

# Union Calendar No. 556

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3843

**[Report No. 114-717, Part I]**

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

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## 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

SEPTEMBER 6, 2016

Additional sponsors: Mr. YOUNG of Alaska and Mr. TIPTON

SEPTEMBER 6, 2016

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 6, 2016

The Committees on Transportation and Infrastructure and Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 28, 2015]

# **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”.*

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 or withdrawn from mineral entry.*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.*

9 (2) *CLAIM HOLDER AND CLAIMANT.*—*The terms*  
10 *“claim holder” and “claimant” mean the owner or*  
11 *holder of a claim.*

12 (3) *CERTIFIED MINERAL EXAMINER.*—*The term*  
13 *“Certified Mineral Examiner” means an employee of*  
14 *the Federal Government who—*

15 (A) *possesses sufficient college education to*  
16 *qualify as a geologist, mining engineer, or met-*  
17 *allurgical engineer; and*

18 (B) *has completed training specified by the*  
19 *Chief Mineral Examiner of the Bureau of Land*  
20 *Management, Department of the Interior.*

21 (4) *CERTIFIED REVIEW MINERAL EXAMINER.*—  
22 *The term “Certified Review Mineral Examiner”*  
23 *means a Certified Mineral Examiner who is deter-*  
24 *mined by the Bureau of Land Management Mineral*  
25 *Examiner Certification Panel to possess an addi-*

1        *tional breadth of training and experience that is suf-*  
2        *ficient to review mineral potential reports and min-*  
3        *ing claim validity exam reports.*

4            (5) *FEDERAL LANDS.*—*The term “Federal lands”*  
5        *means lands and interests in lands owned by the*  
6        *United States that are open to mineral entry and lo-*  
7        *cation, or that were open to mineral entry and loca-*  
8        *tion at the time of entry or location.*

9            (6) *GENERAL MINING LAWS.*—*The term “general*  
10        *mining laws” means those Acts that generally com-*  
11        *prise chapters 2, 11, 12, 12A, 15, and 16, and sec-*  
12        *tions 161 and 162, of title 30, United States Code, all*  
13        *Acts that are amendatory of or supplementary to any*  
14        *of the foregoing Acts, and the judicial and adminis-*  
15        *trative decisions interpreting such Acts.*

16            (7) *LOCATABLE MINERALS.*—*The term “locatable*  
17        *minerals” means those minerals held by the United*  
18        *States and not subject to disposition under—*

19                    (A) *the Mineral Leasing Act (30 U.S.C. 181*  
20        *et seq.);*

21                    (B) *the Geothermal Steam Act of 1970 (30*  
22        *U.S.C. 1001 et seq.);*

23                    (C) *the Materials Act of 1947 (30 U.S.C.*  
24        *601 et seq.); or*

1                   (D) *the Mineral Leasing Act for Acquired*  
2                   *Lands (30 U.S.C. 351 et seq.).*

3                   (8) *MINERAL ACTIVITIES.*—*The term “mineral*  
4                   *activities” means any activity on Federal lands*  
5                   *under a claim with or without a discovery, or off of*  
6                   *claims, for mineral prospecting, exploration, develop-*  
7                   *ment, mining, extraction, milling, beneficiation, proc-*  
8                   *essing, storage of mined or processed materials, or*  
9                   *reclamation activities for any locatable mineral and*  
10                   *uses that are reasonably incident thereto, including*  
11                   *the construction and use of roads, transmission lines,*  
12                   *water wells, pipelines, utility corridors, and other*  
13                   *means of access across Federal lands for ancillary fa-*  
14                   *cilities used in conjunction with such activity.*

15                   (9) *MINERAL POTENTIAL REPORT.*—*The term*  
16                   *“mineral potential report” means a report described*  
17                   *in section 204(c)(2)(12) of the Federal Land Policy*  
18                   *and Management Act of 1976 (43 U.S.C.*  
19                   *1714(c)(2)(12)).*

20                   (10) *MINING CLAIM VALIDITY EXAM.*—*The term*  
21                   *“mining claim validity exam” means an examination*  
22                   *of a mining claim to determine if it establishes a*  
23                   *valid existing right in a valuable mineral deposit (as*  
24                   *that term is used in section 2319 of the Revised Stat-*  
25                   *utes (30 U.S.C. 22)).*

1           (11) *PERSON*.—The term “person” means an in-  
2           dividual, partnership, association, society, joint ven-  
3           ture, joint stock company, firm, company, limited li-  
4           ability company, corporation, cooperative, or other  
5           organization, and any instrumentality of State or  
6           local government, including any publicly owned util-  
7           ity or publicly owned corporation of State or local  
8           government.

9           (12) *SECRETARY*.—The term “Secretary” means  
10          the Secretary of the Interior, unless otherwise speci-  
11          fied.

12          (13) *UNITED STATES MINERAL DEPOSIT DATA-*  
13          *BASE PROJECT*.—The term “United States Mineral  
14          Deposit Database Project” means the interactive  
15          database of mines and mineral deposits in the United  
16          States administered by the United States Geological  
17          Survey Mineral Resources Program.

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

19          (a) *LOCATION FEE*.—For each claim located after the  
20          date of enactment of this Act, a claimant shall pay the Sec-  
21          retary a location fee of \$37 not later than 90 days after  
22          the date of location, at the time the location notice is re-  
23          corded with the Bureau of Land Management.

