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AMENDMENT TO H.R. 2262, AS REPORTED

OFFERED BY MS. HERSETH SANDLIN OF SOUTH DAKOTA

At the end of section 504(b) add the following:

1 (4) No action may be brought against a person under
2 subsection (a)(1) for an alleged violation unless—
3 (A) the Secretary of the Interior or the Sec-
4 retary of Agriculture—
5 (i) issued a finding that the person com-
6 mitted the violation; and
7 (ii) directed the person to take action with
8 respect to the violation, including establishment
9 of a deadline for such action; and
10 (B) the person failed to carry out such action
11 before the expiration of such deadline.

25 Revised

AMENDMENT TO H.R. 2262, AS REPORTED

OFFERED BY MR. RAHALL OF WEST VIRGINIA

Amend section 2(b) to read as follows:

1 (b) VALID EXISTING RIGHTS.—As used in this Act,
2 the term "valid existing rights" means a mining claim or
3 millsite claim located on lands described in section 201(b),
4 that—
5 (1) was properly located and maintained under
6 the general mining laws prior to the date of enact-
7 ment of this Act;
8 (2) was supported by a discovery of a valuable
9 mineral deposit within the meaning of the general
10 mining laws on the date of enactment of this Act,
11 or satisfied the limitations under existing law for
12 millsite claims; and
13 (3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert "Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—".

In section 3(c)(2), strike "section 102" and insert "section 102(a)(3)".

Amend section 102(a)(3) to read as follows:

1 (3) FEDERAL LAND ADDED TO EXISTING OPER-
2 ATIONS PERMIT.—Any Federal land added through
3 a plan modification to an operations permit that is
4 submitted after the date of enactment of this Act
5 shall be subject to the royalty that applies to Fed-
6 eral land under paragraph (1).

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

7 (4) Moneys received under this subsection that
8 are not otherwise allocated for the administration of
9 the mining laws by the Department of the Interior
10 shall be deposited in the Locatable Minerals Fund
11 established by this Act.

In section 202(a), strike "Any State" and insert "Subject to valid existing rights, any State".

In section 202(b)(3), after "petition" insert "subject to valid existing rights,".

In section 303(g)(4), strike "All moneys" and all that follows through the end of the sentence.

In section 304(h)(4), strike "All moneys" and all that follows through the end of the sentence.

In section 309, strike "the National Park System" and insert "a National Park".

Amend section 402(2) to read as follows:

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

Amend section 402(6) to read as follows:

3 (6) All amounts received by the United States
4 pursuant to section 103 as claim maintenance and
5 location fees minus the moneys allocated for admin-
6 istration of the mining laws by the Department of
7 the Interior.

In section 504(a)(1), strike "allged" and insert "alleged".

In section 504(a)(1), strike "pursuant to this Act" and insert "pursuant to title III of this Act".

In section 504(a)(1), strike "under this Act" and insert "under title III of this Act".

At the end of section 513, add the following:

1 (d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—
2 Nothing in this section shall be construed so as to waive
3 the sovereign immunity of any Indian tribe.