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Feeding the Beast That Will Eat Us

The Door They Welded Shut

Reopen the mining patent: at an honest price, under permanent American ownership, with the royalties paid to the states where the ore actually sits.

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FEEDING THE BEAST

The Door They Welded Shut

Reopen the mining patent: at an honest price, under permanent American ownership, with the royalties paid to the states where the ore actually sits.

In 1994, the Secretary of the Interior stood at a podium and signed over roughly ten billion dollars in Nevada gold reserves to a foreign-controlled mining company for less than ten thousand dollars.¹ Bruce Babbitt called it “the biggest gold heist since the days of Butch Cassidy,” and then he signed it anyway, because the General Mining Law of 1872 gave him no discretion to refuse; a federal court had ordered the transfer to proceed.² A valid claim with a proven discovery could be patented into full private title for two dollars and fifty cents to five dollars an acre, prices set when Ulysses Grant was president and never touched since.³

Congress responded the way Congress responds to anything requiring actual reform: it did nothing to the law and everything to the process. Effective October 1, 1994, and in every annual Interior appropriations bill since, Congress has carried a rider forbidding the Bureau of Land Management from accepting new patent applications.⁴ The moratorium has now been renewed for more than three decades.⁵ It was sold as a one-year pause while Congress rewrote the 1872 law. The rewrite never came; the House and Senate reform bills of 1993 died in conference in 1994, mainly over the royalty question.⁶ The pause became the policy.

Understand what that means for a state like Idaho. The patent was the last working door by which mineral land could pass from federal ownership into private, taxable, American hands. The homestead acts were repealed in 1976, with a ten-year extension for Alaska that ran out in 1986.⁷ Desert land entry survives on paper but is functionally dead in practice.⁸ And since 1994, the mining patent is welded shut too. Every mechanism that built the private land base of the West, the base that

BY THE NUMBERS

\$10B+

Nevada gold reserves patented to Barrick in 1994 for less than \$10,000

\$2.50–\$5

Per-acre patent prices set under the General Mining Law of 1872, never updated

30+

Years the patent moratorium has been renewed in annual appropriations riders since October 1994

0%

Federal royalty on hardrock minerals; oil, gas, and coal pay under the Mineral Leasing Act with roughly half to the states

DOCUMENT

Verified edition, July 18, 2026. 29 footnotes, calculations explained, 25-term glossary, five public questions.

funds every county courthouse and rural school, has been closed, one by one, and nothing was put in its place. An unpatented claim today is a possessory half-right: the claimant can mine but never own, the underlying land remains federal and exempt from local property tax, and the county can bill nothing.⁹

The standard Washington position is that the moratorium must stay because the patent price is a scandal. That is exactly backwards. The price was the scandal. The patent was the point. The honest reform is not to keep the door welded shut for another thirty years. It is to reopen it with three fixes that answer every count of the 1994 indictment.

Fix one: charge what the land is worth

Nobody defends five dollars an acre, and nobody has to. Reopen patenting at appraised fair market value of the land conveyed, established by independent appraisal at the applicant's expense, the same way the federal government already prices land exchanges and Recreation and Public Purposes conveyances.¹⁰ The claimant who has proven a discovery, done the assessment work, and invested the capital gets what the 1872 law always promised, secure title, and the public gets paid honestly for the conveyance.

Where does the money go? Split the proceeds between the host county and a permanent trust fund on the Idaho endowment model, constitutionally insulated, with only the earnings spendable.¹¹ A patent conveyance then stops being a one-time windfall for a distant treasury and becomes two permanent assets: taxable private land on the county roll forever, and a growing trust corpus behind it. The 1994 objection, public wealth transferred for pocket change, dies on contact with an appraisal.

Fix two: American ownership, always and forever

Here is the part of the Goldstrike story that should have been the headline. The scandal was not merely the price. It was that the beneficiary was a Canadian-controlled company, then named American Barrick Resources Corporation, headquartered in Toronto and operating through domestic subsidiaries.¹² The 1872 law already restricts claims to United States citizens and those who have declared their intention to become citizens, a test that corporations organized under American law also satisfy.¹³ But a Delaware shell wholly owned from Toronto or Beijing satisfies that test. The citizenship requirement has been a paper wall for a century and a half.

