

118TH CONGRESS
2D SESSION

S. 4864

To provide for the location of multiple hardrock mining mill sites, to establish the Abandoned Hardrock Mine Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2024

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

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mining Reform Clarity
5 Act”.

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

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

1 “(c) ADDITIONAL MILL SITES.—

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

3 “(A) MILL SITE.—The term ‘mill site’
4 means a location of public land that is reason-
5 ably necessary for waste rock or tailings dis-
6 posal or other operations reasonably incident to
7 mineral development on, or production from
8 land included in a plan of operations.

9 “(B) OPERATIONS; OPERATOR.—The
10 terms ‘operations’ and ‘operator’ have the
11 meanings given those terms in section 3809.5
12 of title 43, Code of Federal Regulations (as in
13 effect on the date of enactment of this sub-
14 section).

15 “(C) PLAN OF OPERATIONS.—The term
16 ‘plan of operations’ means a plan of operations
17 that an operator must submit and the Secretary
18 of the Interior or the Secretary of Agriculture,
19 as applicable, must approve before an operator
20 may begin operations, in accordance with, as
21 applicable—

22 “(i) subpart 3809 of title 43, Code of
23 Federal Regulations (or successor regula-
24 tions establishing application and approval
25 requirements); and

1 “(ii) part 228 of title 36, Code of
2 Federal Regulations (or successor regula-
3 tions establishing application and approval
4 requirements).

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

10 “(i) land that is mineral-in-character
11 (as defined in section 3830.5 of title 43,
12 Code of Federal Regulations (as in effect
13 on the date of enactment of this sub-
14 section));

15 “(ii) nonmineral land (as defined in
16 section 3830.5 of title 43, Code of Federal
17 Regulations (as in effect on the date of en-
18 actment of this subsection)); and

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

21 “(2) IN GENERAL.—Notwithstanding sub-
22 sections (a) and (b), where public land is needed by
23 the proprietor of a lode or placer claim for oper-
24 ations in connection with any lode or placer claim

1 within the proposed plan of operations, the propri-
2 etor may—

3 “(A) locate and include within the plan of
4 operations as many mill site claims under this
5 subsection as are reasonably necessary for its
6 operations; and

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

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

12 “(4) SIZE OF MILL SITES.—A location of a sin-
13 gle mill site under this subsection shall not exceed
14 5 acres.

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

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

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

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

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

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

9 “(C) modifies any provision of law or any
10 prior administrative action withdrawing land
11 from location or entry;

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

18 “(i) the general mining laws;

19 “(ii) the Federal Land Policy and
20 Management Act of 1976 (43 U.S.C. 1701
21 et seq.);

22 “(iii) the Wilderness Act (16 U.S.C.
23 1131 et seq.);

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

1 “(v) the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.);

3 “(vi) division A of subtitle III of title
4 54, United States Code (commonly re-
5 ferred to as the ‘National Historic Preser-
6 vation Act’); or

7 “(vii) section 4 of the Act of July 23,
8 1955 (commonly known as the ‘Surface
9 Resources Act of 1955’) (69 Stat. 368,
10 chapter 375; 30 U.S.C. 612);

11 “(E) restores any right (including a right
12 of entry, use, or occupancy, or right to conduct
13 operations) of a claimant that—

14 “(i) existed prior to the date on which
15 the land was closed to, or withdrawn from,
16 location under the general mining laws;
17 and

18 “(ii) that has been extinguished by
19 such closure or withdrawal; or

20 “(F) modifies section 404 of division E of
21 the Consolidated Appropriations Act, 2024
22 (Public Law 118–42).”.

23 (b) ABANDONED HARDROCK MINE FUND.—

24 (1) ESTABLISHMENT.—There is established in
25 the Treasury of the United States a separate ac-

1 count, to be known as the “Abandoned Hardrock
2 Mine Fund” (referred to in this subsection as the
3 “Fund”).

4 (2) SOURCE OF DEPOSITS.—Any amounts col-
5 lected by the Secretary of the Interior pursuant to
6 the claim maintenance fee under section 10101(a)(1)
7 of the Omnibus Budget Reconciliation Act of 1993
8 (30 U.S.C. 28f(a)(1)) on mill sites located under
9 subsection (c) of section 2337 of the Revised Stat-
10 utes (30 U.S.C. 42) shall be deposited into the
11 Fund.

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

17 (4) ALLOCATION OF FUNDS.—Amounts made
18 available under paragraph (3)—

19 (A) shall be allocated in accordance with
20 section 40704(e)(1) of the Infrastructure In-
21 vestment and Jobs Act (30 U.S.C. 1245(e)(1));
22 and

23 (B) may be transferred in accordance with
24 section 40704(e)(2) of that Act (30 U.S.C.
25 1245(e)(2)).

1 (c) CLERICAL AMENDMENTS.—Section 10101 of the
2 Omnibus Budget Reconciliation Act of 1993 (30 U.S.C.
3 28f) is amended—

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

8 (2) in subsection (a)—

9 (A) in paragraph (1)—

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

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

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

18 “(A) IN GENERAL.—The holder of”;

19 (B) in paragraph (2)—

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

23 “(B) FEE.—The claim maintenance fee
24 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 (3) in subsection (b)—

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

9 (B) in the first sentence, by striking “The
10 claim main tenance fee” and inserting the fol-
11 lowing:

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

○