

116TH CONGRESS
2D SESSION

H. R. 7061

To promote the domestic exploration, research, development, and processing of critical minerals to ensure the economic and national security of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2020

Mr. WALTZ (for himself, Mr. GOSAR, Mr. BISHOP of Utah, Mr. LUCAS, Mr. MCCARTHY, Mr. YOUNG, Mr. WEBER of Texas, Mr. CRAWFORD, Mr. MARSHALL, Mr. BUCK, Mr. GONZALEZ of Ohio, Mr. LAMALFA, Mr. POSEY, Mr. NEWHOUSE, Mr. BALDERSON, Mr. CURTIS, Mr. BABIN, Mr. McCLINTOCK, Mr. OLSON, Mr. KEVIN HERN of Oklahoma, Mr. NORMAN, Mr. STAUBER, Mr. BAIRD, Mr. WESTERMAN, Mr. WITTMAN, Ms. CHEENEY, Mrs. LESKO, Mr. STEWART, Mr. JOHNSON of South Dakota, Mr. COOK, Mr. GOHMERT, Mr. HICE of Georgia, Mr. EMMER, Mr. AMODEI, Mr. FULCHER, Mr. LAMBORN, Mr. CALVERT, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, Small Business, the Judiciary, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the domestic exploration, research, development, and processing of critical minerals to ensure the economic and national security of the United States, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “American Critical Mineral Exploration and Innovation
4 Act of 2020”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—CRITICAL MINERAL PRODUCTION

Sec. 101. Policy.
Sec. 102. Critical mineral designations.
Sec. 103. Resource assessment.
Sec. 104. Permitting.
Sec. 105. Federal Register process.
Sec. 106. Department of Energy Critical Minerals Research and Development
Program.
Sec. 107. Critical minerals research database.
Sec. 108. Analysis and forecasting.
Sec. 109. Education and workforce.
Sec. 110. National geological and geophysical data preservation program.
Sec. 111. Administration.

TITLE II—CRITICAL MINERALS TECHNOLOGY DEVELOPMENT
SUPPORT

Sec. 201. Technology grants.

TITLE III—MANAGEMENT OF FEDERAL MINERAL RESOURCES

Sec. 301. Economic and national security analysis.
Sec. 302. Congressional approval.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) BYPRODUCT.—The term “byproduct”
10 means a critical mineral—
11 (A) the recovery of which depends on the
12 production of a host mineral that is not des-
13 ignated as a critical mineral; and

1 (B) that exists in sufficient quantities to
2 be recovered during processing or refining.

3 (2) CRITICAL MINERAL.—

4 (A) IN GENERAL.—The term “critical min-
5 eral” means any mineral, element, substance, or
6 material designated as critical by the Secretary
7 under section 102.

8 (B) EXCLUSIONS.—The term “critical
9 mineral” does not include—

10 (i) oil, natural gas, or any other fossil
11 fuels; or

12 (ii) water, ice, or snow.

13 (3) CRITICAL MINERAL MANUFACTURING.—The
14 term “critical mineral manufacturing” means—

15 (A) the exploration, development, mining,
16 production, processing, refining, alloying, sepa-
17 ration, concentration, magnetic sintering, melt-
18 ing, or beneficiation of critical minerals within
19 the United States;

20 (B) the fabrication, assembly, or produc-
21 tion using a critical mineral, within the United
22 States, of equipment, components, or other
23 goods with energy technology-, defense-, agri-
24 culture-, consumer electronics-, or health care-
25 related applications; or

1 (C) any other value-added, manufacturing-
2 related use of critical minerals undertaken with-
3 in the United States.

4 (4) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (6) STATE.—The term “State” means—

11 (A) a State;

12 (B) the District of Columbia;

13 (C) the Commonwealth of Puerto Rico;

14 (D) Guam;

15 (E) American Samoa;

16 (F) the Commonwealth of the Northern
17 Mariana Islands; and

18 (G) the United States Virgin Islands.

19 (7) LEAD AGENCY.—The term “lead agency”
20 means the agency with primary responsibility for
21 issuing a mineral exploration or mine permit for a
22 project.

23 (8) MINERAL EXPLORATION OR MINE PER-
24 MIT.—The term “mineral exploration or mine per-
25 mit” means—

1 (A) an authorization of the Bureau of
2 Land Management or the Forest Service, as ap-
3 plicable, for a premining activity that requires
4 analysis under the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.);

6 (B) a plan of operations issued by—

7 (i) the Bureau of Land Management
8 under subpart 3809 of part 3800 of title
9 43, Code of Federal Regulations (or suc-
10 cessor regulations); or

11 (ii) the Forest Service under subpart
12 A of part 228 of title 36, Code of Federal
13 Regulations (or successor regulations); or

14 (C) a permit for a project located in an
15 area described in section 3503.13 of title 43,
16 Code of Federal Regulations (or successor regu-
17 lations).

18 (9) PROJECT.—The term “project” means a
19 project relating to, or incidental to mineral explo-
20 ration, mining, beneficiation, processing, or reclama-
21 tion activities—

22 (A) on a mining claim, millsite claim, or
23 tunnel site claim for any locatable mineral; or

1 (B) in conjunction with any Federal min-
2 eral (other than coal and oil shale) that is
3 leased under—

4 (i) the Mineral Leasing Act for Ac-
5 quired Lands (30 U.S.C. 351 et seq.); or

6 (ii) section 402 of Reorganization
7 Plan Numbered 3 of 1946 (5 U.S.C.
8 App.).

9 **TITLE I—CRITICAL MINERAL** 10 **PRODUCTION**

11 **SEC. 101. POLICY.**

12 (a) SENSE OF CONGRESS.—Congress finds the fol-
13 lowing:

14 (1) The assured supply of critical minerals and
15 the resiliency of their supply chains are essential to
16 the economic prosperity and national defense of the
17 United States.

18 (2) The United States is heavily dependent on
19 foreign sources of critical minerals and on foreign
20 supply chains resulting in the potential for strategic
21 vulnerabilities to both the economy and the military.

22 (3) As deployment of clean energy technologies
23 and emissions control devices increase, the demand
24 for critical minerals will grow significantly.

1 (4) The United States is import-reliant for 31
2 of the 35 minerals designated as critical by the De-
3 partment of the Interior and relies completely on im-
4 ports to supply its demand for 14 of these minerals.

5 (5) Over the past two decades China has pro-
6 duced more than 80 percent of the world’s produc-
7 tion of rare-earth elements and processed chemicals.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that to break from China’s control on the mineral
10 supply chain, the United States should support significant
11 research and development activities to drive innovation in
12 domestic critical minerals production, promote responsible
13 development of critical minerals, and encourage inter-
14 national collaboration to limit the impact of mineral sup-
15 ply disruptions.