Close it permanently, in four layers. First, verified beneficial ownership: no patent issues to any entity without certified majority American beneficial ownership, traced through every layer of subsidiaries. That is the look-through discipline the government already applies to defense contractors under the foreign ownership, control, or influence rules,¹⁴ to broadcast licenses under the Communications Act,¹⁵ and to Jones Act shipping.¹⁶ There is nothing novel about conditioning a federal privilege on American control; we have done it wherever the asset matters. Mineral wealth under American soil matters.

Second, a covenant that runs with the land. Title conveys subject to a permanent condition: controlling interest in the patented land may never pass to foreign persons without federal review and approval. This is not an ongoing regulatory leash on the owner's operations. It is a single restraint on one kind of transfer, recorded in the chain of title like any covenant, binding every successor forever.

Third, teeth: a reverter. Violate the ownership covenant and title reverts, to the United States, or better, to the state's endowment trust. Reverters in federal land grants are old, tested law; the nineteenth-century railroad grants carried conditions enforced by congressional forfeiture,¹⁷ and Recreation and Public Purposes patents carry express reversionary clauses today.¹⁸ A covenant without a reverter is a suggestion. With one, it is self-enforcing: no agency budget required, no litigation lottery. The deed itself polices the deal.

Fourth, fold patented critical-mineral land into the national security review process. Congress already extended CFIUS jurisdiction to real estate near military installations in 2018.¹⁹ Extending mandatory review to transactions in patented land bearing antimony, cobalt, and rare earths is a half-step Washington has been circling for years, and Idaho is not a bystander in that conversation. The Stibnite antimony and gold project in Valley County is positioned to become the only mined domestic source of antimony in the United States,²⁰ and the Idaho Cobalt Belt in Lemhi County holds the largest known cobalt resource in the country.²¹ These are precisely the deposits the critical-minerals hawks lie awake over. The state with the ore should be the state writing the template.

One honest caveat, so this proposal cannot be strawmanned: make it prospective. Existing patents and existing foreign investment are grandfathered; trade treaties and basic fairness demand it. The rule is for the door we are reopening, not the property already through it. And where majority-American-control requirements would genuinely starve a project of capital (mining is capital-hungry, and a large share of the

world's mining finance is raised on Canadian and Australian exchanges²
²), apply the hard ownership cap to critical minerals and the disclosure-plus-review regime to the rest. The principle holds; the calibration can breathe.

Fix three: the royalties belong to the states

Now the piece nobody in this debate says plainly. Hardrock minerals (gold, silver, copper, cobalt, antimony) pay no federal royalty at all. None.²³ Oil, gas, and coal on federal land pay royalties under the Mineral Leasing Act, and the states receive roughly half of that money as of right.²⁴ Hardrock pays nothing, so there is nothing to share, so the counties hosting the mines get PILT pennies and a wave.²⁵ Every serious mining-law reform effort since 1993 has died on the fight over what the new royalty rate should be and who should keep it.²⁶

Break the deadlock by inverting the assumption. When a hardrock royalty is finally enacted, and it will be, because a free-extraction regime cannot survive forever in a country arguing about critical minerals, the default destination for the money should be the state where the ore sits, not the federal treasury. Not a fifty-percent share as a favor, on the oil-and-gas model. The presumption should run the other way: the state and the host county take the royalty, and Washington keeps an administration fee. The minerals are in Idaho ground. The roads to the mine are Idaho county roads. The workforce lives in Idaho school districts. The reclamation risk, the water, the traffic, the boom and the bust, all of it lands on the state and the county. The revenue should land where the burden lands.

There is nothing radical in this. It is how every private mineral lease in America works: the royalty goes to the owner of the burdened estate, not to a bystander with a flag. And Idaho should not wait on Congress to act on the piece it already controls. Idaho's own mining tax is a one percent levy on the net value of ore mined, among the weakest mineral taxes in the West, and net-profits taxes are famously gameable through cost accounting.²⁷ A modest gross-value severance tax with a statutory county-of-origin share, on the Wyoming model, requires no act of Congress, no moratorium repeal, and no permission from anyone.²⁸ That one is on Boise.

