

Grijalva #1

**SUBSTITUTE OFFERED BY REPRESENTATIVE GRIJALVA FOR  
THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2925 OFFERED BY REPRESENTATIVE STAUBER**

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Clean Energy Minerals Reform Act of 2023”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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.](#)

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

(a) IN GENERAL.—As used in this Act:

(1) The term “Abandoned Hardrock Mine Reclamation Program” means the program established by section 40704 of the Infrastructure Investment and Jobs Act ([30 U.S.C. 1245](#)).

(2) The term “adjacent land” means any land not more than 2 miles from the boundary of a described land tract.

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

(A) Any person that controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

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

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

(5) The term “applicant” means any person applying for a lease, license, or permit under this Act or a modification to or a renewal of a lease, license, or permit issued under this Act.

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

(7) The term “casual use”—

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

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

(C) does not include—

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

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

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

(iv) the use of toxic or hazardous materials.

(8) The term “claim holder” means—

(A) any person holding a mining claim, millsite, or tunnel site located under the general mining laws or this Act and maintained in compliance with such laws; and

(B) any agent of such person.

(9) The term “control” means having the ability, directly or indirectly, to determine (without regard to whether exercised through 1 or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including—

- (A) ownership interest;
- (B) authority to commit the real or financial assets of the entity;
- (C) position as a director, officer, or partner of the entity; or
- (D) contractual arrangement.

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

(11) The term “exploration”—

(A) means creating surface disturbance, other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

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

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

(12) The term “Federal land”—

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

(B) does not include—

- (i) lands in the National Park System;
- (ii) Indian lands; or
- (iii) lands on the Outer Continental Shelf.

(13) The term “hardrock mineral”—

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

(i) the Mineral Leasing Act ([30 U.S.C. 181 et seq.](#));

(ii) the Geothermal Steam Act of 1970 ([30 U.S.C. 1001 et seq.](#));

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 ([30 U.S.C. 601 et seq.](#)); or

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

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian Tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 ([25 U.S.C. 2101](#)); or

(ii) owned by any Indian or Indian Tribe, as defined in that section.

(14) The term “Indian lands” means—

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

(B) lands held by an Indian Tribe or Indian subject to a restriction by the United States against alienation; or

(C) lands held by an Alaska Native village, village corporation, or regional corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#)).

(15) The term “Indian Tribe” means any Indian Tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, village corporation, or regional corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#)), that is recognized as eligible for the special programs and

services provided by the United States to Indians because of their status as Indians.

(16) The term “mining claim” means any mining claim made pursuant to—

(A) this Act; or

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

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

(18) The term “National Conservation System unit” means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Wilderness Preservation System, National Landscape Conservation System, or National Trails System, or a National Conservation Area, a National Recreation Area, a Wilderness Study Area, a National Monument, or any unit of the National Wilderness Preservation System or lands within the National Forest System, including the following:

(A) National Volcanic Monuments.

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

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

(D) National Game and Wildlife Preserves.

(E) Special Management, Wildlife, Conservation, and Protection Areas, including botanical, hydrological (watershed), geological, historical, paleontological, and zoological areas.

(F) Experimental Forests, Ranges, and Watersheds.

(G) Research Sites and Research Natural Areas.

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

(I) Recommended Wilderness and Primitive Areas.

(19) The term “operator” means—

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

(B) any agent of such person.

(20) The term “person” means an individual, Indian Tribe, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative, or other organization and any instrumentality of State or local government, including any publicly owned utility or publicly owned corporation of State or local government.

(21) The term “processing” means processes downstream of beneficiation employed to prepare hardrock mineral ore into a final marketable product, including smelting and electrolytic refining.

(22) The term “raw ore” means ore in its unprocessed form, containing profitable amounts of a hardrock mineral.

(23) The term “reclamation” means taking measures following the disturbance of Federal land by mineral activities to meet applicable performance standards and achieve conditions required by the Secretary concerned at the conclusion of such mineral activities, including, where applicable—

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

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

(C) rehabilitation of fisheries or wildlife habitat;

(D) placement of growth medium and establishment of self-sustaining revegetation;

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

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

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

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

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

(B) to be of established cultural significance.

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

(26) The term “Secretary concerned” means—

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

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

(27) (A) The term “small miner” means a person (including all related parties thereto) that—

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

(ii) is a claim holder or operator with respect to not more than 200 acres of Federal land;

(iii) certifies to the Secretary in writing that the person had annual gross income in the preceding calendar year from mineral production in an amount less than \$50,000; and



(iv) has performed assessment work required under the Mining Law of 1872 ([30 U.S.C. 22 et seq.](#)) to maintain any mining claims held by the person and all related parties thereto for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(B) For purposes of subparagraph (A), with respect to any person, the term “all related parties” means—

(i) the spouse or qualifying child (as such term is defined in [section 152](#) of the Internal Revenue Code of 1986) of such person; or

(ii) an affiliate of the person concerned.

(C) For purposes of subparagraph (A)(iii), the dollar amount shall be applied, for a person, to the aggregate of all annual gross income from mineral production under all mining claims held by or assigned to such person and all related parties with respect to such person, including mining claims located or for which a patent was issued before the effective date of this Act.

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

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

(30) The term “unnecessary or undue degradation” means irreparable harm to significant scientific, cultural, or environmental resources on Federal land.

(31) The term “valuable mineral deposit” means a deposit of hardrock minerals that is of sufficient value for a prudent operator to extract, remove, and market at a profit.

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

(b) REFERENCES TO OTHER LAWS.—

(1) GENERAL MINING LAWS.—Any reference in this Act to the term “general mining laws” is a reference to those Acts that generally comprise

chapters 2, 12A, and 16, and sections 161 and 162, of title 30, United States Code.

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

### **SEC. 3. APPLICATION RULES.**

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

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

## **TITLE I—MINERAL LEASING, EXPLORATION, AND DEVELOPMENT**

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

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

(b) EXISTING CLAIMS WITHOUT PLAN OF OPERATIONS.—

(1) CLAIMS WITHOUT PLAN OF OPERATIONS.—Any claim under the general mining laws existing on the effective date of this Act for which a plan of operations is not approved, or a notice of operations is not filed, before such date shall be subject to the requirements of this Act, and may remain in effect until not later than the end of the 10-year period beginning on such date if the claim holder remains in compliance with section 109, unless the claim holder—

(A) relinquishes the claim; or

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

(2) **SHORTENING OF PERIOD.**—The 10-year period referred to in paragraph (1) shall be shortened to 3 years if—

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

(B) the claim belongs to a small miner.

(3) **CONVERSION.**—The Secretary concerned may convert a claim described in paragraph (1) to a noncompetitive mining lease pursuant to the regulations issued under subsection (d) if such Secretary determines that the claim holder has shown the presence of a valuable mineral deposit on the land subject to such claim.

(4) **CLAIMS NOT CONVERTED.**—Any claims described in paragraph (1) not converted to noncompetitive leases under paragraph (3) at the end of the applicable period under paragraph (1) or (2) shall be void.

(c) **EXISTING CLAIMS WITH PLAN OF OPERATIONS.**—

(1) **IN GENERAL.**—In the case of any claim under the general mining laws for which a plan of operations has been approved but for which operations have not commenced before the on the effective date of this Act—

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

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

(ii) the Secretary shall allow the operator to make changes to such plan subject to applicable law as in effect on the day before the effective date of this Act if the Secretary determines that the requested changes are minor; and

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

(2) **ACTIVITIES PENDING DECISION ON MODIFICATION TO PLAN OF OPERATIONS.**—If an application for modification of a plan of operations referred to in paragraph (1)(A)(ii) has been timely submitted by the claim holder and an approved plan of operations expires before the Secretary concerned takes action on such application, mineral activities and reclamation may continue in accordance with the terms of the expired plan of operations until the Secretary concerned makes an administrative decision on the application.

(3) **CONVERSION REQUIREMENT.**—

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

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

(d) **CONVERSION REGULATIONS.**—

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

(2) **CONTENT.**—Such regulations shall—

(A) prohibit the conversion of a mining claim to a mining lease by a claim holder who is in violation of this Act or other State or Federal environmental, health, or worker safety laws;

(B) allow the Secretary to exercise discretion to include nonmineral lands within the boundaries of any millsite associated with the mining claim to be converted to a noncompetitive lease;

(C) prohibit the area in any noncompetitive mining lease issued under this section from exceeding the maximum area authorized by this Act to be leased to any person;

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

(E) require the financial terms of the converted noncompetitive mining lease to be the same as those provided in this Act for other hardrock mining leases; and

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

(e) NATIONAL ENVIRONMENTAL POLICY ACT.—The Secretary is not required to conduct an environmental analysis under the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#)) to issue a noncompetitive mining lease under this section, unless such noncompetitive mining lease modifies or extends the surface disturbance already authorized under a mine plan of operations covering the mining claim that is converted.

