Act shall not be construed to be inconsistent with
7 any such standard.

8 (2) BONDING REQUIREMENTS.—Any bonding
9 standard or requirement in State law that meets or
10 exceeds the requirements of this Act shall not be
11 construed to be inconsistent with such requirements.

12 (3) INSPECTION STANDARDS.—Any inspection
13 standard or requirement in State law that meets or
14 exceeds the requirements of this Act shall not be
15 construed to be inconsistent with such requirements.

16 (b) APPLICABILITY OF OTHER STATE REQUIRE-
17 MENTS.—

18 (1) ENVIRONMENTAL STANDARDS.—Nothing in
19 this Act may be construed to affect any toxic sub-
20 stance, solid waste, or air or water quality standard
21 or requirement of any State, local, or Tribal law that
22 may be applicable to mineral activities on land sub-
23 ject to this Act.

24 (2) WATER RESOURCES.—Nothing in this Act
25 may be construed to affect the right of any person

1 to enforce or protect, under applicable law, the inter-
2 est of such person in water resources affected by
3 mineral activities on land subject to this Act.

4 (c) COOPERATIVE AGREEMENTS.—

5 (1) IN GENERAL.—A State may enter into a co-
6 operative agreement with the Secretary concerned
7 for the purpose of the Secretary concerned applying
8 such standards and requirements referred to in sub-
9 sections (a) and (b) to mineral activities or reclama-
10 tion on land subject to this Act.

11 (2) COMMON REGULATORY FRAMEWORK.—

12 (A) IN GENERAL.—If a proposed mineral
13 activity would affect land not subject to this
14 Act in addition to land subject to this Act, in
15 order to approve a plan of operations, the Sec-
16 retary concerned shall enter into a cooperative
17 agreement with the State that establishes a
18 common regulatory framework consistent with
19 the requirements of this Act for the purposes of
20 such plan of operations.

21 (B) AUTHORITY OF FEDERAL GOVERN-
22 MENT.—Any common regulatory framework es-
23 tablished under subparagraph (A) may not ne-
24 gate the authority of the Federal Government

1 to independently inspect mines and operations
2 and bring enforcement actions for violations.

3 (3) NOTICE AND PUBLIC COMMENT.—The Sec-
4 retary concerned may not enter into a cooperative
5 agreement with a State under this section until after
6 notice in the Federal Register and opportunity for
7 public comment and hearing.

8 (d) PRIOR AGREEMENTS.—Any cooperative agree-
9 ment between the Secretary concerned and a State, or po-
10 litical subdivision thereof, relating to the management of
11 mineral activities on land subject to this Act that was in
12 existence on the effective date of this Act may only con-
13 tinue in force until 1 year after the effective date of this
14 Act, during which such period the Secretary concerned
15 and the State shall review the terms of such agreement
16 or other understanding and make changes that are nec-
17 essary to be consistent with this Act.

18 **TITLE IV—ABANDONED**
19 **HARDROCK MINE RECLAMA-**
20 **TION PROGRAM**

21 **SEC. 401. FUNDS CREDITED TO THE ABANDONED**
22 **HARDROCK MINE RECLAMATION PROGRAM.**

23 (a) IN GENERAL.—The following amounts shall be
24 made available to carry out, to remain available until ex-

1 pended without fiscal year limitation, the Abandoned
2 Hardrock Mine Reclamation Program:

3 (1) All moneys collected pursuant to sections
4 502 and 506.

5 (2) All fees received under section
6 304(a)(1)(B).

7 (3) All gifts contributed under subsection
8 (b)(1).

9 (4) All amounts deposited in the Abandoned
10 Hardrock Mine Reclamation Program under title I.

11 (5) All amounts displaced material reclamation
12 fees paid under section 402.

13 (b) DONATIONS.—

14 (1) ACCEPTANCE.—The Secretary may accept a
15 gift of money, to remain available until expended
16 without fiscal year limitation, to carry out the Aban-
17 doned Hardrock Mine Reclamation Program.

18 (2) REJECTION.—The Secretary may reject a
19 gift under paragraph (1) if such rejection is in the
20 interest of the Federal Government.

21 **SEC. 402. DISPLACED MATERIAL RECLAMATION FEE.**

22 (a) IMPOSITION OF FEE.—Except as provided in sub-
23 section (g), each operator conducting mineral activities
24 shall pay to the Secretary a displaced material reclamation
25 fee of 7 cents per ton of displaced material.

1 (b) PAYMENT DEADLINE.—An operator shall pay the
2 reclamation fee required by subsection (a) with respect to
3 each calendar year beginning with the first calendar year
4 that begins after the effective date of this Act not later
5 than March 1 of the succeeding year.

6 (c) SUBMISSION OF STATEMENT.—Each operator
7 conducting mineral activities shall submit to the Secretary
8 a statement of the amount of displaced material produced
9 during mineral activities carried out during the preceding
10 calendar year, the accuracy of which shall be sworn to by
11 the operator and notarized.

12 (d) CRIMINAL PENALTY.—Any corporate officer,
13 agent, or director of an operator conducting mineral ac-
14 tivities, and any other person acting on behalf of such a
15 person, who knowingly makes any false statement, rep-
16 resentation, or certification, or knowingly fails to make
17 any statement, representation, or certification required
18 under this section with respect to such mineral activities
19 shall, upon conviction, be punished by a fine of not more
20 than \$10,000 for deposit in the Abandoned Hardrock
21 Mine Reclamation Program.

22 (e) CIVIL ACTION TO RECOVER FEE.—Any portion
23 of the reclamation fee required under subsection (a) that
24 is not properly or promptly paid pursuant to this section
25 shall be recoverable, with statutory interest, from the op-

1 erator, in any court of competent jurisdiction in any action
2 at law to compel payment of debts.

3 (f) EFFECT.—Nothing in this section requires a re-
4 duction in, or otherwise affects, any similar fee required
5 under any law or regulation of any State.

