

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1366  
OFFERED BY MR. AMODEI OF NEVADA**

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”.

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

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

1 of title 43, Code of Federal Regulations (as in  
2 effect on the date of enactment of this sub-  
3 section).

4 “(C) PLAN OF OPERATIONS.—The term  
5 ‘plan of operations’ means a plan of operations  
6 that an operator must submit and the Secretary  
7 of the Interior or the Secretary of Agriculture,  
8 as applicable, must approve before an operator  
9 may begin operations, in accordance with, as  
10 applicable—

11 “(i) subpart 3809 of title 43, Code of  
12 Federal Regulations (or successor regula-  
13 tions establishing application and approval  
14 requirements); and

15 “(ii) part 228 of title 36, Code of  
16 Federal Regulations (or successor regula-  
17 tions establishing application and approval  
18 requirements).

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

24 “(i) land that is mineral-in-character  
25 (as defined in section 3830.5 of title 43,

1 Code of Federal Regulations (as in effect  
2 on the date of enactment of this sub-  
3 section));

4 “(ii) nonmineral land (as defined in  
5 section 3830.5 of title 43, Code of Federal  
6 Regulations (as in effect on the date of en-  
7 actment of this subsection)); and

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

10 “(2) IN GENERAL.—Notwithstanding sub-  
11 sections (a) and (b), where public land is needed by  
12 the proprietor of a lode or placer claim for oper-  
13 ations in connection with any lode or placer claim  
14 within the proposed plan of operations, the propri-  
15 etor may—

16 “(A) locate and include within the plan of  
17 operations as many mill site claims under this  
18 subsection as are reasonably necessary for its  
19 operations; and

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

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

1           “(4) SIZE OF MILL SITES.—A location of a sin-  
2           gle mill site under this subsection shall not exceed  
3           5 acres.

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

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

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

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

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

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

23               “(C) modifies any provision of law or any  
24               prior administrative action withdrawing land  
25               from location or entry;

1           “(D) limits the right of the Federal Gov-  
2           ernment to regulate mining and mining-related  
3           activities (including requiring claim validity ex-  
4           aminations to establish the discovery of a valu-  
5           able mineral deposit) in areas withdrawn from  
6           mining, including under—

7                   “(i) the general mining laws;

8                   “(ii) the Federal Land Policy and  
9                   Management Act of 1976 (43 U.S.C. 1701  
10                  et seq.);

11                  “(iii) the Wilderness Act (16 U.S.C.  
12                  1131 et seq.);

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

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

17                  “(vi) division A of subtitle III of title  
18                  54, United States Code (commonly re-  
19                  ferred to as the ‘National Historic Preser-  
20                  vation Act’); or

21                  “(vii) section 4 of the Act of July 23,  
22                  1955 (commonly known as the ‘Surface  
23                  Resources Act of 1955’) (69 Stat. 368,  
24                  chapter 375; 30 U.S.C. 612);

1 “(E) restores any right (including a right  
2 of entry, use, or occupancy, or right to conduct  
3 operations) of a claimant that—

4 “(i) existed prior to the date on which  
5 the land was closed to, or withdrawn from,  
6 location under the general mining laws;  
7 and

8 “(ii) that has been extinguished by  
9 such closure or withdrawal; or

10 “(F) modifies section 404 of division E of  
11 the Consolidated Appropriations Act, 2024  
12 (Public Law 118–42).”.

13 (b) ABANDONED HARDROCK MINE FUND.—

14 (1) ESTABLISHMENT.—There is established in  
15 the Treasury of the United States a separate ac-  
16 count, to be known as the “Abandoned Hardrock  
17 Mine Fund” (referred to in this subsection as the  
18 “Fund”).

19 (2) SOURCE OF DEPOSITS.—Any amounts col-  
20 lected by the Secretary of the Interior pursuant to  
21 the claim maintenance fee under section 10101(a)(1)  
22 of the Omnibus Budget Reconciliation Act of 1993  
23 (30 U.S.C. 28f(a)(1)) on mill sites located under  
24 subsection (c) of section 2337 of the Revised Stat-

1       utes (30 U.S.C. 42) shall be deposited into the  
2       Fund.

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

8           (4) ALLOCATION OF FUNDS.—Amounts made  
9       available under paragraph (3)—

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

14           (B) may be transferred in accordance with  
15           section 40704(e)(2) of that Act (30 U.S.C.  
16           1245(e)(2)).

17       (c) CLERICAL AMENDMENTS.—Section 10101 of the  
18       Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.  
19       28f) is amended—

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

24           (2) in subsection (a)—

25           (A) in paragraph (1)—

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

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

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

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

11 (i) in the second sentence, by striking  
12 “Such claim maintenance fee” and insert-  
13 ing the following:

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

16 (ii) in the first sentence, by striking  
17 “The holder of” and inserting the fol-  
18 lowing:

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

21 (A) in the second sentence, by striking  
22 “The location fee” and inserting the following:  
23 “(2) FEE.—The location fee”; and

1 (B) in the first sentence, by striking “The  
2 claim main tenance fee” and inserting the fol-  
3 lowing:  
4 “(1) IN GENERAL.—The claim maintenance  
5 fee”.

