

118TH CONGRESS
2D SESSION

H. R. 2925

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2023

Mr. AMODEI (for himself and Mrs. PELTOLA) introduced the following bill;
which was referred to the Committee on Natural Resources

MARCH 7, 2024

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 1, 2024

Recommitted to the Committee on Natural Resources

[For text of introduced bill, see copy of bill as introduced on April 27, 2023]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Mining Regulatory Clar-*
 5 *ity Act of 2024”.*

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

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

11 “(e) *SECURITY OF TENURE.*—

12 “(1) *CLAIMANT RIGHTS.*—

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

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

18 “(I) *prospecting;*

19 “(II) *exploration;*

20 “(III) *discovery and assessment;*

21 “(IV) *development;*

22 “(V) *extraction; or*

23 “(VI) *processing;*

1 “(ii) the reclamation of an area dis-
2 turbed by an activity described in clause
3 (i); and

4 “(iii) any activity reasonably incident
5 to an activity described in clause (i) or (ii),
6 regardless of whether that incidental activ-
7 ity is carried out on a mining claim, in-
8 cluding the construction and maintenance
9 of any road, transmission line, pipeline, or
10 any other necessary infrastructure or means
11 of access on public land for a support facil-
12 ity.

13 “(B) *RIGHTS TO USE, OCCUPATION, AND OP-*
14 *ERATIONS.*—A claimant shall have the right to
15 use and occupy to conduct operations on public
16 land, with or without the discovery of a valuable
17 mineral deposit, if—

18 “(i) the claimant makes a timely pay-
19 ment of—

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

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

1 “(ii) in the case of a claimant who
2 qualifies for a waiver of the claim mainte-
3 nance fee under subsection (d)—

4 “(I) the claimant makes a timely
5 payment of the location fee required by
6 section 10102; and

7 “(II) the claimant complies with
8 the required assessment work under the
9 general mining laws.

10 “(2) *FULFILLMENT OF FEDERAL LAND POLICY*
11 *AND MANAGEMENT ACT OF 1976.*—A claimant that ful-
12 fills the requirements of this section and section 10102
13 shall be deemed to satisfy any requirements under the
14 *Federal Land Policy and Management Act of 1976*
15 *(43 U.S.C. 1701 et seq.)* for the payment of fair mar-
16 ket value to the United States for the use of public
17 land and resources pursuant to the general mining
18 laws.

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

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

23 “(B) creates or increases any right (includ-
24 ing a right of exploration, entry, use, or occu-

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 Government 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

1 to as the ‘National Historic Preservation
2 Act’)); or
3 “(E) restores any right (including a right of
4 entry, use, or occupancy, or right to conduct op-
5 erations) of a claimant that existed prior to the
6 date that the lands were closed to or withdrawn
7 from location under the general mining laws and
8 that has been extinguished by such closure or
9 withdrawal.”.

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MAY 2, 2024

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