

119TH CONGRESS  
1ST SESSION

# H. R. 1366

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

5       (a) MULTIPLE MILL SITES.—Section 2337 of the Re-  
6 vised Statutes of the United States (30 U.S.C. 42) is  
7 amended by adding at the end the following:

8       “(c) ADDITIONAL MILL SITES.—

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

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

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

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

1           may begin operations, in accordance with, as  
2           applicable—

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

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

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

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

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

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

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

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

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

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

18 “(4) SIZE OF MILL SITES.—A location of a sin-  
19 gle mill site under this subsection shall not exceed  
20 5 acres.

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

1           “(6) EFFECT ON MINING CLAIMS.—The loca-  
2           tion of a mill site under this subsection shall not af-  
3           fect the validity of any lode or placer claim, or any  
4           rights associated with such a claim.

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

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

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

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

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

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

24                          “(i) the general mining laws;

1 “(ii) the Federal Land Policy and  
2 Management Act of 1976 (43 U.S.C. 1701  
3 et seq.);

4 “(iii) the Wilderness Act (16 U.S.C.  
5 1131 et seq.);

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

8 “(v) the Endangered Species Act of  
9 1973 (16 U.S.C. 1531 et seq.);

10 “(vi) division A of subtitle III of title  
11 54, United States Code (commonly re-  
12 ferred to as the ‘National Historic Preser-  
13 vation Act’); or

14 “(vii) section 4 of the Act of July 23,  
15 1955 (commonly known as the ‘Surface  
16 Resources Act of 1955’) (69 Stat. 368,  
17 chapter 375; 30 U.S.C. 612);

18 “(E) restores any right (including a right  
19 of entry, use, or occupancy, or right to conduct  
20 operations) of a claimant that—

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

1 “(ii) that has been extinguished by  
2 such closure or withdrawal; or

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

6 (b) ABANDONED HARDROCK MINE FUND.—

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

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

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

1           (4) ALLOCATION OF FUNDS.—Amounts made  
2           available under paragraph (3)—

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

7                   (B) may be transferred in accordance with  
8                   section 40704(e)(2) of that Act (30 U.S.C.  
9                   1245(e)(2)).

10          (c) CLERICAL AMENDMENTS.—Section 10101 of the  
11          Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.  
12          28f) is amended—

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

17                   (2) in subsection (a)—

18                           (A) in paragraph (1)—

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

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

1 (ii) in the first sentence, by striking  
2 “The holder of” and inserting the fol-  
3 lowing:

4 “(A) IN GENERAL.—The holder of”; and  
5 (B) in paragraph (2)—

6 (i) in the second sentence, by striking  
7 “Such claim maintenance fee” and insert-  
8 ing the following:

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

11 (ii) in the first sentence, by striking  
12 “The holder of” and inserting the fol-  
13 lowing:

14 “(A) IN GENERAL.—The holder of”; and  
15 (3) in subsection (b)—

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

18 “(2) FEE.—The location fee”; and

19 (B) in the first sentence, by striking “The  
20 claim main tenance fee” and inserting the fol-  
21 lowing:

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

Passed the House of Representatives December 18,  
2025.

Attest:

*Clerk.*



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