The package

Put the three fixes together and every argument that built the moratorium becomes an argument for the reform. Land passes to

private hands at an honest, appraised price, so no more heists. It passes under verified American control, bound by a covenant and a reverter recorded in the deed, so no more Delaware shells patenting the nation's antimony for foreign accounts. And the production pays a royalty to the state and county that carry the load, so the wealth stops evaporating between the mine mouth and the federal treasury.

The claimant gets what miners have wanted since 1872: secure, marketable, bankable title instead of a possessory half-right hostage to the next administration's regulatory mood. The county gets a parcel on the roll forever and a royalty stream behind it. The state gets a trust corpus. And the nation gets its critical-mineral base developed under American ownership that cannot be quietly sold out the back door, because the deed itself forbids it.

For thirty years the mining patent has been treated as an embarrassment to be contained rather than an institution to be repaired. But the patent did something no federal lease, no compact, and no appropriations rider has ever done: it turned public mineral ground into private, taxable, permanent American property. The 1994 scandal was never that the door existed. It was what walked through it, and for how little. Fix the price, fix the ownership, fix the royalty, and open the door.

Calculations Explained

The Goldstrike ratio. Contemporaneous reporting put the gold reserves under the patented Goldstrike land at more than \$10 billion and the statutory purchase price at just under \$10,000 for roughly 1,800 acres.²⁹ Ten billion dollars divided by ten thousand dollars is a value-to-price ratio of one million to one. Even using the more conservative \$8 billion estimate published by the Washington Post before the signing, the ratio still exceeds 800,000 to one. Stated per acre: about \$5 paid for land carrying roughly \$4.4 million to \$5.6 million in gold reserves per acre.

Patent prices in today's dollars. The 1872 law fixed the patent price at \$2.50 per acre for placer claims and \$5.00 per acre for lode claims.³⁰ Adjusting for consumer price inflation from 1872 to the mid-2020s (a multiplier of roughly 25 to 26), those prices correspond to only about \$65 to \$130 per acre in today's money.³¹ The point of the calculation: even fully inflation-adjusted, the statutory price bears no relation to the value of mineral land. The defect is not that the price went stale; it is that a flat per-acre price can never track mineral value. Hence the fix: independent appraisal at fair market value.

The oil-and-gas state share. Onshore federal oil and gas leases have historically paid a 12.5 percent royalty on the value of production (raised to 16.67 percent for leases issued after August 2022), and under the Mineral Leasing Act the states generally receive 50 percent of the revenues collected within their borders, less a 2 percent administrative deduction, for an effective 49 percent; Alaska receives 90 percent.³² Worked example: a federal lease producing \$100 million in oil at the historical 12.5 percent rate generates \$12.5 million in royalties, of which the host state receives about \$6.1 million. A hardrock mine producing \$100 million in gold on federal land generates \$0 in federal royalties, so the state's statutory share is 49 percent of nothing.

Net-profits versus gross-value taxation. Idaho's mine license tax is 1 percent of the net value of ore mined, meaning gross receipts minus allowable costs.³³ A gross-value severance tax applies to the value of production before costs. Worked example on a hypothetical Idaho mine: gross mineral sales of \$100 million with \$88 million in allowable mining, milling, and overhead costs leaves a net value of \$12 million. Idaho's 1 percent net levy yields \$120,000, which is 0.12 percent of gross value. A 2 percent gross-value severance tax on the same mine yields \$2,000,000, roughly seventeen times more. The gap widens further in years when deductions push reported net value toward zero, which is why net-profits regimes are sensitive to cost accounting and gross-value regimes are not.

Glossary of Terms

Appropriations rider. A policy provision attached to an annual spending bill. It binds the agency for that fiscal year only, which is why the patent moratorium must be renewed every year.

Beneficial ownership. The natural persons who ultimately own or control an entity, traced through however many layers of holding companies and subsidiaries stand in between.

CFIUS. The Committee on Foreign Investment in the United States, an interagency body that reviews foreign acquisitions of American businesses, and since 2018 certain real estate, for national security risk.

Covenant running with the land. A restriction written into a deed that binds not just the original buyer but every later owner of the property.

Critical minerals. Minerals designated by the federal government as essential to the economy or national defense and vulnerable to supply disruption, including antimony and cobalt.

