



American Exploration &
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September 2, 2025

The Honorable Bruce Westerman
Chairman
House Natural Resources Committee
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Jared Huffman
Ranking Member
House Natural Resources Committee
1329 Longworth House Office Building
Washington, D.C. 20515

The Honorable Pete Stauber
Chairman
House Natural Resources Subcommittee on
Energy and Mineral Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Yassamin Ansari
Ranking Member
House Natural Resources Subcommittee on
Energy and Mineral Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Re: AEMA Statement for the Record for the September 3, 2025 Legislative Hearing for the Energy and Mineral Resources Subcommittee of the House Committee on Natural Resources

Dear Chairman Westerman, Ranking Member Huffman, Chairman Stauber and Ranking Member Ansari,

The American Exploration & Mining Association (AEMA) appreciates the opportunity to provide the following statement for the record for the September 3, 2025 hearing to receive testimony on H.R. 1366, the Mining Regulatory Clarity Act, and H.R. 4090, to codify certain provisions of certain Executive Orders relating to domestic mining and hardrock mineral resources, and other legislation. For the foregoing reasons, AEMA supports H.R. 1366 and H.R. 4090.

Who We Are

AEMA is a 130-year-old, 1,800-member national trade association representing the minerals industry with members residing in 46 U.S. states, 7 Canadian provinces or territories and ten other countries. AEMA is the recognized national voice for exploration, the junior mining sector, and maintaining access to public lands, and represents the entire mining life cycle, from exploration to reclamation and closure. More than 80 percent of our members are small businesses or individuals who work for small businesses.

Our members have extensive first-hand experience with exploring for mineral deposits, finding and developing mineral deposits, permitting exploration and mining projects, operating mines,

reclaiming mine sites, and ensuring that exploration and mining projects comply with all applicable federal and state environmental laws and regulations.

We Need a Reliable Domestic Mineral Supply Chain

The pandemic and geopolitical events have exposed the United States' supply chain vulnerabilities, highlighting the importance of an abundant and affordable supply of domestic minerals for America's future.

The fact is that global mineral demand is skyrocketing. Unfortunately, a lack of access to economically viable mineral deposits and a lengthy, inefficient federal permitting system has resulted in the United States being increasingly dependent on foreign sources of strategic and critical minerals. It's time that we, as a Nation, recognize this vulnerability and the vital importance of minerals to our national security, our economy, and our everyday lives. We have heard a lot over the years about the importance of energy independence, but it is equally as important, if not more so, that we are minerals independent.

In September 2016, the Government Accountability Office ("GAO") published a report titled "Strengthened Federal Approach Needed to Help Identify and Mitigate Supply Risks for Critical Raw Materials." This report evaluated "certain metals, minerals, and other "critical" raw materials [that] play an important role in the production of advanced technologies across a range of industrial sectors and defense applications." The GAO report found several limitations in the scope of federal critical mineral programs that are inconsistent with the directives in the National Materials and Minerals Policy, Research and Development Act of 1980. (30 U.S.C. §§ 1602 – 1605), hereinafter referred to as the 1980 Act.

In the 1980 Act, Congress found:

"the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade." (30 U.S.C. § 1601(7).

In response to this finding, Congress declared:

"...it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resource conservation, and social needs." (30 U.S.C. § 1602)

Relying on adversaries and allies for the minerals needed for U.S. manufacturing has created our currently unsustainable dependence on foreign countries for minerals. The most recent USGS *Mineral Commodity Summaries* published in 2025 indicates that the United States is now more

than fifty percent import-dependent for 46 different metals and minerals, and 100 percent import-dependent for 15 of those. Stated differently, the U.S. now imports the majority of 46 different minerals, nearly half of the naturally-occurring elements on the Periodic Table, most of which can be mined in the United States.

Made in America must include “mined in America” and sourcing minerals from U.S. mines that use state-of-the-art environmental protection measures, put a premium on worker health and safety, and have financial assurances that guarantee reclamation when mining is complete.

Background on Hardrock Mining

American miners continue to play an indispensable role in building and defending our Nation. From foundations to roofs, power plants to wind farms, roads and bridges to communications grids, data storage centers and artificial intelligence, America’s infrastructure begins and ends with minerals and mining. Now is the time to get serious about building a reliable mineral supply chain. The U.S. mining industry stands ready to help build that supply chain right here in America.