6 (g) EXEMPTION.—The fee under this section shall
7 not apply for a small miner’s lease.

8 **TITLE V—ADDITIONAL** 9 **PROVISIONS**

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

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

14 (1) by inserting “and to ensure that mineral ex-
15 traction and processing do not cause unnecessary or
16 undue degradation of the natural and cultural re-
17 sources of the public lands” after “activities”; and

18 (2) by adding at the end the following: “It shall
19 also be the responsibility of the Secretary of Agri-
20 culture to carry out the policy provisions of para-
21 graphs (1) and (2) of this section.”.

22 (b) MINERAL DATA.—Section 5(e)(3) of the National
23 Materials and Minerals Policy, Research and Development
24 Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by insert-
25 ing before the period the following: “, except that for Na-

1 tional Forest System lands, the Secretary of Agriculture
2 shall promptly initiate actions to improve the availability
3 and analysis of mineral data in Federal land-use decision-
4 making”.

5 **SEC. 502. USER FEES AND INFLATION ADJUSTMENT.**

6 (a) USER FEES.—The Secretary and the Secretary
7 of Agriculture may each establish and collect from persons
8 subject to the requirements of this Act such user fees as
9 may be necessary to reimburse the United States for ex-
10 penses incurred in the administration of such require-
11 ments. Fees may be assessed and collected under this sec-
12 tion only in such manner as may reasonably be expected
13 to result in an aggregate amount of the fees collected dur-
14 ing any fiscal year which does not exceed the aggregate
15 amount of administrative expenses referred to in this sec-
16 tion.

17 (b) ADJUSTMENT OF USER FEES.—

18 (1) INFLATION.—The Secretary shall adjust the
19 user fees established by this section, and all claim
20 maintenance fees, rental rates, penalty amounts, and
21 other dollar amounts established in this Act, to re-
22 flect changes in the Consumer Price Index published
23 by the Bureau of Labor Statistics of the Depart-
24 ment of Labor every 3 years after the effective date

1 of this Act, or more frequently if the Secretary de-
2 termines an adjustment to be reasonable.

3 (2) NOTICE.—The Secretary shall provide claim
4 holders, license holders, and lease holders notice of
5 any adjustment made under this subsection not later
6 than July 1 of the year in which the adjustment is
7 made.

8 (3) APPLICABILITY.—A fee adjustment under
9 this subsection shall begin to apply the calendar year
10 following the calendar year in which it is made.

11 **SEC. 503. INSPECTION AND MONITORING.**

12 (a) INSPECTIONS.—

13 (1) IN GENERAL.—The Secretary concerned
14 shall conduct inspections of mineral activities so as
15 to ensure compliance with the requirements of this
16 Act.

17 (2) FREQUENCY.—

18 (A) IN GENERAL.—The Secretary con-
19 cerned shall establish a frequency of inspections
20 for mineral activities conducted under a permit
21 issued under title III, but in no event shall such
22 inspection frequency be less than 1 complete in-
23 spection per calendar quarter or, in the case of
24 a permit for which the Secretary concerned ap-

1 proves an application under section 304(f), 2
2 per calendar quarter.

3 (B) FREQUENCY AFTER REVEGETATION.—
4 After revegetation has been completed in ac-
5 cordance with a reclamation plan, the Secretary
6 concerned shall conduct 2 complete inspections
7 annually.

8 (C) SEASONAL MINERAL ACTIVITIES.—The
9 Secretary concerned may modify the inspection
10 frequency for mineral activities that are con-
11 ducted on a seasonal basis.

12 (D) TERMINATION.—Inspections shall con-
13 tinue under this subsection until final release of
14 financial assurance.

15 (3) BY REQUEST.—

16 (A) IN GENERAL.—Any person that has
17 reason to believe such person is or may be ad-
18 versely affected by mineral activities due to any
19 violation of the requirements of a permit ap-
20 proved under this Act may request an inspec-
21 tion under this section of such mineral activi-
22 ties.

23 (B) REVIEW PERIOD.—Not later than 30
24 business days after the date the Secretary con-
25 cerned receives a request under subparagraph

1 (A), the Secretary concerned shall determine
2 whether the request states a reason to believe
3 that a violation exists.

4 (C) IMMINENT THREAT.—If, in a request
5 submitted under subparagraph (A), a person al-
6 leges and provides reason to believe that an im-
7 minent threat to the environment or danger to
8 the health or safety of the public exists, sub-
9 paragraph (B) shall not apply and the inspec-
10 tion shall be conducted immediately.

11 (D) NOTIFICATION.—The Secretary con-
12 cerned shall notify the person that submitted a
13 request under subparagraph (A) when an in-
14 spection is conducted pursuant to such request,
15 and such person may accompany the Secretary
16 concerned during the inspection.

17 (E) LIABILITY.—The Secretary concerned
18 shall not incur any liability for granting a re-
19 quest to allow any person to accompany such
20 Secretary concerned under subparagraph (D).

21 (F) ANONYMITY.—If a person that sub-
22 mits a request under subparagraph (A) or (C)
23 requests that the identity of such person remain
24 confidential, the Secretary concerned shall keep
25 such information confidential unless such per-

1 son accompanies the Secretary concerned dur-
2 ing the inspection under subparagraph (D).

3 (G) PROCEDURES.—The Secretary and the
4 Secretary of Agriculture shall jointly issue regu-
5 lations to establish procedures for the review
6 of—

7 (i) any decision by an authorized rep-
8 resentative of such Secretaries not to carry
9 out an inspection under this paragraph; or

10 (ii) any refusal by such authorized
11 representative to ensure that remedial ac-
12 tions are taken with respect to any alleged
13 violation.

14 (H) WRITTEN STATEMENT.—The Sec-
15 retary concerned shall give a person that sub-
16 mits a request under subparagraph (A) a writ-
17 ten statement of the reasons for the final dis-
18 position of the request.

