

118TH CONGRESS
1ST SESSION

S. 1281

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.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

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

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
5 Clarity Act of 2023”.

1 **SEC. 2. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.**
 2 **TIES.**

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

6 “(e) SECURITY OF TENURE.—

7 “(1) CLAIMANT RIGHTS.—

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

10 “(i) with respect to a locatable min-
 11 eral, any activity or work carried out in
 12 connection with—

13 “(I) prospecting;

14 “(II) exploration;

15 “(III) discovery and assessment;

16 “(IV) development;

17 “(V) extraction; or

18 “(VI) processing;

19 “(ii) the reclamation of an area dis-
 20 turbed by an activity described in clause
 21 (i); and

22 “(iii) any activity reasonably incident
 23 to an activity described in clause (i) or (ii),
 24 regardless of whether that incidental activ-
 25 ity is carried out on a mining claim, in-
 26 cluding the construction and maintenance

1 of any road, transmission line, pipeline, or
2 any other necessary infrastructure or
3 means of access on public land for a sup-
4 port facility.

5 “(B) RIGHTS TO USE, OCCUPATION, AND
6 OPERATIONS.—A claimant shall have the right
7 to use, occupy, and conduct operations on pub-
8 lic land, with or without the discovery of a valu-
9 able mineral deposit, if—

10 “(i) the claimant makes a timely pay-
11 ment of the location fee required by section
12 10102 and the claim maintenance fee re-
13 quired by subsection (a); or

14 “(ii) in the case of a claimant who
15 qualifies for a waiver under subsection
16 (d)—

17 “(I) the claimant makes a timely
18 payment of the location fee required
19 by section 10102; and

20 “(II) the claimant complies with
21 the required assessment work under
22 the general mining laws.

23 “(2) FULFILLMENT OF FEDERAL LAND POLICY
24 AND MANAGEMENT ACT OF 1976.—A claimant that
25 fulfills the requirements of this section and section

1 10102 shall be deemed to satisfy any requirements
2 under the Federal Land Policy and Management Act
3 of 1976 (43 U.S.C. 1701 et seq.) for the payment
4 of fair market value to the United States for the use
5 of public land and resources pursuant to the general
6 mining laws.

7 “(3) SAVINGS CLAUSE.—Nothing in this sub-
8 section diminishes any right (including a right of
9 entry, use, or occupancy) of a claimant.”.

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