16 (c) IN GENERAL.—Section 3 of the National Mate-
17 rials and Minerals Policy, Research and Development Act
18 of 1980 (30 U.S.C. 1602) is amended—

19 (1) by amending paragraph (3) to read as fol-
20 lows:

21 “(3) establish an analytical and forecasting ca-
22 pability for identifying critical mineral demand, sup-
23 ply, and other factors to allow informed actions to
24 be taken to avoid supply shortages, mitigate price

1 volatility, and prepare for demand growth and other
2 market shifts;”;

3 (2) in paragraph (6), by striking “and” at the
4 end; and

5 (3) by striking paragraph (7) and inserting the
6 following:

7 “(7) facilitate the availability, development, and
8 environmentally responsible production of domestic
9 resources to meet national material or critical min-
10 eral needs;

11 “(8) avoid duplication of effort, prevent unnee-
12 cessary paperwork, and minimize delays in the ad-
13 ministration of applicable laws (including regula-
14 tions) and the issuance of permits and authoriza-
15 tions necessary to explore for, develop, and produce
16 critical minerals and to construct critical mineral
17 manufacturing facilities in accordance with applica-
18 ble environmental and land management laws;

19 “(9) strengthen—

20 “(A) educational and research capabilities
21 at not lower than the secondary school level;
22 and

23 “(B) workforce training for exploration
24 and development of critical minerals and critical
25 mineral manufacturing;

1 “(10) bolster international cooperation through
2 technology transfer, information sharing, and other
3 means;

4 “(11) promote the efficient production, use, and
5 recycling of critical minerals;

6 “(12) develop alternatives to critical minerals;
7 and

8 “(13) establish contingencies for the production
9 of, or access to, critical minerals for which viable
10 sources do not exist within the United States.”.

11 (d) CONFORMING AMENDMENT.—Section 2(b) of the
12 National Materials and Minerals Policy, Research and De-
13 velopment Act of 1980 (30 U.S.C. 1601(b)) is amended
14 to read as follows:

15 “(b) DEFINITIONS.—In this Act:

16 “(1) CRITICAL MINERAL.—The term ‘critical
17 mineral’ has the meaning given such term in section
18 2 of the American Critical Mineral Exploration and
19 Innovation Act of 2020.

20 “(2) MATERIALS.—The term ‘materials’ means
21 substances, including minerals, of current or poten-
22 tial use that will be needed to supply the industrial,
23 military, and essential civilian needs of the United
24 States in the production of goods or services, includ-
25 ing those which are primarily imported or for which

1 there is a prospect of shortages or uncertain supply,
2 or which present opportunities in terms of new phys-
3 ical properties, use, recycling, disposal or substi-
4 tution, with the exclusion of food and of energy fuels
5 used as such.”.

6 (e) CRITICAL MINERALS INTERAGENCY SUB-
7 COMMITTEE.—

8 (1) IN GENERAL.—The Critical Minerals Sub-
9 committee of the National Science and Technology
10 Council (referred to in this section as “Sub-
11 committee”) shall coordinate Federal science and
12 technology efforts to ensure secure and reliable sup-
13 plies of critical minerals to the United States.

14 (2) PURPOSES.—The purposes of the Sub-
15 committee shall be—

16 (A) to advise and assist the Committee on
17 Homeland and National Security and the Na-
18 tional Science and Technology Council on
19 United States policies, procedures, and plans as
20 it relates to critical minerals, including—

21 (i) Federal research, development, and
22 deployment efforts to optimize methods for
23 extractions, concentration, separation and
24 purification of conventional, secondary,

1 and unconventional sources of critical min-
2 erals;

3 (ii) efficient use and reuse of critical
4 minerals;

5 (iii) the critical minerals workforce of
6 the United States; and

7 (iv) United States private industry in-
8 vestments in innovation and technology
9 transfer from federally funded science and
10 technology;

11 (B) to identify emerging opportunities,
12 stimulate international cooperation, and foster
13 the development of secure and reliable supply
14 chains of critical minerals;

15 (C) to ensure the transparency of informa-
16 tion and data related to critical minerals; and

17 (D) to provide recommendations on coordi-
18 nation and collaboration among the research,
19 development, and deployment programs and ac-
20 tivities of Federal agencies to promote a secure
21 and reliable supply of critical minerals nec-
22 essary to maintain national security, economic
23 well-being, and industrial production.

24 (3) RESPONSIBILITIES.—In carrying out para-
25 graphs (1) and (2), the Subcommittee may, taking

1 into account the findings and recommendations of
2 relevant advisory committees—

3 (A) provide recommendations on how Fed-
4 eral agencies may improve the topographic, geo-
5 logic, and geophysical mapping of the United
6 States and improve the discoverability, accessi-
7 bility, and usability of the resulting and existing
8 data, to the extent permitted by law and subject
9 to appropriate limitation for purposes of privacy
10 and security; assess the progress towards devel-
11 oping critical minerals recycling and reprocess-
12 ing technologies, and technological alternatives
13 to critical minerals;

14 (B) examine options for accessing and de-
15 veloping critical minerals through investment
16 and trade with our allies and partners and pro-
17 vide recommendations;

18 (C) evaluate and provide recommendations
19 to incentivize the development and use of ad-
20 vances in science and technology in the private
21 industry;

22 (D) assess the need for and make rec-
23 ommendations to address the challenges the
24 United States critical minerals supply chain
25 workforce faces, including aging and retiring

1 personnel and faculty; public perceptions about
2 the nature of mining and mineral processing;
3 and foreign competition for United States tal-
4 ent;

5 (E) develop, and update as necessary, a
6 strategic plan to guide Federal programs and
7 activities to enhance scientific and technical ca-
8 pabilities across critical mineral supply chains,
9 including a roadmap that identifies key re-
10 search and development needs and coordinates
11 ongoing activities for source diversification,
12 more efficient use, recycling, and substitution
13 for critical minerals; as well as cross-cutting
14 mining science, data science techniques, mate-
15 rials science, manufacturing science and engi-
16 neering, computational modeling, and environ-
17 mental health and safety research and develop-
18 ment; and

19 (F) report to the appropriate committees
20 of Congress on activities and findings under
21 this section.

22 **SEC. 102. CRITICAL MINERAL DESIGNATIONS.**

23 (a) DRAFT.—The Secretary, acting through the Di-
24 rector of the United States Geological Survey, shall pub-
25 lish in the Federal Register for public comment a draft—

1 (1) description of the methodology used to iden-
2 tify critical minerals;

3 (2) list of minerals, elements, substances, and
4 materials that qualify as critical minerals; and

5 (3) list of critical minerals recoverable as by-
6 products.

7 (b) FINAL.—Not later than 45 days after the date
8 on which the public comment period described in para-
9 graph (1) ends, the Secretary, acting through the Director
10 of the United States Geological Survey, shall publish in
11 the Federal Register—

12 (1) a description of the methodology for deter-
13 mining which minerals, elements, substances, and
14 materials qualify as critical minerals;

15 (2) a list of critical minerals; and

16 (3) a list of critical minerals recoverable as by-
17 products.

