

1 114th Congress
2 1st session

3 **H.R.** _____
4

5 IN THE HOUSE OF REPRESENTATIVES

6
7 July 26th, 2015

8 Mr. _____ of California (for himself, Mr. _____
9 of _____, and Mr. _____ of
10 _____) introduced the following Bill; which was referred
11 to the Committee on Natural Resources
12

13
14 **A BILL TO PROVIDE FOR**

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16
17 GREEN & ENVIRONMENTALLY FRIENDLY MINING, HUNDREDS OF
18 THOUSANDS NEW LONG-TERM HIGH PAYING JOBS, SOCIO-
19 ECONOMIC GROWTH, THE UNITED STATES SUPPLYING ITSELF WITH
20 STRATEGIC MINERALS, METALS AND RARE EARTHS FOR
21 THE DEFENSE AND SECURITY OF THE NATION AND OUR COUNTRY'S
22 ULTIMATE ECONOMIC SURVIVAL.
23

24 To improve Federal regulations of mineral development in the National interest.

25
26 Be it enacted by the Senate and House of Representatives of the United States of
27 America in Congress assembled,

28 *DRAFT TO BE AMENDED*
29

30 "BILL NAME"

31 **Minerals and Mining Regulatory Reform Act —**
32 **A Clear Path Respecting Mining Rights**
33

DRAFT TO BE AMENDED

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1 **SECTION 1: SHORT TITLE AND POINTS**

2 (a) **SHORT TITLE:** This Bill may be cited as the “Mineral and Mining Regulatory Reform
3 Act —A Clear Path Respecting Mining Rights”.

4 Under the Multiple Surface Use Act 30 U.S.C. § 612, the National Mineral Policy Act 30 U.S.C.
5 § 21a, the U.S. Mining Act 30 U.S.C. § 22-54 and the Materials Policy Act 30 U.S.C. §1601 and
6 the Strategic and Critical Materials Stockpiling Act 50 U.S.C. § 98 et seq. the Mineral and
7 Mining Regulatory Reform Act —A Clear Path Respecting Mining Rights;

- 8 • Streamlines the regulatory process for mining.
- 9 • Remove the process of a discretionary multiple permit system.
- 10 • Provides hundreds of thousands new long-term high paying jobs in the green and
11 environmentally friendly mining industry.
- 12 • Sustainable development of the minerals of and for the nation.
- 13 • Provides for sound reclamation practices without multiple agency confusion.
- 14 • Provides for National defense security of the nation.
- 15 • Opens lands for public access and recreation.
- 16 • Provides needed materials for alternative energies.
- 17 • Due to creation of new mining jobs, this Bill, “Mineral and Mining Regulatory
18 Reform Act —A Clear Path Respecting Mining Rights”, also creates hundreds of
19 thousands of new jobs for the vendors and manufacturers serving the mining
20 industry.
- 21 • Provides for concise regulatory certainty for investment backed expectations
22 encouraging and keeping money in the United States.
- 23 • Eliminates abuse on public lands.
- 24 • Opens the public lands for multiple use principles, as apposed to exclusive use
25 discrimination.

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1 (b) **DEFINITIONS**

2 1. PUBLIC LANDS; Lands retained under Federal management.

3 2. MEMORANDUM OF UNDERSTANDING; “MOU”.

4 3. BUREAU OF LAND MANAGEMENT; “BLM”.

5 4. UNITED STATES DEPARTMENT OF MINERALS AND MINING; “USDMM”;

6 USDMM is the governing authority with an MOU between the USDMM and the BLM
7 for Minerals and Mining in the United States.

8 5. MINERALS AND MINING ADVISORY COUNCIL; “MMAC” Regional
9 administrative support, supervision and guidance of the local mining districts throughout
10 the United States. MMAC reports to the USDMM. MMAC shall enter into a MOU with
11 the USDMM and BLM.

12 6. SECRETARY; Secretary refers to he Secretary of the Interior.

13 7. FEDERAL CLAIM HOLDERS; By definition the Federal claim holder owns the mineral
14 rights on the public lands if he is to mine it and is an American citizen or has completed
15 his citizenship.

16 8. MINING DISTRICTS; Mining districts are organized tracts of public lands valuable for
17 the minerals and materials therein. Mining districts were formed by the miner and still
18 exist today with their own enforcement by congressional statutes and make up one of the
19 largest constituencies in the United States.