## **SEC. 102. LIMITATION ON PATENTS.**

(a) MINING CLAIMS.—

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

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

(B) all requirements established under sections 2325 and 2326 of the Mining Law of 1872 (30 U.S.C. 29 and 30), in the case of a vein or lode claim, or sections 2329, 2330, 2331, and 2333 of that Act ([30 U.S.C. 35, 36, and 37](#)), in the case of a placer claim, were fully complied with by that date.

(2) RIGHT TO PATENT.—If the Secretary makes the determinations required under paragraph (1) for any mining claim, the claim holder shall be entitled to the issuance of a patent in the same manner and degree to which

such claim holder would have been entitled to before the effective date of this Act, unless such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(b) MILLSITES.—

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

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

(B) all requirements applicable to such patent application were fully complied with before that date.

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

### **SEC. 103. PROSPECTING LICENSES AND HARDROCK LEASES.**

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

(b) PROSPECTING LICENSES.—

(1) IN GENERAL.—The Secretary may, under such regulations as the Secretary may issue and with the concurrence of the relevant surface management agency, grant an applicant a prospecting license that shall give the exclusive right to prospect for specified hardrock minerals on Federal land for a period not longer than 2 years.

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

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

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

(5) TERMS AND CONDITIONS.—A prospecting license shall conform with the terms and conditions of a comprehensive land use plan approved under—

(A) the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1701 et seq.](#)); or

(B) the Forest and Rangeland Renewable Resources Planning Act of 1974 ([16 U.S.C. 1600 et seq.](#)).

(6) AREAS WITHOUT APPROVED COMPREHENSIVE LAND USE PLAN.—For land covered by a prospecting license for which a comprehensive land use plan treating hardrock mining as a multiple-use activity has not been completed, the Secretary concerned shall ensure that such land is suitable for mineral activities.

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

(A) the licensee explored with reasonable diligence and was unable to determine the existence and workability of a valuable mineral deposit covered by the license; or

(B) if the licensee failed to perform diligent prospecting activities, such failure was due to conditions beyond the control of the licensee.

(c) NONCOMPETITIVE LEASES.—

(1) IN GENERAL.—Upon a showing to the satisfaction of the Secretary by a prospecting licensee under subsection (a) that a valuable mineral deposit has been discovered by the licensee within an area covered by the prospecting license and with the consent of the surface agency, the licensee shall be

entitled to a lease for any or all of the land included in the prospecting license, as well as any nonmineral lands necessary for processing or milling operations, at a royalty of not less than 12.5 percent of the gross value of production of hardrock minerals or mineral concentrates or products derived from hardrock minerals under the lease.

(2) RENTALS.—

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

(B) OPERATIONS PERMIT.—A lessee under this section is not entitled to an operations permit.

(3) LEASE PERIOD.—

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

(B) EXTENSION DURING NONPRODUCTION.—The Secretary may issue not more than 1 10-year extension of a lease under this subsection if hardrock minerals are not being produced in commercial quantities at the end of the primary, or any subsequent, term of such lease and—

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

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

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

(C) DEFINITION OF COMMERCIAL QUANTITIES.—In this paragraph, the term “commercial quantities” means any economic amount sold, bartered, or traded for profit.



(d) CUMULATIVE ACREAGE LIMITATION.—No person may take, hold, own, or control at 1 time, whether acquired directly from the Secretary under this Act or otherwise, hardrock mining leases or licenses for an aggregate of more than 20,480 acres in any 1 State.

(e) REDUCTION OF ROYALTY RATE.—

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

(A) may reduce the royalty rate for a lease under this section upon a showing by clear and convincing evidence by the operator that production would not occur without the reduction in royalty rate; and

(B) may reduce the royalty and rental rates for a lease under this section to encourage exploration for and development of critical minerals (as such term is defined in section 7002(a) of the Energy Act of 2020 ([30 U.S.C. 1606\(a\)](#))).

(2) LIMITATION.—The Secretary may not reduce the royalty rate for a lease pursuant to paragraph (1) to less than 6.25 percent.

(f) PROTECTION OF LAND AND OTHER RESOURCES.—The Secretary, in consultation with any applicable surface management agency, may include in any lease or license issued under this Act such provisions as are necessary to adequately protect land and other resources in the vicinity of the area subject to the lease or license.

#### **SEC. 104. COMPETITIVE LEASING.**

(a) IN GENERAL.—Subject to sections 111 and 112, Federal land known to contain valuable mineral deposits that is not covered by claims, licenses, or leases issued under this Act may only be open to hardrock mineral exploration or development through competitive leasing by the Secretary through such methods the Secretary may adopt by regulation and in such areas as the Secretary may determine, including nonmineral lands the Secretary considers necessary for processing or milling operations.

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

(c) **TERMS AND REQUIREMENTS.**—All terms and requirements for competitive leases under this section shall be the same as if the leases were issued noncompetitively under section 103(c).

**SEC. 105. SMALL MINER’S LEASE.**

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

(b) **EXCLUSIVE RIGHT.**—A small miner’s lease shall give the lessee the exclusive right to prospect for hardrock minerals for 3 years on not more than 200 acres of contiguous or noncontiguous Federal land.

(c) **APPLICATION FEE.**—The Secretary shall charge a reasonable application fee for a small miner’s lease under this subsection (a).

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

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

(f) **CHALLENGE.**—

(1) **IN GENERAL.**—Any individual may file a challenge with the Secretary that a lessee is in violation of the diligence terms of a small miner’s lease or does not qualify as a small miner.

(2) **RENEWAL WHEN SUBJECT TO CHALLENGE.**—A small miner’s lease that is subject to a challenge under paragraph (1) may not be renewed unless the Secretary has determined that the lessee is a small miner and is in compliance with all the terms of the small miner’s lease.

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

(h) **CONVERSION OF EXISTING CLAIMS.**—A claim existing on the effective date of this Act that belongs to an individual that qualifies as a small miner may be

converted to a small miner's lease under the same terms and conditions that apply to a small miner's lease under this section, except that such lease—

(1) shall not be subject to rental during the primary term of the lease;

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

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

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

(1) may only be held by the primary lease holder, a spouse thereof, or a direct descendent thereof;

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

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

(j) CONVERSION TO HARDROCK MINERAL LEASE.—

(1) IN GENERAL.—If, with regard to a small miner's lease, the lessee does not qualify as a small miner at the time such lessee applies for a renewal of such lease, such lessee shall not be eligible to renew such lease, but shall be eligible for a noncompetitive hardrock mineral lease issued under section 103(c).

(2) ROYALTIES.—Notwithstanding section 103(c)(1), royalties under a small miner's lease converted to a hardrock mineral lease under this subsection shall only be due on the gross income that exceeds \$50,000 annually or the amount of gross income specified by the Secretary as of the time such noncompetitive lease is issued.

## **SEC. 106. LAND CONTAINING NONHARDROCK MINERALS; OTHER USES.**

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

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

(1) IN GENERAL.—The Secretary shall issue regulations to allow for other uses of the land covered by a prospecting license under this Act, including leases for other minerals, if such other uses would not unreasonably interfere with operations under the prospecting license.

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

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

**SEC. 107. ROYALTY.**

(a) EXISTING PRODUCTION.—

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

(2) ADDITIONAL FEDERAL LAND.—Production of hardrock minerals, mineral concentrates, or products derived from hardrock minerals on Federal land added through a plan modification to an operations permit that is submitted after the effective date of this Act shall be subject to a royalty established by the Secretary for such lease of not less than 12.5 percent of the gross value such production.

(b) LIABILITY.—The claim holder or lessee, or any operator to whom the claim holder or lessee has assigned the obligation to make royalty payments under the claim or lease and any person who controls such claim or lease holder or operator, shall be liable for payment of such royalties.

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

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

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

(d) DUTIES OF CLAIM HOLDERS, LESSEES, OPERATORS, AND TRANSPORTERS.—

(1) REGULATION.—The Secretary shall issue regulations regarding the time and manner in which a person who is required to make a royalty payment under this section shall—

(A) make such payment; and

(B) notify the Secretary of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim or lease under this title.

(2) WRITTEN INSTRUMENT.—Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility.

(3) ADDITIONAL AMOUNTS.—Such responsibility for the periods referred to in paragraph (2) shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action.

(4) JOINT AND SEVERAL LIABILITY.—Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for such royalty payments.

(5) OBLIGATIONS.—A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in the operations permit designed to protect from theft the hardrock minerals, concentrates, or products derived therefrom that are produced or stored on the area subject to a mining claim or lease, and such provisions shall conform with such minimum standards as the Secretary may issue by regulation, taking into account the variety of circumstances on areas subject to mining claims and leases; and

(B) not later than the fifth business day after production begins anywhere on an area subject to a mining claim or lease, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(6) **REQUIRED DOCUMENTATION.**—The Secretary may by regulation require any person engaged in transporting a hardrock mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the hardrock mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines appropriate.

(e) **RECORDKEEPING AND REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—

(A) **REQUIREMENT.**—A claim holder or lessee, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling hardrock minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with regulations or orders under this section.