18 (c) CRITERIA.—

19 (1) IN GENERAL.—The Secretary shall des-
20 ignate a mineral, element, substance, or material as
21 a critical mineral for the purposes of this subsection
22 if the Secretary determines, in consultation with the
23 Secretaries of Defense, Commerce, Agriculture, and
24 Energy, and the United States Trade Representative
25 that—

1 (A) such mineral, element, substance, or
2 material is essential to the economic or national
3 security of the United States;

4 (B) the supply chain of such mineral, ele-
5 ment, substance, or material is vulnerable to
6 disruption (including restrictions associated
7 with foreign political risk, abrupt demand
8 growth, military conflict, violent unrest, anti-
9 competitive or protectionist behaviors, and other
10 risks throughout the supply chain); and

11 (C) such mineral, element, substance, or
12 material serves an essential function in the
13 manufacturing of a product (including energy
14 technology-, defense-, currency-, agriculture-,
15 consumer electronics-, and health care-related
16 applications), the absence of which would have
17 significant consequences for the economic or na-
18 tional security of the United States.

19 (2) DETERMINATION BY ANOTHER AGENCY.—
20 The Secretary may designate a mineral, element,
21 substance, or material determined by another Fed-
22 eral agency to be strategic and critical to the defense
23 or national security of the United States.

24 (d) SUBSEQUENT REVIEW.—The Secretary, in con-
25 sultation with the Secretaries of Defense, Commerce, Ag-

1 riculture, and Energy and the United States Trade Rep-
2 resentative, shall review the methodology and list under
3 subsection (b) not less frequently than every 3 years and
4 may revise such determinations as the Secretary, in con-
5 sultation with Secretaries of Defense, Commerce, Agri-
6 culture, and Energy and the United States Trade Rep-
7 resentative, determines appropriate.

8 (e) QUANTITATIVE DATA.—The Secretary, in making
9 a determination under this subsection, shall to the extent
10 possible, use quantitative methods to make such deter-
11 mination.

12 (f) NOTICE.—On finalization of the methodology and
13 the list under subsection (b), or any revision to the meth-
14 odology or list under subsection (d), the Secretary shall
15 submit to Congress written notice of the action.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary
18 \$1,000,000 for each of fiscal years 2021 through 2030
19 to carry out this section.

20 **SEC. 103. RESOURCE ASSESSMENT.**

21 (a) IN GENERAL.—Not later than 4 years after the
22 date of enactment of this Act, in consultation with applica-
23 ble States, State geological surveys, local governments and
24 academic, industry, and other entities, the Secretary shall

1 complete a comprehensive national resource assessment of
2 each critical mineral that—

3 (1) identifies and quantifies known critical min-
4 eral resources, using all available public and private
5 information and datasets, including exploration his-
6 tories; and

7 (2) provides a quantitative and qualitative as-
8 sessment of undiscovered critical mineral resources
9 throughout the United States, including probability
10 estimates of tonnage and grade, using all available
11 public and private information and datasets, includ-
12 ing exploration histories.

13 (b) SUPPLEMENTARY INFORMATION.—In carrying
14 out this section, the Secretary shall carry out surveys and
15 field work (including drilling, remote sensing, geophysical
16 surveys, topographical and geological mapping, and geo-
17 chemical sampling and analysis) to supplement existing in-
18 formation and datasets available for determining the exist-
19 ence of critical minerals in the United States.

20 (c) PUBLIC ACCESS.—Subject to applicable law, to
21 the maximum extent practicable, the Secretary shall make
22 all data and metadata collected from the comprehensive
23 national assessment carried out under subsection (a) pub-
24 licly and electronically accessible.

1 (d) TECHNICAL ASSISTANCE.—At the request of the
2 Governor of a State or the head of an Indian tribe, the
3 Secretary may provide technical assistance to State gov-
4 ernments and Indian tribes conducting critical mineral re-
5 source assessments on non-Federal land.

6 (e) PRIORITIZATION.—

7 (1) IN GENERAL.—The Secretary may sequence
8 the completion of resource assessments for each crit-
9 ical mineral such that critical minerals considered to
10 be most critical under the methodology established
11 under section 102 are completed first.

12 (2) INTERIM REPORTS.—During the period be-
13 ginning not later than 1 year after the date of enact-
14 ment of this Act and ending on the date of comple-
15 tion of all of the assessments required under this
16 section, the Secretary shall submit to Congress on
17 an annual basis an interim report that—

18 (A) identifies the sequence and schedule
19 for completion of the assessments if the Sec-
20 retary sequences the assessments; or

21 (B) describes the progress of the assess-
22 ments if the Secretary does not sequence the
23 assessments.

1 (f) UPDATES.—The Secretary may periodically up-
2 date the assessments conducted under this section based
3 on—

4 (1) the generation of new information or
5 datasets by the Federal Government; or

6 (2) the receipt of new information or datasets
7 from critical mineral producers, State geological sur-
8 veys, academic institutions, trade associations, or
9 other persons.

10 (g) ADDITIONAL SURVEYS.—The Secretary shall
11 complete a resource assessment for each additional min-
12 eral, element, substance, or material subsequently des-
13 igned as a critical mineral under section 102 not later
14 than 2 years after such designation.

15 (h) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report describing the status of geological sur-
18 veying of Federal land for any mineral, element, sub-
19 stance, or material commodity—

20 (1) for which the United States was dependent
21 on a foreign country for more than 25 percent of the
22 United States supply, as depicted in the report
23 issued by the United States Geological Survey enti-
24 tled “Mineral Commodity Summaries 2020”; but

1 (2) that is not designated as a critical mineral
2 under section 102.

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary
5 \$50,000,000 for each of fiscal years 2021 through 2030
6 to carry out this section.

7 **SEC. 104. PERMITTING.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) critical minerals are fundamental to the
11 economy, competitiveness, and security of the United
12 States;

13 (2) to the maximum extent practicable, the crit-
14 ical mineral needs of the United States should be
15 satisfied by minerals, elements, substances, and ma-
16 terials responsibly produced and recycled in the
17 United States; and

18 (3) the Federal permitting process has been
19 identified as an impediment to mineral production
20 and the mineral security of the United States.

