

**AMENDMENT TO H.R. 2925, AS REPORTED  
OFFERED BY MS. PORTER OF CALIFORNIA**

Add at the end the following:

1 **SEC. 3. FINANCIAL ASSURANCE.**

2 Section 10105 of the Omnibus Budget Reconciliation  
3 Act of 1993 (30 U.S.C. 28j) is amended by adding at the  
4 end the following:

5 “(d) FINANCIAL ASSURANCE REQUIRED.—

6 “(1) FORM OF ASSURANCE.—After the date on  
7 which a notice is accepted or a plan of operations is  
8 approved by the Secretary concerned and before any  
9 operations begin, the operator shall file with the Sec-  
10 retary concerned financial assurance payable to the  
11 United States, which shall be provided in the form  
12 of a surety bond, letters of credit, certificates of de-  
13 posit, or cash.

14 “(2) COVERED AREA.—

15 “(A) IN GENERAL.—The financial assur-  
16 ance required to be filed by an operator under  
17 paragraph (1) shall cover the area of oper-  
18 ations, including all waters within such area  
19 that may require restoration, treatment, or

1 other management as a result of operations car-  
2 ried out within such area.

3 “(B) ADDITIONAL AREA.—The operator  
4 shall file financial assurance for any area, in-  
5 cluding any waters described in subparagraph  
6 (A), added to the area of operations pursuant  
7 to any modification of the plan of operations as-  
8 sociated with such operations.

9 “(3) AMOUNT.—

10 “(A) IN GENERAL.—The financial assur-  
11 ance filed by an operator under paragraph (1)  
12 shall be sufficient to ensure the completion of  
13 reclamation of such operations in accordance  
14 with section 3809.420 of title 43, Code of Fed-  
15 eral Regulations or section 228.8 of title 36,  
16 Code of Federal Regulations, as applicable, if  
17 such reclamation were to be performed by the  
18 Secretary concerned, or by a third-party con-  
19 tractor hired by the Secretary concerned, in the  
20 event of forfeiture, including the construction  
21 and maintenance costs for any treatment facil-  
22 ity necessary to meet a Federal or State envi-  
23 ronmental requirement.

24 “(B) CALCULATION.—The Secretary con-  
25 cerned shall calculate the amount required

1 under subparagraph (A), taking into account  
2 the maximum estimated cost of reclamation of  
3 the operations as determined by the best avail-  
4 able science, and administrative costs associated  
5 with a Federal agency reclaiming such oper-  
6 ations.

7 “(4) DURATION.—The financial assurance re-  
8 quired to be filed by an operator under paragraph  
9 (1) shall be held for the duration of operations and  
10 for an additional period sufficient to cover the re-  
11 sponsibility of the operator for reclamation, long-  
12 term maintenance, and effluent treatment.

13 “(5) DEFINITIONS.—In this subsection:

14 “(A) FEDERAL LAND.—The term ‘Federal  
15 land’—

16 “(i) means any land, and any interest  
17 in land, that is owned by the United  
18 States; and

19 “(ii) does not include—

20 “(I) lands in the National Park  
21 System;

22 “(II) Indian lands; or

23 “(III) lands on the Outer Conti-  
24 nental Shelf.

1           “(B) OPERATIONS.—The term ‘operations’  
2           has the meaning given the term in section  
3           10101(e).

4           “(C) OPERATOR.—The term ‘operator’  
5           means a person conducting or proposing to con-  
6           duct mining operations.

7           “(D) SECRETARY CONCERNED.—The term  
8           ‘Secretary concerned’ means—

9                   “(i) the Secretary of Agriculture (act-  
10                  ing through the Chief of the Forest Serv-  
11                  ice) with respect to National Forest Sys-  
12                  tem land; and

13                  “(ii) the Secretary of the Interior  
14                  (acting through the Director of the Bureau  
15                  of Land Management) with respect to  
16                  other Federal land.”.