(B) **INCLUSIONS.**—

(i) **RECORDS.**—Records described in subparagraph (A) shall include periodic reports, records, documents, and other data.

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

(2) **AVAILABILITY FOR INSPECTION.**—Upon the request of any officer or employee duly designated by the Secretary to conduct an audit or investigation pursuant to this section, the appropriate records, reports, or information that may be required by this section shall be made available for inspection and duplication by such officer or employee.

(3) **FORFEITURE.**—Failure by a claim holder or lessee, operator, or other person referred to in paragraph (1)(A) to cooperate with an audit or investigation under paragraph (2), provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, result in involuntary forfeiture of the claim or lease.

(4) **MAINTENANCE OF RECORDS.**—

(A) **IN GENERAL.**—Records required by the Secretary under this section shall be maintained for 7 years after release of financial assurance under section 306 unless the Secretary notifies the operator that the Secretary has initiated an audit or investigation involving such records and that such records must be maintained for a longer period.

(B) **AUDIT OR INVESTIGATION.**—In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(f) **AUDITS.**—

(1) **IN GENERAL.**—The Secretary is authorized to conduct such audits of all claim holders or lessees, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sale of minerals covered by this Act, as the Secretary determines necessary for the purposes of ensuring compliance with the requirements of this section.

(2) **AVAILABILITY OF INFORMATION.**—For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have

access to, and may copy, all books, papers, and other documents that relate to compliance with any provision of this section by any person.

(g) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of hardrock minerals, concentrates, or products derived therefrom to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section, and to carry out any other activity described in this section.

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

(3) CONFIDENTIAL INFORMATION.—

(A) IN GENERAL.—Trade secrets, proprietary information, and other confidential information protected from disclosure under section 552 of title 5, United States Code, shall be made available by the Secretary to other Federal agencies as necessary to ensure compliance with this Act and other Federal laws.

(B) PROTECTION OF INFORMATION.—The Secretary, the Secretary of Agriculture, and other Federal officials shall ensure that the information described in subparagraph (A) is provided protection in accordance with the requirements of that section.

(h) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—

(1) PAYMENTS NOT RECEIVED.—

(A) IN GENERAL.—In the case of mining claims or leases where royalty payments are not received by the Secretary on the date that such



payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under [section 6621\(a\)\(2\)](#) of the Internal Revenue Code of 1986.

(B) COMPUTATION.—In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) UNDERREPORTING.—If there is any underreporting of royalty owed on production from a claim or lease for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not more than 25 percent of the amount of the underreporting.

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

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

(B) the date that is 90 days after the effective date of this Act.

(4) WAIVER.—The Secretary shall waive any portion of an assessment under paragraph (2) attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that such person—

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

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

(C) previously had notified the Secretary, in such manner as the Secretary may by regulation issue, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting; or

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

(5) **ABANDONED HARDROCK MINE RECLAMATION PROGRAM.**—All penalties collected under this subsection shall be made available to carry out, to remain available until expended without fiscal year limitation, the Abandoned Hardrock Mine Reclamation Program.

(6) **UNDERREPORTING DEFINED.**—In this subsection, the term “underreporting” means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

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

(j) **FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.**—Any person who fails to comply with the requirements of this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 ([30 U.S.C. 1719](#)) to the same extent as if the claim or lease maintained in compliance with this Act were a lease under such Act.

(k) **GROSS INCOME FROM MINING DEFINED.**—In this section, for any hardrock mineral, the term “gross income from mining” has the meaning given the term “gross income” in [section 613\(c\)](#) of the Internal Revenue Code of 1986.

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

## **SEC. 108. EXISTING PRODUCTION.**

(a) **IN GENERAL.**—The claim holder of a mining claim located or converted under this Act for which mineral activities have commenced under an approved plan of operations as of the effective date of this Act shall have the exclusive right of possession and use of the land subject to such mining claim for mineral activities, including the right of ingress and egress to such land for mineral

activities, subject to the rights of the United States under this Act and other applicable Federal law.

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

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

(a) FEE.—

(1) IN GENERAL.—

(A) REQUIRED FEES.—

(i) IN GENERAL.—Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 ([30 U.S.C. 242\(e\)\(2\)](#)) and as otherwise provided in this Act, for each unpatented mining claim, millsite, or tunnel site on Federal land, whether located before or on the effective date of this Act, each such claimant shall pay to the Secretary, on or before September 1 of each year, a claim maintenance fee of \$200 per claim to hold such unpatented mining claim, millsite, or tunnel site for the assessment year beginning at noon the following day.

(ii) FEE IN PLACE OF ASSESSMENT WORK.—A claim maintenance fee paid under clause (i) shall be in lieu of the assessment work requirement in the Mining Law of 1872 ([30 U.S.C. 28 et seq.](#)) and the related filing requirements in sections 314(a) and (c) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1744\(a\)](#) and (c)).

(B) FEE ADJUSTMENTS.—Any adjustment to a fee under this subsection made under section 502 shall begin to apply in the first assessment year which begins after the adjustment is made.

(C) EXCEPTION FOR SMALL MINERS.—Subparagraph (A) and the assessment work requirement in the Mining Law of 1872 ([30 U.S.C. 28 et seq.](#)) shall not apply with respect to a small miner's lease.

(2) RECLAMATION PROGRAM.—Moneys received under this subsection that are not otherwise allocated for the administration of this Act by the Secretary shall be made available to carry out, to remain available until expended without fiscal year limitation, the Abandoned Hardrock Mine Reclamation Program.

(b) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 ([30 U.S.C. 28 et seq.](#)) shall remain in effect except that the annual claim maintenance fee under subsection (a), where applicable, shall replace applicable assessment requirements and expenditures under that Act.

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

(d) OTHER REQUIREMENTS.—

(1) REQUIRED FILINGS.—Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1744\(b\)](#)) or the requirements of section 314(c) of that Act ([43 U.S.C. 1744\(c\)](#)) related to filings required by section 314(b) of that Act ([43 U.S.C. 1744\(b\)](#)), which remain in effect.

(2) MINING LAW OF 1872.—Section 2324 of the Mining Law of 1872 ([30 U.S.C. 28](#)) is amended by inserting “or section 103(a) of the Clean Energy Minerals Reform Act of 2023” after “Act of 1993”.

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

Except as otherwise provided in section 101, timely payment of the claim maintenance fee required by section 109 or any related law relating to the use of Federal land, asserts the authority of the claimant to use and occupy the Federal land concerned for prospecting and exploration, consistent with the requirements of this Act and other applicable law.

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

(a) PROTECTION OF NATIONAL PARK SYSTEM UNITS AND NATIONAL MONUMENTS.—No agency may authorize any mineral activity that would impair

the land or resources of a unit of the National Park System or a national monument, including—

(1) any diminution of the affected land, including wildlife, scenic assets, water resources, air quality, and acoustic qualities; or

(2) other changes that would impair the experience of a citizen at the National Park System unit or a national monument.

(b) PROTECTION OF NATIONAL CONSERVATION SYSTEM UNITS.—In order to protect the resources and values of National Conservation System units, the Secretary, as appropriate, shall use authority under this Act and other applicable law to the fullest extent necessary to prevent mineral activities that could have an adverse impact on the resources or values for which such units were established.

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

(1) Sacred sites.

(2) Wilderness study areas.

(3) Habitat designated as critical habitat under section 4 of the Endangered Species Act of 1973 ([16 U.S.C. 1533](#)).

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

(5) Units of the National Conservation System.

(6) Areas designated for inclusion in the National Wild and Scenic Rivers System pursuant to the Wild and Scenic Rivers Act ([16 U.S.C. 1271 et seq.](#)), areas designated for potential addition to such system pursuant to section 5(a) of that Act ([16 U.S.C. 1276\(a\)](#)), and areas determined to be eligible for inclusion in such system pursuant to section 5(d) of such Act ([16 U.S.C. 1276\(d\)](#)).

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

**SEC. 112. SUITABILITY DETERMINATION.**

(a) **IN GENERAL.**—In accordance with subsection (b), the Secretary concerned shall make each determination of whether land is suitable for mineral activities that is required by this Act.

(b) **SUITABILITY.**—

(1) **IN GENERAL.**—The Secretary concerned shall consider land suitable for mineral activities if the Secretary concerned finds that such mineral activities would not result in unnecessary or undue degradation to a special characteristic described in paragraph (2) of such land that cannot be prevented by the imposition of conditions in the permit required for such activities under title III.

(2) **SPECIAL CHARACTERISTICS.**—For purposes of paragraph (1), the Secretary concerned shall consider each of the following to be a special characteristic:

(A) The existence of a significant water resource or supply in or associated with such land, including any aquifer or aquifer recharge area.

(B) The presence on such land, or any adjacent land, of a publicly owned place that is listed on, or determined by the Secretary to be eligible for listing on, the National Register of Historic Places.

(C) The designation of all or any portion of such land, or any adjacent land, as a National Conservation System unit.