Desert land entry. A surviving nineteenth-century program allowing purchase of arid federal land contingent on irrigating it. Rarely used and rarely approved today.

Fair market value appraisal. An independent professional estimate of what property would sell for between a willing buyer and willing seller. The standard the government already uses for land exchanges and sales.

FIRRMA. The Foreign Investment Risk Review Modernization Act of 2018, which expanded CFIUS jurisdiction, including over real estate near military installations.

FLPMA. The Federal Land Policy and Management Act of 1976, which ended the homestead era and declared federal policy to be retention of public lands.

FOCI. Foreign ownership, control, or influence: the framework under which defense contractors holding security clearances must disclose and mitigate foreign control.

General Mining Law of 1872. The statute, still in force, governing prospecting and claiming of hardrock minerals on federal public lands. Signed by President Grant on May 10, 1872.

Gross value. The market value of mineral production before subtracting the producer's costs.

Hardrock (locatable) minerals. Minerals such as gold, silver, copper, cobalt, and antimony claimed under the 1872 law, as distinct from leasable minerals like oil, gas, and coal.

Jones Act. The Merchant Marine Act of 1920, which restricts domestic waterborne shipping to vessels that are American-built, American-crewed, and at least 75 percent American-owned.

Lode claim and placer claim. The two claim types under the 1872 law: lode claims cover minerals in veins in bedrock (\$5.00 per acre to patent), placer claims cover loose deposits such as streambed gravels (\$2.50 per acre).

Mineral Leasing Act. The 1920 statute under which oil, gas, and coal on federal land are leased for royalties, with a statutory revenue share paid to the states.

Mining patent. The document conveying full fee-simple title to a mining claim, land and minerals both, from the United States to a private claimant.

Moratorium. A temporary suspension. The patent moratorium blocks the Bureau of Land Management from accepting new patent applications and has been renewed annually since fiscal year 1995.

Net value (net-profits) tax. A tax on mineral production measured after the producer deducts allowable costs. Idaho's 1 percent mine license tax is this type.

PILT. Payments in Lieu of Taxes, the federal program compensating counties for tax-exempt federal land within their borders, typically a few dollars per acre.

Reverter. A deed condition under which title automatically returns to the grantor if the stated condition is violated.

Recreation and Public Purposes Act. A law allowing conveyance of federal land to governments and nonprofits at low or no cost for public uses, with title reverting if the land is put to other use.

Severance tax. A state tax on the extraction (severance) of nonrenewable resources, usually measured on gross value.

Unpatented mining claim. A claim giving the right to extract minerals while the underlying land remains federal property: possessory, conditional, and off the county tax rolls.

Five Questions the Public Is Likely to Ask

1. Wouldn't reopening patents just restart the giveaways? No, because the first fix ends the giveaway price. Under this proposal the claimant pays independently appraised fair market value, not \$2.50 to \$5.00 an acre. The 1994 scandal was the price, not the existence of a path to private title.

2. Isn't it unfair to ban foreign companies when they fund most mining? The proposal does not ban foreign investment. It requires majority American beneficial ownership for new patents on critical-mineral land, applies a lighter disclosure-and-review regime elsewhere, and grandfathers all existing patents and investments. Minority foreign capital can still participate.

3. Why should Idaho get the royalty instead of all Americans? Because Idaho carries the burden: the roads, the schools, the water, the reclamation risk, the boom and the bust. Federal oil and gas already sends roughly half its royalties to host states. This proposal extends that logic to hardrock and inverts the split, leaving Washington an administration fee.

4. Could a company just buy the patent, then sell to a foreign buyer later? That is exactly what the covenant and reverter prevent. The restriction is recorded in the deed and binds every future owner. An unlawful transfer to foreign control voids the title, which reverts to the public trust automatically.

5. What can Idaho do without waiting for Congress? Replace or supplement its 1 percent net-value mine license tax with a modest gross-value severance tax carrying a statutory share for the county of origin, on the Wyoming model. That takes one bill in the Idaho Legislature and no federal action at all.

Document Metadata

Description (150 characters): Reopen the mining patent at an honest price, under permanent American ownership, with royalties paid to the states where the ore actually sits.

