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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.

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

“(e) SECURITY OF TENURE.—

“(1) CLAIMANT RIGHTS.—

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

“(i) with respect to a locatable mineral, any activity or work carried out in connection with—

“(I) prospecting;

“(II) exploration;

“(III) discovery and assessment;

“(IV) development;

“(V) extraction; or

“(VI) processing;

“(ii) the reclamation of an area disturbed by an activity described in clause (i); and

“(iii) any activity reasonably incident to an activity described in clause (i) or (ii),
regardless of whether that incidental activity is carried out on a mining claim, including the construction and maintenance of any road, transmission line, pipeline, or any other necessary infrastructure or means of access on public land for a support facility.

“(B) Rights to use, occupation, and operations.—A claimant shall have the right to use and occupy to conduct operations on public land, with or without the discovery of a valuable mineral deposit, if—

“(i) the claimant makes a timely payment of—

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

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

“(ii) in the case of a claimant who qualifies for a waiver of the claim maintenance fee under subsection (d)—

“(I) the claimant makes a timely payment of the location fee required by section 10102; and
“(II) the claimant complies with
the required assessment work under
the general mining laws.

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

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

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

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

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

“(D) limits the right of the Federal Gov-
ernment to regulate mining and mining-related
activities (including requiring claim validity ex-
aminations to establish the discovery of a valu-
able 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 re-
ferred to as the ‘National Historic Preser-
vation 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 with-
drawn from location under the general mining
laws and that has been extinguished by such

closure or withdrawal.”.

Passed the House of Representatives May 8, 2024.

Attest:

Clerk.
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H. R. 2925

118TH CONGRESS

2D SESSION