19 (b) MONITORING.—

20 (1) MONITORING SYSTEM.—

21 (A) IN GENERAL.—The Secretary con-
22 cerned shall require all operators to develop and
23 maintain a monitoring and evaluation system
24 that shall identify compliance with all require-
25 ments of a permit issued under this Act.

1 (B) ADDITIONAL MONITORING.—The Sec-
2 retary concerned may require an operator to
3 conduct additional monitoring as necessary to
4 ensure compliance with the reclamation and
5 other environmental standards of this Act. Such
6 monitoring and evaluation system described in
7 subparagraph (A) and any additional moni-
8 toring required by this subparagraph is subject
9 to the approval of the Secretary.

10 (2) REPORTING REQUIREMENTS.—

11 (A) IN GENERAL.—An operator shall file
12 reports with the Secretary concerned, on a fre-
13 quency and containing such information as de-
14 termined by the Secretary concerned, regarding
15 the results of the monitoring and evaluation
16 system, except that if the monitoring and eval-
17 uation system shows a violation of the require-
18 ments of a permit issued under this Act, the
19 operator shall immediately report such violation
20 to the Secretary concerned.

21 (B) ENFORCEMENT.—The Secretary con-
22 cerned shall evaluate the reports submitted pur-
23 suant to this paragraph, and, based on such re-
24 ports and any necessary inspection, shall take
25 enforcement action pursuant to section 506.

1 (C) MAINTENANCE OF REPORTS; AVAIL-
2 ABILITY TO PUBLIC.—The Secretary concerned
3 and each operator shall both maintain each re-
4 port submitted by such operator under this
5 paragraph and make each such report available
6 to the public.

7 (3) FAILURE TO REPORT.—If an operator fails
8 to file a report as required under this section such
9 failure shall constitute a violation of this Act and
10 subject the operator to enforcement action pursuant
11 to section 506.

12 **SEC. 504. CITIZENS SUITS.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (c), any person may commence a civil action to compel
15 compliance—

16 (1) against any person that is alleged to be in
17 violation of this Act or any term or condition of any
18 lease, license, or permit issued under this Act; or

19 (2) against the Secretary concerned if the Sec-
20 retary concerned failed to perform any act or duty
21 under this Act, or to issue any regulation under this
22 Act, required by this Act.

23 (b) DISTRICT COURT JURISDICTION.—

24 (1) IN GENERAL.—The United States district
25 courts shall have jurisdiction over an action brought

1 under this section, without regard to the amount in
2 controversy or the citizenship of the parties, includ-
3 ing actions brought to apply any civil penalty under
4 this Act.

5 (2) AGENCY ACTION UNREASONABLY DE-
6 LAYED.—The United States district courts shall
7 have jurisdiction to compel agency action unreason-
8 ably delayed, except that an action to compel agency
9 action reviewable under section 505 may only be
10 filed in a United States district court within the cir-
11 cuit in which such action would be reviewable under
12 section 505.

13 (c) EXCEPTIONS.—

14 (1) NOTICE.—No action may be commenced
15 under subsection (a) before the end of the 60-day
16 period beginning on the date the plaintiff has given
17 notice in writing of such alleged violation to the al-
18 leged violator and the Secretary concerned, except
19 that any such action may be brought immediately
20 after such notification if the violation complained of
21 constitutes an imminent threat to the environment
22 or to the health or safety of the public or to property
23 eligible for listing on the National Register of His-
24 toric Places.

1 (2) ONGOING LITIGATION.—No action may be
2 brought against any person other than the Secretary
3 concerned under subsection (a)(1) if the Secretary
4 concerned has commenced and is diligently pros-
5 ecuting a civil or criminal action in a court of the
6 United States to require compliance.

7 (3) EXCEPTION.—No action may be commenced
8 under subsection (a)(2) against the Secretary con-
9 cerned to review any regulation issued, or any per-
10 mit issued or denied, by the Secretary concerned if
11 such regulation or permit issuance or denial is judi-
12 cially reviewable under section 505 or under any
13 other provision of law at any time after such
14 issuance or denial is final.

15 (d) VENUE.—Venue of all actions brought under this
16 section shall be determined in accordance with section
17 1391 of title 28, United States Code.

18 (e) COSTS.—The court, in issuing any final order in
19 any action brought pursuant to this section, may award
20 costs of litigation (including attorney and expert witness
21 fees) to any party whenever the court determines such
22 award is appropriate. The court may, if a temporary re-
23 straining order or preliminary injunction is sought, require
24 the filing of a bond or equivalent security in accordance
25 with the Federal Rules of Civil Procedure.

1 (f) SAVINGS CLAUSE.—

2 (1) IN GENERAL.—Nothing in this section shall
3 restrict any right which any person (or class of per-
4 sons) may have under chapter 7 of title 5, United
5 States Code, under this section, or under any other
6 statute or common law to bring an action to seek
7 any relief against the Secretary or the Secretary of
8 Agriculture or against any other person, including
9 any action for any violation of this Act or of any
10 regulation or permit issued under this Act or for any
11 failure to act as required by law.

12 (2) JURISDICTION.—Nothing in this section
13 shall affect the jurisdiction of any court under any
14 provision of title 28, United States Code, including
15 any action for any violation of this Act or of any
16 regulation or permit issued under this Act or for any
17 failure to act as required by law.

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

19 (a) REVIEW BY SECRETARY CONCERNED.—

20 (1) NOTICE OF VIOLATION.—Any person issued
21 a notice of violation or cessation order under section
22 507, or any person having an interest which is or
23 may be adversely affected by such notice or order,
24 may apply to the Secretary concerned for review of
25 such notice or order not later than 30 days after re-

1 ceipt thereof, or as the case may be, not later than
2 30 days after such notice or order is modified, va-
3 cated, or terminated.

4 (2) REVIEW OF PENALTY.—Any person that is
5 subject to a penalty assessed under section 507 may
6 apply to the Secretary concerned for review of the
7 assessment not later than 45 days of notification of
8 such penalty.

