

119TH CONGRESS
1ST SESSION

H. R. 1366

AN ACT

To provide for the location of multiple hardrock mining mill sites, to establish the Abandoned Hardrock Mine Fund, 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”.

4 **SEC. 2. HARDROCK MINING MILL SITES.**

5 (a) MULTIPLE MILL SITES.—Section 2337 of the Re-
6 vised Statutes of the United States (30 U.S.C. 42) is
7 amended by adding at the end the following:

8 “(c) ADDITIONAL MILL SITES.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) MILL SITE.—The term ‘mill site’
11 means a location of public land that is reason-
12 ably necessary for waste rock or tailings dis-
13 posal or other operations reasonably incident to
14 mineral development on, or production from
15 land included in a plan of operations.

16 “(B) OPERATIONS; OPERATOR.—The
17 terms ‘operations’ and ‘operator’ have the
18 meanings given those terms in section 3809.5
19 of title 43, Code of Federal Regulations (as in
20 effect on the date of enactment of this sub-
21 section).

22 “(C) PLAN OF OPERATIONS.—The term
23 ‘plan of operations’ means a plan of operations
24 that an operator must submit and the Secretary
25 of the Interior or the Secretary of Agriculture,
26 as applicable, must approve before an operator

1 may begin operations, in accordance with, as
2 applicable—

3 “(i) subpart 3809 of title 43, Code of
4 Federal Regulations (or successor regula-
5 tions establishing application and approval
6 requirements); and

7 “(ii) part 228 of title 36, Code of
8 Federal Regulations (or successor regula-
9 tions establishing application and approval
10 requirements).

11 “(D) PUBLIC LAND.—The term ‘public
12 land’ means land owned by the United States
13 that is open to location under sections 2319
14 through 2344 of the Revised Statutes of the
15 United States (30 U.S.C. 22 et seq.), includ-
16 ing—

17 “(i) land that is mineral-in-character
18 (as defined in section 3830.5 of title 43,
19 Code of Federal Regulations (as in effect
20 on the date of enactment of this sub-
21 section));

22 “(ii) nonmineral land (as defined in
23 section 3830.5 of title 43, Code of Federal
24 Regulations (as in effect on the date of en-
25 actment of this subsection)); and

1 “(iii) land where the mineral char-
2 acter has not been determined.

3 “(2) IN GENERAL.—Notwithstanding sub-
4 sections (a) and (b), where public land is needed by
5 the proprietor of a lode or placer claim for oper-
6 ations in connection with any lode or placer claim
7 within the proposed plan of operations, the propri-
8 etor may—

9 “(A) locate and include within the plan of
10 operations as many mill site claims under this
11 subsection as are reasonably necessary for its
12 operations; and

13 “(B) use or occupy public land in accord-
14 ance with an approved plan of operations.

15 “(3) MILL SITES CONVEY NO MINERAL
16 RIGHTS.—A mill site under this subsection does not
17 convey mineral rights to the locator.

18 “(4) SIZE OF MILL SITES.—A location of a sin-
19 gle mill site under this subsection shall not exceed
20 5 acres.

21 “(5) MILL SITE AND LODE OR PLACER CLAIMS
22 ON SAME TRACTS OF PUBLIC LAND.—A mill site
23 may be located under this subsection on a tract of
24 public land on which the claimant or operator main-
25 tains a previously located lode or placer claim.

1 “(6) EFFECT ON MINING CLAIMS.—The loca-
2 tion of a mill site under this subsection shall not af-
3 fect the validity of any lode or placer claim, or any
4 rights associated with such a claim.

5 “(7) PATENTING.—A mill site under this sec-
6 tion shall not be eligible for patenting.

