

114TH CONGRESS
1ST SESSION

H. R. 3843

To authorize for a 7-year period the collection of claim location and maintenance fees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2015

Mr. LAMBORN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize for a 7-year period the collection of claim location and maintenance fees, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Locatable Minerals
5 Claim Location and Maintenance Fees Act of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is the following:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—MINING CLAIM LOCATION AND MAINTENANCE FEES

- Sec. 101. Definitions.
- Sec. 102. Claim location and maintenance fees.
- Sec. 103. Mining claim validity exams and mineral reports for areas segregated or withdrawn from mineral entry.
- Sec. 104. Authorization of appropriations.
- Sec. 105. Mineral potential reports and mining claim validity exams.
- Sec. 106. United States mineral deposit database.

TITLE II—DEPARTMENT OF THE INTERIOR INACTIVE AND ABANDONED NONCOAL MINE LANDS PROGRAM

- Sec. 201. Definitions.
- Sec. 202. Establishment of inactive and abandoned noncoal mine lands program.
- Sec. 203. Inactive and abandoned mine land program partners.
- Sec. 204. Priority sites for Good Samaritan projects on Federal lands.
- Sec. 205. Authorization of appropriations.

TITLE III—GOOD SAMARITAN REMEDIATION OF ABANDONED MINE LANDS

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Permits for remediation of inactive or abandoned mine lands by Good Samaritans.
- Sec. 304. State or tribal programs.
- Sec. 305. Enforcement.
- Sec. 306. Grants eligibility.
- Sec. 307. Construction of the National Environmental Policy Act of 1969.
- Sec. 308. Use of projects to meet offsite mitigation requirements.
- Sec. 309. State and tribal reclamation plans under the Surface Mining Control and Reclamation Act of 1977.
- Sec. 310. Savings provisions.
- Sec. 311. Sunset.

1 **TITLE I—MINING CLAIM LOCA-**
 2 **TION AND MAINTENANCE**
 3 **FEES**

4 **SEC. 101. DEFINITIONS.**

5 In this title:

- 6 (1) CLAIM.—The term “claim” means an
 7 unpatented lode mining claim, placer claim, mill site,
 8 or tunnel site located under the general mining laws.

1 (2) CLAIM HOLDER AND CLAIMANT.—The
2 terms “claim holder” and “claimant” mean the
3 owner or holder of a claim.

4 (3) CERTIFIED MINERAL EXAMINER.—The term
5 “Certified Mineral Examiner” means an employee of
6 the Federal Government who—

7 (A) possesses sufficient college education
8 to qualify as a geologist, mining engineer, or
9 metallurgical engineer; and

10 (B) has completed training specified by the
11 Chief Mineral Examiner of the Bureau of Land
12 Management, Department of the Interior.

13 (4) CERTIFIED REVIEW MINERAL EXAMINER.—
14 The term “Certified Review Mineral Examiner”
15 means a Certified Mineral Examiner who is deter-
16 mined by the Bureau of Land Management Mineral
17 Examiner Certification Panel to possess an addi-
18 tional breadth of training and experience that is suf-
19 ficient to review mineral potential reports and min-
20 ing claim validity exam reports.

21 (5) FEDERAL LANDS.—The term “Federal
22 lands” means lands and interests in lands owned by
23 the United States that are open to mineral entry
24 and location, or that were open to mineral entry and
25 location at the time of entry or location.

1 (6) GENERAL MINING LAWS.—The term “gen-
2 eral mining laws” means those Acts that generally
3 comprise chapters 2, 11, 12, 12A, 15, and 16, and
4 sections 161 and 162, of title 30, United States
5 Code, all Acts that are amendatory of or supple-
6 mentary to any of the foregoing Acts, and the judi-
7 cial and administrative decisions interpreting such
8 Acts.

9 (7) LOCATABLE MINERALS.—The term
10 “locatable minerals” means those minerals held by
11 the United States and not subject to disposition
12 under—

13 (A) the Mineral Leasing Act (30 U.S.C.
14 181 et seq.);

15 (B) the Geothermal Steam Act of 1970
16 (30 U.S.C. 1001 et seq.);

17 (C) the Materials Act of 1947 (30 U.S.C.
18 601 et seq.); or

19 (D) the Mineral Leasing Act for Acquired
20 Lands (30 U.S.C. 351 et seq.).

21 (8) MINERAL ACTIVITIES.—The term “mineral
22 activities” means any activity on Federal lands
23 under a claim with or without a discovery, or off of
24 claims, for mineral prospecting, exploration, develop-
25 ment, mining, extraction, milling, beneficiation, proc-

1 essing, storage of mined or processed materials, or
2 reclamation activities for any locatable mineral and
3 uses that are reasonably incident thereto, including
4 the construction and use of roads, transmission
5 lines, water wells, pipelines, utility corridors, and
6 other means of access across Federal lands for ancil-
7 lary facilities used in conjunction with such activity.

8 (9) MINERAL POTENTIAL REPORT.—The term
9 “mineral potential report” means a report described
10 in section 204(c)(2)(12) of the Federal Land Policy
11 and Management Act of 1976 (43 U.S.C.
12 1714(c)(2)(12)).

13 (10) MINING CLAIM VALIDITY EXAM.—The
14 term “mining claim validity exam” means an exam-
15 ination of a mining claim to determine if it estab-
16 lishes a valid existing right in a valuable mineral de-
17 posit (as that term is used in section 2319 of the
18 Revised Statutes (30 U.S.C. 22)).

19 (11) PERSON.—The term “person” means an
20 individual, partnership, association, society, joint
21 venture, joint stock company, firm, company, limited
22 liability company, corporation, cooperative, or other
23 organization, and any instrumentality of State or
24 local government, including any publicly owned util-

1 ity or publicly owned corporation of State or local
2 government.