20 9. RENEWABLE ENERGY; In general; Renewable energy that pertains to this Bill
21 includes anything considered or mentioned as renewable energy, renewable energy
22 origination sites and all energy transport facilities meaning any facility used for the
23 operation, maintenance, transmission, distribution, or transportation of electricity or
24 natural gas.

25 10. NATIONAL DEFENSE AUTHORIZATION ACT; “NDAA”

26 11. DEPARTMENT OF DEFENSE; “DOD”

27 12. DEFENSE LOGISTIC AGENCY; “DLA”

28 13. UNITED STATES GEOLOGICAL SURVEY; “USGS”

29 14. BEST MANAGEMENT PRACTICES; Shall be defined for this Bill, as the miner taking
30 into consideration the land, animals, plants, air, and water to manage or mitigate and to
31 find the best non-invasive way to potentially minimize environmental impacts that do not
32 materially interfere with mining rights or to conduct mining activities.

33 15. ROADS: For this Bill are defined as recorded ingress and egress directional travel paths,
34 trails and or roads mapped originally by the United States Geological Survey (USGS)
35 starting in 1879 or mapped by Mines and Mineral Resources or any Divisions of Mines

1 and Geology thereof. This includes whether you currently see them or not. If they existed
2 and were mapped any time between 1866 under the Mining Law (RS2477) to present
3 day, they are still recognized as roads or travel paths today. This does not include mapped
4 roads that were taken out of mapped programs. Stated again, “If they existed once they
5 still exist today”.

6 (a) Roads also shall be defined as 5 classes of roads, designated by the USGS the official
7 map making agency of the United States, and the mapping of the Department Of
8 Interior (DOI) of 1864 and before that maps created by the military.

9 Class 1: Primary highway federal and state.

10 Class 2: Secondary highway state and county.

11 Class 3: Light duty paved or unimproved.

12 Class 4: Unimproved, unsurfaced, including track roads in back country designated by 2
13 parallel dashed lines.

14 Class 5: Trails (Single dashed line) roads passable only by 4 wheel drive, pack animals or
15 by foot traffic

16 All RS 2477 rights of way shall be considered for access as needed for mineral
17 exploration and development.

18 **16. INDUSTRIAL SUPPLY CHAIN:** An industrial supply chain is actually a complex and
19 dynamic supply and demand network. An Industrial supply chain is a system of
20 organizations, people, activities, information, and resources involved in moving a product
21 or service from supplier to customer. Supply chain activities involve the transformation
22 of natural resources, raw materials, and components into a finished product that is
23 delivered to the end customer. In sophisticated supply chain systems, used products may
24 re-enter the supply chain at any point where residual value is recyclable. Supply chains
25 link value chains. Again an industrial supply chain is actually a complex and dynamic
26 supply and demand network, private, commercial or military. (See EXHIBIT “A”
27 Industrial Supply Chain Chart)

28 **17. MINERALS:** Includes rare earths, metals and microbials. Many minerals, metals and rare
29 earths deposits and world-class deposits, have already been located and identified
30 nationally, including Critical and Strategic minerals.

31 **18. A MINING RIGHT:** A granted “right of self-initiation” generally not compatible with a
32 discretionary agency permit system. This right to mine is an action (prospecting and
33 extraction), as distinguished from idle ownership.

34 **19. THE MINING LAW OF 1872: A LEGAL AND HISTORICAL ANALYSIS:** A book all
35 of Congress and the Senate should have at their immediate disposal for information used
36 to interpret and judicate at all court and decision maker levels. (National Legal Center for
37 the Public Interest.) Library of Congress Number 89-061085 ISBN #0-937299-14-6
38 Published June 1989

1 **SECTION 101: FINDINGS**

2 Congress has in the Mining and Minerals Policy Act of 1970 declared that it is the
3 responsibility of the Secretary of the Interior to carry out non-discretionary policies concerning
4 the development of national mineral resources, while respecting the miner’s rights of self-
5 initiation under the General Mining Act of 1872.

6 The fragmented and inconsistent overlay of a discretionary permit system, form of
7 regulation of mineral development has impeded the accomplishment of these important national
8 policy goals, and requires a fundamental reorganization of the regulation of mineral development
9 of the nation and on public lands.

