

118TH CONGRESS
2D SESSION

H. R. 2925

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend the Omnibus Budget Reconciliation Act of 1993
to provide for security of tenure for use of mining claims
for ancillary activities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mining Regulatory
3 Clarity Act of 2024”.

4 **SEC. 2. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.**
5

6 Section 10101 of the Omnibus Budget Reconciliation
7 Act of 1993 (30 U.S.C. 28f) is amended by adding at the
8 end the following:

9 “(e) SECURITY OF TENURE.—

10 “(1) CLAIMANT RIGHTS.—

11 “(A) DEFINITION OF OPERATIONS.—In
12 this paragraph, the term ‘operations’ means—

13 “(i) with respect to a locatable min-
14 eral, any activity or work carried out in
15 connection with—

16 “(I) prospecting;

17 “(II) exploration;

18 “(III) discovery and assessment;

19 “(IV) development;

20 “(V) extraction; or

21 “(VI) processing;

22 “(ii) the reclamation of an area dis-
23 turbed by an activity described in clause
24 (i); and

25 “(iii) any activity reasonably incident
26 to an activity described in clause (i) or (ii),

1 regardless of whether that incidental activ-
2 ity is carried out on a mining claim, in-
3 cluding the construction and maintenance
4 of any road, transmission line, pipeline, or
5 any other necessary infrastructure or
6 means of access on public land for a sup-
7 port facility.

8 “(B) RIGHTS TO USE, OCCUPATION, AND
9 OPERATIONS.—A claimant shall have the right
10 to use and occupy to conduct operations on
11 public land, with or without the discovery of a
12 valuable mineral deposit, if—

13 “(i) the claimant makes a timely pay-
14 ment of—

15 “(I) the location fee required by
16 section 10102; and

17 “(II) the claim maintenance fee
18 required by subsection (a); or

19 “(ii) in the case of a claimant who
20 qualifies for a waiver of the claim mainte-
21 nance fee under subsection (d)—

22 “(I) the claimant makes a timely
23 payment of the location fee required
24 by section 10102; and

1 “(II) the claimant complies with
2 the required assessment work under
3 the general mining laws.

4 “(2) FULFILLMENT OF FEDERAL LAND POLICY
5 AND MANAGEMENT ACT OF 1976.—A claimant that
6 fulfills the requirements of this section and section
7 10102 shall be deemed to satisfy any requirements
8 under the Federal Land Policy and Management Act
9 of 1976 (43 U.S.C. 1701 et seq.) for the payment
10 of fair market value to the United States for the use
11 of public land and resources pursuant to the general
12 mining laws.

13 “(3) SAVINGS CLAUSE.—Nothing in this sub-
14 section—

15 “(A) diminishes any right (including a
16 right of entry, use, or occupancy) of a claimant;

17 “(B) creates or increases any right (includ-
18 ing a right of exploration, entry, use, or occu-
19 pancy) of a claimant on lands that are not open
20 to location under the general mining laws;

21 “(C) modifies any provision of law or any
22 prior administrative action withdrawing lands
23 from location or entry;

24 “(D) limits the right of the Federal Gov-
25 ernment to regulate mining and mining-related

activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining (including under—

“(i) the general mining laws;

“(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

“(iv) sections 100731 through 100737 of title 54, United States Code (commonly referred to as the ‘Mining in the Parks Act’);

“(v) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

“(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the ‘National Historic Preservation Act’)); or

“(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that existed prior to the date that the lands were closed to or withdrawn from location under the general mining

1 laws and that has been extinguished by such
2 closure or withdrawal.”.

Passed the House of Representatives May 8, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.