Longer description: Issue No. 7 of the Feeding the Beast series argues for reopening the General Mining Law patent, closed by appropriations riders since October 1994 after the Goldstrike scandal, with three fixes: patenting at appraised fair market value with proceeds split between the host county and a permanent trust; verified American beneficial ownership enforced by a covenant running with the land, a reverter, and CFIUS review for critical-mineral ground; and a hardrock royalty whose default destination is the state and county where the ore sits. Idaho, holding the Stibnite antimony project and the Lemhi cobalt belt, has the most at stake.

Summary: In 1994 Interior Secretary Babbitt, under court order, patented roughly \$10 billion in Nevada gold reserves to Canadian-controlled Barrick for less than \$10,000 under the 1872 law's \$2.50 to \$5.00 per acre prices. Congress responded with a patent moratorium renewed in every Interior appropriations bill since, leaving unpatented claims as possessory half-rights that pay no county taxes. The article proposes reopening patenting at appraised fair market value; requiring verified majority American beneficial ownership with a title covenant, a reverter to the state endowment trust, and CFIUS review for critical minerals, prospectively applied; and, when a hardrock royalty finally passes, sending it to the state and host county rather than the federal treasury. Idaho should also fix what it controls: its 1 percent net-profits mining tax, among the weakest in the West, versus a Wyoming-style gross-value severance tax with a county-of-origin share.

Keywords: General Mining Law 1872, mining patent, moratorium, Goldstrike, Barrick, Babbitt, hardrock royalty, Mineral Leasing Act, severance tax, net-profits tax, beneficial ownership, CFIUS, FIRRMA, reverter, covenant, Stibnite, antimony, Lemhi cobalt belt, critical minerals, public lands

Footnotes and Citations

Feeding the Beast is an ongoing series on the structure, incentives, and arithmetic of taxation and growth in Idaho. Related issues: The Shrunk Denominator, on the federal estate and the county tax base.

1. High Country News, “Babbitt attacks mining’s gold heists,” May 30, 1994. Reports Interior Secretary Bruce Babbitt signing over about 1,800 acres of public land near Elko, Nevada, containing more than \$10 billion in gold, to Barrick Goldstrike Mines for less than \$10,000. <https://www.hcn.org/issues/issue-12/babbitt-attacks-minings-gold-heists/> Some later accounts give the figures as \$9,765 for 1,949 acres; that variant could not be traced to a primary source as of July 18, 2026 (searches of GAO, DOI Inspector General, and CRS materials), so this article uses the contemporaneous High Country News figures. The Washington Post reported an \$8 billion estimate for the same land before the signing: “For \$5 an Acre, \$8 Billion in Gold,” April 17, 1994. <https://www.washingtonpost.com/archive/politics/1994/04/17/for-5-an-acre-8-billion-in-gold/c4ed245e-d226-4ee2-88b8-6a681549e898/>
2. High Country News, May 30, 1994 (above). Babbitt’s full quote: “It’s the biggest gold heist since the days of Butch Cassidy. But these folks stole it fair and square.” The article notes a federal judge had ordered the transfer completed, leaving the Secretary no discretion under the 1872 law.
3. Congressional Research Service, RL33908, “Mining on Federal Lands: Hardrock Minerals,” updated July 17, 2009. Confirms patent prices of \$2.50 per acre for placer claims and \$5.00 per acre for lode claims, unchanged since 1872. <https://www.everycrsreport.com/reports/RL33908.html> The General Mining Act was signed May 10, 1872, during the Grant administration. https://en.wikipedia.org/wiki/General_Mining_Act_of_1872
4. Bureau of Land Management, “Locatable Materials Patents”: “effective October 1, 1994, Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patent applications,” and BLM will accept no new applications until it is lifted. <https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/locatable-minerals/patents>
5. Congressional Research Service, RL33908 (above): beginning in FY1995, Congress has enacted a series of one-year moratoria in the Interior appropriations laws, renewed each year since; applications on file before the cutoff were grandfathered. See also U.S. Department of the Interior, Office of Inspector General, Audit Report 97-I-1300, “Issuance of Mineral Patents” (1997). <https://www.govinfo.gov/content/pkg/GPO-DOI-IGREPORTS-97-i-1300/html/GPO-DOI-IGREPORTS-97-i-1300.htm>
6. Congressional Research Service, RL34268, “The Federal Royalty and Tax Treatment of the Hardrock Mineral Industry: An Economic Analysis,” 2007 (updated). The House passed H.R. 322 in November 1993, the Senate passed S. 775 in May 1993, and the conference failed in 1994, “reportedly because of opposition from Western lawmakers, mainly over the royalty issue.” <https://www.everycrsreport.com/reports/RL34268.html>
7. Federal Land Policy and Management Act of 1976, Pub. L. 94-579, signed October 21, 1976, repealed the homestead laws, with a ten-year extension in Alaska. https://en.wikipedia.org/wiki/Federal_Land_Policy_and_Management_Act_of_1976 The final