10 Mineral development necessarily must proceed where minerals are located, and while
11 best management practices can minimize environmental effects, requirements to adopt practices
12 to mitigate environmental effects shall not materially interfere with mineral development.

13
14 Open access to Public Lands under the 1872 Mining Law as amended, has made the United
15 States an economic giant and militarily strong. Hundreds of thousands of citizen prospectors
16 have continually searched and inventoried our remote public lands without compensation, except
17 for the American Dream of striking it rich. Homestake Mining Corporation reports in their 100
18 year anniversary volume that it takes about 5,000 mining claim evaluations to find a single
19 paying mine. The U.S. Geological Survey has estimated it takes on the order of 100 exploration
20 wells to find a new discovery of oil or gas onshore north America. Chevron Minerals Division
21 took more than 70 years to find the platinum deposits in the Stillwater Complex of Montana.
22 Many original economic mineral discoveries are the result of small explorationist’s activities
23 which are commonly brought on line by better financed organizations. Once an economic
24 mineral deposit is discovered, it commonly takes 10 or even 20 years to bring a new discovery
25 into production.

26 Exploration and mining companies are rapidly leaving the United States as a result of over
27 regulation, non-predictive regulations, corruption, land use restrictions, environmental agencies
28 and regulations, mineral and land withdrawals, uncertainty concerning the administration,
29 interpretation, and enforcement of existing regulations, regulatory duplication (x29) and
30 inconsistencies, not able to attract investors, legal processes that are fair, transparent, non-
31 corrupt, timely, and efficiently administered, taxation and unfair fines, Uncertainty
32 concerning which areas will be protected as wilderness areas, parks or archeological sites,
33 infrastructure, for the rest see the Frazer Institute Report Survey of Mining Companies.

34 Vast regions open for exploration and location are needed. Economic mineral deposits are
35 generally rare occurrences of nature. Wilderness is incompatible with mineral exploration as
36 wide areas are needed to explore for those rare anomalies of nature that are economic mineral
37 deposits. In contrast relatively small areas are normally needed to mine or produce from a
38 mineral deposit. Exploration for minerals is the R and D of America’s manufacturing, high tech

1 and defense industries.

2 A single mineral discovery can change the world we live in. Three prospectors in 1949 were
3 exploring for uranium in the Mojave Desert, hoping to cash in on the Atomic Energy
4 Commission's \$10,000 bonus for discovery of a uranium deposit. Instead they stumbled on a
5 little known rare earth bearing mineral bastnasite. It contained more than ten percent rare earths.

6

7 As there had never been so much rare earths found in one place and there was very little market
8 for their discovery. Under today's case law their claims would not be economic and not valid.
9 However, their accidental discovery sparked the high tech revolution making the United States
10 the leader in this technology. These rare earths are now a strategic item for everything from
11 color television, to pollution free electric cars, flat computer and television screens, medical
12 imaging devises that detect cancer earlier, lasers, smart bombs, and catalytic convertors. Modern
13 military forces cannot have a credible defense or offense without rare earths.

14

15 One rare earth these prospectors found was neodymium, which can reduce by 50% the U.S.
16 demand for electricity in lighting. Our regulatory system regulated the Mountain Pass Mine, our
17 only domestic supply out of business. We are now dependant on China for more than 95 % the
18 world's rare earth production. This is a serious threat to our economy national security.

19

20 To understand how serious our lack of domestic strategic minerals can be, consider the rare
21 metal gallium. When gallium is used to replace silicon solar cells, it can increase the production
22 of electricity by 15 to 20 percent. When gallium is used to replace silicon chips in a computer,
23 the speed of the computer can increase processing speed several orders of magnitude. Not
24 having this technology in a missile exchange could make the difference between winning and
25 losing a war!

26

27 Appraising energy and mineral resources is an emerging science. A final once and for all
28 "inventory" of any energy or mineral resource is not possible. Mineral reserves and resources are
29 dynamic quantities and must be constantly appraised. As known deposits are exhausted,
30 unknown deposits are discovered, new extractive technologies and new uses are developed and
31 new geologic knowledge indicates new areas and new environments are favorable for energy and
32 mineral exploration. To be meaningful to modern society all present and future commodity
33 demands for agriculture, construction, medical science, manufacturing, and national defense
34 must be considered. Long term economic stability and military survival favors the society with
35 the most diverse, accessible productive and secure energy and mineral resource base. This takes
36 long term commitment as it can take many years to find and bring mineral resources to market.

