

[DISCUSSION DRAFT]

114th CONGRESS
2nd SESSION

**House Armed Services Committee
(H.A.S.C.)**

To amend the National Defense Authorization Act (N.D.A.A.), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

_____ introduced the following bill; which was referred to the Committee on

A BILL

To amend the Organic Act of 1897, the 1976 Federal Land Management & Policy Act (FLPMA), and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Public Land Road and Trail Access for War Readiness Materials" of 2016."

SEC. 2. DEFINITIONS.

In this section:

(1) PUBLIC LANDS and FEDERAL LANDS.-- Public lands and federal lands for the purposes of this section shall mean all federally administered lands and interests administered by Secretary of Interior under the National Park Service and Bureau of Land Management, and by the Department of Agriculture under the United States Forest Service, located within the United States.

(2) MINERALS & MINING ADVISORY COUNCIL (MMAC).-- Recognize MMAC, as the principal U.S. based company for certifying and coordinating traditional Mining Districts within the United States for the purpose of Federal recognition. MMAC is responsible for assisting the Mining Districts in all matters pertaining to the proper administration; maintenance of the Mining District, and population of the mineral and metal reserve database (Federal and private mineral inventory) maintained in the U.S. Geographic Information System (GIS).

(3) MINING DISTRICT.-- Mining Districts are local independently organized governing authorities, recognized by the Department of the Interior through a Memorandum of Understanding (MOU) with the Bureau of Land Management (BLM), for the joint and exclusive minerals and mining management on the public and federal lands of the United States, recognized under 30 U.S.C. § 22; subject to other federal and state laws the local Mining Districts determine, do not unreasonably materially interfere with mining claimants right to possess, explore, prospect, develop and extract, pursuant to 30 U.S.C. § 612(b).

(4) MINING CLAIMANT.-- A U.S. citizen or U.S. Corporation who/which owns the mineral rights pursuant to the U.S. Mining laws on a tract of public or federal land, recognized under 30 U.S.C. §§ 22 – 54.

(5) STRATEGIC AND CRITICAL MINERALS AND METALS.—minerals that are necessary

- (a) For national defense and national security requirements;
- (b) For the Nation’s energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;
- (c) To support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or
- (d) For the Nation’s economic security and balance of trade;
- (e) The term, ‘Strategic and Critical Minerals and Metals’, most considered under the 1872 Mining Law, classified as, ‘Locatables’, designates Sixty (60) metals including the following;
 - 1. aluminum
 - 2. antimony
 - 3. beryllium
 - 4. bismuth
 - 5. cadmium
 - 6. chromium
 - 7. cobalt

8. columbium
9. copper
10. germanium
11. gold
12. iodine
13. lead
14. manganese
15. mercury
16. molybdenum
17. nickel
18. platinum,-group metals
19. silver
20. tantalum
21. thorium
22. tin
23. titanium
24. tungsten
25. vanadium
26. zinc

(6) RARE EARTH MINERALS.-- The term `rare earth minerals' means any of the following chemical elements in any of their physical forms or chemical combinations:

- (A) Scandium.
- (B) Yttrium.
- (C) Lanthanum.
- (D) Cerium.
- (E) Praseodymium.
- (F) Neodymium.
- (G) Promethium.
- (H) Samarium.
- (I) Europium.
- (J) Gadolinium.
- (K) Terbium.
- (L) Dysprosium.
- (M) Holmium.
- (N) Erbium.
- (O) Thulium.
- (P) Ytterbium.
- (Q) Lutetium.

SEC. 3. - CONGRESSIONAL FINDINGS.

The Congress finds the following:

- 1) A reliable source of rare earth minerals and strategic critical minerals and metals is a national security objective, pursuant to 10 U.S.C. § 2501(a)(9).
- 2) The United States has become up to 92% dependent upon foreign sources of rare earth minerals and strategic and critical minerals and metals, a market, which is dominated by Chinese and third world producers that the United States has in world dominating quantities.
- 3) In spite of possessing potentially vast domestic supplies of rare earth(s), minerals and strategic critical minerals and metals, extraction of such metals and minerals is prohibitively obstructed and destroyed by the over regulation of access roads, pathways, and trails leading to mining sites.
- 4) The ability to access and extract rare earth minerals and strategic critical minerals and metals from these mining sites would directly secure materials for the supply chain feeding the defense industrial base and advance a national security interest set forth in 10 U.S.C. § 2501.
- 5) Before and In a time of war, the Department of Defense should ensure that access to domestic resources is guaranteed to avoid interruption for the defense industrial base.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that Access Roads, Roads, Pathways, and Trails, over public or federal lands and designated by maps of the United States Geological Survey (USGS), should not be obstructed or destroyed without the written consent of the local Mining District, and access should be assured for the purposes of appraising these rare earth minerals and strategic critical mineral and metal resources.

SEC. 5. GUARANTEED ACCESS TO RECOGNIZED MINING SITES.

The Organic Act of 1897 (16 U.S.C. § 478) is amended –

- 1) By inserting to paragraph (1), “provided, however, that the Secretary of Agriculture may not prohibit or materially restrict for the purposes of motorized access to mining claimants holdings over historical, visibly-existing or previously-existing roads and path ways, or the reasonable mechanized restoration or maintenance of such roads and path ways; nor shall the Secretary require permits for such ingress or egress for which the mining claimant holds.” After “such rules and regulations as may be prescribed by the Secretary of Agriculture”.

- 2) By adding to the end of the section, “except when a local Mining District determines otherwise in writing, recognized under 30 U.S.C. § 22; whereby the Secretary does unreasonably materially interfere with mining claimants right to possess, explore, prospect, develop and extract, pursuant to 30 U.S.C. § 612(b)”
- 3) “Any action to close a road or pathway whose primary purpose is for ingress or egress to an area over which a mining claimant holds, shall be performed with the written concurrence of the local Mining District, recognized under 30 U.S.C. § 22; any such action for which no written concurrence is obtained from the local mining district shall be invalid.”
- 4) “Any action to close other infrastructure such as mine buildings, bridges, trams, portals and other improvements incidental to mining claimants activity, shall be performed with the written concurrence of the local Mining District, recognized under 30 U.S.C. §22; any such action for which no written concurrence is obtained from the local mining district shall be invalid.”

SEC. 6. The Federal Land Management & Policy Act of 1976 (43 U.S.C. § 1732(b)) is amended by adding at the end of the section:

- 1) “except when a local Mining District determine otherwise in writing, recognized under 30 U.S.C. § 22; whereby the Secretary or the public is found to unreasonably materially interfere with mining claimants right to possess, explore, prospect, develop and extract, pursuant to 30 U.S.C. § 612(b).”
- 2) “In instances of mining claimants, the Secretary shall not require any permits for ingress or egress for which the mining claimant holds.”
- 3) “No criminal or civil liability shall attach to individual(s) acting within the confines of his/her lawfully implied easement for the purpose of mining claimant’s ingress or egress, nor mechanized maintenance of the road or pathway whose primary purpose is ingress or egress.”
- 4) “Any action to close a road or pathway whose primary purpose is for ingress or egress to an area over which an mining claimant holds, shall be performed with the written concurrence of the local Mining District, recognized under 30 U.S.C. § 22; any such action for which no written concurrence is obtained from the local mining district shall be invalid.”
- 5) “Any action to close other infrastructure such as mine buildings, bridges, trams, portals and other improvements incidental to mining claimants activity, shall be performed with the written concurrence of the local Mining District, recognized under 30 U.S.C. §22; any such action for which no written concurrence is obtained from the local mining district shall be invalid.”