9 (3) THIRD-PARTY REQUESTS.—Any person may
10 apply to the Secretary concerned for review of a de-
11 cision under this subsection not later than 30 days
12 after such decision is issued.

13 (4) STAYS PENDING REVIEW.—Pending a re-
14 view by the Secretary concerned or resolution of an
15 administrative appeal, final decisions (except en-
16 forcement actions under section 507) shall be
17 stayed.

18 (5) PUBLIC HEARING.—The Secretary con-
19 cerned shall provide an opportunity for public hear-
20 ing at the request of any party to a review under
21 paragraph (1). The filing of an application for re-
22 view under this subsection shall not operate as a
23 stay of any order or notice issued under section 507.

24 (6) WRITTEN DECISION.—

1 (A) IN GENERAL.—For any review under
2 this subsection, the Secretary concerned shall
3 make findings of fact and shall issue a written
4 decision incorporating therein an order
5 vacating, affirming, modifying, or terminating
6 the notice, order, or decision, or with respect to
7 an assessment, the amount of penalty that is
8 warranted.

9 (B) DEADLINE.—Where an application for
10 review under this subsection concerns a ces-
11 sation order issued under section 506, the Sec-
12 retary concerned shall, unless temporary relief
13 has been granted by the Secretary concerned
14 under paragraph (7), issue the written decision
15 not later than the later of—

16 (i) 30 days after the date of the re-
17 ceipt of the application for review; and

18 (ii) 30 days after the conclusion of
19 any hearing referred to in paragraph (5).

20 (7) TEMPORARY RELIEF.—

21 (A) IN GENERAL.—Pending completion of
22 any review under this subsection, the person
23 that submitted an application for review under
24 paragraph (1) may file with the Secretary con-
25 cerned a written request that the Secretary con-

1 cerned grant temporary relief from any order
2 issued under section 507 including a detailed
3 statement of the basis for such relief.

4 (B) DECISION.—The Secretary concerned
5 shall expeditiously issue an order or decision
6 granting or denying an application for tem-
7 porary relief submitted under subparagraph
8 (A).

9 (C) LIMITATION.—The Secretary con-
10 cerned may grant temporary relief under sub-
11 paragraph (B) under such conditions as they
12 may prescribe only if the Secretary concerned
13 determines that such relief will not adversely af-
14 fect the health or safety of the public or cause
15 imminent environmental harm to land, air, or
16 water resources.

17 (8) SAVINGS CLAUSE.—The availability of re-
18 view under this subsection shall not be construed to
19 limit the operation of rights under section 504.

20 (b) JUDICIAL REVIEW.—

21 (1) COURT OF APPEALS FOR THE DISTRICT OF
22 COLUMBIA.—Any final action by the Secretary or
23 the Secretary of Agriculture in issuing regulations to
24 implement this Act, or any other final actions consti-
25 tuting rulemaking to implement this Act, shall be

1 subject to judicial review only in a United States
2 Court of Appeals for a circuit in which an affected
3 State is located or within the District of Columbia.

4 (2) PETITION FOR REVIEW.—A petition for re-
5 view of any action subject to judicial review under
6 this subsection shall be filed not later than 60 days
7 after the date of such action, or after such date if
8 the petition is based solely on grounds arising after
9 the 60th day. Any such petition may be made by any
10 person that commented or otherwise participated in
11 the rulemaking or any person that may be adversely
12 affected by the action of the Secretary or the Sec-
13 retary of Agriculture.

14 (3) STANDARD OF REVIEW.—Final agency ac-
15 tion under this subsection, including such final ac-
16 tion on those matters described under subsection
17 (a), shall be subject to judicial review in accordance
18 with paragraph (4) and pursuant to section 1391 of
19 title 28, United States Code, not later than 60 days
20 after the date of such final action. Any action sub-
21 ject to judicial review under this subsection shall be
22 affirmed unless the court concludes that such action
23 is arbitrary, capricious, or otherwise inconsistent
24 with law.

1 (4) SAVINGS CLAUSE.—The availability of judi-
2 cial review established in this subsection shall not be
3 construed to limit the operations of rights under sec-
4 tion 504.

5 (5) RECORD.—The court shall hear any petition
6 or complaint filed under this subsection solely on the
7 record made before the Secretary concerned. The
8 court may affirm or vacate any order or decision or
9 may remand the proceedings to the Secretary con-
10 cerned for such further action as it may direct.

11 (6) COMMENCEMENT OF A PROCEEDING NOT A
12 STAY.—The commencement of a proceeding under
13 this section shall not, unless specifically ordered by
14 the court, operate as a stay of the action, order, or
15 decision of the Secretary concerned.

16 (c) COSTS.—Whenever a proceeding occurs under
17 subsection (a) or (b), at the request of any person, a sum
18 equal to the aggregate amount of all costs and expenses
19 (including attorney fees) as determined by the Secretary
20 concerned or the court to have been reasonably incurred
21 by such person for or in connection with participation in
22 such proceedings, including any judicial review of the pro-
23 ceeding, may be assessed against either party as the court,
24 in the case of judicial review, or the Secretary concerned
25 in the case of administrative proceedings, deems appro-

1 piate if it is determined that such party prevailed in
2 whole or in part, achieving some success on the merits,
3 and that such party made a substantial contribution to
4 a full and fair determination of the issues.

5 **SEC. 506. REPORTING REQUIREMENTS.**

6 (a) REPORT TO SECRETARY CONCERNED.—An oper-
7 ator engaging in any mineral activities on Federal land
8 or on Indian land shall submit to the Secretary concerned
9 an annual report, in a time and manner prescribed by the
10 Secretary concerned, describing the total amount (in met-
11 ric tons) and value of hardrock minerals produced through
12 such mineral activities, including the total amount and
13 value of any hardrock minerals produced from a mine par-
14 tially located on either Federal land or Indian land,
15 disaggregated by hardrock mineral and by percentage ex-
16 tracted from Federal land and percentage extracted from
17 Indian land.

