



## Legislative Bulletin.....November 1, 2007

### Contents:

**H.R. 2262**—Hardrock Mining and Reclamation Act of 2007

H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, (sponsored by Rep. Nick Rahall, D-WV) is scheduled to be considered Thursday, November 1, 2007, subject to a structured rule ([H.Res. 780](#)) that makes in order the following seven amendments, each debatable for ten minutes, except where indicated.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, waives all points of order against the bill itself—except PAYGO—and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule allows one motion to recommit with or without instructions.

Note: The summaries below are based on RSC staff’s review of *actual amendment text* (and thus differ from what’s on the Rules Committee website). For a summary of the underlying bill, see a separate RSC document released today.

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### AMENDMENTS MADE IN ORDER

**1. Rahall (D-WV):** Defines the term “valid existing rights” in the bill and specifies that existing mines will still be subject to a 4% gross income royalty and must comply with the other requirements of the bill within ten years. Specifies that all money received from claim maintenance fees will be deposited into the Locatable Minerals Fund. The amendment also specifies that location fees paid to the Bureau of Land Management would be used to pay administrative costs associated with the Act. The amendment limits the kinds of law suits that can be brought under the citizen suits section of the bill to those regarding the issuance of permits. The amendment also specifies that nothing in the Act may be construed as to waive the sovereign immunity of any Indian tribe.

**2. Pearce (R-NM):** Strikes the definition of “undue degradation” in the bill. As it is written in the bill, undue degradation is defined as, “irreparable harm to significant scientific, cultural, or environmental resources on public lands that cannot be effectively mitigated.”

In the current bill the Secretary is responsible for ensuring that mining activities on federal land do not cause “undue degradation” and the Secretary may prohibit mining activities if it is determined that undue degradation would occur.

**3. Matsui (D-CA):** Inserts “river watershed areas” as areas that may be considered for priority funding for reclamation projects from the Abandoned Locatable Mineral Mine Reclamation Fund.

**4. Heller (R-NV):** Requires that 50% of the funds from the Hardrock Reclamation Account (HRA) be distributed to the states in proportion to the royalty funds generated in the state.

Currently, funds from the HRA, which holds two-thirds of all royalty fees assessed, go to pay fees to assist reclamation efforts at former mines where environmental damage has occurred. However, unlike the Hardrock Community Impact Assistance Account, there is no current requirement to distribute funds proportionally.

**5. Sali (R-ID):** Strikes section 101 from the bill, which prohibits the issuance of patents for mining claims unless the patent application was filed prior to September 30, 1994. Without patents for mining claims, claimholders and mining companies may not purchase federal land where their mines are located. This amendment would allow the issuance of patents to continue.

**6. Cannon (R-UT):** Strikes section 517, which stipulates that common minerals (such as clay, stone, pumice, and rock) are not to be treated as locatable minerals and removes the ability of an individual to make a claim on federal land for such minerals.

**7. Pearce (R-NM):** Inserts a new title that establishes the Mineral Commodity Information Administration (MCIA). The purpose the MCIA would be to ensure that information on domestically *and* internationally produced mineral commodities is collected and provided to the public. For the purpose of carrying out the duty of the MCIA, the amendment would remove the Minerals Information Team (MIT) from the Geological Survey and require it to collect and analyze mineral data. The amendment would allow the MIT to increase its staff and would require that it submit annual reports to Congress regarding the state of domestically and internationally produced minerals. Finally, the amendment would require the MIT to make all information about mineral commodities know to the public in an accessible manner.