

118TH CONGRESS
1ST SESSION

H. R. 3495

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

MAY 18, 2023

Mr. GRIJALVA (for himself, Mr. HUFFMAN, Ms. MCCOLLUM, Mr. LEVIN, Mr. COHEN, Mr. TONKO, Ms. BONAMICI, Ms. LEE of California, Ms. WATERS, Ms. TOKUDA, Mrs. NAPOLITANO, Ms. PORTER, Ms. JACOBS, Mr. CARBAJAL, Ms. OCASIO-CORTEZ, and Ms. KAMLAGER-DOVE) introduced the following bill; which was referred to the Committee on Natural Resources

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 “Clean Energy Minerals Reform Act of 2023”.

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 Clean Energy
7 Minerals Reform Act of 2023” after “Act of 1993”.

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

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

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

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

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

1 (2) other changes that would impair the experi-
2 ence of a citizen at the National Park System unit
3 or a national monument.

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

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

16 (1) Sacred sites.

17 (2) Wilderness study areas.

18 (3) Habitat designated as critical habitat under
19 section 4 of the Endangered Species Act of 1973 (16
20 U.S.C. 1533).

21 (4) Areas of critical environmental concern (as
22 such term is defined in section 103 of the Federal
23 Land Policy and Management Act of 1976 (43
24 U.S.C. 1702)).

25 (5) Units of the National Conservation System.

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

9 (7) Inventoried Roadless Areas under the
10 Roadless Area Conservation Rule, part 294 of title
11 36, Code of Federal Regulations, Colorado Roadless
12 Areas, or Idaho Roadless Areas.

13 **SEC. 112. SUITABILITY DETERMINATION.**

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

18 (b) SUITABILITY.—

19 (1) IN GENERAL.—The Secretary concerned
20 shall consider land suitable for mineral activities if
21 the Secretary concerned finds that such mineral ac-
22 tivities would not result in unnecessary or undue
23 degradation to a special characteristic described in
24 paragraph (2) of such land that cannot be prevented

1 by the imposition of conditions in the permit re-
2 quired for such activities under title III.

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

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

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

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

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

23 (E) The designation of all or any portion
24 of such land, or any adjacent land, as a class

1 I area under section 162 of the Clean Air Act
2 (42 U.S.C. 7472).

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

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

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

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

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

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

1 adopted, revised, or significantly amended pursuant
2 to any Federal law other than this Act.

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

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

11 **TITLE II—CONSULTATION** 12 **PROCEDURE**

13 **SEC. 201. REQUIREMENT FOR CONSULTATION.**

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

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

23 (2) Tribal land, cultural practices, resources, or
24 access to traditional areas of cultural or religious
25 importance;

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

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

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

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

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

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

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

20 Notwithstanding section 302(b) of the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C. 1732(b)),
22 the first section of the Act of June 4, 1897 (16 U.S.C.
23 478), and the National Forest Management Act of 1976
24 (16 U.S.C. 1600 et seq.), and in accordance with this title
25 and applicable law, unless expressly stated otherwise in

1 this Act, the Secretary shall ensure that mineral activities
2 on any Federal land that is subject to a mining claim,
3 millsite, tunnel site, or any authorization issued under title
4 I of this Act are carefully controlled to prevent unneces-
5 sary or undue degradation of Federal land and resources.

6 **SEC. 302. PERMITS.**

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

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

16 (c) NATIONAL ENVIRONMENTAL POLICY ACT.—

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

23 (2) COORDINATION.—To the extent practicable,
24 the Secretary and the Secretary of Agriculture shall
25 coordinate the permit process.

1 **SEC. 303. EXPLORATION PERMIT.**

2 (a) AUTHORIZED EXPLORATION ACTIVITY.—

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

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

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

21 (1) an exploration plan;

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

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

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

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

9 (2) The proposed exploration activities and con-
10 dition of the land after the completion of exploration
11 activities and final reclamation will conform with the
12 land use plan applicable to the area subject to min-
13 eral activities.

14 (3) The area subject to the proposed explo-
15 ration permit is not included within an area listed
16 in section 111.

17 (4) The applicant has demonstrated that the
18 exploration plan and reclamation plan will be in
19 compliance with the requirements of this Act and all
20 other applicable Federal requirements, and any
21 State requirements agreed to by the Secretary con-
22 cerned.

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

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

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

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

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

8 (e) PERMIT MODIFICATION.—

9 (1) IN GENERAL.—An exploration permit holder
10 may, during the term of the exploration permit, sub-
11 mit to the Secretary concerned an application to
12 modify such permit.

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

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

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

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

11 (A) is eligible to receive a permit under
12 section 304;

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

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

17 (3) ASSUMED LIABILITY.—The successor in in-
18 terest shall assume the liability and reclamation re-
19 sponsibilities established by the existing exploration
20 permit and shall conduct the mineral activities in
21 full compliance with this Act, and the terms and
22 conditions of the exploration permit as in effect at
23 the time of transfer, assignment, or sale.

24 (4) FEE.—Each application for approval of an
25 exploration permit transfer, assignment, or sale pur-

1 suant to this subsection shall be accompanied by a
2 fee payable to the Secretary concerned in such
3 amount as may be established by the Secretary con-
4 cerned, which shall be equal to the actual or antici-
5 pated cost to the Secretary concerned of reviewing
6 and approving or disapproving such transfer, assign-
7 ment, or sale, as determined by the Secretary con-
8 cerned.

9 **SEC. 304. OPERATIONS PERMIT.**

10 (a) OPERATIONS PERMIT.—

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

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

17 (B) such additional Federal land as the
18 Secretary concerned may determine is necessary
19 to conduct the proposed mineral activities, if
20 the operator—

21 (i) obtains a right-of-way permit for
22 use of such additional lands under title V
23 of the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1761 et
25 seq.); and

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

3 (2) TERMS AND CONDITIONS.—The Secretary
4 concerned shall include in each permit issued under
5 this section such terms and conditions as the Sec-
6 retary concerned determines necessary to carry out
7 this title.

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

22 (c) PERMIT ISSUANCE OR DENIAL.—

23 (1) IN GENERAL.—After providing for public
24 participation pursuant to subsection (i), the Sec-
25 retary concerned shall issue an operations permit if

1 the Secretary concerned makes each of the following
2 determinations in writing, and shall deny an oper-
3 ations permit if the Secretary concerned finds that
4 the application and applicant do not fully meet the
5 following requirements:

6 (A) The permit application, including the
7 site characterization data, operations plan, and
8 reclamation plan, are complete, accurate, and
9 sufficient to develop a good understanding of
10 the anticipated impacts of the mineral activities
11 and the effectiveness of proposed mitigation and
12 control of such mineral activities.

13 (B) The applicant has demonstrated that
14 the proposed reclamation in the operations and
15 reclamation plans can be and is likely to be ac-
16 complished by the applicant and will not cause
17 unnecessary or undue degradation.

18 (C) The condition of the land subject to
19 the operations permit, including the fish and
20 wildlife resources and habitat contained there-
21 on, will be fully reclaimed after the completion
22 of mineral activities.

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

1 (E) The proposed operation has been de-
2 signed to prevent material damage to the hy-
3 drologic balance outside the land subject to the
4 operations permit.

5 (F) The applicant will fully comply with
6 the requirements of section 306 before the initi-
7 ation of operations.

8 (G) Neither the applicant nor operator (or
9 any subsidiary or affiliate the applicant or oper-
10 ator) is ineligible to receive a permit under sec-
11 tion 305.