18 (b) FAILURE TO REPORT.—Any person that fails to
19 comply with the requirements of subsection (a) shall be
20 subject to a civil penalty not to exceed \$25,000 per day
21 during which such failure continues, which may be as-
22 sessed by the Secretary concerned.

23 (c) REPORT TO CONGRESS.—The Secretary shall an-
24 nually submit to Congress a report providing the following

1 information for each hardrock mine located on Federal
2 land or on Indian land:

3 (1) The data submitted for such mine under
4 subsection (a).

5 (2) The name of the operator of such mine.

6 (3) The State in which such mine is located.

7 (4) The Bureau of Land Management field of-
8 fice with jurisdiction over such mine.

9 (5) Whether such mine is located on Federal
10 land.

11 (6) Whether such mine is located on Indian
12 land.

13 (d) REGULATIONS.—Not later than 1 year after the
14 effective date of this Act, the Secretary shall issue such
15 regulations as are necessary to carry out this section.

16 **SEC. 507. ENFORCEMENT.**

17 (a) ORDERS.—

18 (1) NOTICE OF VIOLATION.—

19 (A) IN GENERAL.—If the Secretary con-
20 cerned determines that any person is in viola-
21 tion of any environmental protection require-
22 ment or any regulation issued by the Secretary
23 concerned to implement this Act, such the Sec-
24 retary concerned shall issue to such person a

1 notice of violation describing the violation and
2 the corrective measures to be taken.

3 (B) TIME TO ABATE.—A person issued a
4 notice of violation under subparagraph (A) shall
5 abate such violation within a time period deter-
6 mined by the Secretary concerned which shall
7 not exceed 30 days.

8 (C) EXTENSION OF TIME TO ABATE.—The
9 Secretary concerned may, upon a showing of
10 good cause by the person issued a notice of vio-
11 lation under subparagraph (A), extend the pe-
12 riod of time under subparagraph (B).

13 (D) CONTINUED VIOLATION.—If, upon the
14 expiration of the time period under subpara-
15 graph (B), including any extension under sub-
16 paragraph (C), the Secretary concerned finds
17 that the person issued a notice of violation
18 under subparagraph (A) has not abated such
19 violation, the Secretary concerned shall imme-
20 diately order a cessation of all mineral activities
21 or the portion thereof relevant to the violation.

22 (2) ORDER FOR IMMEDIATE CESSATION.—If the
23 Secretary concerned determines that any condition
24 or practice exists, or that any person is in violation
25 of any requirement under a permit issued under this

1 Act, and such condition, practice, or violation is
2 causing, or can reasonably be expected to cause ei-
3 ther of the following, the Secretary concerned shall
4 immediately order a cessation of all mineral activi-
5 ties or the portion thereof relevant to the condition,
6 practice, or violation:

7 (A) An imminent danger to the health or
8 safety of the public.

9 (B) Significant, imminent environmental
10 harm to land, air, water, or fish or wildlife re-
11 sources.

12 (3) DURATION.—

13 (A) TERMINATION.—A cessation order
14 issued pursuant to paragraph (1) or (2) shall
15 remain in effect until the Secretary concerned
16 determines that the condition, practice, or viola-
17 tion has been abated or until such order is
18 modified, vacated, or terminated by the Sec-
19 retary concerned. In any such order, the Sec-
20 retary concerned shall determine the steps nec-
21 essary to abate the violation in the most expedi-
22 tious manner possible and shall include the nec-
23 essary measures in such order.

24 (B) FINANCIAL ASSURANCES.—The Sec-
25 retary concerned shall require appropriate fi-

1 nancial assurances to ensure that the abate-
2 ment obligations are met when issuing a ces-
3 sation order under this section.

4 (C) AUTHORITY OF THE SECRETARY CON-
5 CERNED.—Any notice or order issued pursuant
6 to paragraph (1) or (2) may be modified, va-
7 cated, or terminated by the Secretary con-
8 cerned. Any person to whom any such notice or
9 order is issued shall be entitled to a hearing on
10 the record.

11 (4) ALTERNATIVE ENFORCEMENT ACTION.—

12 (A) IN GENERAL.—If, 30 days after the
13 notice of violation referred to in paragraph
14 (1)(A) is issued, the required abatement has
15 not occurred, the Secretary concerned shall take
16 such alternative enforcement action against the
17 claim holder, license holder, lease holder, or op-
18 erator (or any person who controls the claim
19 holder, license holder, lease holder, or operator)
20 as will most likely bring about such required
21 abatement in the most expeditious manner pos-
22 sible, which may include seeking appropriate in-
23 junctive relief to bring about abatement.

24 (B) EARLIER ALTERNATIVE ENFORCE-
25 MENT ACTION.—Nothing in this paragraph

1 shall preclude the Secretary concerned from
2 taking alternative enforcement action before the
3 expiration of the 30-day period described in
4 subparagraph (A).

5 (5) FAILURE OR DEFAULT.—

6 (A) IN GENERAL.—If a claim holder, li-
7 cense holder, lease holder, or operator (or any
8 person who controls the claim holder, license
9 holder, lease holder, or operator) fails to abate
10 a violation or defaults on the terms of a permit
11 issued under this Act, the Secretary concerned
12 shall forfeit the financial assurance required
13 under section 306 as necessary to ensure abate-
14 ment and reclamation under this Act.

15 (B) RECLAMATION BY SURETY.—The Sec-
16 retary concerned may prescribe conditions
17 under which a surety may perform reclamation
18 in accordance with section 307 in lieu of for-
19 feiture under subparagraph (A).

20 (6) PENDING REVIEW.—The Secretary con-
21 cerned shall not cause forfeiture of financial assur-
22 ance while administrative or judicial review is pend-
23 ing.

24 (7) LIABILITY IN THE EVENT OF FOR-
25 FEITURE.—In the event of forfeiture, the claim hold-

1 er, license holder, lease holder, operator, or any affil-
2 iate thereof, as determined appropriate by the Sec-
3 retary by regulation, shall be jointly and severally
4 liable for any remaining reclamation obligations
5 under this Act.