AEMA members take great pride in producing the metals and other important minerals America needs for national and economic security, as well as the materials people use in their everyday lives. We are proud of our members’ contributions across the communities and regions where they operate, many of which are rural areas facing significant economic and social development challenges. Notably, the U.S. mining industry is the safest, most environmentally responsible mining industry in the world. Our members have repeatedly demonstrated that mining and protecting the environment are compatible, as mineral producers make possible the development of society’s basic needs and consistently minimize modern society’s impacts on the environment.

The challenge of finding and developing mineral resources in the United States, or anywhere in the world, is very difficult because mineral deposits are geologically rare and hard to discover. Exploration and mining projects must undergo multiple lengthy stages of development. First, there is the initial identification of deposits that hold potentially developable mineral reserves. To this point, the United States has only explored and mapped the mineral potential on approximately 12 percent of the country’s lands. The USGS estimates that it would take more than 10 years just to find and map all domestic resources, using modern technologies, with at least another 7-10 years to get those resources to market. Consequently, mining companies often do most of this work themselves and cover all the investments needed to advance a potential mineral deposit towards an operating mine.

It is also important to recognize that many federal lands across the western United States already have been closed to exploration and mining. Further restrictions would inevitably prevent mining in areas where there is insufficient information to determine whether critical and strategic minerals exist and need to be developed. There is no clear reasoning for such harmful restrictions, and they limit the flexibility of extracting our Nation’s critical and strategic minerals where they are located and can be found.

AEMA's members operate their respective exploration and mining activities in a responsible manner through a wide range of social and environmental conditions across the United States. Their operations are subject to extensive evaluations at the project level where there is ample opportunity to ensure resource protection through federal and state permitting actions. To meet our imminent metal and mineral needs, the Congress and the administration should be focusing on how to expand areas that should be open to potential mining and exploration activities, instead of looking for ways to restrict regions from exploration.

After a potential deposit is identified through exploration, which often takes years of exploration-level permitting to ascertain, mining companies must determine a path to confirm the nature and scale of any developable resources. They must identify the amount of additional exploration necessary to properly define the mineral deposit, gain approvals to conduct further studies, and then explore and report on the exploration results. Defining the deposit generally requires multiple years of drilling to establish the extent and quality of any valuable mineralization. This process can take up to several decades for large and complex orebodies. Exploration drilling and associated activities require significant investment, especially since they are often undertaken in geographically remote and challenging areas where access and infrastructure are limited. It is worth noting that only about 1 in every 1,000 prospective mineral deposits has the potential to become a producing mine.¹ It's also noteworthy that a single deposit is rarely confined to one tenure type—that is, it may consist of federal tenure, private tenure or even State lands where any successful operation could, for example, provide a revenue stream to the school children of that State.

In the event a mineable resource is defined, the work continues for mining companies to determine whether there is an economical and feasible mine development scenario. This generally involves preparation of a Feasibility Study, sometimes preceded by a Pre-Feasibility Study, and requires several additional years to produce information sufficient to support a mine investment decision. Multiple years of baseline data collection and analysis are often undertaken to provide information for the feasibility work as well as for future permitting. While mining companies may start their pre-permitting work early, including at the exploration stage through Feasibility Study preparation, they often do not submit formal applications until a developable project is identified through the Feasibility Study.

Thus, while it is easy to focus on a single part of the mineral development process, it is important to recognize all the crucial stages involved with development of an operating mine. When projects require on average 29 years, according to S&P Global, to take a potential mineral resource to the point of mine construction, any government action that could lengthen this process or create disincentives, or create risk to the security of tenure, should be carefully weighed in terms of its ramifications. Moreover, even when a project has matured through the permitting process, litigation and other actions that jeopardize or delay further development or ancillary operations at mine sites can have severe consequences. Based on current trends, the next domestic mining project to help fill this Nation's critical needs could be decades away from providing any substantial benefit.

¹ [https://burgex.com/improving-mineral-exploration/#:~:text=The%20success%20rates%20are%20low,producing%20mine%20\(at%20best\).](https://burgex.com/improving-mineral-exploration/#:~:text=The%20success%20rates%20are%20low,producing%20mine%20(at%20best).)