3 (12) SECRETARY.—The term “Secretary”
4 means the Secretary of the Interior, unless otherwise
5 specified.

6 (13) UNITED STATES MINERAL DEPOSIT DATA-
7 BASE PROJECT.—The term “United States Mineral
8 Deposit Database Project” means the interactive
9 database of mines and mineral deposits in the
10 United States administered by the United States Ge-
11 ological Survey Mineral Resources Program.

12 **SEC. 102. CLAIM LOCATION AND MAINTENANCE FEES.**

13 (a) LOCATION FEE.—For each claim located after
14 the date of enactment of this Act, a claimant shall pay
15 the Secretary a location fee of \$37 not later than 90 days
16 after the date of location, at the time the location notice
17 is recorded with the Bureau of Land Management.

18 (b) ANNUAL CLAIM MAINTENANCE FEE.—Com-
19 mencing the first calendar year after the date of enact-
20 ment of this Act, a claimant shall pay the Secretary on
21 or before September 1 of each year, a claim maintenance
22 fee of \$155 per 20.66-acre claim or fraction thereof to
23 maintain the claim for the following assessment year be-
24 ginning at noon on September 1. Payment of such claim
25 maintenance fee shall be in lieu of the assessment work

1 requirement contained in the general mining laws and the
2 related filing requirements contained in subsections (a)
3 and (c) of section 314 of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1744).

5 (c) WAIVER FOR HOLDERS OF 10 OR FEWER
6 CLAIMS.—

7 (1) IN GENERAL.—The claim maintenance fee
8 required under this section shall be waived for a
9 claimant who certifies in writing to the Secretary
10 that on the date the payment was due—

11 (A) the claimant was—

12 (i) the holder of not more than 10
13 lode claims on Federal lands; or

14 (ii) an association that held less than
15 or equal to 320 acres; and

16 (B) the claimant has performed assess-
17 ment work sufficient to maintain the claims
18 held by the claimant for the assessment year
19 ending on noon of September 1 of the calendar
20 year in which the claim maintenance fee pay-
21 ment was due.

22 (2) HOLDER.—As used in paragraph (1), the
23 term “holder” includes—

24 (A) the claimant;

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

4 (C) a person affiliated with the claimant,
5 including—

6 (i) a person controlled by, controlling,
7 or under common control with the claim-
8 ant; and

9 (ii) a subsidiary or parent company or
10 corporation of the claimant.

11 (3) CERTIFICATION PROCESSING FEE.—The
12 Secretary shall charge a certification processing fee
13 of \$30 for the filing of a certification under this sub-
14 section.

15 (d) SUSPENSION OF CLAIM MAINTENANCE AND
16 WAIVER OF COST RECOVERY FEES.—

17 (1) CLAIM MAINTENANCE FEE.—The claim
18 maintenance fees required under this section shall be
19 suspended for any claims of a claimant for an area
20 that was open to mineral entry and location at the
21 time of entry or location that has subsequently been
22 segregated or withdrawn from mineral entry and lo-
23 cation by order of the Secretary or a law enacted
24 after the date of the enactment of this Act until
25 such time as the area is reopened to mineral entry,

1 or the claimant has submitted a notice or permit to
2 explore or develop their claims or is actively mining.

3 (2) COST RECOVERY FEES.—The fees required
4 by part 3000 of title 43, Code of Federal Regula-
5 tions, as in effect on the date of enactment of this
6 Act, and any substantially similar fee charged for a
7 mining claim validity exam, shall be waived for any
8 claimant with claims in an area that was open to
9 mineral entry and location at the time of claim loca-
10 tion that has subsequently been segregated or with-
11 drawn from mineral entry and location by order of
12 the Secretary or a law enacted after the date of the
13 enactment of this Act.

14 (e) EFFECTS OF PAYMENT.—

15 (1) IN GENERAL.—Timely payment of the loca-
16 tion and claim maintenance fees under this section
17 secures the rights of the holder of a mining claim
18 against the Federal Government both prior to and
19 after discovery of valuable mineral deposits, to use
20 and occupy Federal lands under the provisions of
21 the general mining laws for all mineral activities.
22 This section shall not be construed to amend section
23 910 of the Revised Statutes (30 U.S.C. 53) or in
24 any way affect the law of possession or the doctrine
25 of pedis possessio.

1 (2) WAIVER OF CLAIM MAINTENANCE FEE.—In
2 the case of a claim holder who qualifies for a waiver
3 of payment of the claim maintenance fee under sub-
4 section (c), timely payment of the location fee and
5 compliance with the assessment work required under
6 the general mining laws (30 U.S.C. 28–28e) secures
7 the rights of the holder of a claim, both prior to and
8 after discovery of valuable mineral deposits, to use
9 and occupy Federal lands under the provisions of
10 the general mining laws for all mineral activities.

11 (f) FORFEITURE OF UNPATENTED CLAIM FOR FAIL-
12 URE TO PAY MAINTENANCE FEE.—

13 (1) FAILURE TO PAY.—Failure to pay a claim
14 maintenance fee or a location fee under this section
15 for an unpatented mining claim shall subject the
16 claim to forfeiture by the claim holder as provided
17 in this subsection.

18 (2) NOTICE.—The Secretary of the Interior
19 shall provide the claim holder—

20 (A) notice of the failure; and

21 (B) the opportunity to correct the failure
22 within 45 days after the claim holder’s receipt
23 of the notice.

24 (3) AMOUNT.—To correct the failure the claim
25 holder must, within such 45-day period, pay twice

1 the amount of claim maintenance fee that would oth-
2 erwise have been required to be timely paid. The
3 Secretary shall specify the amount that must be paid
4 in the notice under paragraph (2).

