

Calendar No. 334

119TH CONGRESS
2D SESSION**S. 544****[Report No. 119–105]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2025

Ms. CORTEZ MASTO (for herself, Mr. RISCH, Ms. ROSEN, Mr. CRAPO, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 11, 2026

Reported by Mr. LEE, without amendment

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mining Regulatory
5 Clarity Act”.

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

2 (a) MULTIPLE MILL SITES.—Section 2337 of the Re-
3 vised Statutes (30 U.S.C. 42) is amended by adding at
4 the end the following:

5 “(c) ADDITIONAL MILL SITES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(6) EFFECT ON MINING CLAIMS.—The loca-
 25 tion of a mill site under this subsection shall not af-

1 fect the validity of any lode or placer claim, or any
2 rights associated with such a claim.

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

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

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

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

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

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

22 “(i) the general mining laws;

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

1 “(iii) the Wilderness Act (16 U.S.C.
2 1131 et seq.);

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

5 “(v) the Endangered Species Act of
6 1973 (16 U.S.C. 1531 et seq.);

7 “(vi) division A of subtitle III of title
8 54, United States Code (commonly re-
9 ferred to as the ‘National Historic Preser-
10 vation Act’); or

11 “(vii) section 4 of the Act of July 23,
12 1955 (commonly known as the ‘Surface
13 Resources Act of 1955’) (69 Stat. 368,
14 chapter 375; 30 U.S.C. 612);

15 “(E) restores any right (including a right
16 of entry, use, or occupancy, or right to conduct
17 operations) of a claimant that—

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

22 “(ii) that has been extinguished by
23 such closure or withdrawal; or

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

4 (b) ABANDONED HARDROCK MINE FUND.—

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

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

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

23 (4) ALLOCATION OF FUNDS.—Amounts made
24 available under paragraph (3)—

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

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

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

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

15 (2) in subsection (a)—

16 (A) in paragraph (1)—

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

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

22 (ii) in the first sentence, by striking
 23 “The holder of” and inserting the fol-
 24 lowing:

25 “(A) IN GENERAL.—The holder of”; and

1 (B) in paragraph (2)—

2 (i) in the second sentence, by striking
3 “Such claim maintenance fee” and insert-
4 ing the following:

5 “(B) FEE.—The claim maintenance fee
6 under subparagraph (A)”; and

7 (ii) in the first sentence, by striking
8 “The holder of” and inserting the fol-
9 lowing:

10 “(A) IN GENERAL.—The holder of”; and

11 (3) in subsection (b)—

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

14 “(2) FEE.—The location fee”; and

15 (B) in the first sentence, by striking “The
16 claim main tenance fee” and inserting the fol-
17 lowing:

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

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