21 (b) COORDINATION ON PERMITTING PROCESS.—

22 (1) IN GENERAL.—To improve the quality and
23 timeliness of decisions, the lead agency shall, to the
24 maximum extent practicable, with respect to a
25 project on Federal land described in paragraph (2),

1 complete Federal permitting and review processes
2 with maximum efficiency and effectiveness, while
3 supporting vital economic growth, by—

4 (A) establishing and adhering to timelines
5 and schedules for the consideration of, and final
6 decisions regarding, applications, operating
7 plans, leases, licenses, permits, and other use
8 authorizations for mineral-related activities on
9 Federal land;

10 (B) establishing clear, quantifiable, and
11 temporal permitting performance goals and
12 tracking progress against those goals;

13 (C) engaging in early collaboration among
14 agencies, project sponsors, and affected stake-
15 holders—

16 (i) to incorporate and address the in-
17 terests of those parties; and

18 (ii) to minimize delays;

19 (D) ensuring transparency and account-
20 ability by using cost-effective information tech-
21 nology to collect and disseminate information
22 regarding individual projects and agency per-
23 formance;

24 (E) engaging in early and active consulta-
25 tion with State, local, and Indian Tribal govern-

1 ments to avoid conflicts or duplication of effort,
2 resolve concerns, and allow for concurrent,
3 rather than sequential, State, local, Tribal, and
4 Federal environmental and regulatory reviews;

5 (F) providing demonstrable improvements
6 in the performance of Federal permitting and
7 review processes, including lower costs and
8 more timely decisions;

9 (G) expanding and institutionalizing per-
10 mitting and review process improvements that
11 have proven effective;

12 (H) developing mechanisms to better com-
13 municate priorities and resolve disputes among
14 agencies at the national, regional, State, and
15 local levels; and

16 (I) developing other practices to improve
17 regulatory processes, such as preapplication
18 procedures.

19 (2) PROJECTS DESCRIBED.—A project is de-
20 scribed by this paragraph if such project is—

21 (A) a project to produce a critical mineral,
22 including as a byproduct or from tailing;

23 (B) an exploration project with respect to
24 which the presence of a byproduct is a reason-
25 able expectation, based on known mineral

1 companionability, geologic formation, mineralogy,
2 or other factors; or

3 (C) a project that demonstrates that the
4 byproduct is of sufficient grade that, if com-
5 bined with the production of a host mineral, is
6 economical to recover, as determined by the ap-
7 plicable Secretary.

8 (3) CONSIDERATIONS.—In carrying out para-
9 graph (1), the lead agency shall consider deferring
10 to, and relying on, baseline data, analyses, and re-
11 views performed by State agencies with jurisdiction
12 over the proposed project.

13 (4) MEMORANDUM OF AGREEMENT.—The lead
14 agency with respect to a critical mineral project, in
15 consultation with any other Federal agency with ju-
16 risdiction over such project, may establish a memo-
17 randum of agreement with the project sponsor, State
18 and local governments, and other entities such lead
19 agency determines appropriate to carry out the ac-
20 tivities described in this subsection.

21 (5) TIME LIMIT FOR PERMITTING PROCESS.—
22 Notwithstanding any other provision of law, and ex-
23 cept with agreement of the project sponsor, the total
24 period for all necessary Federal reviews and permit

1 consideration for a project reasonably expected to
2 produce critical minerals may not exceed 30 months.

3 (c) DETERMINATION UNDER NATIONAL ENVIRON-
4 MENTAL POLICY ACT.—

5 (1) IN GENERAL.—To the extent that the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4321 et seq.) applies to the issuance of any mineral
8 exploration or mine permit, the lead agency may
9 deem the requirements of such Act satisfied if the
10 lead agency determines that a State or Federal
11 agency acting under State or Federal law has ad-
12 dressed the following factors:

13 (A) The environmental impact of the ac-
14 tion to be conducted under the permit.

15 (B) Possible adverse environmental effects
16 of actions under the permit.

17 (C) Possible alternatives to issuance of the
18 permit.

19 (D) The relationship between long- and
20 short-term uses of the local environment and
21 the maintenance and enhancement of long-term
22 productivity.

23 (E) Any irreversible and irretrievable com-
24 mitment of resources that would be involved in
25 the proposed action.

1 (2) PUBLICATION.—The lead agency shall pub-
2 lish a determination under paragraph (1) not later
3 than 90 days after receipt of an application for the
4 permit.

5 (3) VERIFICATION.—The lead agency shall pub-
6 lish a determination that the factors under para-
7 graph (1) have been sufficiently addressed and pub-
8 lic participation has occurred with regard to any au-
9 thorizing actions before issuing any mineral explo-
10 ration or mine permit.

11 (d) SCHEDULE FOR PERMITTING PROCESS.—For
12 any project for which the lead agency cannot make the
13 determination described in (c), at the request of a project
14 sponsor, the lead agency, cooperating agencies, and any
15 other agencies involved with the mineral exploration or
16 mine permitting process shall enter into an agreement
17 with the project sponsor that sets time limits for each part
18 of the permitting process, including—

19 (1) the decision on whether to prepare an envi-
20 ronmental impact statement or similar analysis re-
21 quired under the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4321 et seq.);

23 (2) a determination of the scope of any environ-
24 mental impact statement or similar analysis required
25 under such Act;

1 (3) the scope of, and schedule for, the baseline
2 studies required to prepare an environmental impact
3 statement or similar analysis required under such
4 Act;

5 (4) preparation of any draft environmental im-
6 pact statement or similar analysis required under
7 such Act;

8 (5) preparation of a final environmental impact
9 statement or similar analysis required under such
10 Act;

11 (6) any consultations required under applicable
12 law;

13 (7) submission and review of any comments re-
14 quired under applicable law;

15 (8) publication of any public notices required
16 under applicable law; and

17 (9) any final or interim decisions.

18 (e) ADDRESSING PUBLIC COMMENTS.—As part of
19 the review process under the National Environmental Pol-
20 icy Act of 1969 (42 U.S.C. 4321 et seq.), the lead agency
21 may not address any agency or public comments that were
22 not submitted—

23 (1) during a public comment period or consulta-
24 tion period provided during the permitting process;
25 or

1 (2) as otherwise required by law.

2 (f) REVIEW AND REPORT.—Not later than 1 year
3 after the date of enactment of this Act, the Secretary and
4 the Secretary of Agriculture shall submit to Congress a
5 report that—

6 (1) identifies additional measures (including
7 regulatory and legislative proposals, as appropriate)
8 that would increase the timeliness of permitting ac-
9 tivities for the exploration and development of do-
10 mestic critical minerals;

11 (2) identifies options (including cost recovery
12 paid by permit applicants, as appropriate) for ensur-
13 ing adequate staffing and training of Federal enti-
14 ties and personnel responsible for the consideration
15 of applications, operating plans, leases, licenses, per-
16 mits, and other use authorizations for critical min-
17 eral-related activities on Federal land;

18 (3) quantifies the amount of time typically re-
19 quired (including range derived from minimum and
20 maximum durations, mean, median, variance, and
21 any other statistical measure or representation the
22 Secretary and the Secretary of Agriculture deter-
23 mine appropriate) to complete each step (including
24 those aspects outside the control of the executive
25 branch, such as judicial review, applicant decisions,

1 or State and local government involvement) associ-
2 ated with the development and processing of applica-
3 tions, operating plans, leases, licenses, permits, and
4 other use authorizations for critical mineral-related
5 activities on Federal land; and

6 (4) describes actions carried out pursuant to
7 subsection (b).