12 (H) The reclamation plan demonstrates
13 that 10 years after the end of mineral activities
14 under the operations permit, no treatment of
15 surface or ground water for carcinogens or tox-
16 ins will be required to meet water quality stand-
17 ards at the point of discharge.

18 (2) CONSULTATION WITH ENVIRONMENTAL
19 PROTECTION AGENCY.—With respect to any activi-
20 ties specified in the reclamation plan referred to in
21 subsection (b) that constitute a removal or remedial
22 action under section 101 of the Comprehensive Envi-
23 ronmental Response, Compensation, and Liability
24 Act of 1980 (42 U.S.C. 9601), the Secretary con-
25 cerned shall consult with the Administrator of the

1 Environmental Protection Agency before the
2 issuance of an operations permit, who shall ensure
3 that the reclamation plan does not require activities
4 that would increase the costs or likelihood of re-
5 moval or remedial actions under the that Act (42
6 U.S.C. 9601 et seq.) or corrective actions under the
7 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

8 (d) TERM OF PERMIT; RENEWAL.—

9 (1) IN GENERAL.—An operations permit
10 shall—

11 (A) be for an initial term not longer than
12 the shorter of—

13 (i) the period necessary to accomplish
14 the proposed mineral activities subject to
15 the permit; and

16 (ii) the length of time remaining on
17 the hardrock mining lease of the applicant;

18 (B) be renewed for additional 10-year peri-
19 ods if—

20 (i) the operation subject to the permit
21 is in compliance with the requirements of
22 this Act and other applicable law; and

23 (ii) the hardrock mining lease of the
24 applicant has been renewed for that 10-
25 year period; and

1 (C) expire 5 years after the commencement
2 of a temporary cessation unless, before the expi-
3 ration of the 5 years, the operator has filed
4 with the Secretary concerned a request for ap-
5 proval to resume operations.

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

13 (e) PERMIT MODIFICATION.—

14 (1) APPLICATION.—An operator may, during
15 the term of the operations permit, submit to the
16 Secretary concerned an application to modify such
17 permit or the operations plan or reclamation plan
18 associated with such permit.

19 (2) MODIFICATION BY SECRETARY CON-
20 CERNED.—

21 (A) IN GENERAL.—At any time, the Sec-
22 retary concerned may require reasonable modi-
23 fication to any operations plan or reclamation
24 plan upon a determination that the require-
25 ments of this Act cannot be met if the plan is

1 followed as approved, which shall be based on
2 a written finding and subject to public notice
3 and hearing requirements established by the
4 Secretary concerned.

5 (B) WAIVER OF PUBLIC NOTICE AND
6 HEARING.—The Secretary concerned may waive
7 the public notice and hearing requirements
8 under subparagraph (A) in the case of immi-
9 nent threat to health, safety, or the environ-
10 ment.

11 (3) UNANTICIPATED EVENTS OR CONDI-
12 TIONS.—A permit modification is required before
13 changes are made to the approved operations plan,
14 or if unanticipated events or conditions exist on the
15 land subject to the permit, including in the case of—

16 (A) development of acid or toxic drainage;

17 (B) loss of springs or water supplies;

18 (C) water quantity, water quality, or other
19 resulting water impacts that are significantly
20 different than those predicted in the application
21 for the operations permit;

22 (D) the need for long-term water treat-
23 ment;

24 (E) significant reclamation difficulties or
25 reclamation failure;

1 (F) the discovery of significant scientific or
2 biological resources that were not addressed in
3 the original plan;

4 (G) the discovery of property eligible for
5 listing on the National Register of Historic
6 Places; or

7 (H) the discovery of a hazard to public
8 safety.

9 (f) TEMPORARY CESSATION OF OPERATIONS.—

10 (1) SECRETARIAL APPROVAL REQUIRED.—An
11 operator conducting mineral activities under an op-
12 erations permit in effect under this title may not
13 temporarily cease mineral activities for a period of
14 more than 180 days unless the Secretary concerned
15 has approved such temporary cessation or unless the
16 temporary cessation is permitted under the original
17 operations permit.

18 (2) PREVIOUSLY ISSUED OPERATIONS PER-
19 MITS.—An operator that temporarily ceases mineral
20 activities for a period of more than 90 days under
21 an operations permit issued before the effective date
22 of this Act shall submit, before the expiration of
23 such 90-day period, a complete application for tem-
24 porary cessation of operations to the Secretary con-

1 cerned for approval unless the temporary cessation
2 is permitted under the original operations permit.

3 (3) REQUIRED INFORMATION.—

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

13 (B) INSPECTION.—After receipt of a com-
14 plete application for temporary cessation of op-
15 erations, the Secretary concerned shall conduct
16 an inspection of the area for which temporary
17 cessation of operations has been requested.

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

22 (A) The methods for securing surface fa-
23 cilities and restricting access to the land subject
24 to the operations permit, or relevant portions
25 thereof, will effectively protect against hazards

1 to the health and safety of the public and fish
2 and wildlife or damage to property eligible for
3 listing on the National Register of Historic
4 Places.

5 (B) Reclamation is in compliance with the
6 approved reclamation plan, except in those
7 areas specifically designated in the application
8 for temporary cessation of operations for which
9 a delay in meeting such standards is necessary
10 to facilitate the resumption of operations.

11 (C) The amount of financial assurance
12 filed with the permit application is sufficient to
13 ensure completion of the reclamation activities
14 identified in the approved reclamation plan in
15 the event of forfeiture.

16 (D) Any outstanding notices of violation
17 and cessation orders incurred in connection
18 with the plan for which temporary cessation is
19 being requested are either stayed pursuant to
20 an administrative or judicial appeal proceeding
21 or are in the process of being abated to the sat-
22 isfaction of the Secretary concerned.

23 (g) PERMIT REVIEWS.—The Secretary concerned
24 shall review each operations permit issued under this sec-
25 tion every 10 years during the term of such operations

1 permit, and before approving the resumption of operations
2 under subsection (f), the Secretary concerned shall require
3 the operator to take such actions as the Secretary con-
4 cerned deems necessary to ensure that mineral activities
5 conform to the operations permit, including adjustment of
6 financial assurance requirements.

7 (h) TRANSFER, ASSIGNMENT, OR SALE OF
8 RIGHTS.—

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

13 (2) CONDITIONS OF APPROVAL.—The Secretary
14 concerned may allow a permit holder to transfer, as-
15 sign, or sell rights under the permit to a successor,
16 if the Secretary concerned finds, in writing, that the
17 successor—

18 (A) has submitted all required information
19 and is eligible to receive a permit in accordance
20 with section 305;

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

23 (C) meets any other requirements specified
24 by the Secretary concerned.

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

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

18 (i) PUBLIC PARTICIPATION.—The Secretary and the
19 Secretary of Agriculture shall jointly issue regulations to
20 ensure transparency and public participation in permit de-
21 cisions required under this Act, consistent with any re-
22 quirements that apply to such decisions under section 102
23 of the National Environmental Policy Act of 1969 (42
24 U.S.C. 4332).

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

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

10 (1) This Act.

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

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

20 (b) SUSPENSION.—The Secretary concerned shall
21 suspend a permit, in whole or in part, if the Secretary
22 concerned determines that any of the entities described in
23 subsection (a) were in violation of any requirement de-
24 scribed in subsection (a) at the time such permit was
25 issued.