24          (b) *ANNUAL CLAIM MAINTENANCE FEE*.—Commencing  
25          the first calendar year after the date of enactment of this

1 *Act, a claimant shall pay the Secretary on or before Sep-*  
2 *tember 1 of each year, a claim maintenance fee of \$155*  
3 *per 20.66-acre claim or fraction thereof to maintain the*  
4 *claim for the following assessment year beginning at noon*  
5 *on September 1. Payment of such claim maintenance fee*  
6 *shall be in lieu of the assessment work requirement con-*  
7 *tained in the general mining laws and the related filing*  
8 *requirements contained in subsections (a) and (c) of section*  
9 *314 of the Federal Land Policy and Management Act of*  
10 *1976 (43 U.S.C. 1744).*

11 *(c) WAIVER FOR HOLDERS OF 10 OR FEWER*  
12 *CLAIMS.—*

13 *(1) IN GENERAL.—The claim maintenance fee re-*  
14 *quired under this section shall be waived for a claim-*  
15 *ant who certifies in writing to the Secretary that on*  
16 *the date the payment was due—*

17 *(A) the claimant was—*

18 *(i) the holder of not more than 10 lode*  
19 *claims on Federal lands; or*

20 *(ii) an association that held less than*  
21 *or equal to 320 acres; and*

22 *(B) the claimant has performed assessment*  
23 *work sufficient to maintain the claims held by*  
24 *the claimant for the assessment year ending on*  
25 *noon of September 1 of the calendar year in*



1           *which the claim maintenance fee payment was*  
2           *due.*

3           (2) *HOLDER.*—*As used in paragraph (1), the*  
4           *term “holder” includes—*

5                     (A) *the claimant;*

6                     (B) *the spouse and dependent children (as*  
7                     *defined in section 152 of the Internal Revenue*  
8                     *Code of 1986) of the claimant; and*

9                     (C) *a person affiliated with the claimant,*  
10                    *including—*

11                             (i) *a person controlled by, controlling,*  
12                             *or under common control with the claimant;*  
13                             *and*

14                             (ii) *a subsidiary or parent company or*  
15                             *corporation of the claimant.*

16           (3) *CERTIFICATION PROCESSING FEE.*—*The Sec-*  
17           *retary shall charge a certification processing fee of*  
18           *\$30 for the filing of a certification under this sub-*  
19           *section.*

20           (d) *SUSPENSION OF CLAIM MAINTENANCE AND WAIV-*  
21           *ER OF COST RECOVERY FEES.*—

22                     (1) *CLAIM MAINTENANCE FEE.*—*The claim main-*  
23                     *tenance fees required under this section shall be sus-*  
24                     *pending for any claims of a claimant for an area that*  
25                     *was open to mineral entry and location at the time*

1 *of entry or location that has subsequently been seg-*  
2 *regated or withdrawn from mineral entry and loca-*  
3 *tion by order of the Secretary or a law enacted after*  
4 *the date of the enactment of this Act until such time*  
5 *as the area is reopened to mineral entry, or the*  
6 *claimant has submitted a notice or permit to explore*  
7 *or develop his or her claims or is actively mining.*

8 (2) *COST RECOVERY FEES.*—*The fees required by*  
9 *part 3000 of title 43, Code of Federal Regulations, as*  
10 *in effect on the date of enactment of this Act, and any*  
11 *substantially similar fee charged for a mining claim*  
12 *validity exam, shall be waived for any claimant with*  
13 *claims in an area that was open to mineral entry*  
14 *and location at the time of claim location that has*  
15 *subsequently been segregated or withdrawn from min-*  
16 *eral entry and location by order of the Secretary or*  
17 *a law enacted after the date of the enactment of this*  
18 *Act.*

19 (e) *EFFECTS OF PAYMENT.*—

20 (1) *IN GENERAL.*—*Timely payment of the loca-*  
21 *tion and claim maintenance fees under this section*  
22 *secures the rights of the holder of a mining claim*  
23 *against the Federal Government both prior to and*  
24 *after discovery of valuable mineral deposits, to use*  
25 *and occupy Federal lands under the provisions of the*

1 *general mining laws for all mineral activities. This*  
2 *section shall not be construed to amend section 910 of*  
3 *the Revised Statutes (30 U.S.C. 53) or in any way*  
4 *affect the law of possession or the doctrine of pedis*  
5 *possessio.*

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

16 (f) *FORFEITURE OF UNPATENTED CLAIM FOR FAIL-*  
17 *URE TO PAY MAINTENANCE FEE.—*

18 (1) *FAILURE TO PAY.—Failure to pay a claim*  
19 *maintenance fee or a location fee under this section*  
20 *for an unpatented mining claim shall subject the*  
21 *claim to forfeiture by the claim holder as provided in*  
22 *this subsection.*

23 (2) *NOTICE.—The Secretary of the Interior shall*  
24 *provide the claim holder—*

25 (A) *notice of the failure; and*



1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to the Secretary*  
3 *of the Interior to carry out mining law administration pro-*  
4 *gram operations \$40,000,000 for each of fiscal years 2016*  
5 *through 2022.*

6 **SEC. 105. MINERAL POTENTIAL REPORTS AND MINING**  
7 **CLAIM VALIDITY EXAMS.**

8 *Mineral potential reports for areas withdrawn from*  
9 *mineral entry, and any mining claim validity exam on*  
10 *claims located within those areas, must be completed or pre-*  
11 *pared by a Certified Mineral Examiner and reviewed by*  
12 *Certified Review Mineral Examiner.*

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

14 *(a) IN GENERAL.—Not later than 120 days after the*  
15 *date of the enactment of this Act, the Director of the United*  
16 *States Geological Survey shall enter into separate memo-*  
17 *randa of understanding to share data for the purpose of*  
18 *expanding and maintaining the United States Mineral De-*  
19 *posit Database, with each of—*