homestead patent was issued in 1988 to Kenneth Deardorff for an Alaska claim filed before the 1986 cutoff. National Archives, “Land Patents: The final homestead awarded under the provisions of the Homestead Act.” <https://www.archives.gov/seattle/highlights/last-homestead-in-alaska>^e

8. The Desert Land Act of 1877 remains on the books (43 U.S.C. ch. 9) but entries are rarely pursued and rarely approved. Bureau of Land Management, “Desert Land Entries” information sheet. <https://www.blm.gov/sites/default/files/Desert%20Land%20Entries.pdf> and <https://uscode.house.gov/view.xhtml?path=%2Fprelim%40title43%2Fchapter9&edition=prelim>^e
9. An unpatented claim conveys possessory mineral rights only; the land remains federal, and federal land is immune from state and local property taxation. Congressional Research Service, RL33908 (above); Bureau of Land Management, “Locatable Materials Patents” (above), noting that only a patent grants exclusive title to land and minerals. On federal compensation to counties in place of taxes, see note 25.^e
10. Recreation and Public Purposes Act conveyances and federal land exchanges are priced by appraisal under federal appraisal standards. Bureau of Land Management, “Recreation and Public Purposes Act Information Sheet.” https://www.blm.gov/sites/default/files/LandTenure_RecandPublicPurposesAct_InfoSheet.pdf^e
11. Idaho’s constitutional endowment holds permanent funds for public schools and other beneficiaries, with the principal protected and earnings distributed. Idaho Constitution, Article IX, Section 8. <https://legislature.idaho.gov/statutesrules/idconst/ArtIX/Sect8/>^e
12. Barrick was founded in Toronto in 1983 by Peter Munk, operated as American Barrick Resources Corporation from 1985 to 1995, and remains headquartered in Toronto, Ontario, Canada. https://en.wikipedia.org/wiki/Barrick_Mining and Corporate Research Project, “Barrick Gold: Corporate Rap Sheet.” <https://www.corp-research.org/barrick-gold> High Country News (note 1) identified the 1994 patent beneficiary as a Canada-based company.^e
13. 30 U.S.C. § 22: mineral deposits on federal land are open to purchase “by citizens of the United States and those who have declared their intention to become such.” Corporations organized under U.S. or state law have long been treated as qualifying citizens under the mining law. [https://uscode.house.gov/view.xhtml?req=\(title:30%20section:22%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:30%20section:22%20edition:prelim))^e
14. Defense Counterintelligence and Security Agency, foreign ownership, control, or influence (FOCI) requirements under the National Industrial Security Program, 32 C.F.R. Part 117. <https://www.dcsa.mil/Industrial-Security/Entity-Vetting-Facility-Clearances-FOCI/FOCI>^e
15. 47 U.S.C. § 310(b): broadcast and common carrier licenses are restricted where foreign ownership exceeds statutory benchmarks, including the 25 percent indirect ownership benchmark. <https://www.law.cornell.edu/uscode/text/47/310>^e
16. 46 U.S.C. § 50501: vessels in the coastwise trade must be owned by U.S. citizens, with corporations required to be at least 75 percent U.S.-owned. <https://www.law.cornell.edu/uscode/text/46/50501>^e
17. Congressional land grants to railroads carried conditions, and Congress enacted forfeiture statutes restoring unearned grant lands to the United States. 43 U.S.C. ch. 21, “Grants in Aid of Railroads and Wagon Roads.” <https://uscode.house.gov/view.xhtml?path=%2Fprelim%40title43%2Fchapter21&edition=prelim>^e
18. Recreation and Public Purposes Act patents contain express reversionary clauses; title reverts to the United States if the land leaves the approved public use. 43 U.S.C. § 869-2; Bureau of Land Management, R&PP Act Information Sheet (note 10). See also Federal Register, “Direct Sale of the Reversionary Interest in a Recreation and Public Purposes Act Patent of Public Land in Jean, NV,” March 11, 2026. <https://www.federalregister.gov/documents/2026/03/11/2026-04724/direct-sale-of-the-reversionary-interest-in-a-recreation-and-public-purposes-act-patent-of-public>^e
19. The Foreign Investment Risk Review Modernization Act (FIRRMA), enacted August 13, 2018, extended CFIUS jurisdiction to certain real estate transactions near military installations and other sensitive sites. Holland & Knight, “FIRRMA Expands CFIUS Jurisdiction in 2 Major Ways,”