26 (c) CORRECTION.—

1 (1) REINSTATEMENT.—

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

5 (i) the violation under subsection (a)
6 or (b) has been corrected or is in the proc-
7 ess of being corrected to the satisfaction of
8 the Secretary concerned and the regulatory
9 authority involved; or

10 (ii) the violator has filed, and is pur-
11 suing at the time of such submission, a di-
12 rect administrative or judicial appeal to
13 contest the existence of the violation.

14 (B) APPEAL OF RELATIONSHIP TO AFFIL-
15 IATE.—An appeal of the relationship of an ap-
16 plicant to an affiliate shall not constitute a di-
17 rect administrative or judicial appeal to contest
18 the existence of the violation under subpara-
19 graph (A)(ii).

20 (2) CONDITIONAL APPROVAL.—

21 (A) IN GENERAL.—A permit that is issued
22 or reinstated based upon proof submitted under
23 this subsection shall be conditionally issued or
24 conditionally reinstated, respectively.

1 (B) SUSPENSION; REVOCATION.—The Sec-
2 retary concerned shall suspend or revoke a per-
3 mit that is conditionally issued or conditionally
4 reinstated if the relevant violation is not suc-
5 cessfully abated or is upheld on appeal.

6 (d) PATTERN OF WILLFUL VIOLATION.—No permit
7 may be issued under this Act to any applicant if there
8 is a demonstrated pattern of willful violations of the envi-
9 ronmental protection requirements of this Act by the ap-
10 plicant, an affiliate of the applicant, or the operator or
11 claim, license, or lease holder if different than the appli-
12 cant.

13 **SEC. 306. FINANCIAL ASSURANCE.**

14 (a) FINANCIAL ASSURANCE REQUIRED.—

15 (1) FORM OF ASSURANCE.—After a permit is
16 issued under this title and before any exploration or
17 operations begin under the relevant permit, the oper-
18 ator shall file with the Secretary concerned evidence
19 of financial assurance payable to the United States,
20 which shall be provided in the form of a surety bond,
21 letters of credit, certificates of deposit, or cash.

22 (2) COVERED ACTIVITIES.—The financial assur-
23 ance required under paragraph (1) shall cover all
24 land within the initial permit area and all affected
25 waters that may require restoration, treatment, or

1 other management as a result of mineral activities,
2 and shall be extended to cover all land and water
3 added to the permit area pursuant to any permit
4 modification made under section 303(e) or 304(e) or
5 affected by mineral activities within the permit area.

6 (b) AMOUNT.—

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

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

23 (c) DURATION.—The financial assurance required
24 under this section shall be held for the duration of the
25 mineral activities and for an additional period sufficient

1 to cover the responsibility of the operator for reclamation,
2 long-term maintenance, and effluent treatment as speci-
3 fied in subsection (g).

4 (d) ADJUSTMENTS.—

5 (1) IN GENERAL.—The Secretary concerned
6 may adjust the amount of the financial assurance
7 required under this section and the terms of the ac-
8 ceptance of the financial assurance as needed as the
9 land subject to the relevant permit is increased or
10 decreased, the costs of reclamation or treatment
11 change, or pursuant to section 304(f), but the finan-
12 cial assurance shall otherwise be in compliance with
13 this section.

14 (2) REVIEW.—The Secretary concerned shall
15 review the financial assurance every 3 years and as
16 part of the permit application review under section
17 304(g).

18 (e) RELEASE.—The Secretary concerned may, upon
19 request, after consultation with the Administrator of the
20 Environmental Protection Agency, notice and opportunity
21 for public comment, and inspection by the Secretary con-
22 cerned, release, in whole or in part, the financial assurance
23 required under this section if the Secretary concerned
24 makes both of the following determinations:

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

4 (2) The terms and conditions of any other ap-
5 plicable Federal requirements, and State require-
6 ments applicable pursuant to cooperative agreements
7 under section 308, have been fulfilled.

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

10 (1) After the operator has completed any re-
11 quired backfilling, regrading, and drainage control of
12 an area subject to mineral activities and covered by
13 the financial assurance, and has commenced revege-
14 tation on the regraded areas subject to mineral ac-
15 tivities in accordance with the approved reclamation
16 plan, that portion of the total financial assurance se-
17 cured for the area subject to mineral activities at-
18 tributable to the completed activities may be re-
19 leased, except that sufficient financial assurance
20 must be retained to address other required reclama-
21 tion needs and to ensure the long-term success of
22 the revegetation.

23 (2) After the operator has successfully com-
24 pleted all remaining mineral activities and reclama-
25 tion activities and all requirements of the operations

1 plan and the reclamation plan, and all other require-
2 ments of this Act have been fully met, the remaining
3 portion of the financial assurance may be released.
4 During the period following release of the financial assur-
5 ance as specified in paragraph (1), until the remaining
6 portion of the financial assurance is released as provided
7 in paragraph (2), the operator shall be required to comply
8 with the relevant permit issued under this title.

9 (g) EFFLUENT.—

10 (1) IN GENERAL.—Notwithstanding section
11 307(b)(2)(D), where any discharge or other water-
12 related condition resulting from mineral activities re-
13 quires treatment in order to meet applicable effluent
14 limitations and water quality standards, the finan-
15 cial assurance shall include the estimated cost of
16 maintaining such treatment for the projected period
17 that will be needed after the cessation of mineral ac-
18 tivities.

19 (2) RELEASE OF FINANCIAL ASSURANCE.—The
20 portion of the financial assurance attributable to
21 such estimated cost of treatment shall not be re-
22 leased until such discharge has ceased for a period
23 of 5 years, as determined by ongoing monitoring and
24 testing, or, if the discharge continues, until the oper-
25 ator has met all applicable effluent limitations and

1 water quality standards for 5 full years without
2 treatment.

3 (h) ENVIRONMENTAL HAZARDS.—If the Secretary
4 concerned determines, after final release of a financial as-
5 surance, that an environmental hazard resulting from the
6 mineral activities exists, or the terms and conditions of
7 the exploration permit or operations permit of this Act
8 were not fulfilled at the time of such release, the Secretary
9 concerned shall issue an order under section 507 requiring
10 the claim holder or operator (or any person who controls
11 the claim holder or operator) to correct the condition such
12 that applicable laws and regulations and any conditions
13 from the operations plan are met.

14 **SEC. 307. OPERATION AND RECLAMATION.**

15 (a) GENERAL RULE.—

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

20 (A) the uses which such land was capable
21 of supporting before surface disturbance by the
22 operator; or

23 (B) other beneficial uses which conform to
24 applicable land use plans as determined by the
25 Secretary concerned.

1 (2) CONTEMPORANEOUS RECLAMATION.—Rec-
2 lamation shall proceed as contemporaneously as
3 practicable with the conduct of mineral activities,
4 and in the case of a cessation of mineral activities
5 beyond that provided for as a temporary cessation
6 under this Act, reclamation activities shall begin im-
7 mediately.

8 (b) OPERATION AND RECLAMATION STANDARDS.—

9 (1) IN GENERAL.—The Secretary and the Sec-
10 retary of Agriculture shall jointly issue regulations
11 that establish operations and reclamation standards
12 for mineral activities permitted under this Act and
13 may determine whether outcome-based performance
14 standards or technology-based design standards are
15 most appropriate.

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

18 (A) Segregation, protection, and replace-
19 ment of topsoil or other suitable growth me-
20 dium, and the prevention, where possible, of soil
21 contamination.

22 (B) Maintenance of the stability of all sur-
23 face areas.

