

# Union Calendar No. 342

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2925

**[Report No. 118–416]**

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.

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## 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 italics]

[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 ACTIVI-**  
7 **TIES.**

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-

1            *pancy) of a claimant on lands that are not open*  
2            *to location under the general mining laws;*

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

6            *“(D) limits the right of the Federal Govern-*  
7            *ment to regulate mining and mining-related ac-*  
8            *tivities (including requiring claim validity ex-*  
9            *aminations to establish the discovery of a valu-*  
10           *able mineral deposit) in areas withdrawn from*  
11           *mining (including under—*

12                    *“(i) the general mining laws;*

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

16                    *“(iii) the Wilderness Act (16 U.S.C.*  
17                    *1131 et seq.);*

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

22                    *“(v) the Endangered Species Act of*  
23                    *1973 (16 U.S.C. 1531 et seq.); or*

24                    *“(vi) division A of subtitle III of title*  
25                    *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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