5 (4) FORFEITURE.—Failure by the claim holder
6 to make a timely and proper payment in the amount
7 specified in the notice, within 45 days after the
8 claim holder’s receipt of the notice, shall constitute
9 a forfeiture of the mining claim by the claim holder
10 by operation of law.

11 (g) EFFECTIVE PERIOD OF FEES.—The fees imposed
12 under this section shall apply during the period beginning
13 September 1, 2016, and ending August 31, 2022.

14 **SEC. 103. MINING CLAIM VALIDITY EXAMS AND MINERAL**
15 **REPORTS FOR AREAS SEGREGATED OR WITH-**
16 **DRAWN FROM MINERAL ENTRY.**

17 All mining claim validity exams shall be completed
18 by Certified Mineral Examiners and reviewed by Certified
19 Review Mineral Examiners.

20 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Sec-
22 retary of the Interior to carry out mining law administra-
23 tion program operations \$40,000,000 for each of fiscal
24 years 2016 through 2026.

1 **SEC. 105. MINERAL POTENTIAL REPORTS AND MINING**
2 **CLAIM VALIDITY EXAMS.**

3 Mineral potential reports for areas withdrawn from
4 mineral entry, and any mining claim validity exam on
5 claims located within those areas, must be completed or
6 prepared by a Certified Mineral Examiner and reviewed
7 by Certified Review Mineral Examiner.

8 **SEC. 106. UNITED STATES MINERAL DEPOSIT DATABASE.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date of the enactment of this Act, the Director of the
11 United States Geological Survey shall enter into separate
12 memorandum of understanding to share data for the pur-
13 pose of expanding and maintaining the United States Min-
14 eral Deposit Database, with each of—

15 (1) the Director of the Bureau of Land Man-
16 agement;

17 (2) the Director of the Office of Surface Mining
18 Reclamation and Enforcement; and

19 (3) the Chief Forester of the Forest Service.

20 (b) FUNDING.—From amounts available for each of
21 fiscal years 2016 through 2022 for operations to admin-
22 ister the mining laws, the Secretary may use not more
23 than \$1,000,000 to support the United States Mineral De-
24 posit Database of which not more than 5 percent may be
25 used for overhead expenses.

1 **TITLE II—DEPARTMENT OF THE**
2 **INTERIOR INACTIVE AND**
3 **ABANDONED NONCOAL MINE**
4 **LANDS PROGRAM**

5 **SEC. 201. DEFINITIONS.**

6 In this title:

7 (1) ENVIRONMENTAL HAZARD.—The term “en-
8 vironmental hazard” means degradation of air, soil,
9 or water resources resulting from the effects of past
10 mining practices.

11 (2) HISTORIC MINE RESIDUE.—The term “his-
12 toric mine residue” means mine residue, or condi-
13 tions related to an inactive or abandoned mine site
14 that pollute the environment, resulting from prior
15 mining activities, including—

16 (A) tailings or mine waste piles;

17 (B) abandoned equipment (or materials in
18 such equipment); and

19 (C) acidic or otherwise polluted flows in
20 surface or ground water.

21 (3) INACTIVE AND ABANDONED NONCOAL MINE
22 LANDS.—The term “inactive and abandoned noncoal
23 mine lands” means any location of a noncoal mine,
24 including mill sites and processing sites, that was in-

1 active or abandoned before January 1, 1981, and
2 that—

3 (A) contains historic mine residue;

4 (B) is not owned by any person who
5 caused or contributed to the historic mine res-
6 idue;

7 (C) was used for the production of a
8 noncoal mineral; and

9 (D) is no longer in operation and is not
10 subject to a temporary shutdown, as determined
11 by the Secretary.

12 (4) PHYSICAL SAFETY HAZARD.—The term
13 “physical safety hazard” means any dangerous con-
14 dition or effect resulting from past mining practices,
15 that poses a risk of death or serious injury to the
16 public, livestock, or wildlife.

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (6) WATER RESOURCES.—The term “water re-
20 sources” means any watershed, ground water, water
21 course, or lake.

22 **SEC. 202. ESTABLISHMENT OF INACTIVE AND ABANDONED**
23 **NONCOAL MINE LANDS PROGRAM.**

24 (a) ESTABLISHMENT.—There is established in the
25 Department of the Interior a program to be known as the

1 Abandoned Noncoal Mine Lands Program (referred to in
2 this section as the “Program”). The Program shall be ad-
3 ministered by the Secretary of the Interior acting through
4 the Director of the Bureau of Land Management.

5 (b) DESCRIPTION OF PROGRAM.—Under the Pro-
6 gram, the Secretary shall—

7 (1) identify, secure, and remediate physical
8 safety hazards and environmental hazards associated
9 with inactive and abandoned noncoal mine lands
10 that are located on, or affecting, Federal public
11 lands, including such hazards on other lands that
12 are adjacent to such Federal lands;

13 (2) maintain an inventory of the sites of such
14 inactive and abandoned noncoal mines, affected Fed-
15 eral public lands, and other lands that are adjacent
16 to such Federal public lands, including such sites
17 that have been remediated in whole or in part, and
18 associated water resources; and

19 (3) identify the persons, if any, who are respon-
20 sible for paying the costs to remediate such hazards.

21 (c) PRIORITIES.—In securing and remediating haz-
22 ards under this title, the Secretary shall give priority (in
23 the following order of priority) to—

1 (1) the protection of public health, safety, and
2 general welfare from the adverse effects of inactive
3 and abandoned noncoal mine lands; and

4 (2) the reclamation of land and water resources
5 degraded by the adverse effects of such mines lands.