24 (C) Control of sediments to prevent erosion
25 and manage drainage.

1 (D) Minimization of the formation and mi-
2 gration of acidic, alkaline, metal-bearing, or
3 other deleterious leachate.

4 (E) Reduction of the visual impact of min-
5 eral activities to the surrounding topography,
6 including as necessary pit backfill.

7 (F) Establishment of a diverse, effective,
8 and permanent vegetative cover of the same
9 seasonal variety native to the area affected by
10 mineral activities, and equal in extent of cover
11 to the natural vegetation of the area.

12 (G) Design and maintenance of leach oper-
13 ations, impoundments, and excess waste accord-
14 ing to standard engineering standards to
15 achieve and maintain stability and reclamation
16 of the site.

17 (H) Removal of structures and roads and
18 sealing of drill holes.

19 (I) Restoration of, or mitigation for, fish
20 and wildlife habitat disturbed by mineral activi-
21 ties.

22 (J) Preservation of cultural, paleontolog-
23 ical, and cave resources.

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

1 (c) SURFACE OR GROUND WATER WITHDRAWALS.—
2 The Secretary concerned shall work with State and local
3 governments with authority over the allocation and use of
4 surface and ground water in the area around the mine
5 site as necessary to ensure that any surface or ground
6 water withdrawals made as a result of mineral activities
7 approved under this title do not cause undue degradation.

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

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

14 (a) STATE LAW.—

15 (1) RECLAMATION, LAND USE, ENVIRON-
16 MENTAL, AND PUBLIC HEALTH STANDARDS.—Any
17 reclamation, land use, environmental, or public
18 health protection standard or requirement in State
19 law that meets or exceeds the requirements of this
20 Act shall not be construed to be inconsistent with
21 any such standard.

22 (2) BONDING REQUIREMENTS.—Any bonding
23 standard or requirement in State law that meets or
24 exceeds the requirements of this Act shall not be
25 construed to be inconsistent with such requirements.

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

5 (b) APPLICABILITY OF OTHER STATE REQUIRE-
6 MENTS.—

7 (1) ENVIRONMENTAL STANDARDS.—Nothing in
8 this Act may be construed to affect any toxic sub-
9 stance, solid waste, or air or water quality standard
10 or requirement of any State, local, or Tribal law that
11 may be applicable to mineral activities on land sub-
12 ject to this Act.

13 (2) WATER RESOURCES.—Nothing in this Act
14 may be construed to affect the right of any person
15 to enforce or protect, under applicable law, the inter-
16 est of such person in water resources affected by
17 mineral activities on land subject to this Act.

18 (c) COOPERATIVE AGREEMENTS.—

19 (1) IN GENERAL.—A State may enter into a co-
20 operative agreement with the Secretary concerned
21 for the purpose of the Secretary concerned applying
22 such standards and requirements referred to in sub-
23 sections (a) and (b) to mineral activities or reclama-
24 tion on land subject to this Act.

25 (2) COMMON REGULATORY FRAMEWORK.—

1 (A) IN GENERAL.—If a proposed mineral
2 activity would affect land not subject to this
3 Act in addition to land subject to this Act, in
4 order to approve a plan of operations, the Sec-
5 retary concerned shall enter into a cooperative
6 agreement with the State that establishes a
7 common regulatory framework consistent with
8 the requirements of this Act for the purposes of
9 such plan of operations.

10 (B) AUTHORITY OF FEDERAL GOVERN-
11 MENT.—Any common regulatory framework es-
12 tablished under subparagraph (A) may not ne-
13 gate the authority of the Federal Government
14 to independently inspect mines and operations
15 and bring enforcement actions for violations.

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

21 (d) PRIOR AGREEMENTS.—Any cooperative agree-
22 ment between the Secretary concerned and a State, or po-
23 litical subdivision thereof, relating to the management of
24 mineral activities on land subject to this Act that was in
25 existence on the effective date of this Act may only con-

1 tinue in force until 1 year after the effective date of this
2 Act, during which such period the Secretary concerned
3 and the State shall review the terms of such agreement
4 or other understanding and make changes that are nec-
5 essary to be consistent with this Act.

6 **TITLE IV—ABANDONED**
7 **HARDROCK MINE RECLAMA-**
8 **TION PROGRAM**

9 **SEC. 401. FUNDS CREDITED TO THE ABANDONED**
10 **HARDROCK MINE RECLAMATION PROGRAM.**

11 (a) IN GENERAL.—The following amounts shall be
12 made available to carry out, to remain available until ex-
13 pended without fiscal year limitation, the Abandoned
14 Hardrock Mine Reclamation Program:

15 (1) All moneys collected pursuant to sections
16 502 and 506.

17 (2) All fees received under section
18 304(a)(1)(B).

19 (3) All gifts contributed under subsection
20 (b)(1).

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

23 (5) All amounts displaced material reclamation
24 fees paid under section 402.

25 (b) DONATIONS.—

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

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

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

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

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

18 (c) SUBMISSION OF STATEMENT.—Each operator
19 conducting mineral activities shall submit to the Secretary
20 a statement of the amount of displaced material produced
21 during mineral activities carried out during the preceding
22 calendar year, the accuracy of which shall be sworn to by
23 the operator and notarized.

24 (d) CRIMINAL PENALTY.—Any corporate officer,
25 agent, or director of an operator conducting mineral ac-

1 tivities, and any other person acting on behalf of such a
2 person, who knowingly makes any false statement, rep-
3 resentation, or certification, or knowingly fails to make
4 any statement, representation, or certification required
5 under this section with respect to such mineral activities
6 shall, upon conviction, be punished by a fine of not more
7 than \$10,000 for deposit in the Abandoned Hardrock
8 Mine Reclamation Program.

9 (e) CIVIL ACTION TO RECOVER FEE.—Any portion
10 of the reclamation fee required under subsection (a) that
11 is not properly or promptly paid pursuant to this section
12 shall be recoverable, with statutory interest, from the op-
13 erator, in any court of competent jurisdiction in any action
14 at law to compel payment of debts.

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

18 (g) EXEMPTION.—The fee under this section shall
19 not apply for a small miner's lease.

20 **TITLE V—ADDITIONAL** 21 **PROVISIONS**

22 **SEC. 501. POLICY FUNCTIONS.**

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

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

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

9 (b) **MINERAL DATA.**—Section 5(e)(3) of the National
10 Materials and Minerals Policy, Research and Development
11 Act of 1980 (30 U.S.C. 1604(e)(3)) is amended by insert-
12 ing before the period the following: “, except that for Na-
13 tional Forest System lands, the Secretary of Agriculture
14 shall promptly initiate actions to improve the availability
15 and analysis of mineral data in Federal land-use decision-
16 making”.

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

18 (a) **USER FEES.**—The Secretary and the Secretary
19 of Agriculture may each establish and collect from persons
20 subject to the requirements of this Act such user fees as
21 may be necessary to reimburse the United States for ex-
22 penses incurred in the administration of such require-
23 ments. Fees may be assessed and collected under this sec-
24 tion only in such manner as may reasonably be expected
25 to result in an aggregate amount of the fees collected dur-

1 ing any fiscal year which does not exceed the aggregate
2 amount of administrative expenses referred to in this sec-
3 tion.

4 (b) ADJUSTMENT OF USER FEES.—

5 (1) INFLATION.—The Secretary shall adjust the
6 user fees established by this section, and all claim
7 maintenance fees, rental rates, penalty amounts, and
8 other dollar amounts established in this Act, to re-
9 flect changes in the Consumer Price Index published
10 by the Bureau of Labor Statistics of the Depart-
11 ment of Labor every 3 years after the effective date
12 of this Act, or more frequently if the Secretary de-
13 termines an adjustment to be reasonable.

