

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2925
OFFERED BY MR. STAUBER OF MINNESOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

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

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

8 “(e) SECURITY OF TENURE.—

9 “(1) CLAIMANT RIGHTS.—

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

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

15 “(I) prospecting;

16 “(II) exploration;

17 “(III) discovery and assessment;

1 “(IV) development;

2 “(V) extraction; or

3 “(VI) processing;

4 “(ii) the reclamation of an area dis-
5 turbed by an activity described in clause
6 (i); and

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

16 “(B) RIGHTS TO USE, OCCUPATION, AND
17 OPERATIONS.—A claimant shall have the right
18 to use and occupy to conduct operations on
19 public land, with or without the discovery of a
20 valuable mineral deposit, if—

21 “(i) the claimant makes a timely pay-
22 ment of—

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

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

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

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

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

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

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

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

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

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

8 “(D) limits the right of the Federal Gov-
9 ernment to regulate mining and mining-related
10 activities (including requiring claim validity ex-
11 aminations to establish the discovery of a valu-
12 able mineral deposit in areas withdrawn from
13 mining), including under—

14 “(i) the general mining laws;

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

18 “(iii) the Wilderness Act (16 U.S.C.
19 1131 et seq.);

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

24 “(v) the Endangered Species Act of
25 1973 (16 U.S.C. 1531 et seq.); or

1 “(vi) division A of subtitle III of title
2 54, United States Code (commonly re-
3 ferred to as the ‘National Historic Preser-
4 vation Act’); or
5 “(E) restores any right (including a right
6 of entry, use, or occupancy, or right to conduct
7 operations) of a claimant that existed prior to
8 the date that the lands were closed to or with-
9 drawn from location under the general mining
10 laws and that has been extinguished by such
11 closure or withdrawal.”.

