

HR 2262

Hardrock Mining and Reclamation Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: May 10, 2007

Current Status: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources. (Nov 5, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/2262>

Sponsor

Name: Rep. Rahall, Nick J., II [D-WV-3]

Party: Democratic • **State:** WV • **Chamber:** House

Cosponsors (62 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---------------|------|--------------|
| Rep. Costa, Jim [D-CA-20] | D · CA | | May 10, 2007 |
| Del. Christensen, Donna M. [D-VI-At Large] | D · VI | | May 24, 2007 |
| Rep. Grijalva, Raúl M. [D-AZ-7] | D · AZ | | May 24, 2007 |
| Rep. Hinchey, Maurice D. [D-NY-22] | D · NY | | May 24, 2007 |
| Rep. Inslee, Jay [D-WA-1] | D · WA | | May 24, 2007 |
| Rep. Markey, Edward J. [D-MA-7] | D · MA | | May 24, 2007 |
| Rep. Miller, George [D-CA-7] | D · CA | | May 24, 2007 |
| Rep. Moran, James P. [D-VA-8] | D · VA | | May 24, 2007 |
| Rep. Capps, Lois [D-CA-23] | D · CA | | Jun 19, 2007 |
| Rep. Gonzalez, Charles A. [D-TX-20] | D · TX | | Jun 19, 2007 |
| Rep. Honda, Michael M. [D-CA-15] | D · CA | | Jun 19, 2007 |
| Rep. Jackson-Lee, Sheila [D-TX-18] | D · TX | | Jun 19, 2007 |
| Rep. Stark, Fortney Pete [D-CA-13] | D · CA | | Jun 19, 2007 |
| Rep. Udall, Mark [D-CO-2] | D · CO | | Jun 19, 2007 |
| Rep. Waxman, Henry A. [D-CA-30] | D · CA | | Jun 19, 2007 |
| Rep. Baird, Brian [D-WA-3] | D · WA | | Jul 24, 2007 |
| Rep. Berman, Howard L. [D-CA-28] | D · CA | | Jul 24, 2007 |
| Rep. Blumenauer, Earl [D-OR-3] | D · OR | | Jul 24, 2007 |
| Rep. Hastings, Alcee L. [D-FL-23] | D · FL | | Jul 24, 2007 |
| Rep. Hodes, Paul W. [D-NH-2] | D · NH | | Jul 24, 2007 |
| Rep. Jackson, Jesse L., Jr. [D-IL-2] | D · IL | | Jul 24, 2007 |
| Rep. Kilpatrick, Carolyn C. [D-MI-13] | D · MI | | Jul 24, 2007 |
| Rep. Kucinich, Dennis J. [D-OH-10] | D · OH | | Jul 24, 2007 |
| Rep. Levin, Sander M. [D-MI-12] | D · MI | | Jul 24, 2007 |
| Rep. Lofgren, Zoe [D-CA-16] | D · CA | | Jul 24, 2007 |
| Rep. Maloney, Carolyn B. [D-NY-14] | D · NY | | Jul 24, 2007 |
| Rep. McCollum, Betty [D-MN-4] | D · MN | | Jul 24, 2007 |
| Rep. Pallone, Frank, Jr. [D-NJ-6] | D · NJ | | Jul 24, 2007 |
| Rep. Sanchez, Loretta [D-CA-47] | D · CA | | Jul 24, 2007 |
| Rep. Schiff, Adam B. [D-CA-29] | D · CA | | Jul 24, 2007 |
| Rep. Shays, Christopher [R-CT-4] | R · CT | | Jul 24, 2007 |
| Rep. Allen, Thomas H. [D-ME-1] | D · ME | | Sep 4, 2007 |
| Rep. Frank, Barney [D-MA-4] | D · MA | | Sep 4, 2007 |
| Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4] | D · GA | | Sep 4, 2007 |
| Rep. Matsui, Doris O. [D-CA-5] | D · CA | | Sep 4, 2007 |
| Rep. McDermott, Jim [D-WA-7] | D · WA | | Sep 4, 2007 |
| Rep. McNulty, Michael R. [D-NY-21] | D · NY | | Sep 4, 2007 |
| Rep. Perlmutter, Ed [D-CO-7] | D · CO | | Sep 4, 2007 |
| Rep. Rothman, Steven R. [D-NJ-9] | D · NJ | | Sep 4, 2007 |
| Rep. Shea-Porter, Carol [D-NH-1] | D · NH | | Sep 4, 2007 |
| Rep. Chandler, Ben [D-KY-6] | D · KY | | Sep 25, 2007 |

