

Union Calendar No. 289

113TH CONGRESS
2^D SESSION

H. R. 1063

[Report No. 113-390]

To require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing and agricultural competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. LAMBORN introduced the following bill; which was referred to the
Committee on Natural Resources

APRIL 1, 2014

Additional sponsors: Mr. COLE, Mr. DIAZ-BALART, Mr. CRAMER, Mr. COFF-
MAN, Mr. AMODEI, Mrs. LUMMIS, Mr. STIVERS, Mr. MULLIN, and Mr.
ROSS

APRIL 1, 2014

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing and agricultural competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Strategic and
5 Critical Minerals Policy Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the availability of minerals and metals is es-
9 sential for economic growth, national security, tech-
10 nological innovation, and the manufacturing and ag-
11 ricultural supply chain;

12 (2) the exploration, production, processing, use,
13 and recycling of minerals contribute significantly to
14 the economic well-being, security, and general wel-
15 fare of the Nation;

16 (3) the industrialization of China and India has
17 driven demand for nonfuel mineral commodities,
18 sparking a period of resource nationalism exempli-
19 fied by China’s reduction and stoppage of exports of
20 rare-earth mineral elements necessary for tele-
21 communications, military technologies, medical de-
22 vices, agricultural production, and renewable energy
23 technologies;

1 (4) the United States has vast mineral re-
2 sources but is becoming increasingly dependent upon
3 foreign sources;

4 (5) 25 years ago the United States was depend-
5 ent on foreign sources for 30 nonfuel mineral mate-
6 rials, 6 of which were entirely imported to meet the
7 Nation's requirements and another 16 of which were
8 imported to meet more than 60 percent of the Na-
9 tion's needs;

10 (6) by 2010, United States import dependence
11 for nonfuel mineral materials more than doubled
12 from 30 to 67 commodities, 18 commodities were
13 imported entirely to meet the Nation's requirements,
14 and another 25 commodities required imports of
15 more than 50 percent;

16 (7) the United States lacks a coherent national
17 policy to assure the availability of minerals essential
18 to manufacturing, national economic well-being and
19 security, agricultural production, and global eco-
20 nomic competitiveness; and

21 (8) the Nation's ability to compete and innovate
22 requires proper planning and preparation today to
23 meet tomorrow's mineral needs.

1 **SEC. 3. CONGRESSIONAL DECLARATION OF POLICY.**

2 (a) IN GENERAL.—It is the continuing policy of the
3 United States to promote an adequate and stable supply
4 of minerals to maintain our Nation’s economic well-being,
5 security, and manufacturing, industrial, energy, agricul-
6 tural, and technological capabilities.

7 (b) POLICY GOALS.—Implementation of the policy set
8 forth in subsection (a) requires that the Federal Govern-
9 ment coordinate the Federal departments and agencies re-
10 sponsible for ensuring that supply, to—

11 (1) facilitate the availability, development, and
12 production of domestic mineral resources to meet
13 national needs, including the demands of the Na-
14 tion’s manufacturing and agricultural industries;

15 (2) promote and encourage the development of
16 economically and environmentally sound, safe, and
17 stable domestic mining, minerals, metals, processing,
18 and minerals recycling industries;

19 (3) establish an assessment capability for iden-
20 tifying the mineral demands, supply, and needs of
21 our Nation; and

22 (4) minimize duplication, needless paperwork,
23 and delays in the administration of Federal and
24 State laws and regulations, and issuance of permits
25 and authorizations necessary to explore, develop, and

1 produce minerals and construct and operate mineral-
2 related facilities.

3 **SEC. 4. SECRETARY OF THE INTERIOR REPORT ON ACCESS**
4 **AND AUTHORIZATIONS FOR MINERAL DEVEL-**
5 **OPMENT.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary of the Inte-
8 rior, through the Bureau of Land Management and the
9 United States Geological Survey, and in consultation with
10 the Secretary of Agriculture (through the Forest Service
11 Mineral and Geology Management Division), the Secretary
12 of Defense, the Secretary of Commerce, and the heads of
13 other appropriate Federal agencies, shall prepare, submit
14 to Congress, and make available to the public a report that
15 includes—

16 (1) an inventory of the nonfossil-fuel mineral
17 potential of lands under the jurisdiction of the Bu-
18 reau of Land Management and the Forest Service
19 and an identification of all such lands that have
20 been withdrawn, segregated, or otherwise restricted
21 from mineral exploration and development;

22 (2) an assessment of—

23 (A) the mineral requirements to meet cur-
24 rent and emerging national security, economic,

1 industrial manufacturing, technological, agricul-
2 tural, and social needs;

3 (B) the Nation's reliance on foreign
4 sources to meet those needs; and

5 (C) the implications of mineral supply
6 shortages or disruptions;

7 (3) a detailed description of the time required
8 to process mineral applications, operating plans,
9 leases, licenses, permits, and other use authoriza-
10 tions for mineral-related activities on lands under
11 the jurisdiction of the Bureau of Land Management
12 and the Forest Service, and identification of meas-
13 ures that would streamline the processing of such
14 applications, such as elimination of overlapping re-
15 quirements or set deadlines;