20 *(1) the Director of the Bureau of Land Manage-*  
21 *ment;*

22 *(2) the Director of the Office of Surface Mining*  
23 *Reclamation and Enforcement; and*

24 *(3) the Chief Forester of the Forest Service.*

25 *(b) FUNDING.—From amounts available for each of fis-*  
26 *cal years 2016 through 2022 for operations to administer*

1 *the mining laws, the Secretary may use not more than*  
2 *\$1,000,000 to support the United States Mineral Deposit*  
3 *Database of which not more than 5 percent may be used*  
4 *for overhead expenses.*

5 **TITLE II—DEPARTMENT OF THE**  
6 **INTERIOR INACTIVE AND**  
7 **ABANDONED NONCOAL MINE**  
8 **LANDS PROGRAM**

9 **SEC. 201. DEFINITIONS.**

10 *In this title:*

11 (1) *ENVIRONMENTAL HAZARD.*—*The term “envi-*  
12 *ronmental hazard” means degradation of air, soil, or*  
13 *water resources resulting from the effects of past min-*  
14 *ing practices.*

15 (2) *HISTORIC MINE RESIDUE.*—*The term “his-*  
16 *toric mine residue” means mine residue, or conditions*  
17 *related to an inactive or abandoned mine site that*  
18 *pollute the environment, resulting from prior mining*  
19 *activities, including—*

20 (A) *tailings or mine waste piles;*

21 (B) *abandoned equipment (or materials in*  
22 *such equipment); and*

23 (C) *acidic or otherwise polluted flows in*  
24 *surface or ground water.*

1           (3) *INACTIVE AND ABANDONED NONCOAL MINE*  
2 *LANDS.—The term “inactive and abandoned noncoal*  
3 *mine lands” means any location of a noncoal mine,*  
4 *including mill sites and processing sites, that was in-*  
5 *active or abandoned before January 1, 1981, and*  
6 *that—*

7                   (A) *contains historic mine residue;*

8                   (B) *is not owned by any person who caused*  
9 *or contributed to the historic mine residue;*

10                  (C) *was used for the production of a*  
11 *noncoal mineral; and*

12                  (D) *is no longer in operation and is not*  
13 *subject to a temporary shutdown, as determined*  
14 *by the Secretary.*

15           (4) *PHYSICAL SAFETY HAZARD.—The term*  
16 *“physical safety hazard” means any dangerous condi-*  
17 *tion or effect resulting from past mining practices,*  
18 *that poses a risk of death or serious injury to the pub-*  
19 *lic, livestock, or wildlife.*

20           (5) *SECRETARY.—The term “Secretary” means*  
21 *the Secretary of the Interior.*

22           (6) *WATER RESOURCES.—The term “water re-*  
23 *sources” means any watershed, ground water, water*  
24 *course, or lake.*

1 **SEC. 202. ESTABLISHMENT OF INACTIVE AND ABANDONED**  
2 **NONCOAL MINE LANDS PROGRAM.**

3 (a) *ESTABLISHMENT.*—*There is established in the De-*  
4 *partment of the Interior a program to be known as the*  
5 *Abandoned Noncoal Mine Lands Program (referred to in*  
6 *this section as the “Program”). The Program shall be ad-*  
7 *ministered by the Secretary of the Interior acting through*  
8 *the Director of the Bureau of Land Management.*

9 (b) *DESCRIPTION OF PROGRAM.*—*Under the Program,*  
10 *the Secretary shall—*

11 (1) *identify, secure, and remediate physical safe-*  
12 *ty hazards and environmental hazards associated*  
13 *with inactive and abandoned noncoal mine lands that*  
14 *are located on, or affecting, Federal public lands, in-*  
15 *cluding such hazards on other lands that are adjacent*  
16 *to such Federal lands;*

17 (2) *maintain an inventory of the sites of such*  
18 *inactive and abandoned noncoal mines, affected Fed-*  
19 *eral public lands, and other lands that are adjacent*  
20 *to such Federal public lands, including such sites that*  
21 *have been remediated in whole or in part, and associ-*  
22 *ated water resources; and*

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



1       (c) *PRIORITIES.*—*In securing and remediating haz-*  
2 *ards under this title, the Secretary shall give priority (in*  
3 *the following order of priority) to—*

4           (1) *the protection of public health, safety, and*  
5 *general welfare from the adverse effects of inactive*  
6 *and abandoned noncoal mine lands; and*

7           (2) *the reclamation of land and water resources*  
8 *degraded by the adverse effects of such mine lands.*

9 **SEC. 203. INACTIVE AND ABANDONED MINE LAND PRO-**  
10 **GRAM PARTNERS.**

11       *The Secretary, where appropriate, shall seek out Fed-*  
12 *eral agencies or departments, State agencies, Indian tribes,*  
13 *nonprofit organizations, individuals, and corporations to*  
14 *participate as partners, including partners that are Good*  
15 *Samaritans (as that term is defined in title III), to facili-*  
16 *tate remediation and securing of physical safety or environ-*  
17 *mental hazards under this title.*

18 **SEC. 204. PRIORITY SITES FOR GOOD SAMARITAN**  
19 **PROJECTS ON FEDERAL LANDS.**

20       (a) *IDENTIFICATION REQUIRED.*—*Not later than 120*  
21 *days after the date of the enactment of this Act, the Sec-*  
22 *retary of the Interior, acting through the Director of the*  
23 *Bureau of Land Management, and the Secretary of Agri-*  
24 *culture, acting through the Chief of the Forest Service, in*  
25 *consultation with other Federal land management agencies,*