8 (g) PERFORMANCE METRIC.—Not later than 90 days
9 after the date of submission of the report under subsection
10 (e), the Secretary and the Secretary of Agriculture, after
11 providing public notice and an opportunity to comment,
12 shall develop and publish a performance metric for evalu-
13 ating the progress made by the executive branch to expe-
14 dite the permitting of activities that will increase explo-
15 ration for, and development of, domestic critical minerals,
16 while maintaining environmental standards.

17 (h) ANNUAL REPORTS.—Beginning with the first
18 budget submission by the President under section 1105
19 of title 31, United States Code, after publication of the
20 performance metric required under subsection (f), and an-
21 nually thereafter, the Secretaries of Agriculture and of the
22 Interior shall jointly submit to Congress a report that—

23 (1) summarizes the implementation of rec-
24 ommendations, measures, and options identified in
25 paragraphs (1) and (2) of subsection (f);

1 (2) using the performance metric under sub-
2 section (d), describes progress made by the executive
3 branch, as compared to the baseline established pur-
4 suant to subsection (c)(3), on expediting the permit-
5 ting of activities that will increase exploration for,
6 and development of, domestic critical minerals; and

7 (3) compares the United States to other coun-
8 tries in terms of permitting efficiency and any other
9 criteria relevant to the globally competitive critical
10 minerals industry.

11 (i) INDIVIDUAL PROJECTS.—Using data from the
12 Secretaries of Agriculture and of the Interior generated
13 under subsection (g), the Director of the Office of Man-
14 agement and Budget shall prioritize inclusion of individual
15 critical mineral projects on the website operated by the
16 Office of Management and Budget in accordance with sec-
17 tion 1122 of title 31, United States Code.

18 (j) REPORT OF SMALL BUSINESS ADMINISTRA-
19 TION.—Not later than 1 year and 300 days after the date
20 of enactment of this Act, the Administrator of the Small
21 Business Administration shall submit to the Committees
22 on Small Business and Natural Resources of the House
23 of Representatives and Small Business and Entrepreneur-
24 ship and Energy and Natural Resources of the Senate a

1 report that assesses the performance of Federal agencies
2 with respect to—

3 (1) complying with chapter 6 of title 5, United
4 States Code, in promulgating regulations applicable
5 to the critical minerals industry; and

6 (2) performing an analysis of regulations appli-
7 cable to the critical minerals industry that may be
8 outmoded, inefficient, duplicative, or excessively bur-
9 densome.

10 (k) APPLICATION.—Section 41001(6)(A) of the
11 FAST Act (42 U.S.C. 4370m(6)(A)) is amended by in-
12 serting “(including critical mineral manufacturing (as de-
13 fined in section 2 of the ‘American Critical Mineral Explo-
14 ration and Innovation Act’))” after “manufacturing”.

15 **SEC. 105. FEDERAL REGISTER PROCESS.**

16 (a) DEPARTMENTAL REVIEW.—Absent any extraor-
17 dinary circumstance, and except as otherwise required by
18 law, the Secretary and the Secretary of Agriculture shall
19 ensure that each Federal Register notice described in sub-
20 section (b) shall be—

21 (1) subject to any required reviews within the
22 Department of the Interior or the Department of
23 Agriculture; and

1 (2) published in final form in the Federal Reg-
2 ister not later than 45 days after the date of initial
3 preparation of the notice.

4 (b) PREPARATION.—The preparation of Federal Reg-
5 ister notices required by law associated with the issuance
6 of a critical mineral exploration or mine permit shall be
7 delegated to the organizational level within the agency re-
8 sponsible for issuing the critical mineral exploration or
9 mine permit.

10 (c) TRANSMISSION.—All Federal Register notices re-
11 garding official document availability, announcements of
12 meetings, or notices of intent to undertake an action shall
13 be originated in, and transmitted to the Federal Register
14 from, the office in which, as applicable—

15 (1) the documents or meetings are held; or

16 (2) the activity is initiated.

17 **SEC. 106. DEPARTMENT OF ENERGY CRITICAL MINERALS**
18 **RESEARCH AND DEVELOPMENT PROGRAM.**

19 (a) IN GENERAL.—The Secretary of Energy shall
20 carry out a crosscutting research and development pro-
21 gram to accelerate innovation in advanced critical minerals
22 development strategies and technologies for the purpose
23 of making better use of domestic resources and elimi-
24 nating national reliance on minerals and mineral materials
25 that are subject to supply disruptions.

1 (b) EXECUTION.—In carrying out this program, the
2 Secretary of Energy shall—

3 (1) develop innovative technologies and prac-
4 tices to diversify commercially viable domestic
5 sources of critical minerals and identify new uses for
6 co-products and by-products;

7 (2) advance new mapping and mining tech-
8 nologies and techniques that can accelerate the ro-
9 bust characterization of domestic critical minerals
10 resources, including advanced critical mineral extrac-
11 tion, production, separation, alloying, or processing
12 technologies that can decrease the energy intensity,
13 potential environmental impact and costs of those
14 activities;

15 (3) identify and develop alternative minerals,
16 metals, and replacement materials that lessen the
17 need for critical minerals, particularly those avail-
18 able in abundance within the United States and not
19 subject to supply disruptions, and design new sys-
20 tems to use these alternatives;

21 (4) advance new technologies and techniques to
22 support the economically viable manufacturing, recy-
23 cling, and reuse of critical minerals; and

24 (5) develop advanced theoretical, computational,
25 and experimental tools necessary to support the

1 crosscutting basic research and development needs
2 of diverse critical minerals stakeholders.

3 (c) LEVERAGING.—In carrying out the program
4 under subsection (a) the Secretary of Energy shall lever-
5 age resources and expertise across the Department and
6 from—

- 7 (1) Federal agencies;
- 8 (2) National Laboratories;
- 9 (3) critical mineral producers;
- 10 (4) critical mineral processors;
- 11 (5) critical mineral manufacturers;
- 12 (6) trade associations;
- 13 (7) academic institutions;
- 14 (8) small businesses; and
- 15 (9) other relevant entities or individuals.

16 (d) STANDARD OF REVIEW.—Not later than 2 years
17 after the date of the enactment of this Act the Secretary
18 of Energy shall conduct a review of activities carried out
19 under this program described in subsection (a) to deter-
20 mine the achievement of technical milestones established
21 in subsection (f).

22 (e) PROHIBITION.—No funds allocated to the pro-
23 gram described in subsection (a) may be obligated or ex-
24 pended for commercial application of energy technology.

25 (f) CRITICAL MINERALS CONSORTIUM.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary of
3 Energy shall establish and operate a Critical Min-
4 erals Consortium (referred to in this section as the
5 “Consortium”) for the purpose of supporting the
6 program under subsection (a) by providing, to the
7 maximum extent practicable, a centralized entity for
8 multidisciplinary, collaborative, critical minerals re-
9 search and development.