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

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

(F) The presence of such other resource values as the Secretary concerned may by regulation specify, determined based upon field testing, evaluation, or credible information that verifies such values.

(G) The designation of such land, or adjacent land, as a Research Natural Area.

(H) The presence on such land, or any adjacent land, of a sacred site.

(I) The presence or designation of such land adjacent to land not open to mining pursuant to section 111.

(3) PUBLIC COMMENT.—A determination under this subsection of suitability for mineral activities shall be made after publication of notice and an opportunity for submission of public comment for a period of not less than 60 days.

(4) INCLUSION IN FEDERAL LAND USE PLAN.—Any determination made in accordance with this subsection with respect to land shall be incorporated into each Federal land use plan applicable to such land, at the time such Federal land use plan is adopted, revised, or significantly amended pursuant to any Federal law other than this Act.

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

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

## **TITLE II—CONSULTATION PROCEDURE**

### **SEC. 201. REQUIREMENT FOR CONSULTATION.**

Agencies shall conduct meaningful timely consultation with Indian Tribes following the procedures of the President’s Memorandum of Uniform Standards for Tribal Consultation, issued on November 30, 2022, before undertaking any mineral activities that may have a direct, indirect, or cumulative impact on—

(1) the land, including allotted, ceded, or traditional land, or interests in such land of an Indian Tribe or member of an Indian Tribe;

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

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

(4) the protected rights of an Indian Tribe, whether or not such rights are enumerated in a treaty, including water, hunting, gathering, and fishing rights;

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

(6) the relationship between the Federal Government and an Indian Tribe;  
or

(7) the trust responsibility of the Federal Government to an Indian Tribe.

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

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

Notwithstanding section 302(b) of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1732\(b\)](#)), the first section of the Act of June 4, 1897 ([16 U.S.C. 478](#)), and the National Forest Management Act of 1976 ([16 U.S.C. 1600 et seq.](#)), and in accordance with this title and applicable law, unless expressly stated otherwise in this Act, the Secretary shall ensure that mineral activities on any Federal land that is subject to a mining claim, millsite, tunnel site, or any authorization issued under title I of this Act are carefully controlled to prevent unnecessary or undue degradation of Federal land and resources.

#### **SEC. 302. PERMITS.**

(a) **PERMITS REQUIRED.**—No person may engage in mineral activities on Federal land that may cause a disturbance of surface resources, including land, air, ground water and surface water, and fish and wildlife, unless a permit is issued to such person under this title authorizing such activities.

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

(c) **NATIONAL ENVIRONMENTAL POLICY ACT.**—



(1) **IN GENERAL.**—The Secretary and the Secretary of Agriculture shall conduct the permit processes under this Act in accordance with the timing and other requirements under section 102 of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332](#)).

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

### **SEC. 303. EXPLORATION PERMIT.**

(a) **AUTHORIZED EXPLORATION ACTIVITY.**—

(1) **IN GENERAL.**—A person may apply for an exploration permit for any mining claim, license, or lease authorizing the applicant to remove a reasonable amount of the hardrock minerals, as defined in the license or lease or established in such regulations as the Secretary shall issue, from the area that is subject to the mining claim, license, or lease, respectively, for analysis, study, and testing.

(2) **LIMITATION.**—Such permit shall not authorize the applicant to remove any mineral for sale nor to conduct any activities other than those required for exploration for hardrock minerals and reclamation.

(b) **PERMIT APPLICATION REQUIREMENTS.**—To apply for an exploration permit under this section, a person shall submit to the Secretary concerned an application for such permit in a manner determined satisfactory by the Secretary concerned, which shall include—

(1) an exploration plan;

(2) a reclamation plan for the proposed exploration; and

(3) such documentation as is necessary to ensure compliance with applicable Federal and State environmental laws and regulations.

(c) **RECLAMATION PLAN REQUIREMENTS.**—The reclamation plan required to be included in a permit application under subsection (b) shall include such provisions as may be jointly issued by the Secretary and the Secretary of Agriculture by regulation, including the following requirements:

(1) The applicant has demonstrated that proposed reclamation can be accomplished.

(2) The proposed exploration activities and condition of the land after the completion of exploration activities and final reclamation will conform with the land use plan applicable to the area subject to mineral activities.

(3) The area subject to the proposed exploration permit is not included within an area listed in section 111.

(4) The applicant has demonstrated that the exploration plan and reclamation plan will be in compliance with the requirements of this Act and all other applicable Federal requirements, and any State requirements agreed to by the Secretary concerned.

(5) The applicant has demonstrated that the requirements of section 306 will be met.

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

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

(1) not greater than that necessary to accomplish the proposed exploration; and

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

(e) PERMIT MODIFICATION.—

(1) IN GENERAL.—An exploration permit holder may, during the term of the exploration permit, submit to the Secretary concerned an application to modify such permit.

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

the Secretary concerned determines such modifications are significant or minor.

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

(1) **PRIOR WRITTEN APPROVAL.**—No transfer, assignment, or sale of rights granted by an exploration permit issued under this section may be made without the prior written approval of the Secretary concerned.

(2) **APPROVAL.**—The Secretary concerned shall allow an exploration permit holder to transfer, assign, or sell rights under such permit to a successor, if the Secretary concerned finds in writing that the successor—

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

(B) has submitted evidence of financial assurance satisfactory under section 306; and

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

(3) **ASSUMED LIABILITY.**—The successor in interest shall assume the liability and reclamation responsibilities established by the existing exploration permit and shall conduct the mineral activities in full compliance with this Act, and the terms and conditions of the exploration permit as in effect at the time of transfer, assignment, or sale.

(4) **FEE.**—Each application for approval of an exploration permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary concerned in such amount as may be established by the Secretary concerned, which shall be equal to the actual or anticipated cost to the Secretary concerned of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary concerned.

**SEC. 304. OPERATIONS PERMIT.**

(a) **OPERATIONS PERMIT.**—

(1) **IN GENERAL.**—A person that is in compliance with this Act may apply to the Secretary concerned for an operations permit authorizing the person to carry out mineral activities on—

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

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

(i) obtains a right-of-way permit for use of such additional lands under title V of the Federal Land Policy and Management Act of 1976 ([43 U.S.C. 1761 et seq.](#)); and

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

(2) **TERMS AND CONDITIONS.**—The Secretary concerned shall include in each permit issued under this section such terms and conditions as the Secretary concerned determines necessary to carry out this title.

(b) **PERMIT APPLICATION REQUIREMENTS.**—To apply for an operations permit under this section, a person shall submit to the Secretary concerned an application for such permit in a manner determined satisfactory by the Secretary concerned, which shall include site characterization data, an operations plan, a reclamation plan, monitoring plans, long-term maintenance plans, to the extent necessary, and such documentation as necessary to ensure compliance with applicable Federal and State environmental laws and regulations. If the proposed mineral activities will be carried out in conjunction with mineral activities on adjacent non-Federal land, information on the location and nature of such operations may be required by the Secretary.

(c) **PERMIT ISSUANCE OR DENIAL.**—

(1) **IN GENERAL.**—After providing for public participation pursuant to subsection (i), the Secretary concerned shall issue an operations permit if the Secretary concerned makes each of the following determinations in writing, and shall deny an operations permit if the Secretary concerned finds that the application and applicant do not fully meet the following requirements:

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

(B) The applicant has demonstrated that the proposed reclamation in the operations and reclamation plans can be and is likely to be accomplished by the applicant and will not cause unnecessary or undue degradation.

(C) The condition of the land subject to the operations permit, including the fish and wildlife resources and habitat contained thereon, will be fully reclaimed after the completion of mineral activities.

(D) The area subject to the proposed plan is not listed in section 111 or otherwise ineligible for mineral activities.

(E) The proposed operation has been designed to prevent material damage to the hydrologic balance outside the land subject to the operations permit.

(F) The applicant will fully comply with the requirements of section 306 before the initiation of operations.

(G) Neither the applicant nor operator (or any subsidiary or affiliate the applicant or operator) is ineligible to receive a permit under section 305.

(H) The reclamation plan demonstrates that 10 years after the end of mineral activities under the operations permit, no treatment of surface or ground water for carcinogens or toxins will be required to meet water quality standards at the point of discharge.

(2) CONSULTATION WITH ENVIRONMENTAL PROTECTION AGENCY.—With respect to any activities specified in the reclamation plan referred to in subsection (b) that constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([42 U.S.C. 9601](#)), the Secretary concerned shall consult with the Administrator of the Environmental Protection Agency before the issuance of an operations permit, who shall ensure that the reclamation plan does not require activities that would increase the costs or likelihood of removal or remedial actions under the that Act ([42 U.S.C. 9601 et seq.](#)) or corrective actions under the Solid Waste Disposal Act ([42 U.S.C. 6901 et seq.](#)).

(d) TERM OF PERMIT; RENEWAL.—

(1) **IN GENERAL.**—An operations permit shall—

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

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

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

(B) be renewed for additional 10-year periods if—

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

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

(C) expire 5 years after the commencement of a temporary cessation unless, before the expiration of the 5 years, the operator has filed with the Secretary concerned a request for approval to resume operations.