The General Mining Law Works Well

The Mining Law, as amended, invites U.S. citizens to make substantial investments of time, knowledge, and money to explore for minerals on federal lands with the hope of discovering a mineral deposit that can be developed into a mine. This process, known as “self-initiation,” greatly benefits our Nation because it effectively leverages private investments that transform undeveloped federal land into mining operations that create jobs, pay taxes, and provide the minerals the country needs – at no risk or expense whatsoever to U.S. taxpayers.

It has always been Congress’ intent that the law must support and encourage mining on public lands. Although Congress has amended the Mining Law and developed other laws pertaining to public lands management since 1872, the purpose of the Mining Law has not changed. Congress has repeatedly preserved the foundational rights under Section 22 of the Mining Law that authorize citizens to enter, use, and occupy public lands to explore for minerals and to develop mines.

The “self-initiation” process is essential. It allows U.S. citizens to enter federal lands open to operation of the Mining Law, and to locate mining claims on lands that may have favorable geologic conditions for finding a mineral deposit. Once the claim is located, the claim owner can use the surface of a mining claim for mineral exploration and development purposes, and all uses reasonably incident to mining, so long as the claim owner complies with the surface management regulations and other environmental protection requirements.

Self-initiation is especially critical to the prospecting and early-stage mineral exploration phases of the mining lifecycle when geologists continually test and refine their mineral target concepts and exploration techniques. Because exploration is an iterative process that uses new information to vector towards mineralized zones, the ability to expand a claim block based on new information is critically important. The 1 in 1,000 odds of making a discovery are akin to looking for the proverbial needle in the haystack and drive the need to preserve self-initiation to facilitate locating additional claims on lands with potentially favorable geology in response to the on-the-ground realities of exploring for rare mineral deposits that are very difficult to find.

The Mining Law is Not Antiquated

Since its enactment in 1872, Congress has made many important changes to the Mining Law including:

The Minerals Leasing Act – In 1920, Congress removed coal, petroleum, natural gas, phosphates, sodium, sulfur, and potassium from the law and established leasing programs for these resources in part because they have different geologic characteristics than locatable minerals;

The Federal Land Policy and Management Act (FLPMA) – In 1976, Congress created an environmental protection mandate prohibiting unnecessary or undue degradation of lands subject to mineral activities, established a claims recordation requirement that documents where claims are located and who owns mining claims, and created special environmental protection measures for claims in wilderness study areas and in the California Desert Conservation Area;

1993 to Present – Starting in 1993, Congress has used the appropriations process to establish an annual fee, the Claim Maintenance Fee (CMF), for use of federal lands for mineral exploration and development purposes, and to continue a moratorium on patenting. Claimants currently pay \$200 per claim, and the fee is adjusted every five years to reflect the Consumer Price Index. These fees have raised significant revenue. According to BLM’s most recently available statistics, in FY 2024, BLM received over \$98 million in CMF and location fees. Less than \$40 million of that was retained for administration of the Mining Law program; the remainder going to the general Treasury. Since enactment of these fees in 1993, the federal government has collected approximately \$1.7 billion.² By making timely payment of this fee, claimants secure the right to use and occupy federal lands, subject to compliance with the 43 CFR 3809 and 36 CFR 228A surface management regulations and all other applicable state and federal environmental protection regulations.

A statutory mandate exists to encourage and facilitate the private development of the minerals our society needs. When Congress enacted the Mining and Minerals Policy Act of 1970, it declared that “it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs.” (30 U.S.C. § 21a). The mineral directives in this Act apply to BLM-administered public lands and National Forest System lands. These are compatible objectives that operate to encourage deployment of privately funded, domestic mineral production while protecting the environment.

Congress made other important changes to the Mining Law when it enacted FLPMA in 1976. Among other things, FLPMA mandated a claim filing and recordation system to give BLM a mechanism to rid the federal lands of stale mining claims and created an environmental protection mandate prohibiting unnecessary or undue degradation (UUD) of public lands subject to mineral activities. When mining critics assert the Mining Law needs to be changed because it does not include environmental protection requirements, they are ignoring how FLPMA significantly changed the Mining Law by inserting the UUD environmental performance standard, which specifically applies to mineral exploration and mining projects.