10 (2) MEMBERSHIP.—The members of the Con-
11 sortium shall be representatives from relevant Fed-
12 eral agencies, the National Laboratories, institutions
13 of higher education, multi-institutional collabora-
14 tions, and other appropriate entities.

15 (3) ACTIVITIES.—The Consortium shall—

16 (A) develop and implement a multi-year
17 program plan which includes the determination
18 of technical goals and milestones and prioritizes
19 leveraging of the user facilities, high-perform-
20 ance computing capabilities, and expertise of
21 the Department of Energy and the National
22 Laboratories; and

23 (B) submit an annual report to the Sec-
24 retary of Energy summarizing the activities of
25 the Consortium which includes an evaluation of

1 the Consortium's role in the achievement of
2 technical milestones determined in subpara-
3 graph (A).

4 (4) COORDINATION.—The Secretary of Energy
5 shall ensure the coordination of, and avoid unneces-
6 sary duplication of, the activities of the Consortium
7 with the activities of other research entities of the
8 Department, institutions of higher education, and
9 the private sector.

10 (5) DURATION.—The Consortium established
11 under this subsection shall receive support for a pe-
12 riod of not more than 5 years, subject to the avail-
13 ability of appropriations.

14 (6) RENEWAL.—Upon the expiration of any pe-
15 riod of support of the Consortium, the Secretary of
16 Energy may renew support for the Consortium, on
17 a merit-reviewed basis, for a period of not more than
18 5 years.

19 (7) TERMINATION.—Consistent with the exist-
20 ing authorities of the Department, the Secretary of
21 Energy may terminate the Consortium for cause
22 during the performance period.

23 (g) REPORTS.—Not later than 2 years after the date
24 of enactment of this Act, and annually thereafter, the Sec-
25 retary of Energy shall submit to Congress a report sum-

1 marizing the activities, findings, and progress of the pro-
2 gram.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of En-
5 ergy \$135,000,000 for each of fiscal years 2021 through
6 2030 to carry out this section.

7 **SEC. 107. CRITICAL MINERALS RESEARCH DATABASE.**

8 (a) IN GENERAL.—The Secretary of Energy, in con-
9 sultation with the Director of the National Science Foun-
10 dation, shall support the development of a web-based plat-
11 form to provide access to a database of computed informa-
12 tion on known and predicted critical minerals and related
13 mineral materials properties and computational tools in
14 order to—

15 (1) accelerate breakthroughs in critical minerals
16 discovery and design;

17 (2) strengthen the foundation for new mining
18 technologies and advanced manufacturing; and

19 (3) drive the development of advanced materials
20 for applications that span the Department’s missions
21 in energy, environment, and national security.

22 (b) PROGRAM.—In carrying out this section, the Sec-
23 retary of Energy shall—

24 (1) conduct cooperative research with industry,
25 academia, and other research institutions to facili-

1 tate the design of novel materials, including critical
2 materials and substitutes for critical materials;

3 (2) leverage existing high-performance com-
4 puting systems to conduct high throughput calcula-
5 tions and develop computation and data mining al-
6 gorithms for the prediction of mineral properties, in-
7 cluding a focus on critical minerals;

8 (3) leverage and support basic research in min-
9 eralogy and mineral chemistry to enhance the under-
10 standing, prediction, and manipulation of critical
11 minerals; and

12 (4) manage and make available to researchers
13 accessible, curated, standardized, secure, and privacy
14 protected data sets from the public and private sec-
15 tors for the purposes of critical minerals research
16 and development activities.

17 (c) COORDINATION.—To carry out this section, the
18 Secretary of Energy shall leverage programs, facilities,
19 and activities across the Department.

20 (d) SECURITY.—In carrying out the activities author-
21 ized by this section, the Secretary of Energy, in consulta-
22 tion with the Director of the National Science Foundation,
23 shall ensure proper security controls are in place to protect
24 proprietary or sensitive data, as appropriate.

1 **SEC. 108. ANALYSIS AND FORECASTING.**

2 (a) CAPABILITIES.—In order to evaluate existing crit-
3 ical mineral policies and inform future actions that may
4 be taken to avoid supply shortages, mitigate price vola-
5 tility, and prepare for demand growth and other market
6 shifts, the Secretary, in consultation with the Energy In-
7 formation Administration, academic institutions, and oth-
8 ers to maximize the application of existing competencies
9 related to developing and maintaining computer-models
10 and similar analytical tools, shall conduct and publish the
11 results of an annual report that includes—

12 (1) as part of the annually published Mineral
13 Commodity Summaries from the United States Geo-
14 logical Survey, a comprehensive review of critical
15 mineral production, consumption, and recycling pat-
16 terns, including—

17 (A) the quantity of each critical mineral
18 domestically produced during the preceding
19 year;

20 (B) the quantity of each critical mineral
21 domestically consumed during the preceding
22 year;

23 (C) market price data or other price data
24 for each critical mineral;

25 (D) an assessment of—

1 (i) critical mineral requirements to
2 meet the national security, energy, eco-
3 nomic, industrial, technological, and other
4 needs of the United States during the pre-
5 ceding year;

6 (ii) the reliance of the United States
7 on foreign sources to meet those needs
8 during the preceding year; and

9 (iii) the implications of any supply
10 shortages, restrictions, or disruptions dur-
11 ing the preceding year;

12 (E) the quantity of each critical mineral
13 domestically recycled during the preceding year;

14 (F) the market penetration during the pre-
15 ceding year of alternatives to each critical min-
16 eral;

17 (G) a discussion of international trends as-
18 sociated with the discovery, production, con-
19 sumption, use, costs of production, prices, and
20 recycling of each critical mineral as well as the
21 development of alternatives to critical minerals;
22 and

23 (H) such other data, analyses, and evalua-
24 tions as the Secretary determines necessary to
25 achieve the purposes of this section; and

1 (2) a comprehensive forecast, entitled the “An-
2 nual Critical Minerals Outlook”, of projected critical
3 mineral production, consumption, and recycling pat-
4 terns, including—

5 (A) the quantity of each critical mineral
6 projected to be domestically produced over the
7 subsequent 1-year, 5-year, and 10-year periods;

8 (B) the quantity of each critical mineral
9 projected to be domestically consumed over the
10 subsequent 1-year, 5-year, and 10-year periods;

11 (C) an assessment of—

12 (i) critical mineral requirements to
13 meet projected national security, energy,
14 economic, industrial, technological, and
15 other needs of the United States;

16 (ii) the projected reliance of the
17 United States on foreign sources to meet
18 those needs; and

19 (iii) the projected implications of po-
20 tential supply shortages, restrictions, or
21 disruptions;

22 (D) the quantity of each critical mineral
23 projected to be domestically recycled over the
24 subsequent 1-year, 5-year, and 10-year periods;

1 (E) the market penetration of alternatives
2 to each critical mineral projected to take place
3 over the subsequent 1-year, 5-year, and 10-year
4 periods;

5 (F) a discussion of reasonably foreseeable
6 international trends associated with the dis-
7 covery, production, consumption, use, costs of
8 production, and recycling of each critical min-
9 eral as well as the development of alternatives
10 to critical minerals; and

11 (G) such other projections relating to each
12 critical mineral as the Secretary determines to
13 be necessary to achieve the purposes of this sec-
14 tion.