(2) **FAILURE TO COMMENCE MINERAL ACTIVITIES.**—Failure by the operator to commence mineral activities not later than 2 years after the date scheduled in an operations permit shall require a modification of the permit if the Secretary concerned determines that modifications are necessary to comply with section 111.

(e) **PERMIT MODIFICATION.**—

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

(2) **MODIFICATION BY SECRETARY CONCERNED.**—

(A) **IN GENERAL.**—At any time, the Secretary concerned may require reasonable modification to any operations plan or reclamation plan upon a determination that the requirements of this Act cannot be met if the plan is followed as approved, which shall be based on a written finding

and subject to public notice and hearing requirements established by the Secretary concerned.

(B) **WAIVER OF PUBLIC NOTICE AND HEARING.**—The Secretary concerned may waive the public notice and hearing requirements under subparagraph (A) in the case of imminent threat to health, safety, or the environment.

(3) **UNANTICIPATED EVENTS OR CONDITIONS.**—A permit modification is required before changes are made to the approved operations plan, or if unanticipated events or conditions exist on the land subject to the permit, including in the case of—

(A) development of acid or toxic drainage;

(B) loss of springs or water supplies;

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

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

(E) significant reclamation difficulties or reclamation failure;

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

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

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

(f) **TEMPORARY CESSATION OF OPERATIONS.**—

(1) **SECRETARIAL APPROVAL REQUIRED.**—An operator conducting mineral activities under an operations permit in effect under this title may not temporarily cease mineral activities for a period of more than 180 days unless the Secretary concerned has approved such temporary cessation or unless the temporary cessation is permitted under the original operations permit.

(2) **PREVIOUSLY ISSUED OPERATIONS PERMITS.**—An operator that temporarily ceases mineral activities for a period of more than 90 days under an operations permit issued before the effective date of this Act shall submit, before the expiration of such 90-day period, a complete application for temporary cessation of operations to the Secretary concerned for approval unless the temporary cessation is permitted under the original operations permit.

(3) **REQUIRED INFORMATION.**—

(A) **IN GENERAL.**—To apply for an approval of temporary cessation of operations, an operator shall submit to the Secretary concerned such information required under subsection (b) and any other provisions prescribed by the Secretary concerned to minimize impacts on human health, the environment, or property eligible for listing on the National Register of Historic Places.

(B) **INSPECTION.**—After receipt of a complete application for temporary cessation of operations, the Secretary concerned shall conduct an inspection of the area for which temporary cessation of operations has been requested.

(4) **CONDITIONS FOR APPROVAL.**—The Secretary concerned may approve an application for temporary cessation of operations if such Secretary determines the following:

(A) The methods for securing surface facilities and restricting access to the land subject to the operations permit, or relevant portions thereof, will effectively protect against hazards to the health and safety of the public and fish and wildlife or damage to property eligible for listing on the National Register of Historic Places.

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

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



(D) Any outstanding notices of violation and cessation orders incurred in connection with the plan for which temporary cessation is being requested are either stayed pursuant to an administrative or judicial appeal proceeding or are in the process of being abated to the satisfaction of the Secretary concerned.

(g) PERMIT REVIEWS.—The Secretary concerned shall review each operations permit issued under this section every 10 years during the term of such operations permit, and before approving the resumption of operations under subsection (f), the Secretary concerned shall require the operator to take such actions as the Secretary concerned deems necessary to ensure that mineral activities conform to the operations permit, including adjustment of financial assurance requirements.

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

(1) WRITTEN APPROVAL.—No transfer, assignment, or sale of rights granted by an operations permit under this section may be made without the prior written approval of the Secretary concerned.

(2) CONDITIONS OF APPROVAL.—The Secretary concerned may allow a permit holder to transfer, assign, or sell rights under the permit to a successor, if the Secretary concerned finds, in writing, that the successor—

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

(B) has submitted evidence of financial assurance satisfactory under section 306; and

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

(3) ASSUMED LIABILITY.—The successor described in paragraph (2) shall assume the liability and reclamation responsibilities established by the existing operations permit and shall conduct the mineral activities in full compliance with this Act and the terms and conditions of the operations permit as in effect at the time of transfer, assignment, or sale.

(4) FEE.—Each application for approval of an operations permit transfer, assignment, or sale pursuant to this subsection shall be accompanied by a fee payable to the Secretary concerned in such amount as may be established by the Secretary concerned, which shall be equal to the actual or anticipated cost of reviewing and approving or disapproving such transfer, assignment, or sale, as determined by the Secretary concerned.

(i) PUBLIC PARTICIPATION.—The Secretary and the Secretary of Agriculture shall jointly issue regulations to ensure transparency and public participation in permit decisions required under this Act, consistent with any requirements that apply to such decisions under section 102 of the National Environmental Policy Act of 1969 ([42 U.S.C. 4332](#)).

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

(a) CURRENT VIOLATIONS.—Unless corrective action has been taken in accordance with subsection (c), no permit under this title may be issued, transferred, assigned, or sold to an applicant if the applicant or any agent of the applicant, the operator (if different from the applicant), any claim or lease holder (if different from the applicant) of the claim, license, or lease concerned, or any affiliate of the applicant is in violation of the following:

(1) This Act.

(2) An applicable State or Federal toxic substance, solid waste, air, water quality, or fish and wildlife conservation law or regulation at any site where mining, beneficiation, or processing activities are occurring or have occurred.

(3) The Surface Mining Control and Reclamation Act of 1977 ([30 U.S.C. 1201 et seq.](#)) at any site where surface coal mining operations are occurring or have occurred.

(b) SUSPENSION.—The Secretary concerned shall suspend a permit, in whole or in part, if the Secretary concerned determines that any of the entities described in subsection (a) were in violation of any requirement described in subsection (a) at the time such permit was issued.

(c) CORRECTION.—

(1) REINSTATEMENT.—

(A) **IN GENERAL.**—The Secretary concerned may issue or reinstate a permit under this title if the applicant submits proof that—

(i) the violation under subsection (a) or (b) has been corrected or is in the process of being corrected to the satisfaction of the Secretary concerned and the regulatory authority involved; or

(ii) the violator has filed, and is pursuing at the time of such submission, a direct administrative or judicial appeal to contest the existence of the violation.

(B) **APPEAL OF RELATIONSHIP TO AFFILIATE.**—An appeal of the relationship of an applicant to an affiliate shall not constitute a direct administrative or judicial appeal to contest the existence of the violation under subparagraph (A)(ii).

(2) **CONDITIONAL APPROVAL.**—

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

(B) **SUSPENSION; REVOCATION.**—The Secretary concerned shall suspend or revoke a permit that is conditionally issued or conditionally reinstated if the relevant violation is not successfully abated or is upheld on appeal.

(d) **PATTERN OF WILLFUL VIOLATION.**—No permit may be issued under this Act to any applicant if there is a demonstrated pattern of willful violations of the environmental protection requirements of this Act by the applicant, an affiliate of the applicant, or the operator or claim, license, or lease holder if different than the applicant.

## **SEC. 306. FINANCIAL ASSURANCE.**

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

(1) **FORM OF ASSURANCE.**—After a permit is issued under this title and before any exploration or operations begin under the relevant permit, the operator shall file with the Secretary concerned evidence of financial assurance

payable to the United States, which shall be provided in the form of a surety bond, letters of credit, certificates of deposit, or cash.

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

(b) AMOUNT.—

(1) IN GENERAL.—The amount of the financial assurance required under this section shall be sufficient to ensure the completion of reclamation satisfying the requirements of this Act if the work were to be performed by the Secretary concerned, or by a third-party contractor hired by the Secretary concerned, in the event of forfeiture, including the construction and maintenance costs for any treatment facilities necessary to meet Federal and State environmental requirements.

(2) CALCULATION.—The calculation of the amount under paragraph (1) shall take into account the maximum estimated cost of reclamation, as determined by the best available science, and administrative costs associated with a government agency reclaiming the site.

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

(d) ADJUSTMENTS.—

(1) IN GENERAL.—The Secretary concerned may adjust the amount of the financial assurance required under this section and the terms of the acceptance of the financial assurance as needed as the land subject to the relevant permit is increased or decreased, the costs of reclamation or treatment change, or pursuant to section 304(f), but the financial assurance shall otherwise be in compliance with this section.

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

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

(1) Reclamation or restoration covered by the financial assurance has been accomplished as required by this Act.

(2) The terms and conditions of any other applicable Federal requirements, and State requirements applicable pursuant to cooperative agreements under section 308, have been fulfilled.

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

(1) After the operator has completed any required backfilling, regrading, and drainage control of an area subject to mineral activities and covered by the financial assurance, and has commenced revegetation on the regraded areas subject to mineral activities in accordance with the approved reclamation plan, that portion of the total financial assurance secured for the area subject to mineral activities attributable to the completed activities may be released, except that sufficient financial assurance must be retained to address other required reclamation needs and to ensure the long-term success of the revegetation.