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Rep. DeGette, Diana [D-CO-1] | D · CO | | Sep 25, 2007 |
| Rep. Gilchrest, Wayne T. [R-MD-1] | R · MD | | Sep 25, 2007 |
| Rep. Gutierrez, Luis V. [D-IL-4] | D · IL | | Sep 25, 2007 |
| Rep. Lewis, John [D-GA-5] | D · GA | | Sep 25, 2007 |
| Rep. Serrano, Jose E. [D-NY-16] | D · NY | | Sep 25, 2007 |
| Rep. Sires, Albio [D-NJ-13] | D · NJ | | Sep 25, 2007 |
| Rep. Woolsey, Lynn C. [D-CA-6] | D · CA | | Sep 25, 2007 |
| Rep. Wu, David [D-OR-1] | D · OR | | Sep 25, 2007 |
| Rep. McGovern, James P. [D-MA-3] | D · MA | | Oct 2, 2007 |
| Rep. Salazar, John T. [D-CO-3] | D · CO | | Oct 2, 2007 |
| Rep. Wexler, Robert [D-FL-19] | D · FL | | Oct 2, 2007 |
| Rep. Brown, Corrine [D-FL-3] | D · FL | | Oct 9, 2007 |
| Rep. Courtney, Joe [D-CT-2] | D · CT | | Oct 9, 2007 |
| Rep. Eshoo, Anna G. [D-CA-14] | D · CA | | Oct 9, 2007 |
| Rep. Kennedy, Patrick J. [D-RI-1] | D · RI | | Oct 9, 2007 |
| Rep. Udall, Tom [D-NM-3] | D · NM | | Oct 9, 2007 |
| Rep. Kildee, Dale E. [D-MI-5] | D · MI | | Oct 16, 2007 |
| Rep. Kind, Ron [D-WI-3] | D · WI | | Oct 16, 2007 |
| Rep. Solis, Hilda L. [D-CA-32] | D · CA | | Oct 16, 2007 |
| Rep. Filner, Bob [D-CA-51] | D · CA | | Oct 17, 2007 |
| Rep. Gordon, Bart [D-TN-6] | D · TN | | Oct 22, 2007 |

Committee Activity

| Committee | Chamber | Activity | Date |
|--|---------|-----------------|--------------|
| Energy and Natural Resources Committee | Senate | Referred To | Nov 5, 2007 |
| Natural Resources Committee | House | Discharged from | Oct 23, 2007 |

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

| Bill | Relationship | Last Action |
|--------------|----------------------|---|
| 110 S 2750 | Related bill | Mar 12, 2008: Read twice and referred to the Committee on Energy and Natural Resources. (text of measure as introduced: CR S2002-2006) |
| 110 HRES 780 | Procedurally related | Nov 1, 2007: On agreeing to the resolution Agreed to by recorded vote: 224 - 195 (Roll no. 1028). (text: CR H12389) |

Hardrock Mining and Reclamation Act of 2007 - (Sec. 3) States this Act applies to any mining claim, millsite claim, or tunnel site claim: (1) located under the general mining laws before, on, or after the date of enactment of this Act; or (2) used for beneficiation or mineral processing activities, regardless of whether legal and beneficial title to the mineral is held by the United States.

Title I: Mineral Exploration and Development - (Sec. 101) Conditions federal issuance of a patent for any mining or millsite claim located under the general mining laws upon specified determinations by the Secretary of the Interior.

(Sec. 102) Subjects production of locatable minerals, including mineral concentrates or products derived from such minerals, to a royalty of 8% of the gross income from mining.

Imposes a 4% royalty upon federal lands subject to an existing permit.

Subjects to specified royalties certain federal land added to an existing operations permit.

Sets forth royalty payment requirements governing claim holders, operators, and transporters.

Makes each person liable for royalty payments under this Act jointly and severally liable for royalty on all locatable minerals, concentrates, or derived products lost or wasted from a mining claim maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this Act.

Establishes a civil penalty for failure to comply with royalty requirements.

(Sec. 103) Sets forth a hardrock mining claim maintenance fee for each unpatented mining claim, mill, or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act.

Requires waiver of such fee for a claimant who certifies in writing that on the payment due date the claimant and all related parties held not more than 10 mining claims, mill sites, or tunnel sites, or any combination of them on public lands, and had performed requisite assessment work.

States that nonpayment of the claim maintenance fee constitutes a forfeiture of the unpatented mining claim, mill, or tunnel site.