6 (b) COMPLIANCE.—The Secretary concerned may re-
7 quest that the Attorney General institute a civil action for
8 relief, including a permanent or temporary injunction or
9 restraining order and any other appropriate enforcement
10 order, including the imposition of civil penalties, in the
11 United States district court for the district in which the
12 mineral activities are located, whenever a person—

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

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

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

1 (c) DELEGATION.—Notwithstanding any other provi-
2 sion of law, the Secretary may utilize personnel of the Of-
3 fice of Surface Mining Reclamation and Enforcement to
4 ensure compliance with the requirements of this Act.

5 (d) PENALTIES.—

6 (1) FAILURE TO COMPLY WITH REQUIREMENTS
7 OF A PERMIT.—

8 (A) IN GENERAL.—A person who fails to
9 comply with any requirement of a permit issued
10 under this Act or any regulation issued to im-
11 plement this Act shall be liable for a penalty of
12 not more than \$25,000 per violation.

13 (B) SEPARATE VIOLATIONS.—Each day of
14 violation may be deemed a separate violation
15 for purposes of a penalty assessment under this
16 paragraph.

17 (2) FAILURE TO COMPLY WITH A CESSATION
18 ORDER.—A person who fails to correct a violation
19 for which a cessation order has been issued under
20 subsection (a) within the period permitted for cor-
21 rection of such violation shall be assessed a civil pen-
22 alty of not less than \$1,000 per violation for each
23 day during which such failure continues.

24 (3) PENALTIES FOR DIRECTORS, OFFICERS,
25 AND AGENTS.—Whenever a corporation is in viola-

1 tion of a requirement of a permit issued under this
2 Act or any regulation issued to implement this Act
3 or fails or refuses to comply with an order issued
4 under subsection (a), any director, officer, or agent
5 of such corporation who knowingly authorized, or-
6 dered, or carried out such violation, failure, or re-
7 fusal shall be subject to the same penalties as may
8 be imposed upon a person described in paragraph
9 (1).

10 (e) SUSPENSIONS OR REVOCATIONS.—The Secretary
11 concerned shall suspend or revoke a permit issued under
12 title II, in whole or in part, if the operator—

13 (1) knowingly made or knowingly makes any
14 false, inaccurate, or misleading material statement
15 in any mining claim, notice of location, application,
16 record, report, plan, or other document filed or re-
17 quired to be maintained under this Act;

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

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

22 (4) refuses to permit an audit pursuant to this
23 Act;

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

1 (6) fails to pay claim maintenance fees, rentals,
2 or other moneys due and owing under this Act; or

3 (7) with regard to plans conditionally approved
4 under section 305(c)(2)—

5 (A) fails to abate a violation to the satis-
6 faction of the Secretary concerned; or

7 (B) the validity of the violation is upheld
8 on the appeal which formed the basis for the
9 conditional approval.

10 (f) FALSE STATEMENTS; TAMPERING.—

11 (1) IN GENERAL.—A person who knowingly car-
12 ries out any of the following actions shall, upon an
13 initial conviction, be fined not more than \$10,000,
14 imprisoned for not more than 2 years, or both, and,
15 upon a subsequent conviction, be fined not more
16 than \$20,000, imprisoned for not more than 4 years,
17 or both:

18 (A) Make a false material statement, rep-
19 resentation, or certification in, or omit or con-
20 ceal material information from, or unlawfully
21 alter, any mining claim, notice of location, ap-
22 plication, record, report, plan, or other docu-
23 ments filed or required to be maintained under
24 this Act.

1 (B) Falsify, tamper with, render inac-
2 curate, or fail to install any monitoring device
3 or method required to be maintained under this
4 Act.

5 (2) SEPARATE VIOLATIONS.—Each day of con-
6 tinuing violation may be deemed a separate violation
7 for purposes of penalty assessment under paragraph
8 (1).

9 (g) MINERAL ACTIVITIES WITHOUT A PERMIT.—

10 (1) IN GENERAL.—A person that knowingly
11 carries out any of the following actions shall, upon
12 an initial conviction, be fined not less than \$5,000
13 and not more than \$50,000, imprisoned for not
14 more than 3 years, or both, and, upon a subsequent
15 conviction, be fined not less than \$10,000, impris-
16 oned for not more than 6 years, or both:

17 (A) Engage in mineral activities without a
18 permit required under title II.

19 (B) Violate any other requirement of a
20 permit issued under this Act, or any condition
21 or limitation thereof.

22 (2) SEPARATE VIOLATIONS.—Each day of con-
23 tinuing violation shall be deemed a separate violation
24 for purposes of penalty assessment under paragraph
25 (1).

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

7 (i) PERSON DEFINED.—In this section, the term
8 “person” includes any officer, agent, or employee of a per-
9 son.

10 **SEC. 508. REGULATIONS.**

11 (a) IN GENERAL.—The Secretary and the Secretary
12 of Agriculture shall issue such regulations as are necessary
13 to implement this Act.

14 (b) REGULATIONS AFFECTING FOREST SERVICE.—
15 Not later than 1 year after the effective date of this Act,
16 the Secretary and the Secretary of Agriculture shall jointly
17 issue regulations implementing titles II and III and this
18 title that affect the Forest Service.

