



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3436

Subject: Unlocking Critical and Strategic Minerals from Mine Waste, Cutting Red Tape, and Restoring American Dominance in Strategic Mineral Production

Sec. 1. **Purpose.** This Order addresses the urgent need identified in Executive Order (EO) 14156, titled “Declaring a National Energy Emergency,” to expedite the domestic extraction of energy and critical minerals, as identified in EO 14241, titled “Immediate Measures to Increase American Mineral Production,” from waste generated as a result of mining, mineral processing, or refining, using all tools at the Department of the Interior’s (Department) disposal, including the use of incentives to encourage the private sector to take action. For the purposes of this Order, mine waste includes solid or liquid waste generated as a result of mining, mineral processing, or refining and is often found in mine waste piles, coal processing waste, coal refuse, tailings, and discharges on Federal, State, Tribal, and private lands in the United States. Mine waste can serve as domestic feedstock for mineral production, as defined in EO 14241. By using the appropriate existing authorities provided for in Federal statutes and applicable appropriated funding, the United States can accelerate the development of secure, U.S.-based supply chains for the critical minerals referenced in EO 14241, including for use in national defense applications, advanced manufacturing, and efforts to support energy independence, while incentivizing the reclamation of lands and waters containing mine waste, including abandoned uranium mine (AUM) waste on public lands.

Sec. 2. **Authorities.** Among the authorities for this Order are the Mining Law of 1872, 30 U.S.C. §§ 22-42; the Mineral Leasing Act of 1920, 30 U.S.C. §§ 181 *et seq.*; the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. §§ 1201 *et seq.*; various annual appropriations acts authorizing the Abandoned Mine Land Economic Revitalization (AMLER) Program, the Earth Mapping Resources Initiative in section 40201 of the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, and the Abandoned Hardrock Mine Reclamation (AHMR) Program in section 40704; the expanded coal abandoned mine land (AML) program in IIJA sections 40701 and 40703; EO 14154, titled “Unleashing American Energy”; EO 14156; EO 14241; EO 14261, titled “Reinvigorating America’s Beautiful Clean Coal Industry and Amending Executive Order 14241”; EO 13868, titled “Promoting Energy Infrastructure and Economic Growth”; section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; and the Organic Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. §§ 31 *et seq.*). If there are concerns about the applicability of mineral statutes to particular instances of mine waste, the appropriate Bureau and Office officials will consult with the Solicitor’s Office.

Sec. 3. Background. The security and prosperity of our Nation depend on generating a resilient supply of domestic critical minerals. Our heavy reliance on imported critical minerals and the products made from them does not put America first. In fact, relying on imports—particularly those sourced from adversarial nations—poses a national security risk. Fortunately, we have the resources within our borders to reduce our dependence on imports while strengthening our own economy. One promising domestic source of critical minerals is in mine waste. These critical minerals exist in substantial quantities in mine waste across the Nation. This includes uranium found in AUM waste across the western United States, posing an environmental challenge that innovative technologies can now address.

Sec. 4. Unlocking Critical Minerals. Consistent with EO 14154, EO 14156, EO 14241, EO 14261, and governing laws and regulations, the Department’s Bureau and Office leadership shall review and, where appropriate and consistent with the law, amend applicable regulations and streamline agency processes to support development of critical minerals and encourage the private sector mining industry to engage in critical mineral extraction, processing, refining, and transport activities from mine waste in accordance with existing applicable Federal and State laws. These activities include the reclamation, remediation, and restoration of land and water resources adversely affected by past mining activities while selectively recovering critical minerals from mine waste.

Sec. 5. Authorizing Critical Mineral Recovery from Coal Waste. Consistent with EO 14154, EO 14156, EO 14241, and EO 14261, the Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE) shall review the Federal AML and active surface mining regulations and, if consistent with the law, within 60 days of the date of this Order, begin revising those regulations to reflect that critical mineral extraction from coal waste is excluded from title V permitting and regulation to the extent allowable under SMCRA.

Sec. 6. Streamlining Critical Mineral Recovery. Consistent with EO 14154, EO 14156, EO 14241, and EO 14261, the heads of OSMRE, Bureau of Land Management (BLM), and Office of Environmental Policy and Compliance (OEPC) shall begin reviewing and revising, if necessary, the Department’s regulations, guidance, and other policies to address areas of overlap related to critical mineral extraction from mine waste no later than 90 days following the date of this Order. This review and any regulatory revisions should, consistent with law:

- a. recognize the economic and national security benefits of the recovery of critical minerals from mine waste;
- b. recognize and coordinate with appropriate State, Tribal, and Federal agencies that have jurisdiction and authority over the management and disposal of critical minerals;
- c. consider applicable standards, including reclamation standards, for lands eligible for critical mineral projects that develop critical minerals from mine waste, while also reclaiming, remediating, and restoring the lands;
- d. allow for the use of emerging technologies to encourage advances in mining and extraction of critical minerals from mine waste;

- e. recognize that critical mineral extraction, processing, and refining from mine waste on Department-managed lands will be authorized through the applicable statutes and regulations;
- f. waive or reduce reclamation fees or otherwise provide incentives under SMCRA for qualified extraction efforts; and
- g. provide enhanced Federal-State and Federal-Tribal coordination for mineral project approvals.