1 In the United States we have withdrawn from exploration and mineral entry an area nearly the
2 size of California during the last century. Most of these areas were closed before we knew
3 society's need for these new high tech elements. Therefore each withdrawn area shall be subject
4 to review every ten (10) years, by technically qualified members of the private sector, academia,
5 military and agencies with expertise in economic geology. Public hearings and a formal
6 investigation shall be completed within one year of the on site examinations of the previously
7 closed area. Finding and recommendations shall be available to the public. Estimates of the
8 potential value and importance of identified mineral resource shall be made available to
9 Congress and the public. Areas of significant economic and militarily strategic resources shall be
10 nominated for exploration and development under the 1872 mining law as amended. State of the
11 art reclamation practices shall apply to resource development in these reopened areas.

12

13 **SECTION 102: IMPROVING REGULATORY ACCOUNTABILITY**

14 Any miner who prevails in an appeal shall be awarded his reasonable fees and expenses
15 of attorneys, including any expert witness charges, to be paid as provided in sections 2414 and
16 2517 of title 28, except that if the basis for the award is a finding that the United States acted in
17 bad faith, then the award shall be paid by any agency found to have acted in bad faith and shall
18 be in addition to any relief provided in the judgment.

19 In any other case involving the exercise of rights under the 1872 Mining Act, as
20 amended, section 2412(d)(1)(A) of title 28 shall be applied without regard to the language
21 beginning with the word "unless".

22

23 **SECTION 103: REMOVING OVERLAPPING AND DUPLICATIVE AUTHORITIES**

24 (a) 16 U.S.C. § 478 is amended by:

25 (i) Adding, after "such rules and regulations as may be prescribed by the Secretary of
26 Agriculture," the phrase "provided, however, that neither the Secretary of Agriculture nor the
27 Secretary of Interior may prohibit or materially restrict motorized access to federal mining
28 claims over historical, visibly-existing or previously-existing trails and roads, or the reasonable
29 restoration or maintenance of such trails and roads"; and

30 (ii) Striking "for all proper and lawful purposes, including that of" and striking "the
31 rules and regulations covering such national forests" and inserting "the rules of the Department
32 of Interior concerning mineral development".

33 (b) 16 U.S.C. § 551 is amended by adding, after "to regulate their occupancy and use
34 and to preserve the forests thereon from destruction" the phrase "provided, however, that the
35 citation for violation of any such rules and regulations, civil or criminal, is subject to immediate
36 appeal as set forth in 30 U.S.C. § 612(d)."

37 (c) 16 U.S.C. § 1604 is amended by adding a new subsection (n):

1 “Renewable Energy” resource planning shall not extend to the development of
2 mineral resources, and renewable resource planning shall be conducted to give full effect
3 to federal mineral development policy as administered by the Secretary of Interior, the
4 Bureau of Land Management and the United States Department of Minerals & Mining.”

5 (d) 30 U.S.C. § 612 is amended by:

6 (i) adding at the end of subsection 612(b): “Provided further, that no state or political
7 subdivision of a state shall have authority to regulate any prospecting, mining or processing
8 operations upon public lands.”

9 (ii) Adding a new subsection 612(d) as follows:

10 “Any person claiming that any member of the public or agency action endangers
11 or materially interferes with prospecting, mining or processing operations or uses
12 reasonably incident thereto shall have a right to file for review of such action with the
13 United States Department of Minerals & Mining, notwithstanding any agency procedures
14 to the contrary, and the USDMM determination of such petition for review shall control
15 over any contrary agency determination.”

16
17 **SECTION 104: UNIFORM FEDERAL REGULATION**

18 (a) 43 U.S.C. § 1702 is amended as follows:

19 (i) New subsections (q), (r) are added:

20 “(q) ‘mine operator’ means any person or entity exercising rights of or
21 through the holder of a federal mining claim.

22 “(r) Generally ‘mining casual use’ means excavation and/or processing
23 (including motorized excavation and processing) of less than 1,000 cubic yards of
24 material annually per claim; or surface disturbance of less than five acres of
25 ground; use, maintenance, or occupancy of visibly-existing or previously-existing
26 roads, trails, tunnels, mill sites, refining sites, bridges, or existing mining-related
27 buildings; staging, use or occupancy of portable or removable equipment;
28 subsurface operations; or any combination of the foregoing or similarly-limited
29 mineral development activities.”