15 (b) PROPRIETARY INFORMATION.—In preparing a re-
16 port described in subsection (a), the Secretary shall en-
17 sure, consistent with section 5(f) of the National Materials
18 and Minerals Policy, Research and Development Act of
19 1980 (30 U.S.C. 1604(f)), that—

20 (1) no person uses the information and data
21 collected for the report for a purpose other than the
22 development of or reporting of aggregate data in a
23 manner such that the identity of the person or firm
24 who supplied the information is not discernible and

1 is not material to the intended uses of the informa-
2 tion;

3 (2) no person discloses any information or data
4 collected for the report unless the information or
5 data has been transformed into a statistical or ag-
6 gregate form that does not allow the identification of
7 the person or firm who supplied particular informa-
8 tion; and

9 (3) procedures are established to require the
10 withholding of any information or data collected for
11 the report if the Secretary determines that with-
12 holding is necessary to protect proprietary informa-
13 tion, including any trade secrets or other confiden-
14 tial information.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary
17 \$4,000,000 for each of fiscal years 2021 through 2030
18 to carry out this section.

19 **SEC. 109. EDUCATION AND WORKFORCE.**

20 (a) WORKFORCE ASSESSMENT.—

21 (1) IN GENERAL.—Not later than 1 year and
22 300 days after the date of enactment of this Act, the
23 Secretary of Labor, in consultation with the Sec-
24 retary, the Director of the National Science Founda-
25 tion, the institutions of higher education described in

1 paragraph (2), and employers in the critical minerals
2 sector, shall submit to Congress an assessment of
3 the domestic availability of technically trained per-
4 sonnel necessary for critical mineral exploration, de-
5 velopment, assessment, production, manufacturing,
6 recycling, analysis, forecasting, education, and re-
7 search, including an analysis of—

8 (A) skills that are in the shortest supply as
9 of the date of the assessment;

10 (B) skills that are projected to be in short
11 supply in the future;

12 (C) the demographics of the critical min-
13 erals industry and how the demographics will
14 evolve under the influence of factors such as an
15 aging workforce;

16 (D) the effectiveness of training and edu-
17 cation programs in addressing skills shortages;

18 (E) opportunities to hire locally for new
19 and existing critical mineral activities;

20 (F) the sufficiency of personnel within rel-
21 evant areas of the Federal Government for
22 achieving the policies described in section 3 of
23 the National Materials and Minerals Policy, Re-
24 search and Development Act of 1980 (30
25 U.S.C. 1602); and

1 (G) the potential need for new training
2 programs to have a measurable effect on the
3 supply of trained workers in the critical min-
4 erals industry.

5 (2) INSTITUTIONS OF HIGHER EDUCATION.—

6 The institutions of higher education described in this
7 paragraph are—

8 (A) institutions of higher education with
9 substantial expertise in mining; and

10 (B) institutions of higher education with
11 significant expertise in minerals research, in-
12 cluding fundamental research into alternatives.

13 (b) CURRICULUM STUDY.—

14 (1) IN GENERAL.—The Secretary and the Sec-
15 retary of Labor shall jointly enter into an arrange-
16 ment with the National Academy of Sciences and the
17 National Academy of Engineering under which the
18 Academies shall coordinate with the National
19 Science Foundation on conducting a study—

20 (A) to design an interdisciplinary program
21 on critical minerals that will support the critical
22 mineral supply chain and improve the ability of
23 the United States to increase domestic critical
24 mineral exploration, development, production,

1 manufacturing, and research, including funda-
2 mental research into alternatives, and recycling;

3 (B) to address undergraduate and grad-
4 uate education, especially to assist in the devel-
5 opment of graduate level programs of research
6 and instruction that lead to advanced degrees
7 with an emphasis on the critical mineral supply
8 chain or other positions that will increase do-
9 mestic critical mineral exploration, development,
10 production, manufacturing, and research, in-
11 cluding fundamental research into alternatives,
12 and recycling;

13 (C) to develop guidelines for proposals
14 from institutions of higher education with sub-
15 stantial capabilities in the required disciplines
16 for activities to improve the critical mineral
17 supply chain and advance the capacity of the
18 United States to increase domestic critical min-
19 eral exploration, research, development, produc-
20 tion, manufacturing, and recycling; and

21 (D) to outline criteria for evaluating per-
22 formance and recommendations for the amount
23 of funding that will be necessary to establish
24 and carry out the program described in sub-
25 section (c).

1 (2) REPORT.—Not later than 2 years after the
2 date of enactment of this Act, the Secretary shall
3 submit to Congress a description of the results of
4 the study required under paragraph (1).

5 (c) PROGRAM.—

6 (1) ESTABLISHMENT.—The Secretary and the
7 Secretary of Labor shall jointly conduct a competi-
8 tive grant program under which institutions of high-
9 er education may apply for and receive 4-year grants
10 for—

11 (A) startup costs for newly designated fac-
12 ulty positions in integrated critical mineral edu-
13 cation, research, innovation, training, and work-
14 force development programs consistent with
15 subsection (b);

16 (B) internships, scholarships, and fellow-
17 ships for students enrolled in programs related
18 to critical minerals;

19 (C) equipment necessary for integrated
20 critical mineral innovation, training, and work-
21 force development programs; and

22 (D) research of critical minerals and their
23 applications, particularly concerning the manu-
24 facture of critical components vital to national
25 security.

1 (2) RENEWAL.—A grant under this subsection
2 shall be renewable for up to two 3-year terms based
3 on performance criteria outlined under subsection
4 (b)(1)(D).

5 **SEC. 110. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA**
6 **PRESERVATION PROGRAM.**

7 Section 351(k) of the Energy Policy Act of 2005 (42
8 U.S.C. 15908(k)) is amended by striking “\$30,000,000
9 for each of fiscal years 2006 through 2010” and inserting
10 “\$5,000,000 for each of fiscal years 2021 through 2030,
11 to remain available until expended”.

12 **SEC. 111. ADMINISTRATION.**

13 (a) IN GENERAL.—The National Critical Materials
14 Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

15 (b) CONFORMING AMENDMENT.—Section 3(d) of the
16 National Superconductivity and Competitiveness Act of
17 1988 (15 U.S.C. 5202(d)) is amended in the first sentence
18 by striking “, with the assistance of the National Critical
19 Materials Council as specified in the National Critical Ma-
20 terials Act of 1984 (30 U.S.C. 1801 et seq.),”.