1 *shall identify a minimum of 20 priority sites on Federal*  
2 *land containing inactive or abandoned mine sites suitable*  
3 *for Good Samaritan projects under title III.*

4 (b) *NOMINATIONS.*—*In identifying priority sites under*  
5 *subsection (a), the Secretaries shall accept nominations*  
6 *from the public.*

7 (c) *ANNUAL REVIEW.*—*The Secretaries shall annually*  
8 *review the sites identified under subsection (a) and identify*  
9 *additional priority sites as appropriate.*

10 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

11 *There is authorized to be appropriated to carry out*  
12 *this title \$17,000,000 for each of fiscal years 2016 through*  
13 *2020.*

14 **TITLE III—GOOD SAMARITAN RE-**  
15 **MEDIATION OF ABANDONED**  
16 **MINE LANDS**

17 **SEC. 301. SHORT TITLE.**

18 *This title may be cited as the “Good Samaritan Clean-*  
19 *up of Abandoned Mine Lands Act”.*

20 **SEC. 302. DEFINITIONS.**

21 *In this title:*

22 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
23 *trator” means the Administrator of the Environ-*  
24 *mental Protection Agency.*

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

4                   (A) is a Good Samaritan;

5                   (B) assists another Good Samaritan in a  
6           remediation project; and

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

9           (3) *ENVIRONMENTAL LAWS*.—The term “environ-  
10          mental laws” means—

11                   (A) the Federal Water Pollution Control Act  
12           (33 U.S.C. 1251 et seq.) and any State law im-  
13           plementing a permit program under section  
14           402(b) or 404(g) of such Act; and

15                   (B) the Comprehensive Environmental Re-  
16           sponse, Compensation, and Liability Act of 1980  
17           (42 U.S.C. 9601 et seq.).

18           (4) *FEDERAL LAND MANAGEMENT AGENCY*.—The  
19          term “Federal land management agency” means any  
20          agency of the Federal Government authorized by stat-  
21          ute to exercise jurisdiction, custody, or control over  
22          lands of the United States.

23           (5) *GOOD SAMARITAN*.—The term “Good Samar-  
24          itan” means any person that did not participate in  
25          any way in the creation of, or activities that caused,

1        *any historic mine residue at the inactive or aban-*  
2        *doned mine site and that—*

3                *(A) has an ownership interest in the inac-*  
4                *tive or abandoned mine site, but—*

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

17                      *(ii) is not a successor entity to a busi-*  
18                      *ness entity that was liable or potentially*  
19                      *liable for such remediation costs;*

20                *(B) has an ownership interest in the inac-*  
21                *tive or abandoned mine site that was acquired*  
22                *through the inheritance of a patented mining*  
23                *claim; or*

24                *(C) has no ownership interest in the inac-*  
25                *tive or abandoned mine site and had no such an*

1           *interest at any time during or since the creation*  
2           *of the historic mine residue at the site.*

3           (6) *HISTORIC MINE RESIDUE.*—*The term “his-*  
4           *toric mine residue” means mine residue, or conditions*  
5           *related to an inactive or abandoned mine site that*  
6           *pollute the environment, resulting from prior mining*  
7           *activities, including—*

8                     (A) *tailings or mine waste piles;*

9                     (B) *abandoned equipment (or materials in*  
10            *such equipment); and*

11                    (C) *acidic or otherwise polluted flows in*  
12            *surface or ground water.*

13           (7) *INACTIVE OR ABANDONED MINE SITE.*—*The*  
14            *term “inactive or abandoned mine site” means any*  
15            *mine site, including any mill or processing site,*  
16            *that—*

17                    (A) *contains historic mine residue;*

18                    (B) *is not owned by any person who caused*  
19            *or contributed to the historic mine residue;*

20                    (C) *was used for the production of a min-*  
21            *eral-bearing ore or coal; and*

22                    (D) *is no longer in operation and is not*  
23            *subject to a temporary shutdown, as determined*  
24            *by the permitting authority.*

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

4           (9) *INDIAN TRIBE.*—*The term “Indian tribe”*  
5 *means an Indian tribe that—*

6                   (A) *is federally recognized; or*

7                   (B) *is an Alaska Native Corporation as de-*  
8 *finied under section 1602 of title 43, United*  
9 *States Code.*

10          (10) *LEAD AGENCY.*—*The term “lead agency”*  
11 *means a State or tribal agency designated under sec-*  
12 *tion 304(c)(1) as the lead agency responsible for car-*  
13 *rying out permitting responsibilities of the State or*  
14 *Indian tribe under this title.*

15          (11) *OFFSITE MITIGATION REQUIREMENT.*—*The*  
16 *term “offsite mitigation requirement” means a re-*  
17 *quirement imposed under another Federal law to im-*  
18 *prove, enhance, restore, or create a wetland, stream,*  
19 *or habitat conservation area to offset or compensate*  
20 *for adverse impacts to similar ecosystems resulting*  
21 *from the development of a natural resource or other*  
22 *commercial activity.*

23          (12) *PERMITTING AUTHORITY.*—*The term “per-*  
24 *mitting authority” means the Administrator or, in*

1       *the case of a State or tribal program authorized by*  
 2       *the Administrator under section 304, the lead agency.*

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

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

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

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

19       (b) *ELIGIBLE PROJECTS.*—

20               (1) *PURPOSE OF PROJECT.*—

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

1           (B) *WATER QUALITY.*—A permitting au-  
2           thority shall ensure that remediation carried out  
3           pursuant to a permit issued under this section—

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

8                   (ii) does not result in water quality  
9                   that is worse than the baseline water condi-  
10                  tion.