30 (b) A new § 1748c is added to Title 43, as follows:

31 “(a) Federal mining claims are tracts of public land dedicated to the particular
32 purpose of mineral development, and the exercise of the property rights in federal mining
33 claims are to be managed exclusively in accordance with this section.”

34 “(b) Notices of Initiation (NOI)–”

35 “(i) Mine operators may proceed with mining casual use without notice
36 or approval from the BLM.”

1 “(ii) Mine operators must provide a Notice of Initiation (NOI) to the
2 Bureau of Land Management (BLM) thirty (30) days in advance of commencing mining
3 operations beyond casual use. If BLM fails to respond to the NOI within thirty (30) days,
4 the mine operator may commence operations, unless the operation involves a surface
5 disturbance in excess of 100 acres, in which case BLM shall have sixty (60) days to
6 respond.”

7 ”(c) Upon receipt of a NOI, BLM shall review the proposed operations for
8 compliance with best management practices adopted pursuant to section 105, and issue a
9 determination as to what, if any, additional best management practices are required.
10 NOIs may be of any duration specified by the mine operator, and the BLM’s
11 determination with respect to the NOI shall remain effective for so long as operations
12 continue as specified in the NOI, and may be assigned to future mine operators.”

13 “(i) Final reclamation activity in general shall only be required if a mine
14 operator and BLM geologist concur that an ore body is exhausted and that the
15 reclamation will not impede future operations. Seasonal reclamation activity may be
16 required if it will not materially interfere with future mining operations.”

17 “(ii) Reclamation bonding shall only apply if surface disturbance
18 exceeds 5 acre or 1000 cu. yards of processed material per claim. Haul roads, utility
19 roads, temporary milling sites and portable structures, and any other pre-existing land
20 disturbance shall not be included in the 5-acre calculation. Reclamation costs shall be
21 based upon the average of 3 independent bids. BLM shall recognize and give effect to
22 bonding pools through a memorandum of understanding to assist large and small mine
23 operators in meeting the requirements of this section. The bids for bonds and reclamation
24 costs may not be reviewed more often than once every 7 years. Reclamation bonds shall
25 be refunded to the mining operator within one (1) year of completion of the reclamation,
26 even if the site is subject to continuing monitoring.”

27 “(d) Any personnel employed by BLM to review an NOI shall have qualifications
28 of at least a bachelor’s degree in mine engineering with a minimum of three (3) years or
29 more experience in private sector commercial mining operations or over five (5) years
30 production mining experience in lode, placer and milling operations.”

31
32 “(e) If BLM determines that any mine operator is conducting operations
33 beyond casual use without providing an NOI, or that any mine operator is conducting
34 operations contrary to best management practices, BLM must provide formal, written
35 notice to the mine operator through a Notice of Noncompliance. Such notice shall
36 describe the noncompliance and shall specify the action to comply and the time within
37 which such action is to be completed, generally not to exceed thirty (30) days, *provided,*
38 *however,* that days during which the area of operations is inaccessible shall not be
39 included when computing the number of days allowed for compliance. The requirements
40 to issue a Notice of Non-compliance shall apply whether or not the operator has a

1 submitted NOI on file with the BLM and shall not be used to shut down the entire
2 mineral operation. Actual notice shall be presumed effective when mailed by certified
3 mail, return receipt requested to the owner of the mining claim and operator of record as
4 specified in BLM records, or personally served upon the mine operator. No enforcement
5 action, civil or criminal, may be commenced until after delivery of such notice, and no
6 adverse action may be taken against a mine operator until after a hearing with the
7 protections of 5 U.S.C. § 554. No enforcement action shall halt compliant aspects of the
8 operations that the operator qualifies under casual use activities.”

9 “(f) All determinations of BLM pursuant to subsection (e) may be appealed to
10 the United States Department of Minerals & Mining pursuant to 30 U.S.C. § 612(d).

11 “(g) Action with respect to any NOI shall not be ‘major federal action’ within
12 the meaning of 42 U.S.C. § 4332 or ‘agency action’ within the meaning of 16 U.S.C.
13 § 1536(a)(2).”