7 “(8) SAVINGS PROVISIONS.—Nothing in this
8 subsection—

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

11 “(B) creates or increases any right (includ-
12 ing a right of exploration, entry, use, or occu-
13 pancy) of a claimant on land that is not open
14 to location under the general mining laws;

15 “(C) modifies any provision of law or any
16 prior administrative action withdrawing land
17 from location or entry;

18 “(D) limits the right of the Federal Gov-
19 ernment to regulate mining and mining-related
20 activities (including requiring claim validity ex-
21 aminations to establish the discovery of a valu-
22 able mineral deposit) in areas withdrawn from
23 mining, including under—

24 “(i) the general mining laws;

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

4 “(iii) the Wilderness Act (16 U.S.C.
5 1131 et seq.);

6 “(iv) sections 100731 through 100737
7 of title 54, United States Code;

8 “(v) the Endangered Species Act of
9 1973 (16 U.S.C. 1531 et seq.);

10 “(vi) division A of subtitle III of title
11 54, United States Code (commonly re-
12 ferred to as the ‘National Historic Preser-
13 vation Act’); or

14 “(vii) section 4 of the Act of July 23,
15 1955 (commonly known as the ‘Surface
16 Resources Act of 1955’) (69 Stat. 368,
17 chapter 375; 30 U.S.C. 612);

18 “(E) restores any right (including a right
19 of entry, use, or occupancy, or right to conduct
20 operations) of a claimant that—

21 “(i) existed prior to the date on which
22 the land was closed to, or withdrawn from,
23 location under the general mining laws;
24 and

1 “(ii) that has been extinguished by
2 such closure or withdrawal; or

3 “(F) modifies section 404 of division E of
4 the Consolidated Appropriations Act, 2024
5 (Public Law 118–42).”.

6 (b) ABANDONED HARDROCK MINE FUND.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a separate ac-
9 count, to be known as the “Abandoned Hardrock
10 Mine Fund” (referred to in this subsection as the
11 “Fund”).

12 (2) SOURCE OF DEPOSITS.—Any amounts col-
13 lected by the Secretary of the Interior pursuant to
14 the claim maintenance fee under section 10101(a)(1)
15 of the Omnibus Budget Reconciliation Act of 1993
16 (30 U.S.C. 28f(a)(1)) on mill sites located under
17 subsection (c) of section 2337 of the Revised Stat-
18 utes of the United States (30 U.S.C. 42) shall be de-
19 posited into the Fund.

20 (3) USE.—The Secretary of the Interior may
21 make expenditures from amounts available in the
22 Fund, without further appropriations, only to carry
23 out section 40704 of the Infrastructure Investment
24 and Jobs Act (30 U.S.C. 1245).

1 (4) ALLOCATION OF FUNDS.—Amounts made
2 available under paragraph (3)—

3 (A) shall be allocated in accordance with
4 section 40704(e)(1) of the Infrastructure In-
5 vestment and Jobs Act (30 U.S.C. 1245(e)(1));
6 and

7 (B) may be transferred in accordance with
8 section 40704(e)(2) of that Act (30 U.S.C.
9 1245(e)(2)).

10 (c) CLERICAL AMENDMENTS.—Section 10101 of the
11 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.
12 28f) is amended—

13 (1) by striking “the Mining Law of 1872 (30
14 U.S.C. 28–28e)” each place it appears and inserting
15 “sections 2319 through 2344 of the Revised Stat-
16 utes of the United States (30 U.S.C. 22 et seq.)”;

17 (2) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in the second sentence, by striking
20 “Such claim maintenance fee” and insert-
21 ing the following:

22 “(B) FEE.—The claim maintenance fee
23 under subparagraph (A)”;

1 (ii) in the first sentence, by striking
 2 “The holder of” and inserting the fol-
 3 lowing:

4 “(A) IN GENERAL.—The holder of”; and
 5 (B) in paragraph (2)—

6 (i) in the second sentence, by striking
 7 “Such claim maintenance fee” and insert-
 8 ing the following:

9 “(B) FEE.—The claim maintenance fee
 10 under subparagraph (A)”;

11 (ii) in the first sentence, by striking
 12 “The holder of” and inserting the fol-
 13 lowing:

14 “(A) IN GENERAL.—The holder of”; and
 15 (3) in subsection (b)—

16 (A) in the second sentence, by striking
 17 “The location fee” and inserting the following:

18 “(2) FEE.—The location fee”; and

19 (B) in the first sentence, by striking “The
 20 claim main tenance fee” and inserting the fol-
 21 lowing:

1 “(1) IN GENERAL.—The claim maintenance
2 fee”.

Passed the House of Representatives December 18,
2025.

Attest:

Clerk.

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