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

24                   (A) the proposed project is not inconsistent,  
25                   and will not interfere, with any other planned



1           *remediation at the mine site that is reasonably*  
2           *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 re-*  
7       *quire an application for a permit under this section*  
8       *to include—*

9                   *(A) a description of the project site (includ-*  
10       *ing the boundaries of the project site and any de-*  
11       *graded 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 inquiry*  
23                           *that is reasonable under the cir-*  
24                           *cumstances—*

1                   (I) all persons that may be legally  
2                   responsible for remediation of the  
3                   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 site;

10                  (D) a general description of the known and  
11                  identifiable baseline conditions, including condi-  
12                  tions existing prior to the commencement of min-  
13                  ing activities, as of the date of submission of the  
14                  application, of the environment affected by the  
15                  historic mine residue to be remediated, includ-  
16                  ing, if available, any sampling data or informa-  
17                  tion regarding the nature and extent of the ef-  
18                  fects on the water quality of any body of water  
19                  caused by the drainage of historic mine residue  
20                  or other discharges from the inactive or aban-  
21                  doned mine site;

22                  (E) a description of—

23                         (i) the historic mine residue proposed  
24                         to be remediated;

1                   (ii) the nature and scope of the pro-  
2 posed remediation, including—

3                   (I) any proposed recycling or re-  
4 processing of the historic mine residue,  
5 how the recycling or reprocessing re-  
6 lates to the remediation, and where the  
7 recycling or reprocessing will occur;  
8 and

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

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

17                   (iv) engineering plans for the project,  
18 bearing the seal of a Professional Engineer;

19                   (v) in the case of a remediation activ-  
20 ity that requires plugging, opening, or oth-  
21 erwise altering the portal or adit of an in-  
22 active or abandoned mine, an evaluation of  
23 inactive or abandoned mine site conditions,  
24 including an assessment of any pooled

1                    *water or hydraulic pressure in the inactive*  
2                    *or abandoned mine;*

3                    *(vi) how any material related to the*  
4                    *inactive or abandoned mine site that is*  
5                    *identified or listed as hazardous waste*  
6                    *under the Solid Waste Disposal Act (42*  
7                    *U.S.C. 6901 et seq.) will be disposed of;*

8                    *(vii) a monitoring program proposed*  
9                    *to be carried out following completion of the*  
10                   *remediation, if applicable, that will be im-*  
11                   *plemented to evaluate the effects of the reme-*  
12                   *diation on the environment; and*

13                   *(viii) the capacity (including technical*  
14                   *and administrative) of the applicant to*  
15                   *carry out the proposed activities and any*  
16                   *terms of the permit for which the applica-*  
17                   *tion is being submitted;*

18                   *(F) a plan for any operation and mainte-*  
19                   *nance related to the proposed remediation;*

20                   *(G) a proposed schedule for activities to be*  
21                   *carried out under the project, including an ex-*  
22                   *pected completion date for the remediation;*

23                   *(H) a budget for the project;*

24                   *(I) evidence satisfactory to the permitting*  
25                   *authority that the applicant has sufficient finan-*

1           *cial resources to ensure that the activities pro-*  
2           *posed to be carried out by the applicant, includ-*  
3           *ing any operation and maintenance activities*  
4           *related to the remediation, will be carried out*  
5           *under the permit;*

6           *(J) an identification of any cooperating*  
7           *persons and a description of activities proposed*  
8           *to be carried out by such persons;*

9           *(K) a description of—*

10           *(i) any recognition for excellence in en-*  
11           *vironmental compliance, reclamation, or re-*  
12           *mediation received by the applicant or any*  
13           *cooperating person identified under sub-*  
14           *paragraph (J); and*

15           *(ii) the history of any noncompliance*  
16           *with environmental laws by the applicant*  
17           *or any cooperating person identified under*  
18           *subparagraph (J) during the 5-year period*  
19           *preceding submission of the application;*

20           *(L) if the applicant intends to use the*  
21           *project to comply with an offsite mitigation re-*  
22           *quirement, a reference to the offsite mitigation*  
23           *requirement and any related permit; and*

24           *(M) a specific contingency plan that—*

1           (i) includes provisions on emergency  
2           actions, response, and notification; and

3           (ii) is designed to be used in response  
4           to unplanned adverse events, including the  
5           sudden release of historic mine residue.

6           (2) NOTICE REQUIREMENTS.—

7           (A) STATE, LOCAL, AND TRIBAL COMMU-  
8           NITIES.—As soon as practicable after receiving  
9           an application under this section, a permitting  
10          authority shall provide notice of the application,  
11          including a copy of the application, to—

12          (i) each local government located with-  
13          in a radius of 20 miles of the project site;

14          (ii) each Federal, State, and tribal  
15          agency that the permitting authority deter-  
16          mines may have an interest in the applica-  
17          tion; and

18          (iii) if the project site lies in the head-  
19          water area of a major drainage basin, local  
20          governments located outside of the 20-mile  
21          radius of the project site that are down-  
22          stream of the project site and may be af-  
23          fected by a discharge resulting from activi-  
24          ties carried out pursuant to the project.

1           (B) *PUBLIC NOTICE.*—Not later than 30  
2           days after receiving an application under this  
3           section, a permitting authority shall provide to  
4           the public notice of the application.

5           (3) *INVESTIGATIVE SAMPLING.*—

6           (A) *IN GENERAL.*—A permitting authority  
7           may, upon request, authorize a person to carry  
8           out investigative sampling, as determined appro-  
9           priate by the permitting authority, prior to sub-  
10          mitting an application for a permit under this  
11          section.