6 **SEC. 203. INACTIVE AND ABANDONED MINE LAND PRO-**
7 **GRAM PARTNERS.**

8 The Secretary, where appropriate, shall seek out Fed-
9 eral agencies or departments, State agencies, Indian
10 tribes, nonprofit organizations, individuals, and corpora-
11 tions to participate as partners, including partners that
12 are Good Samaritans (as that term is defined in title III),
13 to facilitate remediation and securing of physical safety
14 or environmental hazards under this title.

15 **SEC. 204. PRIORITY SITES FOR GOOD SAMARITAN**
16 **PROJECTS ON FEDERAL LANDS.**

17 (a) IDENTIFICATION REQUIRED.—Not later than 120
18 days after the date of the enactment of this Act, the Sec-
19 retary of the Interior, acting through the Director of the
20 Bureau of Land Management, and the Secretary of Agri-
21 culture, acting through the Chief of the Forest Service,
22 in consultation with other Federal land management agen-
23 cies, shall identify a minimum of 20 priority sites on Fed-
24 eral land containing inactive or abandoned mine sites suit-
25 able for Good Samaritan projects under title III.

1 (b) NOMINATIONS.—In identifying priority sites
2 under subsection (a), the Secretaries shall accept nomina-
3 tions from the public.

4 (c) ANNUAL REVIEW.—The Secretaries shall annu-
5 ally review the sites identified under subsection (a) and
6 identify additional priority sites as appropriate.

7 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
9 this title \$17,000,000 for each of fiscal years 2016
10 through 2020.

11 **TITLE III—GOOD SAMARITAN RE-**
12 **MEDIATION OF ABANDONED**
13 **MINE LANDS**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Good Samaritan
16 Cleanup of Abandoned Mine Lands Act”.

17 **SEC. 302. DEFINITIONS.**

18 In this title:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) COOPERATING PERSON.—The term “cooper-
23 ating person” means any person (other than a Fed-
24 eral agency) that—

25 (A) is a Good Samaritan;

1 (B) assists another Good Samaritan in a
2 remediation project; and

3 (C) is identified as a cooperating person in
4 a permit issued under this title.

5 (3) ENVIRONMENTAL LAWS.—The term “envi-
6 ronmental laws” means—

7 (A) the Federal Water Pollution Control
8 Act (33 U.S.C. 1251 et seq.) and any State law
9 implementing a permit program under section
10 402(b) or 404(g) of such Act; and

11 (B) the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act of
13 1980 (42 U.S.C. 9601 et seq.).

14 (4) FEDERAL LAND MANAGEMENT AGENCY.—
15 The term “Federal land management agency”
16 means any agency of the Federal Government au-
17 thorized by statute to exercise jurisdiction, custody,
18 or control over lands of the United States.

19 (5) GOOD SAMARITAN.—The term “Good Sa-
20 maritan” means any person that did not participate
21 in any way in the creation of, or activities that
22 caused, any historic mine residue at the inactive or
23 abandoned mine site and that—

24 (A) has an ownership interest in the inac-
25 tive or abandoned mine site, but—

1 (i) is not liable or potentially liable for
2 remediation costs related to the historic
3 mine residue at the inactive or abandoned
4 mine site, or affiliated with any other per-
5 son potentially so liable through any con-
6 tractual, corporate, or financial relation-
7 ship (other than a contractual, corporate,
8 or financial relationship that is created by
9 the instruments by which the ownership in-
10 terest in the inactive or abandoned mine
11 site is conveyed or financed or by a con-
12 tract for the sale of goods or services); and

13 (ii) is not a successor entity to a busi-
14 ness entity that was liable or potentially
15 liable for such remediation costs;

16 (B) has an ownership interest in the inac-
17 tive or abandoned mine site that was acquired
18 through the inheritance of a patented mining
19 claim; or

20 (C) has no ownership interest in the inac-
21 tive or abandoned mine site and had no such an
22 interest at any time during or since the creation
23 of the historic mine residue at the site.

24 (6) HISTORIC MINE RESIDUE.—The term “his-
25 toric mine residue” means mine residue, or condi-

1 tions related to an inactive or abandoned mine site
2 that pollute the environment, resulting from prior
3 mining activities, including—

4 (A) tailings or mine waste piles;

5 (B) abandoned equipment (or materials in
6 such equipment); and

7 (C) acidic or otherwise polluted flows in
8 surface or ground water.

9 (7) INACTIVE OR ABANDONED MINE SITE.—The
10 term “inactive or abandoned mine site” means any
11 mine site, including any mill or processing site,
12 that—

13 (A) contains historic mine residue;

14 (B) is not owned by any person who
15 caused or contributed to the historic mine res-
16 idue;

17 (C) was used for the production of a min-
18 eral-bearing ore or coal; and

19 (D) is no longer in operation and is not
20 subject to a temporary shutdown, as determined
21 by the permitting authority.

22 (8) INDIAN COUNTRY.—The term “Indian coun-
23 try” has the meaning given the term in section 1151
24 of title 18, United States Code.

1 (9) INDIAN TRIBE.—The term “Indian tribe”
2 means an Indian tribe that—

3 (A) is federally recognized; or

4 (B) is an Alaska Native Corporation as de-
5 fined under section 1602 of title 43, United
6 States Code.

7 (10) LEAD AGENCY.—The term “lead agency”
8 means a State or tribal agency designated under sec-
9 tion 304(c)(1) as the lead agency responsible for
10 carrying out permitting responsibilities of the State
11 or Indian tribe under this title.