21 (c) SAVINGS CLAUSES.—

22 (1) IN GENERAL.—Nothing in this Act or an
23 amendment made by this Act modifies any require-
24 ment or authority provided by—

1 (A) the matter under the heading “GEO-
2 LOGICAL SURVEY” of the first section of the
3 Act of March 3, 1879 (43 U.S.C. 31(a)); or

4 (B) the first section of Public Law 87–626
5 (43 U.S.C. 31(b)).

6 (2) EFFECT ON DEPARTMENT OF DEFENSE.—
7 Nothing in this Act or an amendment made by this
8 Act affects the authority of the Secretary of Defense
9 with respect to the work of the Department of De-
10 fense on critical material supplies in furtherance of
11 the national defense mission of the Department of
12 Defense.

13 (3) SECRETARIAL ORDER NOT AFFECTED.—
14 This Act shall not apply to any mineral described in
15 Secretarial Order No. 3324, issued by the Secretary
16 on December 3, 2012, in any area to which the
17 order applies.

18 **TITLE II—CRITICAL MINERALS**
19 **TECHNOLOGY DEVELOPMENT**
20 **SUPPORT**

21 **SEC. 201. TECHNOLOGY GRANTS.**

22 (a) IN GENERAL.—The Secretary shall establish a
23 competitive grant program to conduct studies, research,
24 and demonstration projects relating to the production of
25 critical minerals, including—

- 1 (1) studies of mining, mineral extraction effi-
2 ciency, and related processing technology;
- 3 (2) reclamation technology and practices for ac-
4 tive mining operations;
- 5 (3) the development of re-mining systems and
6 technologies that facilitate reclamation that fosters
7 the recovery of resources at abandoned mine sites;
- 8 (4) investigations of mineral resource extraction
9 methods that reduce environmental and human im-
10 pacts;
- 11 (5) reducing dependence on foreign energy and
12 mineral supplies;
- 13 (6) enhancing the competitiveness of United
14 States energy and mineral technology exports;
- 15 (7) the extraction or processing of coinciding
16 mineralization, including rare earth elements, within
17 coal, coal processing byproduct, overburden or coal
18 residue;
- 19 (8) enhancing technologies and practices related
20 to mitigation of acid mine drainage, reforestation,
21 and revegetation in the reclamation of land and
22 water resources adversely affected by mining;
- 23 (9) meeting challenges of extreme mining condi-
24 tions, such as deeper deposits or offshore or cold re-
25 gion mining; and

1 (10) mineral economics, including analysis of
2 supply chains, future mineral needs, and unconven-
3 tional mining resources.

4 (b) MINIMUM AMOUNT FOR MINING SCHOOLS.—Of
5 amounts expended pursuant to this section, not less than
6 70 percent shall be expended to enhance and support min-
7 ing and mineral engineering programs at mining schools
8 in the United States.

9 (c) PUBLIC PARTICIPATION.—The Secretary shall
10 consult with relevant stakeholders and provide a signifi-
11 cant opportunity for participation by undergraduate and
12 graduate students at mining schools.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this title
15 \$10,000,000 for each of fiscal years 2021 through 2030.

16 (e) MINING SCHOOL.—In this title, the term “mining
17 school” means a mining, metallurgical, or mineral engi-
18 neering program or department accredited by the Accredi-
19 tation Board for Engineering and Technology, Inc., that
20 is located at an institution of higher education (as that
21 term is defined in section 631(a) of the Higher Education
22 Act of 1965 (20 U.S.C. 1132(a))) in the United States.

1 **TITLE III—MANAGEMENT OF**
2 **FEDERAL MINERAL RESOURCES**

3 **SEC. 301. ECONOMIC AND NATIONAL SECURITY ANALYSIS.**

4 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal
5 lands and waters may not be withdrawn from entry under
6 the mining laws or operation of the mineral leasing and
7 mineral materials laws unless a quantitative and quali-
8 tative geophysical and geological mineral resource assess-
9 ment of the impacted area has been completed during the
10 10-year period ending on the date of such withdrawal or
11 has been certified as current by the Director of the United
12 States Geological Survey.

13 (b) NEW INFORMATION.—If a resource assessment
14 completed by the Director of the United States Geological
15 Survey, including a resource assessment conducted pursu-
16 ant to section 103, shows that a previously undiscovered
17 deposit is present in an area that has been withdrawn
18 from entry under the mining laws or operation of the min-
19 eral leasing and mineral materials laws pursuant to—

20 (1) section 204 of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1714), the
22 Secretary shall update the existing Resource Man-
23 agement Plan for such area; or

24 (2) chapter 3203 of title 54, United States
25 Code, the Secretary shall provide recommendations

1 to the President on appropriate measures to reduce
2 unnecessary impacts that the withdrawal may have
3 on critical mineral exploration, development, and
4 other mining activities.

5 (c) RESOURCE MANAGEMENT PLANS.—Before a re-
6 source management plan under the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1701 et seq.)
8 is updated or completed, the Secretary or Secretary of Ag-
9 riculture, as applicable, shall, in consultation with the Di-
10 rector of the United States Geological Survey:

11 (1) Review a quantitative and qualitative min-
12 eral resource assessment that was completed or up-
13 dated during the 10-year period ending on the date
14 the resource management plan is updated or com-
15 pleted or is certified as current by the Director of
16 the United States Geological Survey for the geo-
17 graphic area affected by the resource management
18 plan.

19 (2) In consultation with the Departments of
20 Commerce and Defense, consider the economic, stra-
21 tegic and national security value of mineral deposits
22 in the impacted geographic area affected by the re-
23 source management plan.

24 (d) PREVIOUSLY UNDISCOVERED DEPOSIT.—In this
25 section, the term “previously undiscovered deposit” means

1 a deposit that has been previously evaluated by the United
2 States Geological Survey and found to be of low mineral
3 potential but upon subsequent evaluation is determined to
4 have economically recoverable quantities of a critical min-
5 eral.

6 **SEC. 302. CONGRESSIONAL APPROVAL.**

7 (a) MORATORIA.—Notwithstanding any other provi-
8 sion of law, the Secretary may not declare a moratorium
9 on issuing leases, claims, or permits on Federal lands, in-
10 cluding on the Outer Continental Shelf, for the mining of
11 critical minerals, or related activities unless such morato-
12 rium is authorized by an Act of Congress.

13 (b) LIMITATION.—Notwithstanding any other provi-
14 sion of law, the Secretary may not withdraw Federal lands
15 and waters from entry under the mining laws or operation
16 of the mineral leasing and mineral materials laws for the
17 mining of critical minerals without congressional approval
18 if such withdrawal—

19 (1) exceeds 5,000 acres in a single withdrawal;

20 or

21 (2) is of a parcel the exterior boundary of which
22 is less than 50 miles away from the exterior bound-
23 ary of another parcel that was withdrawn during the

- 1 1-year period ending on the date of withdrawal of
- 2 the parcel at issue.

○