12          (B) *EFFECT OF AUTHORIZATION.*—An au-  
13          thorization to carry out investigative sampling  
14          under this section shall, with respect to the au-  
15          thorized activities, have the same effect as a per-  
16          mit for the purposes of subsection (g).

17          (d) *PUBLIC PARTICIPATION.*—

18          (1) *HEARING.*—Prior to issuing a permit under  
19          this section, a permitting authority shall conduct a  
20          public hearing in the vicinity of the proposed project  
21          site, and shall give public notice of the hearing not  
22          later than 30 days before the date of the hearing.

23          (2) *DRAFT PERMIT.*—The permitting authority  
24          shall include a draft permit in the notice of a hearing  
25          to be conducted under this section.

1           (3) *COMMENTS.*—*The permitting authority shall*  
2           *provide the applicant and the public with the oppor-*  
3           *tunity to—*

4                     (A) *comment on the draft permit at the*  
5                     *public hearing; and*

6                     (B) *submit written comments to the permit-*  
7                     *ting authority during the 30-day period fol-*  
8                     *lowing the hearing.*

9           (e) *PERMIT ISSUANCE.*—

10           (1) *DEADLINE.*—*A permitting authority shall*  
11           *issue a permit or deny a permit application under*  
12           *this section not later than—*

13                     (A) *the date that is 180 days after the date*  
14                     *on which the permitting authority receives a*  
15                     *complete application for the permit, as deter-*  
16                     *mined by the permitting authority; or*

17                     (B) *such later date as may be determined*  
18                     *by the permitting authority, with the agreement*  
19                     *of the applicant.*

20           (2) *CONSTRUCTIVE DENIAL.*—*If the permitting*  
21           *authority does not issue a permit or deny the permit*  
22           *application by the applicable date described in para-*  
23           *graph (1), the application shall be considered to be*  
24           *denied by the permitting authority.*

25           (3) *AGENCY CONSULTATION.*—



1           (A) *CONSULTATION.*—*In considering wheth-*  
2           *er to issue a permit for a project to be carried*  
3           *out on Federal lands, a permitting authority*  
4           *shall consult with any applicable Federal land*  
5           *management agency.*

6           (B) *OBJECTION.*—*A permitting authority*  
7           *may not issue a permit under this section if—*

8                   (i) *the proposed project site is not a*  
9                   *priority site designated under section 204;*  
10                  *and*

11                   (ii) *the permitting authority receives*  
12                   *an objection to the proposed permit from a*  
13                   *Federal land management agency with ju-*  
14                   *risdiction over the project site.*

15       (f) *PERMIT CONTENTS.*—

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

18                   (A) *a description of the activities authorized*  
19                   *by the permit, including a description of any ac-*  
20                   *tivities to be carried out by a cooperating person*  
21                   *in accordance with paragraph (5);*

22                   (B) *a schedule for the activities to be car-*  
23                   *ried out under the project, in accordance with*  
24                   *paragraph (3), including an end date by which*

1           *the permittee shall complete the permitted activi-*  
2           *ties;*

3           *(C) conditions requiring the permittee to—*

4                     *(i) secure, for all activities authorized*  
5                     *under the permit, all authorizations, li-*  
6                     *enses, and permits required under law;*

7                     *(ii) establish and maintain records,*  
8                     *conduct monitoring (as described in para-*  
9                     *graph (4)), and provide such other informa-*  
10                    *tion as may be reasonably necessary to en-*  
11                    *sure the project will result in improvement*  
12                    *to the environment; and*

13                    *(iii) minimize any short-term adverse*  
14                    *environmental impacts from the remedi-*  
15                    *ation, to the extent practicable;*

16           *(D) a right of entry to the project site for*  
17           *the permitting authority to inspect and collect*  
18           *such information as is reasonably necessary to*  
19           *carry out this title;*

20           *(E) if the project to be carried out under the*  
21           *permit will be used by the permittee to comply*  
22           *with an offsite mitigation requirement, a ref-*  
23           *erence to the offsite mitigation requirement and*  
24           *any related permit; and*

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

3           (2) *BENCHMARKS.*—A permitting authority shall  
4           ensure that a permit issued under this section is site-  
5           and situation-specific, relying on pre-mining condi-  
6           tions and conditions existing as of the date of  
7           issuance of the permit to determine appropriate water  
8           quality or other environmental benchmarks to achieve  
9           in carrying out remediation under the permit.

10          (3) *TIMING.*—A permitting authority shall re-  
11          quire activities authorized by a permit issued under  
12          this section to—

13                 (A) commence not later than the date that  
14                 is 1 year after the date on which the permit is  
15                 issued; and

16                 (B) continue until completed, with tem-  
17                 porary suspensions permitted during adverse  
18                 weather or other circumstances, as approved by  
19                 the permitting authority.

20          (4) *MONITORING.*—

21                 (A) *IN GENERAL.*—A permitting authority  
22                 shall require a permittee to take such actions as  
23                 the permitting authority determines are nec-  
24                 essary to ensure, where appropriate, baseline, re-

1           *medial alternative, and postremediation moni-*  
2           *toring of the environment.*

3           *(B) ADMINISTRATION.—In selecting the type*  
4           *and frequency of monitoring requirements to be*  
5           *included in a permit under this paragraph, the*  
6           *permitting authority shall—*

7                     *(i) balance the utility of information*  
8                     *obtained through monitoring against the*  
9                     *cost of the monitoring, based on the cir-*  
10                    *cumstances relating to the project; and*

11                    *(ii) take into account the scope of the*  
12                    *project.*

13           *(5) COOPERATIVE ACTIVITIES.—A permitting*  
14           *authority may approve in a permit the conduct of*  
15           *project activities by cooperating persons if, as deter-*  
16           *mined by the permitting authority, the cooperative*  
17           *arrangement will effectively accomplish the purposes*  
18           *of this title.*

19           *(g) EFFECT OF PERMIT.—*

20                    *(1) IN GENERAL.—A person authorized by a per-*  
21                    *mit issued under this section to carry out activities—*

22                             *(A) shall be deemed to be in compliance*  
23                             *with environmental laws with respect to such ac-*  
24                             *tivities; and*

1           (B) shall not be liable under environmental  
2 laws with respect to such activities, including for  
3 any costs or damages deriving from the prior,  
4 present, or future activities of others at the  
5 project site.