(2) After the operator has successfully completed all remaining mineral activities and reclamation activities and all requirements of the operations plan and the reclamation plan, and all other requirements of this Act have been fully met, the remaining portion of the financial assurance may be released.

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

(g) EFFLUENT.—

(1) **IN GENERAL.**—Notwithstanding section 307(b)(2)(D), where any discharge or other water-related condition resulting from mineral activities requires treatment in order to meet applicable effluent limitations and water quality standards, the financial assurance shall include the estimated cost of maintaining such treatment for the projected period that will be needed after the cessation of mineral activities.

(2) **RELEASE OF FINANCIAL ASSURANCE.**—The portion of the financial assurance attributable to such estimated cost of treatment shall not be released until such discharge has ceased for a period of 5 years, as determined by ongoing monitoring and testing, or, if the discharge continues, until the operator has met all applicable effluent limitations and water quality standards for 5 full years without treatment.

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

## **SEC. 307. OPERATION AND RECLAMATION.**

(a) **GENERAL RULE.**—

(1) **IN GENERAL.**—An operator shall reclaim land subject to mineral activities carried out under a permit issued under this title to a condition capable of supporting—

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

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

(2) **CONTEMPORANEOUS RECLAMATION.**—Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities, and in the case of a cessation of mineral activities beyond that

provided for as a temporary cessation under this Act, reclamation activities shall begin immediately.

(b) OPERATION AND RECLAMATION STANDARDS.—

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

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

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

(B) Maintenance of the stability of all surface areas.

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

(D) Minimization of the formation and migration of acidic, alkaline, metal-bearing, or other deleterious leachate.

(E) Reduction of the visual impact of mineral activities to the surrounding topography, including as necessary pit backfill.

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

(G) Design and maintenance of leach operations, impoundments, and excess waste according to standard engineering standards to achieve and maintain stability and reclamation of the site.

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

(I) Restoration of, or mitigation for, fish and wildlife habitat disturbed by mineral activities.

(J) Preservation of cultural, paleontological, and cave resources.

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

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

(d) **SPECIAL RULE.**—Reclamation activities for a mining claim, license, or lease that has been forfeited, relinquished, or lapsed, or a plan that has expired or been revoked or suspended, shall continue subject to review and approval by the Secretary concerned.

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

(a) **STATE LAW.**—

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

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

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

(b) **APPLICABILITY OF OTHER STATE REQUIREMENTS.**—

(1) **ENVIRONMENTAL STANDARDS.**—Nothing in this Act may be construed to affect any toxic substance, solid waste, or air or water quality standard or requirement of any State, local, or Tribal law that may be applicable to mineral activities on land subject to this Act.



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

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—A State may enter into a cooperative agreement with the Secretary concerned for the purpose of the Secretary concerned applying such standards and requirements referred to in subsections (a) and (b) to mineral activities or reclamation on land subject to this Act.

(2) COMMON REGULATORY FRAMEWORK.—

(A) IN GENERAL.—If a proposed mineral activity would affect land not subject to this Act in addition to land subject to this Act, in order to approve a plan of operations, the Secretary concerned shall enter into a cooperative agreement with the State that establishes a common regulatory framework consistent with the requirements of this Act for the purposes of such plan of operations.

(B) AUTHORITY OF FEDERAL GOVERNMENT.—Any common regulatory framework established under subparagraph (A) may not negate the authority of the Federal Government to independently inspect mines and operations and bring enforcement actions for violations.

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

(d) PRIOR AGREEMENTS.—Any cooperative agreement between the Secretary concerned and a State, or political subdivision thereof, relating to the management of mineral activities on land subject to this Act that was in existence on the effective date of this Act may only continue in force until 1 year after the effective date of this Act, during which such period the Secretary concerned and the State shall review the terms of such agreement or other understanding and make changes that are necessary to be consistent with this Act.

## **TITLE IV—ABANDONED HARDROCK MINE RECLAMATION PROGRAM**

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

(a) **IN GENERAL.**—The following amounts shall be made available to carry out, to remain available until expended without fiscal year limitation, the Abandoned Hardrock Mine Reclamation Program:

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

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

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

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

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

(b) **DONATIONS.**—

(1) **ACCEPTANCE.**—The Secretary may accept a gift of money, to remain available until expended without fiscal year limitation, to carry out the Abandoned Hardrock Mine Reclamation Program.

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

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

(a) **IMPOSITION OF FEE.**—Except as provided in subsection (g), each operator conducting mineral activities shall pay to the Secretary a displaced material reclamation fee of 7 cents per ton of displaced material.

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

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

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

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

(f) **EFFECT.**—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law or regulation of any State.

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

## **TITLE V—ADDITIONAL PROVISIONS**

### **SEC. 501. POLICY FUNCTIONS.**

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

(1) by inserting “and to ensure that mineral extraction and processing do not cause unnecessary or undue degradation of the natural and cultural resources of the public lands” after “activities”; and

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

(b) **MINERAL DATA.**—Section 5(e)(3) of the National Materials and Minerals Policy, Research and Development Act of 1980 ([30 U.S.C. 1604\(e\)\(3\)](#)) is amended

by inserting before the period the following: “, except that for National Forest System lands, the Secretary of Agriculture shall promptly initiate actions to improve the availability and analysis of mineral data in Federal land-use decisionmaking”.

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

(a) **USER FEES.**—The Secretary and the Secretary of Agriculture may each establish and collect from persons subject to the requirements of this Act such user fees as may be necessary to reimburse the United States for expenses incurred in the administration of such requirements. Fees may be assessed and collected under this section only in such manner as may reasonably be expected to result in an aggregate amount of the fees collected during any fiscal year which does not exceed the aggregate amount of administrative expenses referred to in this section.

(b) **ADJUSTMENT OF USER FEES.**—

(1) **INFLATION.**—The Secretary shall adjust the user fees established by this section, and all claim maintenance fees, rental rates, penalty amounts, and other dollar amounts established in this Act, to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 3 years after the effective date of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

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

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

#### **SEC. 503. INSPECTION AND MONITORING.**

(a) **INSPECTIONS.**—

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

(2) **FREQUENCY.**—

(A) IN GENERAL.—The Secretary concerned shall establish a frequency of inspections for mineral activities conducted under a permit issued under title III, but in no event shall such inspection frequency be less than 1 complete inspection per calendar quarter or, in the case of a permit for which the Secretary concerned approves an application under section 304(f), 2 per calendar quarter.

(B) FREQUENCY AFTER REVEGETATION.—After revegetation has been completed in accordance with a reclamation plan, the Secretary concerned shall conduct 2 complete inspections annually.

(C) SEASONAL MINERAL ACTIVITIES.—The Secretary concerned may modify the inspection frequency for mineral activities that are conducted on a seasonal basis.

(D) TERMINATION.—Inspections shall continue under this subsection until final release of financial assurance.

(3) BY REQUEST.—

(A) IN GENERAL.—Any person that has reason to believe such person is or may be adversely affected by mineral activities due to any violation of the requirements of a permit approved under this Act may request an inspection under this section of such mineral activities.

(B) REVIEW PERIOD.—Not later than 30 business days after the date the Secretary concerned receives a request under subparagraph (A), the Secretary concerned shall determine whether the request states a reason to believe that a violation exists.

(C) IMMINENT THREAT.—If, in a request submitted under subparagraph (A), a person alleges and provides reason to believe that an imminent threat to the environment or danger to the health or safety of the public exists, subparagraph (B) shall not apply and the inspection shall be conducted immediately.

(D) NOTIFICATION.—The Secretary concerned shall notify the person that submitted a request under subparagraph (A) when an inspection is conducted pursuant to such request, and such person may accompany the Secretary concerned during the inspection.

(E) LIABILITY.—The Secretary concerned shall not incur any liability for granting a request to allow any person to accompany such Secretary concerned under subparagraph (D).

(F) ANONYMITY.—If a person that submits a request under subparagraph (A) or (C) requests that the identity of such person remain confidential, the Secretary concerned shall keep such information confidential unless such person accompanies the Secretary concerned during the inspection under subparagraph (D).

(G) PROCEDURES.—The Secretary and the Secretary of Agriculture shall jointly issue regulations to establish procedures for the review of—

(i) any decision by an authorized representative of such Secretaries not to carry out an inspection under this paragraph; or

(ii) any refusal by such authorized representative to ensure that remedial actions are taken with respect to any alleged violation.

(H) WRITTEN STATEMENT.—The Secretary concerned shall give a person that submits a request under subparagraph (A) a written statement of the reasons for the final disposition of the request.

(b) MONITORING.—

(1) MONITORING SYSTEM.—

(A) IN GENERAL.—The Secretary concerned shall require all operators to develop and maintain a monitoring and evaluation system that shall identify compliance with all requirements of a permit issued under this Act.