19 **SEC. 509. OIL SHALE CLAIMS.**

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

22 (1) by striking “as prescribed by the Sec-
23 retary”; and

24 (2) by inserting before the period the following:

25 “in the same manner as required by title II of the

1 Mining Waste, Fraud, and Abuse Prevention Act of
2 2025”.

3 **SEC. 510. SAVINGS CLAUSE.**

4 (a) SPECIAL APPLICATION OF MINING LAWS.—Noth-
5 ing in this Act shall be construed to—

6 (1) repeal or modify any Federal law, regula-
7 tion, order, or land use plan in effect before the ef-
8 fective date of this Act that prohibits or restricts the
9 application of the general mining laws, including
10 laws that provide for special management criteria for
11 operations under the general mining laws as in ef-
12 fect before the effective date of this Act, to the ex-
13 tent such laws provide for protection of natural and
14 cultural resources and the environment greater than
15 required under this Act;

16 (2) apply to or limit mineral investigations,
17 studies, or other mineral activities conducted by any
18 Federal or State agency acting in the governmental
19 capacity of such agency pursuant to other authority;
20 or

21 (3) affect or limit any assessment, investigation,
22 evaluation, or listing pursuant to the Comprehensive
23 Environmental Response, Compensation, and Liabil-
24 ity Act of 1980 (42 U.S.C. 9601 et seq.) or the
25 Solid Waste Disposal Act (42 U.S.C. 3251 et seq.).

1 (b) CLAIMS CONVERTED TO LEASES.—Any Federal
2 law described in subsection (a) shall remain in force and
3 effect with respect to claims converted to leases under this
4 Act.

5 (c) EFFECT ON OTHER FEDERAL LAWS.—

6 (1) GENERAL MINING LAWS.—The provisions of
7 this Act shall supersede the general mining laws.

8 (2) OTHER LAWS.—Except for the general min-
9 ing laws, nothing in this Act shall be construed to
10 supersede, modify, amend, or repeal any provision of
11 Federal law not expressly superseded, modified,
12 amended, or repealed by this Act.

13 (3) ENVIRONMENTAL LAWS.—Nothing in this
14 Act shall be construed to alter, affect, amend, mod-
15 ify, or change, directly or indirectly, any law which
16 refers to and provides authorities or responsibilities
17 for, or is administered by, the Administrator of the
18 Environmental Protection Agency, including—

19 (A) the Federal Water Pollution Control
20 Act (33 U.S.C. 1251 et seq.);

21 (B) the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4321 et seq.);

23 (C) title XIV of the Public Health Service
24 Act (the Safe Drinking Water Act) (42 U.S.C.
25 300f et seq.);

1 (D) the Clean Air Act (42 U.S.C. 7401 et
2 seq.);

3 (E) the Pollution Prevention Act of 1990
4 (42 U.S.C. 13101 et seq.);

5 (F) the Toxic Substances Control Act (15
6 U.S.C. 2601 et seq.);

7 (G) the Federal Insecticide, Fungicide, and
8 Rodenticide Act (7 U.S.C. 136 et seq.);

9 (H) the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 301 et seq.);

11 (I) the Motor Vehicle Information and
12 Cost Savings Act (15 U.S.C. 1901 et seq.);

13 (J) the Federal Hazardous Substances Act
14 (15 U.S.C. 1261 et seq.);

15 (K) the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.);

17 (L) the Atomic Energy Act of 1954 (42
18 U.S.C. 2011 et seq.);

19 (M) the Noise Control Act of 1972 (42
20 U.S.C. 4901 et seq.);

21 (N) the Solid Waste Disposal Act (42
22 U.S.C. 6901 et seq.);

23 (O) the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of
25 1980 (42 U.S.C. 9601 et seq.);

1 (P) the Superfund Amendments and Reau-
2 thorization Act of 1986 (Public Law 99–499;
3 100 Stat. 1613);

4 (Q) the Ocean Dumping Act (33 U.S.C.
5 1401 et seq.);

6 (R) the Environmental Research, Develop-
7 ment, and Demonstration Authorization Act of
8 1978 (42 U.S.C. 4365);

9 (S) the Pollution Prosecution Act of 1990
10 (42 U.S.C. 4321 note; Public Law 101–593);

11 (T) the Federal Facilities Compliance Act
12 of 1992 (Public Law 102–386; 106 Stat.
13 1505); and

14 (U) any statute containing an amendment
15 to any of such Acts.

16 (4) FEDERAL INDIAN LAW.—Nothing in this
17 Act shall be construed to modify or affect any provi-
18 sion of—

19 (A) the Native American Graves Protection
20 and Repatriation Act (25 U.S.C. 3001 et seq.);

21 (B) the American Indian Religious Free-
22 dom Act (42 U.S.C. 1996);

23 (C) the National Historic Preservation Act
24 (16 U.S.C. 470 et seq.);

1 (D) the Religious Freedom Restoration Act
2 of 1993 (42 U.S.C. 2000bb et seq.); or

3 (E) the Archaeological Resources Protec-
4 tion Act of 1979 (16 U.S.C. 470aa et seq.).

5 (d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—
6 Nothing in this Act shall be construed so as to waive the
7 sovereign immunity of any Indian Tribe.

8 **SEC. 511. AVAILABILITY OF PUBLIC RECORDS.**

9 Copies of records, reports, inspection materials, or in-
10 formation obtained by the Secretary or the Secretary of
11 Agriculture under this Act shall be made immediately
12 available to the public, consistent with section 552 of title
13 5, United States Code, in central and sufficient locations
14 in the county, multicounty, and State area of mineral ac-
15 tivities or reclamation and on the internet so that such
16 information is conveniently available to residents in the
17 area proposed or approved for mineral activities.

18 **SEC. 512. MISCELLANEOUS POWERS.**

19 (a) IN GENERAL.—The Secretary concerned, in car-
20 rying out the duties of the Secretary concerned under this
21 Act, may conduct any investigation, inspection, or other
22 inquiry and may conduct, after notice, any hearing or
23 audit, that is necessary and appropriate to carry out such
24 duties.

1 (b) ANCILLARY POWERS.—In connection with any
2 hearing, inquiry, investigation, or audit under this Act, the
3 Secretary concerned may carry out any of the following
4 actions:

5 (1) Require, by special or general order, any
6 person to submit in writing such affidavits and an-
7 swers to questions as the Secretary concerned may
8 reasonably prescribe, which submission shall be
9 made within such reasonable period and under oath
10 or otherwise, as may be necessary.

11 (2) Administer oaths.