14 (2) NOTICE.—The Secretary shall provide claim
15 holders, license holders, and lease holders notice of
16 any adjustment made under this subsection not later
17 than July 1 of the year in which the adjustment is
18 made.

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

22 **SEC. 503. INSPECTION AND MONITORING.**

23 (a) INSPECTIONS.—

24 (1) IN GENERAL.—The Secretary concerned
25 shall conduct inspections of mineral activities so as

1 to ensure compliance with the requirements of this
2 Act.

3 (2) FREQUENCY.—

4 (A) IN GENERAL.—The Secretary con-
5 cerned shall establish a frequency of inspections
6 for mineral activities conducted under a permit
7 issued under title III, but in no event shall such
8 inspection frequency be less than 1 complete in-
9 spection per calendar quarter or, in the case of
10 a permit for which the Secretary concerned ap-
11 proves an application under section 304(f), 2
12 per calendar quarter.

13 (B) FREQUENCY AFTER REVEGETATION.—

14 After revegetation has been completed in ac-
15 cordance with a reclamation plan, the Secretary
16 concerned shall conduct 2 complete inspections
17 annually.

18 (C) SEASONAL MINERAL ACTIVITIES.—The

19 Secretary concerned may modify the inspection
20 frequency for mineral activities that are con-
21 ducted on a seasonal basis.

22 (D) TERMINATION.—Inspections shall con-

23 tinue under this subsection until final release of
24 financial assurance.

25 (3) BY REQUEST.—

1 (A) IN GENERAL.—Any person that has
2 reason to believe such person is or may be ad-
3 versely affected by mineral activities due to any
4 violation of the requirements of a permit ap-
5 proved under this Act may request an inspec-
6 tion under this section of such mineral activi-
7 ties.

8 (B) REVIEW PERIOD.—Not later than 30
9 business days after the date the Secretary con-
10 cerned receives a request under subparagraph
11 (A), the Secretary concerned shall determine
12 whether the request states a reason to believe
13 that a violation exists.

14 (C) IMMINENT THREAT.—If, in a request
15 submitted under subparagraph (A), a person al-
16 leges and provides reason to believe that an im-
17 minent threat to the environment or danger to
18 the health or safety of the public exists, sub-
19 paragraph (B) shall not apply and the inspec-
20 tion shall be conducted immediately.

21 (D) NOTIFICATION.—The Secretary con-
22 cerned shall notify the person that submitted a
23 request under subparagraph (A) when an in-
24 spection is conducted pursuant to such request,

1 and such person may accompany the Secretary
2 concerned during the inspection.

3 (E) LIABILITY.—The Secretary concerned
4 shall not incur any liability for granting a re-
5 quest to allow any person to accompany such
6 Secretary concerned under subparagraph (D).

7 (F) ANONYMITY.—If a person that sub-
8 mits a request under subparagraph (A) or (C)
9 requests that the identity of such person remain
10 confidential, the Secretary concerned shall keep
11 such information confidential unless such per-
12 son accompanies the Secretary concerned dur-
13 ing the inspection under subparagraph (D).

14 (G) PROCEDURES.—The Secretary and the
15 Secretary of Agriculture shall jointly issue regu-
16 lations to establish procedures for the review
17 of—

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

21 (ii) any refusal by such authorized
22 representative to ensure that remedial ac-
23 tions are taken with respect to any alleged
24 violation.

1 (H) WRITTEN STATEMENT.—The Sec-
2 retary concerned shall give a person that sub-
3 mits a request under subparagraph (A) a writ-
4 ten statement of the reasons for the final dis-
5 position of the request.

6 (b) MONITORING.—

7 (1) MONITORING SYSTEM.—

8 (A) IN GENERAL.—The Secretary con-
9 cerned shall require all operators to develop and
10 maintain a monitoring and evaluation system
11 that shall identify compliance with all require-
12 ments of a permit issued under this Act.

13 (B) ADDITIONAL MONITORING.—The Sec-
14 retary concerned may require an operator to
15 conduct additional monitoring as necessary to
16 ensure compliance with the reclamation and
17 other environmental standards of this Act. Such
18 monitoring and evaluation system described in
19 subparagraph (A) and any additional moni-
20 toring required by this subparagraph is subject
21 to the approval of the Secretary.

22 (2) REPORTING REQUIREMENTS.—

23 (A) IN GENERAL.—An operator shall file
24 reports with the Secretary concerned, on a fre-
25 quency and containing such information as de-

1 terminated by the Secretary concerned, regarding
2 the results of the monitoring and evaluation
3 system, except that if the monitoring and eval-
4 uation system shows a violation of the require-
5 ments of a permit issued under this Act, the
6 operator shall immediately report such violation
7 to the Secretary concerned.

8 (B) ENFORCEMENT.—The Secretary con-
9 cerned shall evaluate the reports submitted pur-
10 suant to this paragraph, and, based on such re-
11 ports and any necessary inspection, shall take
12 enforcement action pursuant to section 506.

13 (C) MAINTENANCE OF REPORTS; AVAIL-
14 ABILITY TO PUBLIC.—The Secretary concerned
15 and each operator shall both maintain each re-
16 port submitted by such operator under this
17 paragraph and make each such report available
18 to the public.

19 (3) FAILURE TO REPORT.—If an operator fails
20 to file a report as required under this section such
21 failure shall constitute a violation of this Act and
22 subject the operator to enforcement action pursuant
23 to section 506.

1 **SEC. 504. CITIZENS SUITS.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (c), any person may commence a civil action to compel
4 compliance—

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

8 (2) against the Secretary concerned if the Sec-
9 retary concerned failed to perform any act or duty
10 under this Act, or to issue any regulation under this
11 Act, required by this Act.

12 (b) DISTRICT COURT JURISDICTION.—

13 (1) IN GENERAL.—The United States district
14 courts shall have jurisdiction over an action brought
15 under this section, without regard to the amount in
16 controversy or the citizenship of the parties, includ-
17 ing actions brought to apply any civil penalty under
18 this Act.

19 (2) AGENCY ACTION UNREASONABLY DE-
20 LAYED.—The United States district courts shall
21 have jurisdiction to compel agency action unreason-
22 ably delayed, except that an action to compel agency
23 action reviewable under section 505 may only be
24 filed in a United States district court within the cir-
25 cuit in which such action would be reviewable under
26 section 505.

1 (c) EXCEPTIONS.—

2 (1) NOTICE.—No action may be commenced
3 under subsection (a) before the end of the 60-day
4 period beginning on the date the plaintiff has given
5 notice in writing of such alleged violation to the al-
6 leged violator and the Secretary concerned, except
7 that any such action may be brought immediately
8 after such notification if the violation complained of
9 constitutes an imminent threat to the environment
10 or to the health or safety of the public or to property
11 eligible for listing on the National Register of His-
12 toric Places.

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

19 (3) EXCEPTION.—No action may be commenced
20 under subsection (a)(2) against the Secretary con-
21 cerned to review any regulation issued, or any per-
22 mit issued or denied, by the Secretary concerned if
23 such regulation or permit issuance or denial is judi-
24 cially reviewable under section 505 or under any

1 other provision of law at any time after such
2 issuance or denial is final.