(Sec. 104) States that timely payment of the claim maintenance fee asserts claimant's authority to use and occupy the federal land concerned for prospecting and exploration.

Title II: Protection of Special Places - (Sec. 201) States that mining claims may be located under the general mining laws only on such lands and interests as were open to location immediately before enactment of this Act.

Designates the following lands as not open to location of mining claims under the general mining laws on or after the date of enactment of this Act: (1) wilderness study areas; (2) areas of critical environmental concern; (3) areas designated for inclusion in the National Wild and Scenic Rivers System (including areas designated for potential addition, or eligible for

inclusion in such system); and (4) any area identified in certain inventoried roadless areas maps contained in the Forest Service Roadless Area Conservation Final Environmental Impact Statement.

(Sec. 202) Permits a state, political subdivision, or Indian tribe to petition the Secretary for withdrawal of specific federal land from operation of the general mining laws in order to protect specific values that are important to such entities.

Title III: Environmental Considerations of Mineral Exploration and Development - (Sec. 301) Instructs the Secretary to ensure that mineral activities on federal land subject to a mining claim, millsite claim, or tunnel site claim are carefully controlled to prevent undue degradation of public lands and resources.

Prohibits the Secretary from granting permission to engage in mineral activities if the Secretary publishes a determination in the Federal Register that undue degradation would result.

(Sec. 302) Prohibits mineral activities on federal land that may cause a disturbance of surface resources unless the claim and permit were issued in compliance with this Act.

(Sec. 303) Sets forth requirements for the exploration permit process and for operations permits.

(Sec. 305) Prohibits the issuance or transfer of permits if the underlying claim is in violation of this Act unless corrective action has been taken according to specified requirements.

Prohibits any permit issuance if there is a pattern of willful violations of its environmental protection requirements by the applicant, an affiliate, or the operator or claim holder if different from the applicant.

(Sec. 306) Sets forth requirements for financial assurance as a prerequisite to a permit.

Requires such financial assurance to include the estimated cost of maintaining effluent treatment to meet effluent limitations and water quality standards after cessation of mineral activities.

(Sec. 307) Requires restoration of lands under this Act to a condition capable of supporting: (1) the uses they were capable of supporting prior to surface disturbance; or (2) other beneficial uses which conform to applicable land use plans as determined by the Secretaries. Sets forth operation and reclamation standards.

Instructs the Secretary of the Interior to work with state and local governments to ensure that surface or groundwater withdrawals as a result of mining activities do not cause undue degradation.

(Sec. 308) Declares that state law or regulations which exceed the requirements of this Act shall not be construed to be inconsistent with such requirements.

States that an understanding before the enactment of this Act between the Secretary concerned and any state or political subdivision regarding mineral activities on lands subject to this Act may only continue in force until one year after the date of enactment of this Act.

(Sec. 309) Prohibits issuance of a permit authorizing mineral activities that would impair the land or resources of the National Park System or a National Monument.

Title IV: Mining Mitigation - Subtitle A: Locatable Minerals Fund - (Sec. 401) Establishes the Locatable Minerals Fund (Fund) composed of: (1) penalties, fees and royalties; (2) the Hardrock Reclamation Account, and (3) the Hardrock

Community Impact Assistance Account.

Subtitle B: Use of Hardrock Reclamation Account - (Sec. 411) Authorizes the Secretary to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on certain federal lands, including habitat reclamation and restoration.

Prescribes requirements for allocation among certain states of 50% of the amounts deposited into such Account.

Subtitle C: Use of Hardrock Community Impact Assistance Account - (Sec. 421) Makes the Hardrock Community Impact Assistance Account available to provide assistance for the planning, construction, and maintenance of public facilities and the provision of public services to states, political subdivisions, and Indian tribes socially or economically impacted by mineral activities conducted under the general mining laws.

(Sec. 422) Prescribes allocation of funds from such Account.

Title V: Administrative and Miscellaneous Provisions - Subtitle A: Administrative Provisions - (Sec. 501) Amends the Mining and Minerals Policy Act of 1970 to declare that it is federal mining and minerals policy to ensure that mineral extraction and processing not cause undue degradation of the natural and cultural resources of the public lands.

Confers responsibility upon the Secretary of Agriculture to implement certain policy provisions of such Act.

Amends the National Materials and Minerals Policy, Research and Development Act of 1980 to direct the Secretary of Agriculture to promptly initiate actions to improve the availability and analysis of mineral data in public land use decision making with respect to National Forest System lands.

(Sec. 502) Authorizes the Secretaries to: (1) collect users fees; and (2) make inspections and monitor mineral activities.

