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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.**

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

Mr. WALTZ (for himself and Mr. GOSAR) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 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.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) BYPRODUCT.—The term “byproduct”  
6 means a critical mineral—

7 (A) the recovery of which depends on the  
8 production of a host mineral that is not des-  
9 ignated as a critical mineral; and

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

12 (2) CRITICAL MINERAL.—

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

5 (B) EXCLUSIONS.—The term “critical  
6 mineral” does not include—

7 (i) oil, natural gas, or any other fossil  
8 fuels; or

9 (ii) water, ice, or snow.

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

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

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

23 (C) any other value-added, manufacturing-  
24 related use of critical minerals undertaken with-  
25 in the United States.

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

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

7           (6) STATE.—The term “State” means—

8                   (A) a State;

9                   (B) the District of Columbia;

10                  (C) the Commonwealth of Puerto Rico;

11                  (D) Guam;

12                  (E) American Samoa;

13                  (F) the Commonwealth of the Northern  
14                  Mariana Islands; and

15                  (G) the United States Virgin Islands.

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

20           (8) MINERAL EXPLORATION OR MINE PER-  
21           MIT.—The term “mineral exploration or mine per-  
22           mit” means—

23                   (A) an authorization of the Bureau of  
24                   Land Management or the Forest Service, as ap-  
25                   plicable, for a premining activity that requires

1 analysis under the National Environmental Pol-  
2 icy Act of 1969 (42 U.S.C. 4321 et seq.);

3 (B) a plan of operations issued by—

4 (i) the Bureau of Land Management  
5 under subpart 3809 of part 3800 of title  
6 43, Code of Federal Regulations (or suc-  
7 cessor regulations); or

8 (ii) the Forest Service under subpart  
9 A of part 228 of title 36, Code of Federal  
10 Regulations (or successor regulations); or

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

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

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

21 (B) in conjunction with any Federal min-  
22 eral (other than coal and oil shale) that is  
23 leased under—

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

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

4 **TITLE I—CRITICAL MINERAL**  
5 **PRODUCTION**

6 **SEC. 101. POLICY.**

7 (a) SENSE OF CONGRESS.—Congress finds the fol-  
8 lowing:

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

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

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

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

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

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

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

15               (1) by amending paragraph (3) to read as fol-  
16          lows:

17               “(3) establish an analytical and forecasting ca-  
18               pability for identifying critical mineral demand, sup-  
19               ply, and other factors to allow informed actions to  
20               be taken to avoid supply shortages, mitigate price  
21               volatility, and prepare for demand growth and other  
22               market shifts;”;

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

1           (3) by striking paragraph (7) and inserting the  
2 following:

3           “(7) facilitate the availability, development, and  
4 environmentally responsible production of domestic  
5 resources to meet national material or critical min-  
6 eral needs;

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

15           “(9) strengthen—

16           “(A) educational and research capabilities  
17 at not lower than the secondary school level;  
18 and

19           “(B) workforce training for exploration  
20 and development of critical minerals and critical  
21 mineral manufacturing;

22           “(10) bolster international cooperation through  
23 technology transfer, information sharing, and other  
24 means;



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

3           “(12) develop alternatives to critical minerals;  
4 and

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

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

12           “(b) DEFINITIONS.—In this Act:

13           “(1) CRITICAL MINERAL.—The term ‘critical  
14 mineral’ has the meaning given such term in section  
15 2 of the American Critical Mineral Exploration and  
16 Innovation Act of 2020.

17           “(2) MATERIALS.—The term ‘materials’ means  
18 substances, including minerals, of current or poten-  
19 tial use that will be needed to supply the industrial,  
20 military, and essential civilian needs of the United  
21 States in the production of goods or services, includ-  
22 ing those which are primarily imported or for which  
23 there is a prospect of shortages or uncertain supply,  
24 or which present opportunities in terms of new phys-  
25 ical properties, use, recycling, disposal or substi-

1           tution, with the exclusion of food and of energy fuels  
2           used as such.”.