In 1980, BLM finalized the 43 CFR 3809 surface management regulations for locatable minerals to implement the FLPMA UUD mandate. The stated purpose of these regulations is to “[p]revent unnecessary or undue degradation of public lands by operations authorized by the mining laws [and to] establish procedures and standards to ensure that operators and mining claimants meet this responsibility... and reclaim disturbed areas.” (43 CFR § 3809.1) The UUD provisions in the 43 CFR 3809 regulations contain explicit directives that mineral activities must comply with all applicable state and federal regulations to protect the environment and cultural resources and satisfy a long list of environmental performance standards. Prior to commencing mineral activities

² <https://www.blm.gov/sites/default/files/docs/2025-07/BLM-Public-Land-Statistics-2024.pdf>

on public lands, project proponents must provide BLM with financial assurance (reclamation bonds) to guarantee that lands affected by exploration and mining will be properly reclaimed.

The laws governing National Forest System lands are similarly protective. In 1976, Congress enacted the National Forest Management Act, which mandates a land use planning process that ensures mineral resource development is given proper consideration consistent with the mandate in the Mining and Minerals Policy Act of 1970 while minimizing resource conflicts and balancing environmental concerns.

The Forest Service's 36 CFR 228 Subpart A surface management regulations for locatable minerals include environmental protection measures that require operators of mineral exploration and mining projects to minimize adverse impacts on National Forest surface resources where feasible (36 CFR § 228.8). Like the BLM, the Forest Service's surface management regulations provide comprehensive and effective environmental protection at mineral projects on National Forest System lands including requirements for financial assurance before activities can commence.

The Claims Maintenance Fee (CMF), which has been continued in annual appropriations measures since 1992, gives BLM a powerful land management tool that accomplishes several important objectives. First, it provides real-time information about where claims are located, who owns the claims, and whether the claims remain in good standing. Claims for which the fee is not paid by the August 31 fee payment deadline are categorically voided. Secondly, the substitution of a fee for the on-the-ground assessment work requirement has virtually eliminated unnecessary ground-disturbances associated with performing the annual assessment work that was previously required to maintain a claim in good standing. The fee has thus significantly reduced the environmental impact of mineral exploration activity. Third, the fee raises sufficient revenue to fund the Department of the Interior's Mining Law program, with leftover revenue that currently goes to the general Treasury. AEMA supports use of CMF revenue in excess of that required to fund the Mining Law program to fund abandoned mine land remediation.

The 1920 Mineral Leasing Act, FLPMA, and the annual Claims Maintenance Fee are examples of how Congress has continually updated the Mining Law since its enactment in response to evolving land management requirements, and clearly demonstrate that the law is not antiquated. To the contrary, the Law as amended serves the country well. If the Law is amended in the future, the changes should be surgical and tailored to respond to specific land management objectives, recognizing the need, and the statutory mandate, to satisfy the Nation's demand for minerals.

Comprehensive Environmental Protections Are Working

Federal land management agencies' current environmental protection requirements for locatable minerals provide effective and comprehensive environmental protection that safeguard all aspects of the environment including water resources, wildlife, special status species, air quality, cultural resources, soils, vegetation, and visual resources.

Surface management regulations govern how mineral activities must be conducted on public lands to minimize environmental impacts. Both the U.S. Bureau of Land Management and the U.S.

Forest Service have specific regulations for locatable mineral activities that have been in effect for decades. These regulations, in conjunction with state environmental laws and regulations, establish environmental performance standards and reclamation bonding requirements to protect the environment and guarantee mineral projects will be reclaimed when exploration and mining have been completed.

The American people are not on the hook for and have not paid any money to clean a mine site permitted on federal lands since 1990. Today's comprehensive suite of federal and state environmental laws and regulations, combined with robust financial assurance requirements, ensure that new abandoned mines are not being created.

The BLM and Forest Service must prepare NEPA environmental reviews prior to authorizing mineral projects that already analyze impacts, identify ways to eliminate, minimize, and mitigate impacts, and verify that proposed projects will comply with all applicable state and federal regulations.