(Sec. 504) Authorizes citizens suits to compel compliance with this Act.

(Sec. 505) Sets forth procedures for: (1) administrative and judicial review; and (2) enforcement, including penalties, suspensions and revocations.

any person who holds a limited patent or maintains a claim pursuant to this section shall be required to carry out reclamation as prescribed

Subtitle B: Miscellaneous Provisions - (Sec. 511) Amends the Energy Policy Act of 1992 to subject certain oil shale claims to the reclamation requirements of titles II and III of this Act.

(Sec. 517) Repeals: (1) the Building Stone Act; and (2) the Saline Placer Act.

Actions Timeline

- **Nov 5, 2007:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Nov 1, 2007:** Rule H. Res. 780 passed House.
- **Nov 1, 2007:** ORDER OF PROCEDURE - Mr. Rahall asked unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to two minutes the minimum time for electronic voting on any question that otherwise could be subjected to five-minute voting under clause 8 or 9 of rule 20 or under clause 6 of rule 18.
- **Nov 1, 2007:** Considered under the provisions of rule H. Res. 780. (consideration: CR H12397-12432; text of measure as reported in House: CR H12410-12420)
- **Nov 1, 2007:** Rule provides for consideration of H.R. 2262 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill.
- **Nov 1, 2007:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 780 and Rule XVIII.
- **Nov 1, 2007:** The Speaker designated the Honorable Jose E. Serrano to act as Chairman of the Committee.
- **Nov 1, 2007:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2262.
- **Nov 1, 2007:** DEBATE - Pursuant to the provisions of H. Res. 780, the Committee of the Whole proceeded with 10 minutes of debate on the Rahall amendment, as modified.
- **Nov 1, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Pearce amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Pearce demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 1, 2007:** DEBATE - Pursuant to the provisions of H. Res. 780, the Committee of the Whole proceeded with 10 minutes of debate on the Matsui amendment.
- **Nov 1, 2007:** DEBATE - Pursuant to the provisions of H. Res. 780, the Committee of the Whole proceeded with 10 minutes of debate on the Heller amendment.
- **Nov 1, 2007:** DEBATE - Pursuant to the provisions of H. Res. 780, the Committee of the Whole proceeded with 10 minutes of debate on the Cannon amendment.
- **Nov 1, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cannon amendment the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Cannon demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 1, 2007:** DEBATE - Pursuant to the provisions of H. Res. 780, the Committee of the Whole proceeded with 10 minutes of debate on the Pearce amendment.
- **Nov 1, 2007:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Nov 1, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2262.
- **Nov 1, 2007:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Nov 1, 2007:** Mr. Pearce moved to recommit with instructions to Natural Resources. (consideration: CR H12430-12431; text: CR H12430)
- **Nov 1, 2007:** DEBATE - The House proceeded with 10 minutes of debate on the Pearce motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to limit the amount of royalties to any mineral that is used in the manufacture of any technology used for the production of solar energy or nuclear energy.
- **Nov 1, 2007:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H12430-12431)
- **Nov 1, 2007:** On motion to recommit with instructions Failed by the Yeas and Nays: 170 - 240 (Roll no. 1032).
- **Nov 1, 2007:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 244 - 166 (Roll no. 1033).
- **Nov 1, 2007:** Motion to reconsider laid on the table Agreed to without objection.

Nov 1, 2007: On passage Passed by the Yeas and Nays: 244 - 166 (Roll no. 1033).

- **Nov 1, 2007:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2262.
- **Oct 30, 2007:** Rules Committee Resolution H. Res. 780 Reported to House. Rule provides for consideration of H.R. 2262 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill.
- **Oct 29, 2007:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 110-412.
- **Oct 29, 2007:** Placed on the Union Calendar, Calendar No. 260.
- **Oct 23, 2007:** Subcommittee on Energy and Mineral Resources Discharged.
- **Oct 23, 2007:** Committee Consideration and Mark-up Session Held.
- **Oct 23, 2007:** Ordered to be Reported (Amended) by the Yeas and Nays: 23 - 15.
- **Oct 18, 2007:** Committee Consideration and Mark-up Session Held.
- **Oct 2, 2007:** Subcommittee Hearings Held.
- **Jul 26, 2007:** Subcommittee Hearings Held.
- **May 18, 2007:** Referred to the Subcommittee on Energy and Mineral Resources.
- **May 10, 2007:** Introduced in House
- **May 10, 2007:** Referred to the House Committee on Natural Resources.