3 (d) VENUE.—Venue of all actions brought under this
4 section shall be determined in accordance with section
5 1391 of title 28, United States Code.

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

14 (f) SAVINGS CLAUSE.—

15 (1) IN GENERAL.—Nothing in this section shall
16 restrict any right which any person (or class of per-
17 sons) may have under chapter 7 of title 5, United
18 States Code, under this section, or under any other
19 statute or common law to bring an action to seek
20 any relief against the Secretary or the Secretary of
21 Agriculture or against any other person, including
22 any action for any violation of this Act or of any
23 regulation or permit issued under this Act or for any
24 failure to act as required by law.

1 (2) JURISDICTION.—Nothing in this section
2 shall affect the jurisdiction of any court under any
3 provision of title 28, United States Code, including
4 any action for any violation of this Act or of any
5 regulation or permit issued under this Act or for any
6 failure to act as required by law.

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

8 (a) REVIEW BY SECRETARY CONCERNED.—

9 (1) NOTICE OF VIOLATION.—Any person issued
10 a notice of violation or cessation order under section
11 507, or any person having an interest which is or
12 may be adversely affected by such notice or order,
13 may apply to the Secretary concerned for review of
14 such notice or order not later than 30 days after re-
15 ceipt thereof, or as the case may be, not later than
16 30 days after such notice or order is modified, va-
17 cated, or terminated.

18 (2) REVIEW OF PENALTY.—Any person that is
19 subject to a penalty assessed under section 507 may
20 apply to the Secretary concerned for review of the
21 assessment not later than 45 days of notification of
22 such penalty.

23 (3) THIRD-PARTY REQUESTS.—Any person may
24 apply to the Secretary concerned for review of a de-

1 cision under this subsection not later than 30 days
2 after such decision is issued.

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

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

14 (6) WRITTEN DECISION.—

15 (A) IN GENERAL.—For any review under
16 this subsection, the Secretary concerned shall
17 make findings of fact and shall issue a written
18 decision incorporating therein an order
19 vacating, affirming, modifying, or terminating
20 the notice, order, or decision, or with respect to
21 an assessment, the amount of penalty that is
22 warranted.

23 (B) DEADLINE.—Where an application for
24 review under this subsection concerns a ces-
25 sation order issued under section 506, the Sec-

1 retary concerned shall, unless temporary relief
2 has been granted by the Secretary concerned
3 under paragraph (7), issue the written decision
4 not later than the later of—

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

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

9 (7) TEMPORARY RELIEF.—

10 (A) IN GENERAL.—Pending completion of
11 any review under this subsection, the person
12 that submitted an application for review under
13 paragraph (1) may file with the Secretary con-
14 cerned a written request that the Secretary con-
15 cerned grant temporary relief from any order
16 issued under section 507 including a detailed
17 statement of the basis for such relief.

18 (B) DECISION.—The Secretary concerned
19 shall expeditiously issue an order or decision
20 granting or denying an application for tem-
21 porary relief submitted under subparagraph
22 (A).

23 (C) LIMITATION.—The Secretary con-
24 cerned may grant temporary relief under sub-
25 paragraph (B) under such conditions as they

1 may prescribe only if the Secretary concerned
2 determines that such relief will not adversely af-
3 fect the health or safety of the public or cause
4 imminent environmental harm to land, air, or
5 water resources.

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

9 (b) JUDICIAL REVIEW.—

10 (1) COURT OF APPEALS FOR THE DISTRICT OF
11 COLUMBIA.—Any final action by the Secretary or
12 the Secretary of Agriculture in issuing regulations to
13 implement this Act, or any other final actions consti-
14 tuting rulemaking to implement this Act, shall be
15 subject to judicial review only in a United States
16 Court of Appeals for a circuit in which an affected
17 State is located or within the District of Columbia.

18 (2) PETITION FOR REVIEW.—A petition for re-
19 view of any action subject to judicial review under
20 this subsection shall be filed not later than 60 days
21 after the date of such action, or after such date if
22 the petition is based solely on grounds arising after
23 the 60th day. Any such petition may be made by any
24 person that commented or otherwise participated in
25 the rulemaking or any person that may be adversely

1 affected by the action of the Secretary or the Sec-
2 retary of Agriculture.

3 (3) STANDARD OF REVIEW.—Final agency ac-
4 tion under this subsection, including such final ac-
5 tion on those matters described under subsection
6 (a), shall be subject to judicial review in accordance
7 with paragraph (4) and pursuant to section 1391 of
8 title 28, United States Code, not later than 60 days
9 after the date of such final action. Any action sub-
10 ject to judicial review under this subsection shall be
11 affirmed unless the court concludes that such action
12 is arbitrary, capricious, or otherwise inconsistent
13 with law.

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

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

24 (6) COMMENCEMENT OF A PROCEEDING NOT A
25 STAY.—The commencement of a proceeding under

1 this section shall not, unless specifically ordered by
2 the court, operate as a stay of the action, order, or
3 decision of the Secretary concerned.

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

18 **SEC. 506. REPORTING REQUIREMENTS.**

19 (a) REPORT TO SECRETARY CONCERNED.—An oper-
20 ator engaging in any mineral activities on Federal land
21 or on Indian land shall submit to the Secretary concerned
22 an annual report, in a time and manner prescribed by the
23 Secretary concerned, describing the total amount (in met-
24 ric tons) and value of hardrock minerals produced through
25 such mineral activities, including the total amount and

1 value of any hardrock minerals produced from a mine par-
2 tially located on either Federal land or Indian land,
3 disaggregated by hardrock mineral and by percentage ex-
4 tracted from Federal land and percentage extracted from
5 Indian land.

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

11 (c) REPORT TO CONGRESS.—The Secretary shall an-
12 nually submit to Congress a report providing the following
13 information for each hardrock mine located on Federal
14 land or on Indian land:

15 (1) The data submitted for such mine under
16 subsection (a).

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

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

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

21 (5) Whether such mine is located on Federal
22 land.

23 (6) Whether such mine is located on Indian
24 land.

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

4 **SEC. 507. ENFORCEMENT.**

5 (a) ORDERS.—

6 (1) NOTICE OF VIOLATION.—

7 (A) IN GENERAL.—If the Secretary con-
8 cerned determines that any person is in viola-
9 tion of any environmental protection require-
10 ment or any regulation issued by the Secretary
11 concerned to implement this Act, such the Sec-
12 retary concerned shall issue to such person a
13 notice of violation describing the violation and
14 the corrective measures to be taken.

15 (B) TIME TO ABATE.—A person issued a
16 notice of violation under subparagraph (A) shall
17 abate such violation within a time period deter-
18 mined by the Secretary concerned which shall
19 not exceed 30 days.

20 (C) EXTENSION OF TIME TO ABATE.—The
21 Secretary concerned may, upon a showing of
22 good cause by the person issued a notice of vio-
23 lation under subparagraph (A), extend the pe-
24 riod of time under subparagraph (B).

1 (D) CONTINUED VIOLATION.—If, upon the
2 expiration of the time period under subpara-
3 graph (B), including any extension under sub-
4 paragraph (C), the Secretary concerned finds
5 that the person issued a notice of violation
6 under subparagraph (A) has not abated such
7 violation, the Secretary concerned shall imme-
8 diately order a cessation of all mineral activities
9 or the portion thereof relevant to the violation.