14
15 **SECTION 105: THE UNITED STATES DEPARTMENT OF MINERALS & MINING**
16 **(USDMM) AND THE MINERALS AND MINING ADVISORY COUNCIL (MMAC)**

17 The United States Department of Minerals & Mining (USDMM) A new section 1748d is created:

18 “(a) Each federal mining claimant shall be entitled to nominate one person
19 from the mining districts to serve a four-year term on a Minerals & Mining Advisory
20 Council (MMAC). Persons shall be eligible for application if they own an interest in a
21 federal mining claim and should have not less than five (5) years experience in a private
22 sector mining business. MMAC administrators shall be voted in by the mining claimants.
23 The mining claimants through MMAC shall appoint from the list of all persons
24 nominated into the MMAC Administrative Districts no more than 15 members to
25 constitute the United States Department of Minerals & Mining (USDMM), who shall be
26 hired as full-time federal employees, and shall also provide no fewer than fifteen (15)
27 full-time staff to serve at the pleasure of the USDMM.”

28 “(b) The USDMM shall promulgate best management practices to minimize
29 environmental impacts of mineral development without material interference in such
30 development, and shall hear and resolve appeals pursuant to 30 U.S.C. § 612(d), with de
31 novo review, and the procedural protections of 5 U.S.C. § 554.

32
33 **SECTION 106: MANAGEMENT OF THE BILL**

34 (a) BLM and USDMM shall enter into a Memorandum of Understanding (MOU)
35 with the Minerals and Mining Advisory Council (MMAC) to provide advice from mining
36 districts concerning federal regulation of mining operations and best management
37 practices.

1 (b) The USDMM and any committees formed under the authority of this section are
2 exempt from the Federal Advisory Committee Act (FACA). Actions of the USDMM
3 may be reviewed, at the request of the Secretary or any adversely affected party, in the
4 United States Court where such party is located.

5
6 **SECTION 107: REVIEW AND REVISE EXISTING FEDERAL REGULATIONS**

7 The Secretary of Interior shall review and revise existing federal regulations, including but not
8 limited to 36 C.F.R. Part 9 and 43 C.F.R. Parts 4 and 3800, to make them congruent with this
9 Act. The Secretary of Agriculture shall review and revise existing federal regulations to make
10 them congruent with this Act, including but not limited to the repeal of 36 C.F.R. Part 228.
11 Rules adopted with respect to mineral development shall be reviewed and approved by the
12 USDMM.

13
14 **SECTION 108. MINE OPERATION EXEMPTIONS FROM THE CLEAN WATER ACT**

15 (a) “Mining operations which do not add any chemicals to excavated
16 aggregate or ore, other than water, and native materials, shall not be considered an “addition of
17 any pollutant” within the meaning of 33 U.S.C. § 1362(12).”

18 (b) “Mining and processing discharges from mining and processing involving
19 the use of biodegradable chemicals that have a Material Safety Data Sheet (MSDS) reading,
20 “This product is not classified as dangerous for the environment,” “The risk of environmental
21 effects is considered small”, or substantially equivalent language.”

22 (c) “Suction dredge and bucket excavation mining within the natural 100 year
23 flood plain of a water body, or operations contained through artificial impoundments to reduce
24 offsite sediment transport comprise incidental fallback do not represent an "addition" or
25 “discharge” under 33 U.S.C. §§ 1341, 1342 or 1344.”

26 (i) “Incidental fallback is defined as: native rock, sand or soil picked up,
27 processed to remove or reclaim the mined metal or minerals, and then backfilled near the
28 same excavation site. Offsite turbidity in connection with incidental fallback is also not
29 an "addition" or “discharge” under 33 U.S.C. §§ 1341, 1342 or 1344. ”

30
31 **SECTION 109: AMENDMENT OF 30 U.S.C. § 803**

32 30 U.S.C. § 803 is amended to add the following at the end of the section:

33 “Provided, however, that operations without any employees are exempt from the
34 provisions of this Chapter and any regulations promulgated thereunder.”

1 **SECTION 110: FEDERAL CONSENT ON PUBLIC LANDS**

2 No federal consent decree may be entered into or is binding which effects or affects mineral
3 development upon public lands without notice to the USDMM, and an opportunity for those
4 parties affected to be heard in connection with entry of the decree.