6           (2) *LIMITATION.*—Paragraph (1) shall not apply  
7 if—

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

11           (B) the person exacerbates the pollution  
12 from historic mine residue as a result of gross  
13 negligence or intentional misconduct, in which  
14 case the person may be liable under environ-  
15 mental laws for costs or damages resulting from  
16 such gross negligence or intentional misconduct;  
17 or

18           (C) information supplied to the permitting  
19 authority in the permit application is subse-  
20 quently determined to contain a dishonest,  
21 fraudulent, or materially misleading statement  
22 or omission, in which case the permit shall be  
23 deemed to have been invalid beginning on the  
24 date the permit was issued, and shall have no  
25 force or effect.

1       (h) *ADMINISTRATION OF PERMITS.*—

2               (1) *MODIFICATION OR TERMINATION OF PER-*  
3 *MITTS.*—

4               (A) *AUTHORITY.*—*A permitting authority*  
5 *may—*

6                       (i) *extend the period during which a*  
7 *permit is valid under procedures established*  
8 *for such purpose by the permitting author-*  
9 *ity;*

10                      (ii) *modify or terminate a permit for*  
11 *cause, including misrepresentation or a vio-*  
12 *lation of a permit; and*

13                      (iii) *upon the request of the Good Sa-*  
14 *maritan, and subject to a 30 day public no-*  
15 *tice and comment period, modify a Good*  
16 *Samaritan permit to take into account any*  
17 *event or condition that—*

18                               (I) *significantly reduces the feasi-*  
19 *bility or significantly increases the cost*  
20 *of completing the remediation work at*  
21 *the inactive or abandoned mine site*  
22 *that is the subject of the Good Samari-*  
23 *tan permit;*

24                               (II) *was not—*

1                   (aa) contemplated by the  
2                   Good Samaritan; or

3                   (bb) taken into account in  
4                   the remediation plan of the Good  
5                   Samaritan; and

6                   (III) is beyond the control of the  
7                   Good Samaritan, as determined by the  
8                   permitting authority.

9                   (B) *TERMINATION.*—Unless the permitting  
10                  authority has extended the period during which  
11                  a permit is valid, the authority to carry out ac-  
12                  tivities under a permit issued under this section  
13                  shall terminate—

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

17                  (ii) if the activities are discontinued or  
18                  not completed by the end date specified in  
19                  the permit; or

20                  (iii) on any other grounds determined  
21                  appropriate by the permitting authority.

22                  (2) *TRANSFER OF PERMITS.*—A permit may be  
23                  transferred to another person only if—

1           (A) *the appropriate permitting authority*  
2           *determines that the transferee will satisfy all of*  
3           *the requirements of the permit;*

4           (B) *the transferee is a Good Samaritan;*

5           (C) *the transferee accepts all of the require-*  
6           *ments of the permit;*

7           (D) *the permitting authority includes in the*  
8           *transferred permit any additional or modified*  
9           *conditions determined to be appropriate by the*  
10          *permitting authority; and*

11          (E) *any Federal, State, or tribal land man-*  
12          *agement agency with jurisdiction over the project*  
13          *site is notified of the proposed transfer and does*  
14          *not object to the permitting authority before the*  
15          *date that is 30 days before the proposed transfer*  
16          *is to take effect.*

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

20          (i) *OTHER ACTIVITIES.—A permit issued under this*  
21          *section may not authorize any new mining activities other*  
22          *than those activities directly related to carrying out remedi-*  
23          *ation at or related to the inactive or abandoned mine site.*



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

2       (a) *IN GENERAL.*—A State or Indian tribe may issue  
3 a permit under this title if the State or Indian tribe has  
4 in effect a Good Samaritan permit program approved by  
5 the Administrator under this section.

6       (b) *APPLICATION.*—

7           (1) *SUBMISSION.*—The Governor of any State or  
8 the head of an Indian tribe’s governing body may  
9 submit to the Administrator an application to carry  
10 out a Good Samaritan permit program within its ju-  
11 risdiction at any time.

12           (2) *CONTENTS.*—An application under this sec-  
13 tion shall include—

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

17                   (B) a statement from the State Attorney  
18 General, or, for an Indian tribe, the equivalent  
19 official authorized to represent the tribe in court  
20 pertaining to the application, that the laws of  
21 the State or Indian tribe provide sufficient legal  
22 authority to carry out the described program.