12 (11) OFFSITE MITIGATION REQUIREMENT.—
13 The term “offsite mitigation requirement” means a
14 requirement imposed under another Federal law to
15 improve, enhance, restore, or create a wetland,
16 stream, or habitat conservation area to offset or
17 compensate for adverse impacts to similar eco-
18 systems resulting from the development of a natural
19 resource or other commercial activity.

20 (12) PERMITTING AUTHORITY.—The term “per-
21 mitting authority” means the Administrator or, in
22 the case of a State or tribal program authorized by
23 the Administrator under section 304, the lead agen-
24 cy.

1 (13) REMEDIATION.—The term “remediation”
2 means activities to clean up or otherwise mitigate
3 the impacts of historic mine residue.

4 (14) STATE.—The term “State” means any of
5 the 50 States of the United States, the District of
6 Columbia, the Commonwealth of Puerto Rico,
7 Guam, American Samoa, the United States Virgin
8 Islands, the Commonwealth of the Northern Mari-
9 anas, and any other territory or possession over
10 which the United States has jurisdiction.

11 **SEC. 303. PERMITS FOR REMEDIATION OF INACTIVE OR**
12 **ABANDONED MINE LANDS BY GOOD SAMARI-**
13 **TANS.**

14 (a) IN GENERAL.—A permitting authority may issue
15 a permit to a Good Samaritan to carry out a project in
16 accordance with this section.

17 (b) ELIGIBLE PROJECTS.—

18 (1) PURPOSE OF PROJECT.—

19 (A) IN GENERAL.—A permitting authority
20 may issue a permit under this section for a
21 project to improve the environment (including
22 water quality) by carrying out remediation at or
23 related to an inactive or abandoned mine site.

24 (B) WATER QUALITY.—A permitting au-
25 thority shall ensure that remediation carried

1 out pursuant to a permit issued under this sec-
2 tion—

3 (i) assists in the attainment of appli-
4 cable water quality standards to the extent
5 reasonable and practicable under the cir-
6 cumstances; and

7 (ii) does not result in water quality
8 that is worse than the baseline water con-
9 dition.

10 (2) LIMITATION ON ELIGIBILITY.—A permitting
11 authority may not issue a permit under this section
12 for a project at or related to a mine site included on
13 the National Priorities List developed by the Presi-
14 dent in accordance with section 105(a)(8)(B) of the
15 Comprehensive Environmental Response, Compensa-
16 tion, and Liability Act of 1980 (42 U.S.C.
17 9605(a)(8)(B)) or a mine site at which the Adminis-
18 trator of the Environmental Protection Agency or
19 another Federal, State, or tribal agency is taking an
20 environmental enforcement or response action, un-
21 less the permitting authority determines, after con-
22 sultation with any other interested agency, that—

23 (A) the proposed project is not incon-
24 sistent, and will not interfere, with any other

1 planned remediation at the mine site that is
2 reasonably likely to occur; and

3 (B) the proposed project will accelerate en-
4 vironmental improvements.

5 (c) PERMIT APPLICATIONS.—

6 (1) CONTENTS.—A permitting authority shall
7 require an application for a permit under this sec-
8 tion to include—

9 (A) a description of the project site (in-
10 cluding the boundaries of the project site and
11 any degraded waters related to the project site);

12 (B) an identification of—

13 (i) any current owner of the property
14 on which the project is proposed to be car-
15 ried out;

16 (ii) any person with a legal right to
17 exclude other persons from the project site
18 or affect activities on the project site, with
19 a description of those legal rights;

20 (iii) for project sites on Federal lands,
21 the Federal land management agency; and

22 (iv) based on the conduct of an in-
23 quiry that is reasonable under the cir-
24 cumstances—

1 (I) all persons that may be le-
2 gally responsible for remediation of
3 the project site; and

4 (II) any relationship between
5 those persons and the applicant;

6 (C) a description of any contractual ties or
7 other legal relationship between the applicant
8 and all persons with responsibility for compli-
9 ance with environmental laws at the project
10 site;

11 (D) a general description of the known and
12 identifiable baseline conditions, including condi-
13 tions existing prior to the commencement of
14 mining activities, as of the date of submission
15 of the application, of the environment affected
16 by the historic mine residue to be remediated,
17 including, if available, any sampling data or in-
18 formation regarding the extent of contamina-
19 tion;

20 (E) a description of—

21 (i) the historic mine residue proposed
22 to be remediated;

23 (ii) the nature and scope of the pro-
24 posed remediation, including—

1 (I) any proposed recycling or re-
2 processing of the historic mine res-
3 idue, how the recycling or reprocess-
4 ing relates to the remediation, and
5 where the recycling or reprocessing
6 will occur; and

7 (II) the manner in which the pro-
8 posed remediation will mitigate the
9 drainage from the inactive or aban-
10 doned mine site to improve water
11 quality, if applicable;

12 (iii) the remediation alternatives, if
13 any, considered in developing the proposed
14 remediation plan for the project site;

15 (iv) engineering plans for the project;

16 (v) how any material related to the in-
17 active or abandoned mine site that is iden-
18 tified or listed as hazardous waste under
19 the Solid Waste Disposal Act (42 U.S.C.
20 6901 et seq.) will be disposed of;

21 (vi) a monitoring program proposed to
22 be carried out following completion of the
23 remediation, if applicable, that will be im-
24 plemented to evaluate the effects of the re-
25 mediation on the environment; and

1 (vii) the capacity (including technical
2 and administrative) of the applicant to
3 carry out the proposed activities and any
4 terms of the permit for which the applica-
5 tion is being submitted;

6 (F) a plan for any operation and mainte-
7 nance related to the proposed remediation;

8 (G) a proposed schedule for activities to be
9 carried out under the project, including an ex-
10 pected completion date for the remediation;