10 (2) ORDER FOR IMMEDIATE CESSATION.—If the
11 Secretary concerned determines that any condition
12 or practice exists, or that any person is in violation
13 of any requirement under a permit issued under this
14 Act, and such condition, practice, or violation is
15 causing, or can reasonably be expected to cause ei-
16 ther of the following, the Secretary concerned shall
17 immediately order a cessation of all mineral activi-
18 ties or the portion thereof relevant to the condition,
19 practice, or violation:

20 (A) An imminent danger to the health or
21 safety of the public.

22 (B) Significant, imminent environmental
23 harm to land, air, water, or fish or wildlife re-
24 sources.

25 (3) DURATION.—

1 (A) TERMINATION.—A cessation order
2 issued pursuant to paragraph (1) or (2) shall
3 remain in effect until the Secretary concerned
4 determines that the condition, practice, or viola-
5 tion has been abated or until such order is
6 modified, vacated, or terminated by the Sec-
7 retary concerned. In any such order, the Sec-
8 retary concerned shall determine the steps nec-
9 essary to abate the violation in the most expedi-
10 tious manner possible and shall include the nec-
11 essary measures in such order.

12 (B) FINANCIAL ASSURANCES.—The Sec-
13 retary concerned shall require appropriate fi-
14 nancial assurances to ensure that the abate-
15 ment obligations are met when issuing a ces-
16 sation order under this section.

17 (C) AUTHORITY OF THE SECRETARY CON-
18 CERNED.—Any notice or order issued pursuant
19 to paragraph (1) or (2) may be modified, va-
20 cated, or terminated by the Secretary con-
21 cerned. Any person to whom any such notice or
22 order is issued shall be entitled to a hearing on
23 the record.

24 (4) ALTERNATIVE ENFORCEMENT ACTION.—

1 (A) IN GENERAL.—If, 30 days after the
2 notice of violation referred to in paragraph
3 (1)(A) is issued, the required abatement has
4 not occurred, the Secretary concerned shall take
5 such alternative enforcement action against the
6 claim holder, license holder, lease holder, or op-
7 erator (or any person who controls the claim
8 holder, license holder, lease holder, or operator)
9 as will most likely bring about such required
10 abatement in the most expeditious manner pos-
11 sible, which may include seeking appropriate in-
12 junctive relief to bring about abatement.

13 (B) EARLIER ALTERNATIVE ENFORCE-
14 MENT ACTION.—Nothing in this paragraph
15 shall preclude the Secretary concerned from
16 taking alternative enforcement action before the
17 expiration of the 30-day period described in
18 subparagraph (A).

19 (5) FAILURE OR DEFAULT.—

20 (A) IN GENERAL.—If a claim holder, li-
21 cense holder, lease holder, or operator (or any
22 person who controls the claim holder, license
23 holder, lease holder, or operator) fails to abate
24 a violation or defaults on the terms of a permit
25 issued under this Act, the Secretary concerned

1 shall forfeit the financial assurance required
2 under section 306 as necessary to ensure abate-
3 ment and reclamation under this Act.

4 (B) RECLAMATION BY SURETY.—The Sec-
5 retary concerned may prescribe conditions
6 under which a surety may perform reclamation
7 in accordance with section 307 in lieu of for-
8 feiture under subparagraph (A).

9 (6) PENDING REVIEW.—The Secretary con-
10 cerned shall not cause forfeiture of financial assur-
11 ance while administrative or judicial review is pend-
12 ing.

13 (7) LIABILITY IN THE EVENT OF FOR-
14 FEITURE.—In the event of forfeiture, the claim hold-
15 er, license holder, lease holder, operator, or any affil-
16 iate thereof, as determined appropriate by the Sec-
17 retary by regulation, shall be jointly and severally
18 liable for any remaining reclamation obligations
19 under this Act.

20 (b) COMPLIANCE.—The Secretary concerned may re-
21 quest that the Attorney General institute a civil action for
22 relief, including a permanent or temporary injunction or
23 restraining order and any other appropriate enforcement
24 order, including the imposition of civil penalties, in the

1 United States district court for the district in which the
2 mineral activities are located, whenever a person—

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

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

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

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

19 (d) PENALTIES.—

20 (1) FAILURE TO COMPLY WITH REQUIREMENTS
21 OF A PERMIT.—

22 (A) IN GENERAL.—A person who fails to
23 comply with any requirement of a permit issued
24 under this Act or any regulation issued to im-

1 plement this Act shall be liable for a penalty of
2 not more than \$25,000 per violation.

3 (B) SEPARATE VIOLATIONS.—Each day of
4 violation may be deemed a separate violation
5 for purposes of a penalty assessment under this
6 paragraph.

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

14 (3) PENALTIES FOR DIRECTORS, OFFICERS,
15 AND AGENTS.—Whenever a corporation is in viola-
16 tion of a requirement of a permit issued under this
17 Act or any regulation issued to implement this Act
18 or fails or refuses to comply with an order issued
19 under subsection (a), any director, officer, or agent
20 of such corporation who knowingly authorized, or-
21 dered, or carried out such violation, failure, or re-
22 fusal shall be subject to the same penalties as may
23 be imposed upon a person described in paragraph
24 (1).

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

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

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

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

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

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

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

19 (7) with regard to plans conditionally approved
20 under section 305(c)(2)—

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

23 (B) the validity of the violation is upheld
24 on the appeal which formed the basis for the
25 conditional approval.

1 (f) FALSE STATEMENTS; TAMPERING.—

2 (1) IN GENERAL.—A person who knowingly car-
3 ries out any of the following actions shall, upon an
4 initial conviction, be fined not more than \$10,000,
5 imprisoned for not more than 2 years, or both, and,
6 upon a subsequent conviction, be fined not more
7 than \$20,000, imprisoned for not more than 4 years,
8 or both:

9 (A) Make a false material statement, rep-
10 resentation, or certification in, or omit or con-
11 ceal material information from, or unlawfully
12 alter, any mining claim, notice of location, ap-
13 plication, record, report, plan, or other docu-
14 ments filed or required to be maintained under
15 this Act.

16 (B) Falsify, tamper with, render inac-
17 curate, or fail to install any monitoring device
18 or method required to be maintained under this
19 Act.

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

24 (g) MINERAL ACTIVITIES WITHOUT A PERMIT.—

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

8 (A) Engage in mineral activities without a
9 permit required under title II.

10 (B) Violate any other requirement of a
11 permit issued under this Act, or any condition
12 or limitation thereof.

13 (2) SEPARATE VIOLATIONS.—Each day of con-
14 tinuing violation shall be deemed a separate violation
15 for purposes of penalty assessment under paragraph
16 (1).

17 (h) KNOWING AND WILLFUL VIOLATIONS.—A person
18 that knowingly and willfully commits an act for which a
19 civil penalty is provided in subsection (g)(1)(A) shall, upon
20 conviction, be punished by a fine of not more than
21 \$50,000, or by imprisonment for not more than 2 years,
22 or both.

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

1 **SEC. 508. REGULATIONS.**

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

5 (b) REGULATIONS AFFECTING FOREST SERVICE.—
6 Not later than 1 year after the effective date of this Act,
7 the Secretary and the Secretary of Agriculture shall jointly
8 issue regulations implementing titles II and III and this
9 title that affect the Forest Service.

10 **SEC. 509. OIL SHALE CLAIMS.**

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

13 (1) by striking “as prescribed by the Sec-
14 retary”; and

15 (2) by inserting before the period the following:
16 “in the same manner as required by title II of the
17 Clean Energy Minerals Reform Act of 2023”.