16 (4) an itemized list of all use authorizations re-
17 ferred to in paragraph (3) for which applications are
18 pending before the Bureau of Land Management
19 and the Forest Service, and the length of time each
20 of those applications has been pending;

21 (5) an assessment of the impact of litigation on
22 processing or issuing mineral exploration and mine
23 permits, identification of the statutes the litigation
24 was brought under, and the cost to the agency or

1 the Federal Government, including for payments of
2 attorney fees;

3 (6) an update of the 2009 Economic Impact of
4 the Department of the Interior's Programs and Ac-
5 tivities report to include locatable minerals;

6 (7) an assessment of the Federal workforce
7 with educational degrees and expertise in economic
8 geology, geochemistry, mining, industrial minerals,
9 metallurgy, metallurgical engineering, and mining
10 engineering, including—

11 (A) retirement eligibility and agency plans
12 for retention, recruitment, and succession plan-
13 ning;

14 (B) comparison of the existing Federal sal-
15 aries and recruitment and retention bonuses
16 with the salaries, recruitment incentives, and
17 retention packages normally offered in the min-
18 eral industry; and

19 (C) examination of the differences between
20 Federal and private financial packages for
21 early-, mid-, and late-career workers; and

22 (8) an inventory of rare earth element potential
23 on the Federal lands, and impediments or restric-
24 tions on the exploration or development of those rare
25 earth elements, and recommendations to lift the im-

1 pediments or restrictions while maintaining environ-
2 mental safeguards.

3 (b) PROGRESS REPORTS.—Not later than one year
4 after the date of enactment of this Act, and each year
5 thereafter for the following two years, the Secretary of the
6 Interior shall submit to Congress and make available to
7 the public a report that describes the progress made in
8 reaching the policy goals described in section 3(b), includ-
9 ing—

10 (1) efforts to increase access to domestic sup-
11 plies of minerals, and facilitation of their production;
12 and

13 (2) implementation of recommendations con-
14 tained in—

15 (A) the National Research Council re-
16 ports—

17 (i) Minerals, Critical Minerals, and
18 the U.S. Economy;

19 (ii) Managing Minerals for a Twenty-
20 First Century Military; and

21 (iii) the current workforce study au-
22 thorized in sections 385 and 1830 of the
23 Energy Policy Act of 2005 (119 Stat. 744,
24 1137);

1 (B) the Department of Energy Critical
2 Materials Strategy I and II; and

3 (C) the Department of Defense assessment
4 and plan for critical rare earth elements in de-
5 fense applications required under section 843 of
6 the National Defense Appropriations Act for
7 Fiscal Year 2011.

8 **SEC. 5. NATIONAL MINERAL ASSESSMENT.**

9 For the first National Mineral Assessment conducted
10 after the date of enactment of this Act, the United States
11 Geological Survey shall include mineral assessments for
12 those mineral commodities important to the Nation's en-
13 ergy infrastructure, manufacturing and agricultural in-
14 dustries, and to the national defense. Priority should be
15 given to minerals that are critical based on the impact of
16 a potential supply restriction and the likelihood of a supply
17 restriction.

18 **SEC. 6. GLOBAL MINERAL ASSESSMENT.**

19 The United States Geological Survey is directed to
20 expand the current Global Mineral Assessment to include
21 mineral assessments for rare earth elements and other
22 minerals that are critical based on the impact of a poten-
23 tial supply restriction and the likelihood of a supply re-
24 striction. Assessments conducted under this section shall
25 include an analysis, developed with participation by the

1 National Minerals Information Center and in consultation
2 with appropriate agencies, of the rare earth elements or
3 other critical minerals supply chain and associated proc-
4 esses and products, including mining, processing, recy-
5 cling, separation, metal production, alloy production, and
6 manufacturing of products sold to end users. In con-
7 ducting the assessment, the United States Geological Sur-
8 vey should coordinate with the heads of foreign geologic
9 surveys when possible.

10 **SEC. 7. DEFINITIONS.**

11 In this Act—

12 (1) **INVENTORY.**—The term “inventory” means
13 an accounting of known mineral occurrences and
14 mineral deposits, including documentation of identi-
15 fied resources.

16 (2) **MINERAL ASSESSMENT.**—The term “min-
17 eral assessment” means an assessment of undis-
18 covered mineral resources that includes a qualitative
19 assessment and a quantitative assessment of such
20 resources.

21 (3) **QUALITATIVE ASSESSMENT.**—The term
22 “qualitative assessment” means a geologic-based de-
23 lineation (mapping) of areas permissive for the oc-
24 currence of undiscovered mineral resources, based on
25 all available geotechnical data including geology,

1 geophysics, geochemistry, remote sensing, and min-
2 eral localities data.

3 (4) QUANTITATIVE ASSESSMENT.—The term
4 “quantitative assessment” means a probabilistic esti-
5 mate of the quantity and quality by tonnage and
6 grade of undiscovered mineral resources in areas de-
7 lined as permissive for occurrence in a qualitative
8 assessment.

9 **SEC. 8. APPLICABILITY OF OTHER STATUTORY MINING**
10 **POLICIES.**

11 Nothing in this Act shall be construed as affecting
12 any provision of or requirement under the Mining and
13 Minerals Policy Act of 1970 (30 U.S.C. 21a).

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