(B) ADDITIONAL MONITORING.—The Secretary concerned may require an operator to conduct additional monitoring as necessary to ensure compliance with the reclamation and other environmental standards of this Act. Such monitoring and evaluation system described in subparagraph (A) and any additional monitoring required by this subparagraph is subject to the approval of the Secretary.

(2) REPORTING REQUIREMENTS.—

(A) **IN GENERAL.**—An operator shall file reports with the Secretary concerned, on a frequency and containing such information as determined by the Secretary concerned, regarding the results of the monitoring and evaluation system, except that if the monitoring and evaluation system shows a violation of the requirements of a permit issued under this Act, the operator shall immediately report such violation to the Secretary concerned.

(B) **ENFORCEMENT.**—The Secretary concerned shall evaluate the reports submitted pursuant to this paragraph, and, based on such reports and any necessary inspection, shall take enforcement action pursuant to section 506.

(C) **MAINTENANCE OF REPORTS; AVAILABILITY TO PUBLIC.**—The Secretary concerned and each operator shall both maintain each report submitted by such operator under this paragraph and make each such report available to the public.

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

#### **SEC. 504. CITIZENS SUITS.**

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

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

(2) against the Secretary concerned if the Secretary concerned failed to perform any act or duty under this Act, or to issue any regulation under this Act, required by this Act.

(b) **DISTRICT COURT JURISDICTION.**—

(1) **IN GENERAL.**—The United States district courts shall have jurisdiction over an action brought under this section, without regard to the amount in controversy or the citizenship of the parties, including actions brought to apply any civil penalty under this Act.

(2) AGENCY ACTION UNREASONABLY DELAYED.—The United States district courts shall have jurisdiction to compel agency action unreasonably delayed, except that an action to compel agency action reviewable under section 505 may only be filed in a United States district court within the circuit in which such action would be reviewable under section 505.

(c) EXCEPTIONS.—

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

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

(3) EXCEPTION.—No action may be commenced under subsection (a)(2) against the Secretary concerned to review any regulation issued, or any permit issued or denied, by the Secretary concerned if such regulation or permit issuance or denial is judicially reviewable under section 505 or under any other provision of law at any time after such issuance or denial is final.

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

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

(f) SAVINGS CLAUSE.—



(1) **IN GENERAL.**—Nothing in this section shall restrict any right which any person (or class of persons) may have under [chapter 7](#) of title 5, United States Code, under this section, or under any other statute or common law to bring an action to seek any relief against the Secretary or the Secretary of Agriculture or against any other person, including any action for any violation of this Act or of any regulation or permit issued under this Act or for any failure to act as required by law.

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

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

(a) **REVIEW BY SECRETARY CONCERNED.**—

(1) **NOTICE OF VIOLATION.**—Any person issued a notice of violation or cessation order under section 507, or any person having an interest which is or may be adversely affected by such notice or order, may apply to the Secretary concerned for review of such notice or order not later than 30 days after receipt thereof, or as the case may be, not later than 30 days after such notice or order is modified, vacated, or terminated.

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

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

(4) **STAYS PENDING REVIEW.**—Pending a review by the Secretary concerned or resolution of an administrative appeal, final decisions (except enforcement actions under section 507) shall be stayed.

(5) **PUBLIC HEARING.**—The Secretary concerned shall provide an opportunity for public hearing at the request of any party to a review under paragraph (1). The filing of an application for review under this subsection shall not operate as a stay of any order or notice issued under section 507.

(6) WRITTEN DECISION.—

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

(B) DEADLINE.—Where an application for review under this subsection concerns a cessation order issued under section 506, the Secretary concerned shall, unless temporary relief has been granted by the Secretary concerned under paragraph (7), issue the written decision not later than the later of—

(i) 30 days after the date of the receipt of the application for review; and

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

(7) TEMPORARY RELIEF.—

(A) IN GENERAL.—Pending completion of any review under this subsection, the person that submitted an application for review under paragraph (1) may file with the Secretary concerned a written request that the Secretary concerned grant temporary relief from any order issued under section 507 including a detailed statement of the basis for such relief.

(B) DECISION.—The Secretary concerned shall expeditiously issue an order or decision granting or denying an application for temporary relief submitted under subparagraph (A).

(C) LIMITATION.—The Secretary concerned may grant temporary relief under subparagraph (B) under such conditions as they may prescribe only if the Secretary concerned determines that such relief will not adversely affect the health or safety of the public or cause imminent environmental harm to land, air, or water resources.

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

(b) JUDICIAL REVIEW.—

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

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

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

(4) SAVINGS CLAUSE.—The availability of judicial review established in this subsection shall not be construed to limit the operations of rights under section 504.

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

(6) COMMENCEMENT OF A PROCEEDING NOT A STAY.—The commencement of a proceeding under this section shall not, unless specifically

ordered by the court, operate as a stay of the action, order, or decision of the Secretary concerned.

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

#### **SEC. 506. REPORTING REQUIREMENTS.**

(a) REPORT TO SECRETARY CONCERNED.—An operator engaging in any mineral activities on Federal land or on Indian land shall submit to the Secretary concerned an annual report, in a time and manner prescribed by the Secretary concerned, describing the total amount (in metric tons) and value of hardrock minerals produced through such mineral activities, including the total amount and value of any hardrock minerals produced from a mine partially located on either Federal land or Indian land, disaggregated by hardrock mineral and by percentage extracted from Federal land and percentage extracted from Indian land.

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

(c) REPORT TO CONGRESS.—The Secretary shall annually submit to Congress a report providing the following information for each hardrock mine located on Federal land or on Indian land:

- (1) The data submitted for such mine under subsection (a).
- (2) The name of the operator of such mine.
- (3) The State in which such mine is located.

(4) The Bureau of Land Management field office with jurisdiction over such mine.

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

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

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

#### **SEC. 507. ENFORCEMENT.**

(a) ORDERS.—

(1) NOTICE OF VIOLATION.—

(A) IN GENERAL.—If the Secretary concerned determines that any person is in violation of any environmental protection requirement or any regulation issued by the Secretary concerned to implement this Act, such the Secretary concerned shall issue to such person a notice of violation describing the violation and the corrective measures to be taken.

(B) TIME TO ABATE.—A person issued a notice of violation under subparagraph (A) shall abate such violation within a time period determined by the Secretary concerned which shall not exceed 30 days.

(C) EXTENSION OF TIME TO ABATE.—The Secretary concerned may, upon a showing of good cause by the person issued a notice of violation under subparagraph (A), extend the period of time under subparagraph (B).

(D) CONTINUED VIOLATION.—If, upon the expiration of the time period under subparagraph (B), including any extension under subparagraph (C), the Secretary concerned finds that the person issued a notice of violation under subparagraph (A) has not abated such violation, the Secretary concerned shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

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

such condition, practice, or violation is causing, or can reasonably be expected to cause either of the following, the Secretary concerned shall immediately order a cessation of all mineral activities or the portion thereof relevant to the condition, practice, or violation:

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

(B) Significant, imminent environmental harm to land, air, water, or fish or wildlife resources.

(3) DURATION.—

(A) TERMINATION.—A cessation order issued pursuant to paragraph (1) or (2) shall remain in effect until the Secretary concerned determines that the condition, practice, or violation has been abated or until such order is modified, vacated, or terminated by the Secretary concerned. In any such order, the Secretary concerned shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in such order.

(B) FINANCIAL ASSURANCES.—The Secretary concerned shall require appropriate financial assurances to ensure that the abatement obligations are met when issuing a cessation order under this section.

(C) AUTHORITY OF THE SECRETARY CONCERNED.—Any notice or order issued pursuant to paragraph (1) or (2) may be modified, vacated, or terminated by the Secretary concerned. Any person to whom any such notice or order is issued shall be entitled to a hearing on the record.

(4) ALTERNATIVE ENFORCEMENT ACTION.—

(A) IN GENERAL.—If, 30 days after the notice of violation referred to in paragraph (1)(A) is issued, the required abatement has not occurred, the Secretary concerned shall take such alternative enforcement action against the claim holder, license holder, lease holder, or operator (or any person who controls the claim holder, license holder, lease holder, or operator) as will most likely bring about such required abatement in the most expeditious manner possible, which may include seeking appropriate injunctive relief to bring about abatement.

(B) EARLIER ALTERNATIVE ENFORCEMENT ACTION.— Nothing in this paragraph shall preclude the Secretary concerned from taking alternative enforcement action before the expiration of the 30-day period described in subparagraph (A).

(5) FAILURE OR DEFAULT.—

(A) IN GENERAL.—If a claim holder, license holder, lease holder, or operator (or any person who controls the claim holder, license holder, lease holder, or operator) fails to abate a violation or defaults on the terms of a permit issued under this Act, the Secretary concerned shall forfeit the financial assurance required under section 306 as necessary to ensure abatement and reclamation under this Act.

(B) RECLAMATION BY SURETY.—The Secretary concerned may prescribe conditions under which a surety may perform reclamation in accordance with section 307 in lieu of forfeiture under subparagraph (A).