3           (e)   CRITICAL   MINERALS   INTERAGENCY   SUB-  
4   COMMITTEE.—

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

11          (2)   PURPOSES.—The purposes of the Sub-  
12          committee shall be—

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

18                       (i) Federal research, development, and  
19                       deployment efforts to optimize methods for  
20                       extractions, concentration, separation and  
21                       purification of conventional, secondary,  
22                       and unconventional sources of critical min-  
23                       erals;

24                       (ii) efficient use and reuse of critical  
25                       minerals;

1 (iii) the critical minerals workforce of  
2 the United States; and

3 (iv) United States private industry in-  
4 vestments in innovation and technology  
5 transfer from federally funded science and  
6 technology;

7 (B) to identify emerging opportunities,  
8 stimulate international cooperation, and foster  
9 the development of secure and reliable supply  
10 chains of critical minerals;

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

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

20 (3) RESPONSIBILITIES.—In carrying out para-  
21 graphs (1) and (2), the Subcommittee may, taking  
22 into account the findings and recommendations of  
23 relevant advisory committees—

24 (A) provide recommendations on how Fed-  
25 eral agencies may improve the topographic, geo-

1 logic, and geophysical mapping of the United  
2 States and improve the discoverability, accessi-  
3 bility, and usability of the resulting and existing  
4 data, to the extent permitted by law and subject  
5 to appropriate limitation for purposes of privacy  
6 and security; assess the progress towards devel-  
7 oping critical minerals recycling and reprocess-  
8 ing technologies, and technological alternatives  
9 to critical minerals;

10 (B) examine options for accessing and de-  
11 veloping critical minerals through investment  
12 and trade with our allies and partners and pro-  
13 vide recommendations;

14 (C) evaluate and provide recommendations  
15 to incentivize the development and use of ad-  
16 vances in science and technology in the private  
17 industry;

18 (D) assess the need for and make rec-  
19 ommendations to address the challenges the  
20 United States critical minerals supply chain  
21 workforce faces, including aging and retiring  
22 personnel and faculty; public perceptions about  
23 the nature of mining and mineral processing;  
24 and foreign competition for United States tal-  
25 ent;

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

15 (F) report to the appropriate Committees  
16 of Congress on activities and findings under  
17 this section.

18 **SEC. 102. CRITICAL MINERAL DESIGNATIONS.**

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

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

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

1           (3) list of critical minerals recoverable as by-  
2 products.

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

8           (1) a description of the methodology for deter-  
9 mining which minerals, elements, substances, and  
10 materials qualify as critical minerals;

11           (2) a list of critical minerals; and

12           (3) a list of critical minerals recoverable as by-  
13 products.

14           (c) CRITERIA.—

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

22           (A) such mineral, element, substance, or  
23 material is essential to the economic or national  
24 security of the United States;

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

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

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

21 (d) SUBSEQUENT REVIEW.—The Secretary, in con-  
22 sultation with the Secretaries of Defense, Commerce, Ag-  
23 riculture, and Energy and the United States Trade Rep-  
24 resentative, shall review the methodology and list under  
25 subsection (b) not less frequently than every 3 years and

1 may revise such determinations as the Secretary, in con-  
2 sultation with Secretaries of Defense, Commerce, Agri-  
3 culture, and Energy and the United States Trade Rep-  
4 resentative, determines appropriate.

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

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

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Secretary  
15 \$1,000,000 for each of fiscal years 2021 through 2030  
16 to carry out this section.

17 **SEC. 103. RESOURCE ASSESSMENT.**

18 (a) IN GENERAL.—Not later than 4 years after the  
19 date of enactment of this Act, in consultation with applica-  
20 ble States, State geological surveys, local governments and  
21 academic, industry, and other entities, the Secretary shall  
22 complete a comprehensive national resource assessment of  
23 each critical mineral that—

24 (1) identifies and quantifies known critical min-  
25 eral resources, using all available public and private



1 information and datasets, including exploration his-  
2 tories; and

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

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

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

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

1 (e) PRIORITIZATION.—

2 (1) IN GENERAL.—The Secretary may sequence  
3 the completion of resource assessments for each crit-  
4 ical mineral such that critical minerals considered to  
5 be most critical under the methodology established  
6 under section 102 are completed first.

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

13 (A) identifies the sequence and schedule  
14 for completion of the assessments if the Sec-  
15 retary sequences the assessments; or

16 (B) describes the progress of the assess-  
17 ments if the Secretary does not sequence the  
18 assessments.

19 (f) UPDATES.—The Secretary may periodically up-  
20 date the assessments conducted under this section based  
21 on—

22 (1) the generation of new information or  
23 datasets by the Federal Government; or

24 (2) the receipt of new information or datasets  
25 from critical mineral producers, State geological sur-

1       veys, academic institutions, trade associations, or  
2       other persons.

3       (g) **ADDITIONAL SURVEYS.**—The Secretary shall  
4 complete a resource assessment for each additional min-  
5 eral, element, substance, or material subsequently des-  
6 igned as a critical mineral under section 102 not later  
7 than 2 years after such designation.

