

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.

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## 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. CHENEY, 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

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## 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

(B) in conjunction with any Federal mineral (other than coal and oil shale) that is leased under—

(i) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.); or

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

## **TITLE I—CRITICAL MINERAL PRODUCTION**

### **SEC. 101. POLICY.**

(a) SENSE OF CONGRESS.—Congress finds the following:

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

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

(3) As deployment of clean energy technologies and emissions control devices increase, the demand 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 unnec-  
12 essary 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     ignated 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-

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

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

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

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

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

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

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

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

1           companionality, 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 remining 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.

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