(6) PENDING REVIEW.—The Secretary concerned shall not cause forfeiture of financial assurance while administrative or judicial review is pending.

(7) LIABILITY IN THE EVENT OF FORFEITURE.—In the event of forfeiture, the claim holder, license holder, lease holder, operator, or any affiliate thereof, as determined appropriate by the Secretary by regulation, shall be jointly and severally liable for any remaining reclamation obligations under this Act.

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

(1) violates, fails, or refuses to comply with any order issued by the Secretary concerned under subsection (a); or

(2) interferes with, hinders, or delays the Secretary concerned in carrying out an inspection under section 503.

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

(c) DELEGATION.—Notwithstanding any other provision of law, the Secretary may utilize personnel of the Office of Surface Mining Reclamation and Enforcement to ensure compliance with the requirements of this Act.

(d) PENALTIES.—

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

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

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

(2) FAILURE TO COMPLY WITH A CESSATION ORDER.—A person who fails to correct a violation for which a cessation order has been issued under subsection (a) within the period permitted for correction of such violation shall be assessed a civil penalty of not less than \$1,000 per violation for each day during which such failure continues.

(3) PENALTIES FOR DIRECTORS, OFFICERS, AND AGENTS.—Whenever a corporation is in violation of a requirement of a permit issued under this Act or any regulation issued to implement this Act or fails or refuses to comply with an order issued under subsection (a), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same penalties as may be imposed upon a person described in paragraph (1).

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



(1) knowingly made or knowingly makes any false, inaccurate, or misleading material statement in any mining claim, notice of location, application, record, report, plan, or other document filed or required to be maintained under this Act;

(2) fails to abate a violation covered by a cessation order issued under subsection (a);

(3) fails to comply with an order of the Secretary concerned;

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

(5) fails to maintain an adequate financial assurance under section 306;

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

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

(A) fails to abate a violation to the satisfaction of the Secretary concerned; or

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

(f) FALSE STATEMENTS; TAMPERING.—

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

(A) Make a false material statement, representation, or certification in, or omit or conceal material information from, or unlawfully alter, any mining claim, notice of location, application, record, report, plan, or other documents filed or required to be maintained under this Act.

(B) Falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained under this Act.

(2) SEPARATE VIOLATIONS.—Each day of continuing violation may be deemed a separate violation for purposes of penalty assessment under paragraph (1).

(g) MINERAL ACTIVITIES WITHOUT A PERMIT.—

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

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

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

(2) SEPARATE VIOLATIONS.—Each day of continuing violation shall be deemed a separate violation for purposes of penalty assessment under paragraph (1).

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

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

#### **SEC. 508. REGULATIONS.**

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

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

#### **SEC. 509. OIL SHALE CLAIMS.**

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

(1) by striking “as prescribed by the Secretary”; and

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

#### **SEC. 510. SAVINGS CLAUSE.**

(a) **SPECIAL APPLICATION OF MINING LAWS.**—Nothing in this Act shall be construed to—

(1) repeal or modify any Federal law, regulation, order, or land use plan in effect before the effective date of this Act that prohibits or restricts the application of the general mining laws, including laws that provide for special management criteria for operations under the general mining laws as in effect before the effective date of this Act, to the extent such laws provide for protection of natural and cultural resources and the environment greater than required under this Act;

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

(3) affect or limit any assessment, investigation, evaluation, or listing pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([42 U.S.C. 9601 et seq.](#)) or the Solid Waste Disposal Act ([42 U.S.C. 3251 et seq.](#)).

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

(c) **EFFECT ON OTHER FEDERAL LAWS.**—

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

(2) **OTHER LAWS.**—Except for the general mining laws, nothing in this Act shall be construed to supersede, modify, amend, or repeal any provision of

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

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

(A) the Federal Water Pollution Control Act ([33 U.S.C. 1251 et seq.](#));

(B) the National Environmental Policy Act of 1969 ([42 U.S.C. 4321 et seq.](#));

(C) title XIV of the Public Health Service Act (the Safe Drinking Water Act) ([42 U.S.C. 300f et seq.](#));

(D) the Clean Air Act ([42 U.S.C. 7401 et seq.](#));

(E) the Pollution Prevention Act of 1990 ([42 U.S.C. 13101 et seq.](#));

(F) the Toxic Substances Control Act ([15 U.S.C. 2601 et seq.](#));

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

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

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

(J) the Federal Hazardous Substances Act ([15 U.S.C. 1261 et seq.](#));

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

(L) the Atomic Energy Act of 1954 ([42 U.S.C. 2011 et seq.](#));

(M) the Noise Control Act of 1972 ([42 U.S.C. 4901 et seq.](#));

(N) the Solid Waste Disposal Act ([42 U.S.C. 6901 et seq.](#));

(O) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([42 U.S.C. 9601 et seq.](#));

(P) the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499; 100 Stat. 1613);

(Q) the Ocean Dumping Act ([33 U.S.C. 1401 et seq.](#));

(R) the Environmental Research, Development, and Demonstration Authorization Act of 1978 ([42 U.S.C. 4365](#));

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

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

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

(4) FEDERAL INDIAN LAW.—Nothing in this Act shall be construed to modify or affect any provision of—

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

(B) the American Indian Religious Freedom Act ([42 U.S.C. 1996](#));

(C) the National Historic Preservation Act ([16 U.S.C. 470 et seq.](#));

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

(E) the Archaeological Resources Protection Act of 1979 ([16 U.S.C. 470aa et seq.](#)).

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

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

Copies of records, reports, inspection materials, or information obtained by the Secretary or the Secretary of Agriculture under this Act shall be made immediately

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

## **SEC. 512. MISCELLANEOUS POWERS.**

(a) **IN GENERAL.**—The Secretary concerned, in carrying out the duties of the Secretary concerned under this Act, may conduct any investigation, inspection, or other inquiry and may conduct, after notice, any hearing or audit, that is necessary and appropriate to carry out such duties.

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

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

(2) Administer oaths.

(3) Require by subpoena the attendance and testimony of witnesses and the production of all books, papers, records, documents, matter, and materials as the Secretary concerned may request.

(4) Order testimony to be taken by deposition before any person that is designated by the Secretary concerned and that has the power to administer oaths, and compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection.

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

(c) **ENFORCEMENT.**—

(1) **IN GENERAL.**—In cases of refusal to obey a subpoena served upon any person under this section, the United States district courts for any district in which such person is found, resides, or transacts business, upon application

by the Attorney General at the request of the Secretary concerned and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Secretary concerned.

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

(d) ENTRY AND ACCESS.—Without advance notice and upon presentation of appropriate credentials, the Secretary concerned—

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

(2) may, at reasonable times and without delay, have access to records, inspect any monitoring equipment, and review any method of operation required under this Act;

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

(4) may, on any mining claim, license, or lease maintained in compliance with this Act, stop and inspect any motorized form of transportation that the Secretary concerned has probable cause to believe is carrying hardrock minerals, concentrates, or products derived therefrom from a claim site for the purpose of determining whether the operator of such vehicle has documentation related to such hardrock minerals, concentrates, or products derived therefrom as required by law, if such documentation is required under this Act; and

(5) may, if accompanied by a appropriate law enforcement officer, or an appropriate law enforcement officer alone, stop and inspect any motorized form of transportation which is not on a claim site if the Secretary concerned or the appropriate law enforcement officer has probable cause to believe such vehicle is carrying hardrock minerals, concentrates, or products derived therefrom from a claim site, license, or lease on Federal land or allocated to such claim site, license, or lease for the purpose of determining whether the operator of such vehicle has the documentation required by law, if such documentation is required under this Act.

**SEC. 513. MINERAL MATERIALS.**

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

- (1) by striking “No” and inserting “(a) No”;
- (2) by inserting “mineral materials, including” after “varieties of”;
- (3) by striking “or cinders” and inserting “cinders, and clay,”; and
- (4) by adding at the end the following:

“(b) (1) Subject to valid existing rights, after the date of the enactment of the Clean Energy Minerals Reform Act of 2023, notwithstanding the reference to common varieties in subsection (a) and to the exception to such term relating to a deposit of materials with some property giving it distinct and special value, all deposits of mineral materials referred to in such subsection, including the block pumice referred to in such subsection, shall be subject to disposal only under the terms and conditions of the Materials Act of 1947 ([30 U.S.C. 601–603](#)).

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

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

“(B) was properly located and maintained under the general mining laws before the date of the enactment of the Clean Energy Minerals Reform Act of 2023; and

“(C) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws as in effect immediately before the date of the enactment of the Clean Energy Minerals Reform Act of 2023.”.

(b) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955, commonly known as the Surface Resources Act of 1955 ([30 U.S.C. 612](#)), is amended—



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

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

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

(d) SHORT TITLES.—

(1) SURFACE RESOURCES.—The Act of July 23, 1955, is amended by adding at the end the following:

“SEC. 8. This Act may be cited as the ‘Surface Resources Act of 1955’.”.

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

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

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

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

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

#### **SEC. 514. EFFECTIVE DATE.**

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