8       (h) **REPORT.**—Not later than 2 years after the date  
9 of enactment of this Act, the Secretary shall submit to  
10 Congress a report describing the status of geological sur-  
11 veying of Federal land for any mineral, element, sub-  
12 stance, or material commodity—

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

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

20       (i) **AUTHORIZATION OF APPROPRIATIONS.**—There  
21 are authorized to be appropriated to the Secretary  
22 \$50,000,000 for each of fiscal years 2021 through 2030  
23 to carry out this section.

1 **SEC. 104. PERMITTING.**

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

4 (1) critical minerals are fundamental to the  
5 economy, competitiveness, and security of the United  
6 States;

7 (2) to the maximum extent practicable, the crit-  
8 ical mineral needs of the United States should be  
9 satisfied by minerals, elements, substances, and ma-  
10 terials responsibly produced and recycled in the  
11 United States; and

12 (3) the Federal permitting process has been  
13 identified as an impediment to mineral production  
14 and the mineral security of the United States.

15 (b) COORDINATION ON PERMITTING PROCESS.—

16 (1) IN GENERAL.—To improve the quality and  
17 timeliness of decisions, the lead agency shall, to the  
18 maximum extent practicable, with respect to a  
19 project on Federal land described in paragraph (2),  
20 complete Federal permitting and review processes  
21 with maximum efficiency and effectiveness, while  
22 supporting vital economic growth, by—

23 (A) establishing and adhering to timelines  
24 and schedules for the consideration of, and final  
25 decisions regarding, applications, operating  
26 plans, leases, licenses, permits, and other use

1 authorizations for mineral-related activities on  
2 Federal land;

3 (B) establishing clear, quantifiable, and  
4 temporal permitting performance goals and  
5 tracking progress against those goals;

6 (C) engaging in early collaboration among  
7 agencies, project sponsors, and affected stake-  
8 holders—

9 (i) to incorporate and address the in-  
10 terests of those parties; and

11 (ii) to minimize delays;

12 (D) ensure transparency and accountability  
13 by using cost-effective information technology to  
14 collect and disseminate information regarding  
15 individual projects and agency performance;

16 (E) engaging in early and active consulta-  
17 tion with State, local, and Indian Tribal govern-  
18 ments to avoid conflicts or duplication of effort,  
19 resolve concerns, and allow for concurrent,  
20 rather than sequential, State, local, Tribal, and  
21 Federal environmental and regulatory reviews;

22 (F) provide demonstrable improvements in  
23 the performance of Federal permitting and re-  
24 view processes, including lower costs and more  
25 timely decisions;

1 (G) expand and institutionalize permitting  
2 and review process improvements that have  
3 proven effective;

4 (H) develop mechanisms to better commu-  
5 nicate priorities and resolve disputes among  
6 agencies at the national, regional, State, and  
7 local levels; and

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

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

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

15 (B) an exploration project with respect to  
16 which the presence of a byproduct is a reason-  
17 able expectation, based on known mineral  
18 companionship, geologic formation, mineralogy,  
19 or other factors or

20 (C) a project that demonstrates that the  
21 byproduct is of sufficient grade that, if com-  
22 bined with the production of a host mineral, is  
23 economical to recover, as determined by the ap-  
24 plicable Secretary.

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

6           (4) MEMORANDUM OF AGREEMENT.—The lead  
7           agency with respect to a critical mineral project, in  
8           consultation with any other Federal agency with ju-  
9           risdiction over such project, may establish a memo-  
10          randum of agreement with the project sponsor, State  
11          and local governments, and other entities such lead  
12          agency determines appropriate to carry out the ac-  
13          tivities described in this subsection.

14          (5) TIME LIMIT FOR PERMITTING PROCESS.—  
15          Notwithstanding any other provision of law, and ex-  
16          cept with agreement of the project sponsor, the total  
17          period for all necessary Federal reviews and permit  
18          consideration for a project reasonably expected to  
19          produce critical minerals may not exceed 30 months.

20          (c) DETERMINATION UNDER NATIONAL ENVIRON-  
21          MENTAL POLICY ACT.—

22                (1) IN GENERAL.—To the extent that the Na-  
23                tional Environmental Policy Act of 1969 (42 U.S.C.  
24                4321 et seq.) applies to the issuance of any mineral  
25                exploration or mine permit, the lead agency may

1       deem the requirements of such Act satisfied if the  
2       lead agency determines that a State or Federal  
3       agency acting under State or Federal law has ad-  
4       dressed the following factors:

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

7               (B) Possible adverse environmental effects  
8               of actions under the permit.