23           (3) *APPROVAL.*—Not later than 120 days after  
24 receiving an application submitted under this sub-  
25 section, the Administrator shall approve the Good Sa-  
26 maritan permit program unless the Administrator de-

1 *termines that the requirements of this section are not*  
2 *met.*

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

5 *(1) designate a lead agency that is responsible*  
6 *for carrying out permitting responsibilities under this*  
7 *section; and*

8 *(2) have in effect laws providing sufficient legal*  
9 *authority to carry out a Good Samaritan permit pro-*  
10 *gram in accordance with this title.*

11 *(d) DELEGATION OF AUTHORITY.—Upon approval of*  
12 *a State or tribal Good Samaritan permit program under*  
13 *this section, the Administrator shall transfer all authority*  
14 *to issue permits under this title for the State or relevant*  
15 *area of Indian country to the lead agency designated under*  
16 *subsection (c)(1).*

17 *(e) ADMINISTRATION.—A State or tribal Good Samar-*  
18 *itan permit program approved under this section shall be*  
19 *administered in accordance with this title, except that noth-*  
20 *ing in this title precludes a State or Indian tribe from im-*  
21 *posing more stringent requirements on permit applicants*  
22 *or permittees.*

1 **SEC. 305. ENFORCEMENT.**

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

5 (1) *issuing an order to comply with the violated*  
6 *provision; or*

7 (2) *commencing a civil action for appropriate*  
8 *relief, including a permanent or temporary injunc-*  
9 *tion.*

10 (b) *MINIMUM REQUIREMENT.*—*In the event of a per-*  
11 *mit violation, and absent extraordinary circumstances, the*  
12 *court shall, at a minimum, require the person to repair,*  
13 *to the extent practicable, the damage to any part of the en-*  
14 *vironment caused by an action of the person in violation*  
15 *of the permit.*

16 (c) *CIVIL PENALTY.*—*Any person who violates this*  
17 *title shall be subject to a civil penalty of up to \$5,000 for*  
18 *each day of the violation (except in cases of knowing con-*  
19 *duct, in which case the civil penalty shall be \$32,500 for*  
20 *each day of the violation).*

21 **SEC. 306. GRANTS ELIGIBILITY.**

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

1 **SEC. 307. CONSTRUCTION OF THE NATIONAL ENVIRON-**  
2 **MENTAL POLICY ACT OF 1969.**

3 *No action of the Administrator taken pursuant to this*  
4 *title shall be required to comply with section 102 of the Na-*  
5 *tional Environmental Policy Act of 1969 (42 U.S.C. 4332).*

6 **SEC. 308. USE OF PROJECTS TO MEET OFFSITE MITIGATION**  
7 **REQUIREMENTS.**

8 *A project authorized by a permit issued under this title*  
9 *shall be considered to satisfy all or part of any offsite miti-*  
10 *gation requirement of the permittee, upon approval by the*  
11 *authority imposing the offsite mitigation requirement.*

12 **SEC. 309. STATE AND TRIBAL RECLAMATION PLANS UNDER**  
13 **THE SURFACE MINING CONTROL AND REC-**  
14 **LAMATION ACT OF 1977.**

15 *No State or Indian tribe conducting remediation of an*  
16 *inactive or abandoned mine site pursuant to an approved*  
17 *State or tribal abandoned mine reclamation plan approved*  
18 *under title IV of the Surface Mining Control and Reclama-*  
19 *tion Act of 1977 (30 U.S.C. 1231 et seq.) shall, with respect*  
20 *to the remediation activities, be required to obtain a permit*  
21 *under the Federal Water Pollution Control Act (33 U.S.C.*  
22 *1251 et seq.).*

23 **SEC. 310. SAVINGS PROVISIONS.**

24 *(a) EMERGENCY AUTHORITY.—Nothing in this title af-*  
25 *fects the authority of a Federal, State, tribal, or local agen-*

1 *cy to carry out any emergency authority, including an*  
2 *emergency authority under environmental laws.*

3 (b) *LIABILITY UNDER OTHER LAWS.*—*Except as pro-*  
4 *vided in section 303(g), nothing in this title or a permit*  
5 *issued under this title limits the liability of any person*  
6 *under any other provision of law.*

7 **SEC. 311. SUNSET.**

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

11 (b) *STUDY; REPORT.*—

12 (1) *STUDY.*—*Not earlier than 5 years after the*  
13 *date of enactment of this title, the Administrator, the*  
14 *Secretary of the Interior, and the Secretary of Agri-*  
15 *culture, in consultation with the Interstate Mining*  
16 *Compact Commission, shall enter into an arrange-*  
17 *ment with the National Academy of Sciences, for exe-*  
18 *cution by the Board on Earth Sciences and Resources,*  
19 *to conduct a detailed, comprehensive study of the ef-*  
20 *fectiveness of the permitting activities carried out*  
21 *under this title.*

22 (2) *REPORT.*—*Not later than 7 years after the*  
23 *date of enactment of this title, the Board on Earth*  
24 *Sciences and Resources shall submit to Congress, the*  
25 *appropriate Federal agencies, and the Governors of*

1        *each of the States represented by the Interstate Min-*  
2        *ing Compact Commission a report containing—*

3                *(A) the results of the study conducted under*  
4                *paragraph (1); and*

5                *(B) any recommendations regarding wheth-*  
6                *er the permitting activities carried out under*  
7                *this title should be reauthorized and, if so, any*  
8                *changes that should be made to improve the effec-*  
9                *tiveness of the activities.*

10              *(3) FUNDING.—From the funds collected as*  
11              *claim location fees and maintenance fees under sec-*  
12              *tion 102, the Secretary of the Interior shall provide*  
13              *to the National Academy of Sciences such funds as it*  
14              *requests, not to exceed \$2,000,000, for the purpose of*  
15              *conducting the study required under this section.*



Union Calendar No. 556

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3843**

[Report No. 114-717, Part I]

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## **A BILL**

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

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SEPTEMBER 6, 2016

Reported from the Committee on Natural Resources with  
an amendment

SEPTEMBER 6, 2016

The Committees on Transportation and Infrastructure  
and Energy and Commerce discharged; committed to  
the Committee of the Whole House on the State of the  
Union and ordered to be printed