18 **SEC. 510. SAVINGS CLAUSE.**

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

21 (1) repeal or modify any Federal law, regula-
22 tion, order, or land use plan in effect before the ef-
23 fective date of this Act that prohibits or restricts the
24 application of the general mining laws, including
25 laws that provide for special management criteria for
26 operations under the general mining laws as in ef-

1 fect before the effective date of this Act, to the ex-
2 tent such laws provide for protection of natural and
3 cultural resources and the environment greater than
4 required under this Act;

5 (2) apply to or limit mineral investigations,
6 studies, or other mineral activities conducted by any
7 Federal or State agency acting in the governmental
8 capacity of such agency pursuant to other authority;
9 or

10 (3) affect or limit any assessment, investigation,
11 evaluation, or listing pursuant to the Comprehensive
12 Environmental Response, Compensation, and Liabil-
13 ity Act of 1980 (42 U.S.C. 9601 et seq.) or the
14 Solid Waste Disposal Act (42 U.S.C. 3251 et seq.).

15 (b) CLAIMS CONVERTED TO LEASES.—Any Federal
16 law described in subsection (a) shall remain in force and
17 effect with respect to claims converted to leases under this
18 Act.

19 (c) EFFECT ON OTHER FEDERAL LAWS.—

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

22 (2) OTHER LAWS.—Except for the general min-
23 ing laws, nothing in this Act shall be construed to
24 supersede, modify, amend, or repeal any provision of

1 Federal law not expressly superseded, modified,
2 amended, or repealed by this Act.

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

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

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

13 (C) title XIV of the Public Health Service
14 Act (the Safe Drinking Water Act) (42 U.S.C.
15 300f et seq.);

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

18 (E) the Pollution Prevention Act of 1990
19 (42 U.S.C. 13101 et seq.);

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

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

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

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

3 (J) the Federal Hazardous Substances Act
4 (15 U.S.C. 1261 et seq.);

5 (K) the Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.);

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

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

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

13 (O) the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9601 et seq.);

16 (P) the Superfund Amendments and Reau-
17 thorization Act of 1986 (Public Law 99-499;
18 100 Stat. 1613);

19 (Q) the Ocean Dumping Act (33 U.S.C.
20 1401 et seq.);

21 (R) the Environmental Research, Develop-
22 ment, and Demonstration Authorization Act of
23 1978 (42 U.S.C. 4365);

24 (S) the Pollution Prosecution Act of 1990
25 (42 U.S.C. 4321 note; Public Law 101-593);

1 (T) the Federal Facilities Compliance Act
2 of 1992 (Public Law 102–386; 106 Stat.
3 1505); and

4 (U) any statute containing an amendment
5 to any of such Acts.

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

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

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

13 (C) the National Historic Preservation Act
14 (16 U.S.C. 470 et seq.);

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

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

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

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

23 Copies of records, reports, inspection materials, or in-
24 formation obtained by the Secretary or the Secretary of
25 Agriculture under this Act shall be made immediately

1 available to the public, consistent with section 552 of title
2 5, United States Code, in central and sufficient locations
3 in the county, multicounty, and State area of mineral ac-
4 tivities or reclamation and on the internet so that such
5 information is conveniently available to residents in the
6 area proposed or approved for mineral activities.

7 **SEC. 512. MISCELLANEOUS POWERS.**

8 (a) IN GENERAL.—The Secretary concerned, in car-
9 rying out the duties of the Secretary concerned under this
10 Act, may conduct any investigation, inspection, or other
11 inquiry and may conduct, after notice, any hearing or
12 audit, that is necessary and appropriate to carry out such
13 duties.

14 (b) ANCILLARY POWERS.—In connection with any
15 hearing, inquiry, investigation, or audit under this Act, the
16 Secretary concerned may carry out any of the following
17 actions:

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

24 (2) Administer oaths.

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

5 (4) Order testimony to be taken by deposition
6 before any person that is designated by the Sec-
7 retary concerned and that has the power to admin-
8 ister oaths, and compel testimony and the produc-
9 tion of evidence in the same manner as authorized
10 under paragraph (3) of this subsection.

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

14 (c) ENFORCEMENT.—

15 (1) IN GENERAL.—In cases of refusal to obey
16 a subpoena served upon any person under this sec-
17 tion, the United States district courts for any dis-
18 trict in which such person is found, resides, or
19 transacts business, upon application by the Attorney
20 General at the request of the Secretary concerned
21 and after notice to such person, shall have jurisdic-
22 tion to issue an order requiring such person to ap-
23 pear and produce documents before the Secretary
24 concerned.

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

7 (d) ENTRY AND ACCESS.—Without advance notice
8 and upon presentation of appropriate credentials, the Sec-
9 retary concerned—

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

14 (2) may, at reasonable times and without delay,
15 have access to records, inspect any monitoring
16 equipment, and review any method of operation re-
17 quired under this Act;

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

21 (4) may, on any mining claim, license, or lease
22 maintained in compliance with this Act, stop and in-
23 spect any motorized form of transportation that the
24 Secretary concerned has probable cause to believe is
25 carrying hardrock minerals, concentrates, or prod-

1 ucts derived therefrom from a claim site for the pur-
2 pose of determining whether the operator of such ve-
3 hicle has documentation related to such hardrock
4 minerals, concentrates, or products derived there-
5 from as required by law, if such documentation is
6 required under this Act; and

7 (5) may, if accompanied by a appropriate law
8 enforcement officer, or an appropriate law enforce-
9 ment officer alone, stop and inspect any motorized
10 form of transportation which is not on a claim site
11 if the Secretary concerned or the appropriate law en-
12 forcement officer has probable cause to believe such
13 vehicle is carrying hardrock minerals, concentrates,
14 or products derived therefrom from a claim site, li-
15 cense, or lease on Federal land or allocated to such
16 claim site, license, or lease for the purpose of deter-
17 mining whether the operator of such vehicle has the
18 documentation required by law, if such documenta-
19 tion is required under this Act.

20 **SEC. 513. MINERAL MATERIALS.**

21 (a) DETERMINATIONS.—Section 3 of the Act of July
22 23, 1955, commonly known as the Surface Resources Act
23 of 1955 (30 U.S.C. 611), is amended—

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

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

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

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

6 “(b)(1) Subject to valid existing rights, after the date
7 of the enactment of the Clean Energy Minerals Reform
8 Act of 2023, notwithstanding the reference to common va-
9 rieties in subsection (a) and to the exception to such term
10 relating to a deposit of materials with some property giv-
11 ing it distinct and special value, all deposits of mineral
12 materials referred to in such subsection, including the
13 block pumice referred to in such subsection, shall be sub-
14 ject to disposal only under the terms and conditions of
15 the Materials Act of 1947 (30 U.S.C. 601–603).

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

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

23 “(B) was properly located and maintained
24 under the general mining laws before the date of the

1 enactment of the Clean Energy Minerals Reform Act
2 of 2023; and

3 “(C) was supported by a discovery of a valuable
4 mineral deposit within the meaning of the general
5 mining laws as in effect immediately before the date
6 of the enactment of the Clean Energy Minerals Re-
7 form Act of 2023.”.

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

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

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

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

21 (d) SHORT TITLES.—

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

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

3 (2) MINERAL MATERIALS.—The Act of July 31,
4 1947, entitled “An Act to provide for the disposal of
5 materials on the public lands of the United States”
6 (30 U.S.C. 601 et seq.) is amended by adding at the
7 end the following:

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

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

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

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

18 **SEC. 514. EFFECTIVE DATE.**

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

○