5

6 **SECTION 111: AMENDMENT OF 30 U.S.C. § 43**

7 30 U.S.C. § 43 is amended by adding “Any patented mineral lands whereby the State has not
8 declared its intent to regulate surface disturbances as required by provisions of this act; the land
9 owner or mineral operator may continue to be regulated exclusively under federal law and this
10 part as to surface disturbance and environmental compliance. Duplicative permitting authority
11 by any State agency or subdivision thereof shall be deemed waived unless expressly disclosed in
12 the mineral patent.”

13

14 **SECTION 112: AMENDMENT OF 43 U.S.C. § 1712(e)(3)**

15 43 U.S.C. § 1712(e)(3) is amended by substituting for the phrase “public lands shall be removed
16 from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318–2352; 30
17 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal
18 action pursuant to section 1714 of this title or other action pursuant to applicable law:” and
19 substituting the phrases “no existing public lands after 1976 shall be removed from operation of
20 the Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et seq.), except by Act of
21 Congress. Public lands prior to 1976 that have been withdrawn from mineral entry shall be
22 reopened upon petition showing of valuable metals, minerals, or rare earths, concurrence of a
23 competent geologist of the USDMM within six (6) months, and upon submission to Congress.”

24

25 **SECTION 113: NATIONAL DEFENSE AUTHORIZATION ACT (NDAA) AS IT PERTAINS**
26 **TO MINERALS AND MINING**

27 The following declaration in this Bill, “Mineral and Mining Regulatory Reform Act —A Clear
28 Path Respecting Mining Rights”, shall be to reference Mining as it relates to the National
29 Defense Authorization Act. At present the US Government designates over (60) different
30 materials as “Strategic & Critical”; Minerals and Mineral-based materials predominate in
31 quantity, tonnage and value. The Defense Logistics Agency makes these Purchases, as well as
32 the Defense Industry and private sector companies. The List includes the following metals and/or
33 Ores thereof; aluminum, antimony, beryllium, bismuth, cadmium, chromium, cobalt,
34 columbium, copper, germanium, gold, iodine, lead, manganese, mercury, molybdenum, nickel,
35 platinum,-group metals, silver, tantalum, thorium, tin, titanium, tungsten, vanadium and zinc;
36 and the following minerals: fluorspar, industrial diamonds, the refractory grades of bauxite and
37 chromite, sapphire and ruby, steatite talc, and strategic grades of asbestos, graphite, mica, and
38 quartz crystals. All of these are classed as locatable minerals under the Mining Law of 1872.

39 The significance of mineral materials to National Security is recognized by several
40 current Laws, including the Strategic & Critical Materials Stock Piling Act of 1939, as amended

1 in 1946 & 1979, the National Security Act of 1947, the Defense Production Act of 1950, the
2 Selective Service Act of 1967, the Mining and Minerals Policy Act of 1970, the National
3 Materials and Minerals Policy Research & Development Act of 1980, the National Critical
4 Materials Act of 1984, and a number of acts authorizing barter of various commodities for
5 strategic materials.

6 Furthermore, the Internal Revenue Code gives clear recognition to the importance of strategic
7 minerals by assigning higher depletion rates to those with higher strategic significance.
8 This Bill references the 1872 Mining Law and The National Defense Authorization Act, which
9 are convalute, usurping The Congressional Sovereign Rule of Law in accordance with access to
10 Public Lands & Production, to include Private Property and the Right of Self Initiation for
11 Discovery by the individual Miner. See the “The Mining Law of 1872: A Legal and Historical
12 Analysis by the National Legal Center for the Public Interest Library of Congress #89-061085,
13 ISBN #0-937299-14-6 Published June 1989.

14
15 The NDAA references by Section and Chapter to be Modified and the sake of this Bill,
16 “Mineral and Mining Regulatory Reform Act —A Clear Path Respecting Mining Rights”, are as
17 follows; (Resource from 2012 NDAA)

18
19 **1. SEC 851; Subtitle E- Defense Industrial Base.**

20 This Section of the NDAA shall be amended to read;

- 21
22 (a) No Public Land shall be made off limits for any reason, until such time as geology
23 reports establish that there are an absence of rare earth minerals, precious
24 metals and microbial’s, and in accordance with the 1872 Mining Law and this Bill,
25 “Mineral and Mining Regulatory Reform Act — A Clear Path Respecting Mining
26 Rights”,

27
28 **2. SEC 852;**

29 Strategy for securing the defense supply chain and industrial supply chain base.

30 This Section of the NDAA shall be Ammended to Read;

31 To be meaningful to modern society all present and future commodity demands for agriculture,
32 construction, medical science, manufacturing, and national defense must be considered.