11 (H) a budget for the project;

12 (I) evidence satisfactory to the permitting
13 authority that the applicant has sufficient fi-
14 nancial resources to ensure that the activities
15 proposed to be carried out by the applicant, in-
16 cluding any operation and maintenance activi-
17 ties related to the remediation, will be carried
18 out under the permit;

19 (J) an identification of any cooperating
20 persons and a description of activities proposed
21 to be carried out by such persons;

22 (K) a description of—

23 (i) any recognition for excellence in
24 environmental compliance, reclamation, or
25 remediation received by the applicant or

1 any cooperating person identified under
2 subparagraph (J); and

3 (ii) the history of any noncompliance
4 with environmental laws by the applicant
5 or any cooperating person identified under
6 subparagraph (J) during the 5-year period
7 preceding submission of the application;
8 and

9 (L) if the applicant intends to use the
10 project to comply with an offsite mitigation re-
11 quirement, a reference to the offsite mitigation
12 requirement and any related permit.

13 (2) NOTICE REQUIREMENTS.—

14 (A) STATE, LOCAL, AND TRIBAL COMMU-
15 NITIES.—As soon as practicable after receiving
16 an application under this section, a permitting
17 authority shall provide notice of the application,
18 including a copy of the application, to—

19 (i) each local government located
20 within a radius of 20 miles of the project
21 site;

22 (ii) each Federal, State, and tribal
23 agency that the permitting authority deter-
24 mines may have an interest in the applica-
25 tion; and

1 (iii) if the project site lies in the head-
2 water area of a major drainage basin, local
3 governments located outside of the 20-mile
4 radius of the project site that are down-
5 stream of the project site and may be af-
6 fected by a discharge resulting from activi-
7 ties carried out pursuant to the project.

8 (B) PUBLIC NOTICE.—Not later than 30
9 days after receiving an application under this
10 section, a permitting authority shall provide to
11 the public notice of the application.

12 (3) INVESTIGATIVE SAMPLING.—

13 (A) IN GENERAL.—A permitting authority
14 may, upon request, authorize a person to carry
15 out investigative sampling, as determined ap-
16 propriate by the permitting authority, prior to
17 submitting an application for a permit under
18 this section.

19 (B) EFFECT OF AUTHORIZATION.—An au-
20 thorization to carry out investigative sampling
21 under this section shall, with respect to the au-
22 thorized activities, have the same effect as a
23 permit for the purposes of subsection (g).

24 (d) PUBLIC PARTICIPATION.—

1 (1) HEARING.—Prior to issuing a permit under
2 this section, a permitting authority shall conduct a
3 public hearing in the vicinity of the proposed project
4 site, and shall give public notice of the hearing not
5 later than 30 days before the date of the hearing.

6 (2) DRAFT PERMIT.—The permitting authority
7 shall include a draft permit in the notice of a hear-
8 ing to be conducted under this section.

9 (3) COMMENTS.—The permitting authority
10 shall provide the applicant and the public with the
11 opportunity to—

12 (A) comment on the draft permit at the
13 public hearing; and

14 (B) submit written comments to the per-
15 mitting authority during the 30-day period fol-
16 lowing the hearing.

17 (e) PERMIT ISSUANCE.—

18 (1) DEADLINE.—A permitting authority shall
19 issue a permit or deny a permit application under
20 this section not later than—

21 (A) the date that is 180 days after the
22 date on which the permitting authority receives
23 a complete application for the permit, as deter-
24 mined by the permitting authority; or

1 (B) such later date as may be determined
2 by the permitting authority, with the agreement
3 of the applicant.

4 (2) CONSTRUCTIVE DENIAL.—If the permitting
5 authority does not issue a permit or deny the permit
6 application by the applicable date described in para-
7 graph (1), the application shall be considered to be
8 denied by the permitting authority.

9 (3) AGENCY CONSULTATION.—

10 (A) CONSULTATION.—In considering
11 whether to issue a permit for a project to be
12 carried out on Federal lands, a permitting au-
13 thority shall consult with any applicable Federal
14 land management agency.

15 (B) OBJECTION.—A permitting authority
16 may not issue a permit under this section if—

17 (i) the proposed project site is not a
18 priority site designated under section 204;

19 and

20 (ii) the permitting authority receives
21 an objection to the proposed permit from a
22 Federal land management agency with ju-
23 risdiction over the project site.

24 (f) PERMIT CONTENTS.—

1 (1) IN GENERAL.—A permitting authority shall
2 include in a permit issued under this section—

3 (A) a description of the activities author-
4 ized by the permit, including a description of
5 any activities to be carried out by a cooperating
6 person in accordance with paragraph (5);

7 (B) a schedule for the activities to be car-
8 ried out under the project, in accordance with
9 paragraph (3), including an end date by which
10 the permittee shall complete the permitted ac-
11 tivities;

12 (C) conditions requiring the permittee to—

13 (i) secure, for all activities authorized
14 under the permit, all authorizations, li-
15 censes, and permits required under law;

16 (ii) establish and maintain records,
17 conduct monitoring (as described in para-
18 graph (4)), and provide such other infor-
19 mation as may be reasonably necessary to
20 ensure the project will result in improve-
21 ment to the environment; and

22 (iii) minimize any short-term adverse
23 environmental impacts from the remedi-
24 ation, to the extent practicable;

1 (D) a right of entry to the project site for
2 the permitting authority to inspect and collect
3 such information as is reasonably necessary to
4 carry out this title;

5 (E) if the project to be carried out under
6 the permit will be used by the permittee to com-
7 ply with an offsite mitigation requirement, a
8 reference to the offsite mitigation requirement
9 and any related permit; and

10 (F) any other terms and conditions deter-
11 mined appropriate by the permitting authority.