The BLM, Forest Service, EPA, and state regulatory agencies have the authority to say no to mining if there are doubts that the project can meet specific environmental protection regulatory requirements. During the permitting process, regulators can require project proponents to go back to the drawing board to redesign a project to address concerns about environmental impacts.

Numerous other federal environmental statutes also govern mining, including but not limited to the Endangered Species Act, the Clean Air Act, the Clean Water Act, the National Historic Preservation Act, Archaeological Resources Protection Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response Compensation and Liability Act. The current system achieves the appropriate balance between mine development and environmental protection. There is no exalted status for mining. Rather, a rigorous demonstration is required to show that all aspects of the environment at a proposed mine will be protected.

Specific Legislation

The Mining Regulatory Clarity Act is bipartisan and bicameral legislation that provides the certainty needed for continued domestic production of minerals from federal lands necessary for U.S. national security and economic competitiveness. The legislation addresses an issue resulting from the ill-considered 2022 *Center for Biological Diversity et al. v. U.S. Fish and Wildlife Service et al.* court decision that reversed more than 150 years of established precedent under the Mining Law, making it extremely difficult to operate mines efficiently and responsibly in the United States. The Mining Regulatory Clarity Act will restore the longstanding certainty needed for mine operations, underpinning our ability to meet the extraordinary mineral demands required for U.S. manufacturing, energy, infrastructure and national security needs. Importantly, nothing in the legislation permits, allows or expands any type of mining activity on protected or conserved lands, including previously withdrawn lands or lands in our national parks. Nor does it allow or incentivize the blocking of access or use of lands for other multiple-use activities. As noted above, mining companies invest hundreds of millions, often billions of dollars and years into potential mine sites before receiving even a dollar of return on their investments; they need assurance that

when mining begins, they will be able to responsibly use the land their operations require as established by law.

Similarly, H.R. 4090 works to provide the certainty required to increase the investment attractiveness of the United States as a mining jurisdiction by codifying provisions of Executive Orders intended to ensure secure and reliable domestic mineral supply chains.

Conclusion

Demand for minerals in our advanced society is increasing every day. Minerals are critical to developing the innovative technologies that will propel our economy, enable America to compete globally and improve our quality of life. They are the building blocks for the manufacturing, construction, and automotive industries, and are essential to growth in fields such as advanced energy and healthcare. Whether the priority is to transition to a “green energy” economy, maintain traditional forms of energy, advance U.S. leadership in artificial intelligence (AI) computing, or secure supply chains for our national defense, none are possible without a robust domestic mining industry to provide the required minerals and metals.

Our mineral import reliance must be addressed. Americans and the environment lose when we offshore our mineral requirements. It makes no sense to create mining jobs elsewhere and import minerals from countries, often adversaries like China and Russia, with inferior environmental protection and worker health and safety standards. Furthermore, decarbonization aspirations demand that we minimize the carbon footprint of our minerals by getting them from domestic mines rather than creating the substantial carbon emissions to ship minerals from around the globe.

Mining makes every aspect of our lives possible. Most people never think about the pivotal role mining plays in their lifestyle and standard of living, but mined products are key to the advanced, technological, comfortable, and more healthful existence we enjoy. Like food and water, energy and minerals are essential. We are fortunate that America is blessed with a rich mineral endowment, and it is more important than ever to responsibly utilize our own mineral resources. In fact, it is a national imperative.

It is therefore imperative that lands with important mineral deposits remain accessible to responsible mineral exploration and development and that federal and state permitting processes can be completed in a timely manner.

The Mining Law, as amended, has served this Nation well by providing the necessary framework and security of tenure, or certainty, required to attract mineral investment and take the risk to find that true needle-in-a-haystack, one-in-a-thousand economically viable mineral deposit.

By keeping our existing mines operating and getting new mines in operation, the economic impact ripples out far and wide: to employees, mine suppliers, local economies, and the downstream domestic industries we supply with our products. Not to mention the tax revenues we generate for local, state, and federal governments as a result of this economic activity. Few industries pack such an economic punch.

AEMA therefore urges your support for H.R. 1366 and H.R. 4090. We look forward to continuing to work with you to ensure America has a secure and affordable supply of the minerals and metals needed for our modern society.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Compton". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark Compton
Executive Director