33 Long term national economic stability and military survival favors the society with the most
34 diverse, accessible, productive and secure energy and mineral resource base. This takes long
35 term commitment as it can take many years to find and bring mineral resources to market.

36 In the event of Natural Disaster or Wartime Readinss, there is a requirement that these resources
37 are guaranteed as available and uninterrupted for Domestic and Military Security.

- 38 (a) In accordance with WWII practices, minerals, metals & microbial mining shall
39 be recognized as a a critical asset to US Military and Domestric production, to be
40 protected and defended under all circumstances.

1 (b) Appraising energy and mineral Resources is a constant emerging science.
2 All Historical Geological Reports of minerals, metals, rare earths, & microbials
3 shall be organized and maintained by USDMM & Maps retrieved
4 from USGS to establish a comprehensive data-base.

5 (c) In order to guarantee that the Defense Logistics Agency and Domestic Production
6 have and maintain a long term Industrial Supply Chain established for War
7 Readiness, & Domestic Economic Security/Stability;

8 (1). The NDAA hereby authorizes The United State Geological Survey Road
9 Maps shall be hereby be recognized by their (5) original classes in order to
10 guarantee Access is recovered & recognized allowing for mineral and
11 mining access, entry, discovery, exploration, and extraction.

12 (d) As a Matter of National Policy the following objective shall be recognized;
13 Rare Earths, minerals & metals are now a Strategic items for Military and
14 require Domestic Production, to insure economic & military security. This
15 includes energy efficiency and due to the extreme number of years required
16 for discovery, exploration, extraction and production, US Mining shall
17 strategically be positioned in such a fashion, that in the event that foreign
18 supplies were to be disrupted, US production could maintain 100% of its
19 capacity as a National Policy. Therefore all consideration shall be afforded to
20 the Mining industry in accordance with these objectives.

21
22 **3. SEC 853; Assessment of feasibility and advisability of establishment of rare earth material**
23 **Inventory. This Section shall be modified to read;**

24 Domestic United States mining operations shall be established as the first point of
25 contact, and domestic mining shall be organized as a War Readiness Asset, under this
26 Bill, "Mineral and Mining Regulatory Reform Act — A Clear Path Respecting Mining
27 Rights", able to provide as close to 100% of all US Dept. of Defense Contract Orders as
28 can be accomplished through the private miner under their respective mining districts
29 administered by USDMM, MMAC and BLM under their MOU.
30

31 **4. DOD, DLA, Dept. of Treasury, shall use USGS and MMAC as the Point of Contact for all**
32 **Geology Reports and Consolidation of Reports that were abandoned when the Bureau of Mines**
33 **was dissolved, in accordance with the WW-II era practices that searched out US Resources in**
34 **order to find, locate and extract Minerals, Precious Metals and Rare Earth Materials in order to**
35 **preserve and protect National War Readiness and National Mineral independence.**
36

37 **5. SEC. 863. SENSE OF CONGRESS AND REPORT ON AUTHORITIES AVAILABLE TO**

1 THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE
2 PURCHASE OF ALTERNATIVE FUELS.

3 This Section shall be amended to read as follows;

4 (a) Domestic Mining Shall be the first and foremost resource for all acquisitions.
5

6 **6. Chapter 12 – FEDERAL ACQUISITION INSTITUTE;**

7 This Chapter of the NDAA should be Modified to State;

8 (a) That in every event Domestic United States Mining shall be the first point of contact
9 for acquisitions. Further that in the event that Domestic mining cannot fill the US
10 Defense Logistics Agencies order, then an alternate source may be addressed.
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EXHIBIT "A"

INDUSTRIAL SUPPLY CHAIN

This is just a partial list of supply chain involvement.

Do you understand the jobs involved for one laptop? See example flow chart.

Think about one B1 Bomber!

A Real Industrial Supply Chain has not existed for years in the United States.
(Late 1800's to mid 1900's)

China has an Industrial Supply Chain!
Russia has an Industrial Supply Chain!

United States economy and living would prosper exponentially
if we had a real Industrial Supply Chain again.