12 (2) BENCHMARKS.—A permitting authority
13 shall ensure that a permit issued under this section
14 is site- and situation-specific, relying on pre-mining
15 conditions and conditions existing as of the date of
16 issuance of the permit to determine appropriate
17 water quality or other environmental benchmarks to
18 achieve in carrying out remediation under the per-
19 mit.

20 (3) TIMING.—A permitting authority shall re-
21 quire activities authorized by a permit issued under
22 this section to—

23 (A) commence not later than the date that
24 is 1 year after the date on which the permit is
25 issued; and

1 (B) continue until completed, with tem-
2 porary suspensions permitted during adverse
3 weather or other circumstances, as approved by
4 the permitting authority.

5 (4) MONITORING.—

6 (A) IN GENERAL.—A permitting authority
7 shall require a permittee to take such actions as
8 the permitting authority determines are nec-
9 essary to ensure, where appropriate, baseline,
10 remedial alternative, and postremediation moni-
11 toring of the environment.

12 (B) ADMINISTRATION.—In selecting the
13 type and frequency of monitoring requirements
14 to be included in a permit under this para-
15 graph, the permitting authority shall—

16 (i) balance the utility of information
17 obtained through monitoring against the
18 cost of the monitoring, based on the cir-
19 cumstances relating to the project; and

20 (ii) take into account the scope of the
21 project.

22 (5) COOPERATIVE ACTIVITIES.—A permitting
23 authority may approve in a permit the conduct of
24 project activities by cooperating persons if, as deter-
25 mined by the permitting authority, the cooperative

1 arrangement will effectively accomplish the purposes
2 of this title.

3 (g) EFFECT OF PERMIT.—

4 (1) IN GENERAL.—A person authorized by a
5 permit issued under this section to carry out activi-
6 ties—

7 (A) shall be deemed to be in compliance
8 with environmental laws with respect to such
9 activities; and

10 (B) shall not be liable under environmental
11 laws with respect to such activities, including
12 for any costs or damages deriving from the
13 prior activities of others at the project site.

14 (2) LIMITATION.—Paragraph (1) shall not
15 apply if—

16 (A) the person impedes or fails to facilitate
17 a response action, remediation, or other natural
18 resource restoration activity at the project site;

19 (B) the person exacerbates the pollution
20 from historic mine residue as a result of gross
21 negligence or intentional misconduct, in which
22 case the person may be liable under environ-
23 mental laws for costs or damages resulting from
24 such gross negligence or intentional misconduct;
25 or

1 (C) information supplied to the permitting
2 authority in the permit application is subse-
3 quently determined to contain a dishonest,
4 fraudulent, or materially misleading statement
5 or omission, in which case the permit shall be
6 deemed to have been invalid beginning on the
7 date the permit was issued, and shall have no
8 force or effect.

9 (h) ADMINISTRATION OF PERMITS.—

10 (1) MODIFICATION OR TERMINATION OF PER-
11 MITS.—

12 (A) AUTHORITY.—A permitting authority
13 may—

14 (i) extend the period during which a
15 permit is valid under procedures estab-
16 lished for such purpose by the permitting
17 authority; and

18 (ii) modify or terminate a permit for
19 cause, including misrepresentation or a vio-
20 lation of a permit.

21 (B) TERMINATION.—Unless the permitting
22 authority has extended the period during which
23 a permit is valid, the authority to carry out ac-
24 tivities under a permit issued under this section
25 shall terminate—

1 (i) if the activities do not commence
2 by the date that is 1 year after the date
3 on which the permit is issued;

4 (ii) if the activities are discontinued or
5 not completed by the end date specified in
6 the permit; or

7 (iii) on any other grounds determined
8 appropriate by the permitting authority.

9 (2) TRANSFER OF PERMITS.—A permit may be
10 transferred to another person only if—

11 (A) the appropriate permitting authority
12 determines that the transferee will satisfy all of
13 the requirements of the permit;

14 (B) the transferee is a Good Samaritan;

15 (C) the transferee accepts all of the re-
16 quirements of the permit;

17 (D) the permitting authority includes in
18 the transferred permit any additional or modi-
19 fied conditions determined to be appropriate by
20 the permitting authority; and

21 (E) any Federal, State, or tribal land man-
22 agement agency with jurisdiction over the
23 project site is notified of the proposed transfer
24 and does not object to the permitting authority

1 before the date that is 30 days before the pro-
2 posed transfer is to take effect.

3 (3) MAINTENANCE OF RECORDS.—A permitting
4 authority shall maintain all records relating to per-
5 mits and the permit process under this section.

6 (i) OTHER ACTIVITIES.—A permit issued under this
7 section may not authorize any new mining activities other
8 than those activities directly related to carrying out reme-
9 diation at or related to the inactive or abandoned mine
10 site.

11 **SEC. 304. STATE OR TRIBAL PROGRAMS.**

12 (a) IN GENERAL.—A State or Indian tribe may issue
13 a permit under this title if the State or Indian tribe has
14 in effect a Good Samaritan permit program approved by
15 the Administrator under this section.

16 (b) APPLICATION.—

17 (1) SUBMISSION.—The Governor of any State
18 or the head of an Indian tribe's governing body may
19 submit to the Administrator an application to carry
20 out a Good Samaritan permit program within its ju-
21 risdiction at any time.

22 (2) CONTENTS.—An application under this sec-
23 tion shall include—

1 (A) a full and complete description of the
2 Good Samaritan permit program it proposes to
3 administer under State or tribal law; and

4 (B) a statement from the State Attorney
5 General, or, for an Indian tribe, the equivalent
6 official authorized to represent the tribe in
7 court pertaining to the application, that the
8 laws of the State or Indian tribe provide suffi-
9 cient legal authority to carry out the described
10 program.