- August 2018. <https://www.hklaw.com/en/insights/publications/2018/08/firma-expands-cfius-jurisdiction-in-2-major-ways> See also U.S. Treasury, “Treasury Issues Final Rule Expanding CFIUS Coverage of Real Estate Transactions Around More Than 60 Military Installations,” November 2024. <https://home.treasury.gov/news/press-releases/jy2708>[e](#)
20. Perpetua Resources’ Stibnite Gold Project in Valley County, Idaho, is designed to supply antimony as well as gold and began construction of the roughly \$1.3 billion mine in 2025; once operating it is positioned to be the only mined domestic source of antimony. Perpetua Resources, “Antimony.” <https://perpetuaresources.com/antimony/> and Mining.com, “Perpetua Resources starts building \$1.3B Stibnite gold-antimony mine,” 2025. <https://www.mining.com/perpetua-starts-building-1-3b-stibnite-gold-antimony-mine/>[e](#)
21. The Idaho Cobalt Belt in Lemhi County is described by state officials and industry as the largest known cobalt resource in the United States. Office of the Governor of Idaho, “America’s future runs through Idaho’s mountains.” <https://lgo.idaho.gov/pressrelease/americas-future-runs-through-idahos-mountains/> and Idaho Manufacturing Alliance, “From Mine to Megawatt: Why Idaho’s Critical Minerals are Key to U.S. National Security,” November 5, 2025. <https://www.idmfg.org/2025/11/05/from-mine-to-megawatt-why-idahos-critical-minerals-are-key-to-u-s-national-security/>[e](#)
22. The Toronto Stock Exchange and TSX Venture Exchange list more mining companies than any other exchange group, and Australian exchanges are a second major center of mining finance; this is a standard industry characterization. TMX Group, mining sector listings. <https://www.tmx.com/> Not independently verified as of July 18, 2026 beyond the exchanges’ own published claims; searched TMX and ASX materials and industry press.[e](#)
23. Congressional Research Service, R43891, “Mineral Royalties on Federal Lands: Issues for Congress”: “There is currently no royalty on locatable minerals extracted from public domain lands.” <https://www.everycrsreport.com/reports/R43891.html> See also Project On Government Oversight, “Congress Must Establish a Hardrock Mining Royalty,” estimating roughly \$300 billion in hardrock minerals extracted from public lands since 1872 with zero royalties paid. <https://www.pogo.org/fact-sheets/congress-must-establish-a-hardrock-mining-royalty-2>[e](#)
24. Congressional Research Service, R43891 (above): the onshore federal oil and gas royalty stood at 12.5 percent from the Mineral Leasing Act of 1920 forward (raised to 16.67 percent for new leases by the Inflation Reduction Act of 2022), and states generally receive 50 percent of onshore leasing revenues less 2 percent for administrative costs; Alaska receives 90 percent. 30 U.S.C. § 191. <https://www.everycrsreport.com/reports/R43891.html>[e](#)
25. U.S. Department of the Interior, Payments in Lieu of Taxes (PILT) program: federal payments to counties for tax-exempt federal land, computed per acre and capped by population, typically amounting to a few dollars per acre or less. <https://www.doi.gov/pilt>[e](#)
26. Congressional Research Service, RL34268 (note 6): the 1994 conference failed mainly over the royalty; the Clinton Administration’s 5 percent net smelter royalty proposals failed in FY1998 and FY2001; the 8 percent and 4 percent royalties in H.R. 2262 (2007) also failed to become law. <https://www.everycrsreport.com/reports/RL34268.html>[e](#)
27. Idaho Code § 47-1201: a license tax “measured by one percent of the net value of ores mined.” <https://legislature.idaho.gov/statutesrules/idstat/title47/t47ch12/sect47-1201/> On the comparative weakness of net-proceeds-type levies and the range of Western state royalty structures, see Government Accountability Office, GAO-08-849R, “Hardrock Mining: Information on State Royalties and Trends in Mineral Imports and Exports,” July 2008. <https://www.gao.gov/assets/a95642.html> The original draft called Idaho’s levy “nearly the weakest in the West”; the GAO comparison supports “among the weakest,” which is the phrasing used here.[e](#)
28. Wyoming levies severance taxes on the taxable value of mineral production (6 percent on oil and gas, 7 percent on surface coal, among others) and distributes portions of the revenue to cities, towns, and counties; Wyoming counties also collect an ad valorem gross products tax on the taxable value of minerals produced. Wyoming Legislative Service Office, Dean Temte, “Wyoming Severance Taxes and Federal Mineral Royalties.” <https://wyoleg.gov/budget/wyosevtaxes.pdf> and Wyo. Stat. § 39-14-801. <https://law.justia.com/codes/wyoming/title-39/chapter-14/article-8/section-39-14-801/>[e](#)