12 (3) Require by subpoena the attendance and
13 testimony of witnesses and the production of all
14 books, papers, records, documents, matter, and ma-
15 terials as the Secretary concerned may request.

16 (4) Order testimony to be taken by deposition
17 before any person that is designated by the Sec-
18 retary concerned and that has the power to admin-
19 ister oaths, and compel testimony and the produc-
20 tion of evidence in the same manner as authorized
21 under paragraph (3) of this subsection.

22 (5) Pay witnesses the same fees and mileage as
23 are paid in like circumstances in the courts of the
24 United States.

25 (c) ENFORCEMENT.—

1 (1) IN GENERAL.—In cases of refusal to obey
2 a subpoena served upon any person under this sec-
3 tion, the United States district courts for any dis-
4 trict in which such person is found, resides, or
5 transacts business, upon application by the Attorney
6 General at the request of the Secretary concerned
7 and after notice to such person, shall have jurisdic-
8 tion to issue an order requiring such person to ap-
9 pear and produce documents before the Secretary
10 concerned.

11 (2) FAILURE TO OBEY.—Any failure to obey an
12 order issued under paragraph (1) may be punished
13 by the court that issued such order as contempt
14 thereof and the person subject to such order shall be
15 subject to a penalty of not more than \$10,000 per
16 day.

17 (d) ENTRY AND ACCESS.—Without advance notice
18 and upon presentation of appropriate credentials, the Sec-
19 retary concerned—

20 (1) shall have the right of entry to, upon, and
21 through the site of any claim, license, lease, mineral
22 activities, or any premises in which any records re-
23 quired to be maintained under this Act are located;

24 (2) may, at reasonable times and without delay,
25 have access to records, inspect any monitoring

1 equipment, and review any method of operation re-
2 quired under this Act;

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

6 (4) may, on any mining claim, license, or lease
7 maintained in compliance with this Act, stop and in-
8 spect any motorized form of transportation that the
9 Secretary concerned has probable cause to believe is
10 carrying hardrock minerals, concentrates, or prod-
11 ucts derived therefrom from a claim site for the pur-
12 pose of determining whether the operator of such ve-
13 hicle has documentation related to such hardrock
14 minerals, concentrates, or products derived there-
15 from as required by law, if such documentation is
16 required under this Act; and

17 (5) may, if accompanied by a appropriate law
18 enforcement officer, or an appropriate law enforce-
19 ment officer alone, stop and inspect any motorized
20 form of transportation which is not on a claim site
21 if the Secretary concerned or the appropriate law en-
22 forcement officer has probable cause to believe such
23 vehicle is carrying hardrock minerals, concentrates,
24 or products derived therefrom from a claim site, li-
25 cense, or lease on Federal land or allocated to such

1 claim site, license, or lease for the purpose of deter-
2 mining whether the operator of such vehicle has the
3 documentation required by law, if such documenta-
4 tion is required under this Act.

5 **SEC. 513. MINERAL MATERIALS.**

6 (a) DETERMINATIONS.—Section 3 of the Act of July
7 23, 1955, commonly known as the Surface Resources Act
8 of 1955 (30 U.S.C. 611), is amended—

9 (1) by striking “No” and inserting “(a) No”;

10 (2) by inserting “mineral materials, including”
11 after “varieties of”;

12 (3) by striking “or cinders” and inserting “cin-
13 ders, and clay,”; and

14 (4) by adding at the end the following:

15 “(b)(1) Subject to valid existing rights, after the date
16 of the enactment of the Mining Waste, Fraud, and Abuse
17 Prevention Act of 2025, notwithstanding the reference to
18 common varieties in subsection (a) and to the exception
19 to such term relating to a deposit of materials with some
20 property giving it distinct and special value, all deposits
21 of mineral materials referred to in such subsection, includ-
22 ing the block pumice referred to in such subsection, shall
23 be subject to disposal only under the terms and conditions
24 of the Materials Act of 1947 (30 U.S.C. 601–603).

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

4 “(A) had and still has some property giving it
5 the distinct and special value referred to in sub-
6 section (a), or as the case may be, met the definition
7 of block pumice referred to in such subsection;

8 “(B) was properly located and maintained
9 under the general mining laws before the date of the
10 enactment of the Mining Waste, Fraud, and Abuse
11 Prevention Act of 2025; and

12 “(C) was supported by a discovery of a valuable
13 mineral deposit within the meaning of the general
14 mining laws as in effect immediately before the date
15 of the enactment of the Mining Waste, Fraud, and
16 Abuse Prevention Act of 2025.”.

17 (b) MINERAL MATERIALS DISPOSAL CLARIFICA-
18 TION.—Section 4 of the Act of July 23, 1955, commonly
19 known as the Surface Resources Act of 1955 (30 U.S.C.
20 612), is amended—

21 (1) in subsection (b), by inserting “and mineral
22 material” after “vegetative”; and

23 (2) in subsection (c), by inserting “and mineral
24 material” after “vegetative”.

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

6 (d) SHORT TITLES.—

7 (1) SURFACE RESOURCES.—The Act of July
8 23, 1955, is amended by adding at the end the fol-
9 lowing:

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

12 (2) MINERAL MATERIALS.—The Act of July 31,
13 1947, entitled “An Act to provide for the disposal of
14 materials on the public lands of the United States”
15 (30 U.S.C. 601 et seq.) is amended by adding at the
16 end the following:

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

19 (e) REPEALS.—Subject to valid existing rights, the
20 following are repealed:

21 (1) The Act of August 4, 1892, commonly
22 known as the Building Stone Act (chapter 375; 27
23 Stat. 348; 30 U.S.C. 161).

1 (2) The Act of January 31, 1901, commonly
2 known as the Saline Placer Act (chapter 186; 31
3 Stat. 745; 30 U.S.C. 162).

4 **SEC. 514. EFFECTIVE DATE.**

5 This Act shall take effect on the date of the enact-
6 ment of this Act, except as otherwise provided in this Act.