11 (3) APPROVAL.—Not later than 120 days after
12 receiving an application submitted under this sub-
13 section, the Administrator shall approve the Good
14 Samaritan permit program unless the Administrator
15 determines that the requirements of this section are
16 not met.

17 (c) REQUIREMENTS.—To meet the requirements of
18 this section, a State or Indian tribe shall—

19 (1) designate a lead agency that is responsible
20 for carrying out permitting responsibilities under
21 this section; and

22 (2) have in effect laws providing sufficient legal
23 authority to carry out a Good Samaritan permit pro-
24 gram in accordance with this title.

1 (d) DELEGATION OF AUTHORITY.—Upon approval of
2 a State or tribal Good Samaritan permit program under
3 this section, the Administrator shall transfer all authority
4 to issue permits under this title for the State or relevant
5 area of Indian country to the lead agency designated
6 under subsection (c)(1).

7 (e) ADMINISTRATION.—A State or tribal Good Sa-
8 maritan permit program approved under this section shall
9 be administered in accordance with this title, except that
10 nothing in this title precludes a State or Indian tribe from
11 imposing more stringent requirements on permit appli-
12 cants or permittees.

13 **SEC. 305. ENFORCEMENT.**

14 (a) IN GENERAL.—A permitting authority may en-
15 force any violation of this title, with respect to which the
16 permitting authority has jurisdiction, by—

17 (1) issuing an order to comply with the violated
18 provision; or

19 (2) commencing a civil action for appropriate
20 relief, including a permanent or temporary injunc-
21 tion.

22 (b) MINIMUM REQUIREMENT.—In the event of a per-
23 mit violation, and absent extraordinary circumstances, the
24 court shall, at a minimum, require the person to repair,
25 to the extent practicable, the damage to any part of the

1 environment caused by an action of the person in violation
2 of the permit.

3 (c) CIVIL PENALTY.—Any person who violates this
4 title shall be subject to a civil penalty of up to \$5,000
5 for each day of the violation (except in cases of knowing
6 conduct, in which case the civil penalty shall be \$32,500
7 for each day of the violation).

8 **SEC. 306. GRANTS ELIGIBILITY.**

9 A project authorized by a permit issued under this
10 title is eligible for funding pursuant to section 319 of the
11 Federal Water Pollution Control Act (33 U.S.C. 1329).

12 **SEC. 307. CONSTRUCTION OF THE NATIONAL ENVIRON-
13 MENTAL POLICY ACT OF 1969.**

14 No action of the Administrator taken pursuant to
15 this title shall be required to comply with section 102 of
16 the National Environmental Policy Act of 1969 (42 U.S.C.
17 4332).

18 **SEC. 308. USE OF PROJECTS TO MEET OFFSITE MITIGATION
19 REQUIREMENTS.**

20 A project authorized by a permit issued under this
21 title shall be considered to satisfy all or part of any offsite
22 mitigation requirement of the permittee, upon approval by
23 the authority imposing the offsite mitigation requirement.

1 **SEC. 309. STATE AND TRIBAL RECLAMATION PLANS UNDER**
2 **THE SURFACE MINING CONTROL AND REC-**
3 **LAMATION ACT OF 1977.**

4 No State or Indian tribe conducting remediation of
5 an inactive or abandoned mine site pursuant to an ap-
6 proved State or tribal abandoned mine reclamation plan
7 approved under title IV of the Surface Mining Control and
8 Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) shall,
9 with respect to the remediation activities, be required to
10 obtain a permit under the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.).

12 **SEC. 310. SAVINGS PROVISIONS.**

13 (a) **EMERGENCY AUTHORITY.**—Nothing in this title
14 affects the authority of a Federal, State, tribal, or local
15 agency to carry out any emergency authority, including
16 an emergency authority under environmental laws.

17 (b) **LIABILITY UNDER OTHER LAWS.**—Except as
18 provided in section 303(g), nothing in this title or a permit
19 issued under this title limits the liability of any person
20 under any other provision of law.

21 **SEC. 311. SUNSET.**

22 (a) **IN GENERAL.**—No permitting authority may
23 issue a permit under this title after the date that is 7 years
24 after the date of enactment of this title.

25 (b) **STUDY; REPORT.**—

1 (1) STUDY.—Not earlier than 5 years after the
2 date of enactment of this title, the Administrator,
3 the Secretary of the Interior, and the Secretary of
4 Agriculture, in consultation with the Interstate Min-
5 ing Compact Commission, shall enter into an ar-
6 rangement with the National Academy of Sciences,
7 for execution by the Board on Earth Sciences and
8 Resources, to conduct a detailed, comprehensive
9 study of the effectiveness of the permitting activities
10 carried out under this title.

11 (2) REPORT.—Not later than 7 years after the
12 date of enactment of this title, the Board on Earth
13 Sciences and Resources shall submit to Congress,
14 the appropriate Federal agencies, and the Governors
15 of each of the States represented by the Interstate
16 Mining Compact Commission a report containing—

17 (A) the results of the study conducted
18 under paragraph (1); and

19 (B) any recommendations regarding
20 whether the permitting activities carried out
21 under this title should be reauthorized and, if
22 so, any changes that should be made to improve
23 the effectiveness of the activities.

24 (3) FUNDING.—From the funds collected as
25 claim location fees and maintenance fees under sec-

1 tion 102, the Secretary of the Interior shall provide
2 to the National Academy of Sciences such funds as
3 it requests, not to exceed \$2,000,000, for the pur-
4 pose of conducting the study required under this sec-
5 tion.

○