



MINING REGULATORY CLARITY ACT (S. 544 & H.R. 1366)

WHAT:

The **Mining Regulatory Clarity Act** amends the 1993 Omnibus Budget Reconciliation Act to restore long-standing practices for public lands and mining and address the *Rosemont* judicial decision, which disrupted established regulatory interpretations. The *Rosemont* ruling held that public lands used for mining-support activities—such as waste storage, processing, and infrastructure—must contain economically valuable minerals. This ruling was a significant departure from the 150-year precedent set under the 1872 Mining Law.

Without congressional action, this decision jeopardizes critical minerals and materials projects and further disincentivizes investment in domestic mining operations. The Mining Regulatory Clarity Act would statutorily reaffirm the legal precedent that public lands under a valid mining claim can be used for both mining operations and their necessary support activities. Additionally, the bill authorizes multiple mill sites to accommodate waste disposal and processing, establishes the **Abandoned Hardrock Mine Fund** to clean up legacy mining sites, and ensures regulatory consistency to protect mining jobs and domestic supply chains.

WHY IT MATTERS:

This issue has broader implications for how the U.S. manages domestic mineral development, especially on public land, as demand for critical resources grows. The *Rosemont* decision introduced legal uncertainty that puts future mining projects at risk – projects vital to the country’s energy transition and economic competitiveness. When companies can’t rely on consistent rules for using public lands, investment slows and projects stall.

Clarifying the legal treatment of mining operations and support activities restores long standing regulatory certainty. Establishing the Abandoned Hardrock Mine Fund also ensures legacy clean-up efforts remain a priority, reinforcing that environmental responsibility and resource development can go hand in hand. Ultimately, providing regulatory certainty will help lay the foundation for a more secure, sustainable, and forward-looking approach to managing the nation’s mineral resources.

WHAT’S NEXT:

The Mining Regulatory Clarity Act is under consideration by the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. This bipartisan legislation, if passed, will provide a stable, predictable regulatory framework for domestic

mining which will protect American jobs, strengthen critical mineral supply chains, and support responsible resource development.

ORIGINAL SPONSOR:

S. 544

Sen. Catherine Cortez Masto (D-NV)

H.R. 1366

Rep. Mark Amodei (R-NV)

COSPONSORS:

S. 544

Sen. James Risch (R-ID), Sen. Jacky Rosen (D-NV), Sen. Mike Crapo (R-ID), Sen. Lisa Murkowski (R-AK)

H.R. 1366

Rep. Steven Horsford (D-NV)

SUPPORT:

ClearPath Action, National Mining Association, Nevada Mining Association, Bipartisan Policy Center Action, Advanced Energy United, Zero Emission Transportation Association (ZETA).

CONGRESS.GOV LINK:

[S.544](#)

[H.R. 1366](#)