29. High Country News, “Babbitt attacks mining’s gold heists,” May 30, 1994. Reports Interior Secretary Bruce Babbitt signing over about 1,800 acres of public land near Elko, Nevada, containing more than \$10 billion in gold, to Barrick Goldstrike Mines for less than \$10,000. <https://www.hcn.org/issues/issue-12/babbitt-attacks-minings-gold-heists/> Some later accounts give the figures as \$9,765 for 1,949 acres; that variant could not be traced to a primary source as of July 18, 2026 (searches of GAO, DOI Inspector General, and CRS materials), so this article uses the contemporaneous High Country News figures. The Washington Post reported an \$8 billion estimate for the same land before the signing: “For \$5 an Acre, \$8 Billion in Gold,” April 17, 1994. <https://www.washingtonpost.com/archive/politics/1994/04/17/for-5-an-acre-8-billion-in-gold/c4ed245e-d226-4ee2-88b8-6a681549e898/>[↗](#)
30. Congressional Research Service, RL33908, “Mining on Federal Lands: Hardrock Minerals,” updated July 17, 2009. Confirms patent prices of \$2.50 per acre for placer claims and \$5.00 per acre for lode claims, unchanged since 1872. <https://www.everycrsreport.com/reports/RL33908.html> The General Mining Act was signed May 10, 1872, during the Grant administration. https://en.wikipedia.org/wiki/General_Mining_Act_of_1872[↗](#)
31. Consumer price comparison from 1872 to the mid-2020s uses a multiplier of roughly 25 to 26, per the MeasuringWorth relative-value calculators. <https://www.measuringworth.com/calculators/uscompare/> The figure is an approximation; pre-1913 price indexes are reconstructions.[↗](#)
32. Congressional Research Service, R43891 (above): the onshore federal oil and gas royalty stood at 12.5 percent from the Mineral Leasing Act of 1920 forward (raised to 16.67 percent for new leases by the Inflation Reduction Act of 2022), and states generally receive 50 percent of onshore leasing revenues less 2 percent for administrative costs; Alaska receives 90 percent. 30 U.S.C. § 191. <https://www.everycrsreport.com/reports/R43891.html>[↗](#)
33. Idaho Code § 47-1201: a license tax “measured by one percent of the net value of ores mined.” <https://legislature.idaho.gov/statutesrules/idstat/title47/t47ch12/sect47-1201/> On the comparative weakness of net-proceeds-type levies and the range of Western state royalty structures, see Government Accountability Office, GAO-08-849R, “Hardrock Mining: Information on State Royalties and Trends in Mineral Imports and Exports,” July 2008. <https://www.gao.gov/assets/a95642.html> The original draft called Idaho’s levy “nearly the weakest in the West”; the GAO comparison supports “among the weakest,” which is the phrasing used here.[↗](#)

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