Sec. 7. Recovery of Uranium and Critical Minerals from AUM Waste. Consistent with EO 14154, EO 14156, and EO 14241, and in recognition of the environmental risks and any national security risks posed by AUM waste on public lands, BLM shall prioritize and expedite the processing of plans of operations that propose the extraction of uranium and associated critical minerals from mine waste, particularly where such projects offer environmental benefit at no cost to the taxpayer. BLM will:

- a. give priority to processing proposed plans of operations under the Mining Law of 1872 that are submitted under 43 C.F.R. subpart 3809 to extract uranium and critical minerals from abandoned and unreclaimed uranium mine waste sites that have not been addressed under the Comprehensive Environmental Response, Compensation, and Liability Act;
- b. use alternative arrangements for informal, expedited consultation to comply with section 7(a)–(d) of the Endangered Species Act, 50 C.F.R. § 402.05, when processing proposed plans of operations that would mine and reclaim AUM waste and recover uranium and other critical minerals from that mine waste;
- c. use emergency procedures under 36 C.F.R. § 800.12 and pursue programmatic agreements or exemptions under 36 C.F.R. § 800.14(c)(1) to streamline National Historic Preservation Act section 106 compliance for eligible AUM waste projects;
- d. use emergency alternative arrangements to comply with the National Environmental Policy Act (43 C.F.R. § 46.150) when considering the potential environmental impacts from proposed plans of operations that would mine and reclaim AUM waste and recover uranium and other critical minerals from the mine waste; and
- e. coordinate with the Nuclear Regulatory Commission (NRC) as it considers whether the proposed uranium extraction requires a license from the NRC.

Sec. 8. Improving Access to Funding for the Recovery of Critical Minerals from Mine Waste While Incentivizing the Reclamation of Lands and Waters Containing Mine Waste.

Consistent with EO 13868, EO 14241, and EO 14261, the heads of OSMRE, BLM, OEPC, the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS), as applicable, shall:

- a. clarify for funding recipients the types of activities that facilitate the reclamation, remediation, and restoration of land and water resources adversely affected by past

mining activities by selective recovery of critical minerals from mine waste, including AUM waste, that can be funded by title IV of the SMCRA, the AMLER Program, the AHMR Program, or sections 40701 through 40704 of the IIJA, among others, within 60 days of the date of this Order;

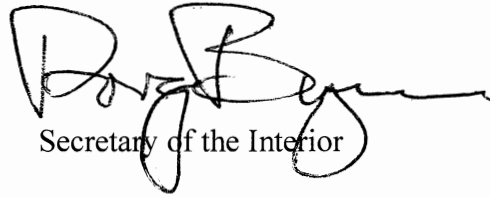
- b. begin developing regulations or develop other guidance within 90 days of this Order to detail how available funds can be used to: (1) assist with eligible projects; (2) rapidly incentivize the private sector to deploy commercially viable advanced refining technologies; (3) foster the use of private sector reclamation or remediation of AML sites; (4) create U.S. jobs and reindustrialization momentum in the mining industry through mineral processing, refining, advanced manufacturing, and transport; (5) support local investment opportunities that provide for sustainable long-term reclamation, remediation, or rehabilitation of coalfield and hardrock mine economies as envisioned by the AMLER Program and the AHMR Program; and (6) accelerate reclamation, remediation, and restoration of AML sites, consistent with the core purposes of title IV of the SMCRA and sections 40701, 40703, and 40704 of the IIJA; and
- c. in consultation with State and Tribal agencies and within 90 days of this Order, have procedures in place to accelerate the distribution of funding for and, as applicable, approval of qualifying projects under title IV of SMCRA; the AMLER Program and the AHMR Program; sections 40701, 40703, and 40704 of the IIJA; and, where necessary and consistent with law, promulgate changes to the regulations pursuant to section 4 of this Order to streamline the permitting of mine waste critical mineral projects.

Sec. 9. Increasing Public Availability of Data and Maps of Mine Waste. Within 30 days of this Order, the Director of the U.S. Geological Survey, in coordination with other Department Bureaus and Offices, shall develop a plan for review and concurrence by applicable Bureau Directors and approval by the Deputy Secretary, to map the locations, and inventory the characteristics and quantities using publicly available data of publicly owned mine waste resources, identifying opportunities to recover critical minerals from these wastes.

Sec. 10. Implementation. The Deputy Secretary is responsible for implementing all aspects of this Order, in coordination with the Solicitor and Assistant Secretaries.

Sec. 11. Effect of the Order. This Order is intended to improve the internal management of the Department and to ensure implementation of EO 14154, EO 14156, EO 14241 as amended by EO 14261, and EO 13868. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. This Order does not itself authorize any mining. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control. In particular, the actions required by this Order are to be construed consistent with and not in contravention of any statute prohibiting new mining in lands administered by FWS or NPS, or in other protected lands.

Sec. 12. **Expiration Date.** This Order is effective immediately and will remain in effect until it is amended, suspended, or revoked, whichever occurs first.



Secretary of the Interior

Date: 7/23/25