9               (C) Possible alternatives to issuance of the  
10              permit.

11              (D) The relationship between long- and  
12              short-term uses of the local environment and  
13              the maintenance and enhancement of long-term  
14              productivity.

15              (E) Any irreversible and irretrievable com-  
16              mitment of resources that would be involved in  
17              the proposed action.

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

22              (3) VERIFICATION.—The lead agency shall pub-  
23              lish a determination that the factors under para-  
24              graph (1) have been sufficiently addressed and pub-  
25              lic participation has occurred with regard to any au-



1       thorizing actions before issuing any mineral explo-  
2       ration or mine permit.

3       (d) SCHEDULE FOR PERMITTING PROCESS.—For  
4 any project for which the lead agency cannot make the  
5 determination described in (c), at the request of a project  
6 sponsor, the lead agency, cooperating agencies, and any  
7 other agencies involved with the mineral exploration or  
8 mine permitting process shall enter into an agreement  
9 with the project sponsor that sets time limits for each part  
10 of the permitting process, including—

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

15           (2) a determination of the scope of any environ-  
16       mental impact statement or similar analysis required  
17       under such Act;

18           (3) the scope of, and schedule for, the baseline  
19       studies required to prepare an environmental impact  
20       statement or similar analysis required under such  
21       Act;

22           (4) preparation of any draft environmental im-  
23       pact statement or similar analysis required under  
24       such Act;

1 (5) preparation of a final environmental impact  
2 statement or similar analysis required under such  
3 Act;

4 (6) any consultations required under applicable  
5 law;

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

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

10 (9) any final or interim decisions.

11 (e) ADDRESSING PUBLIC COMMENTS.—As part of  
12 the review process under the National Environmen-  
13 tal Policy Act of 1969 (42 U.S.C. 4321 et seq.), the lead agency  
14 may not address any agency or public comments that were  
15 not submitted—

16 (1) during a public comment period or consulta-  
17 tion period provided during the permitting process;  
18 or

19 (2) as otherwise required by law.

20 (f) REVIEW AND REPORT.—Not later than 1 year  
21 after the date of enactment of this Act, the Secretary and  
22 the Secretary of Agriculture shall submit to Congress a  
23 report that—

24 (1) identifies additional measures (including  
25 regulatory and legislative proposals, as appropriate)

1 that would increase the timeliness of permitting ac-  
2 tivities for the exploration and development of do-  
3 mestic critical minerals;

4 (2) identifies options (including cost recovery  
5 paid by permit applicants, as appropriate) for ensur-  
6 ing adequate staffing and training of Federal enti-  
7 ties and personnel responsible for the consideration  
8 of applications, operating plans, leases, licenses, per-  
9 mits, and other use authorizations for critical min-  
10 eral-related activities on Federal land;

11 (3) quantifies the amount of time typically re-  
12 quired (including range derived from minimum and  
13 maximum durations, mean, median, variance, and  
14 any other statistical measure or representation the  
15 Secretary and the Secretary of Agriculture deter-  
16 mine appropriate) to complete each step (including  
17 those aspects outside the control of the executive  
18 branch, such as judicial review, applicant decisions,  
19 or State and local government involvement) associ-  
20 ated with the development and processing of applica-  
21 tions, operating plans, leases, licenses, permits, and  
22 other use authorizations for critical mineral-related  
23 activities on Federal land; and

24 (4) describes actions carried out pursuant to  
25 subsection (b).

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

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

16 (1) summarizes the implementation of rec-  
17 ommendations, measures, and options identified in  
18 paragraphs (1) and (2) of subsection (f);

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

1           (3) compares the United States to other coun-  
2           tries in terms of permitting efficiency and any other  
3           criteria relevant to the globally competitive critical  
4           minerals industry.

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

12          (j) REPORT OF SMALL BUSINESS ADMINISTRA-  
13          TION.—Not later than 1 year and 300 days after the date  
14          of enactment of this Act, the Administrator of the Small  
15          Business Administration shall submit to the Committees  
16          on Small Business and Natural Resources of the House  
17          of Representatives and Small Business and Entrepreneur-  
18          ship and Energy and Natural Resources of the Senate a  
19          report that assesses the performance of Federal agencies  
20          with respect to—

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

24                 (2) performing an analysis of regulations appli-  
25                 cable to the critical minerals industry that may be

1 outmoded, inefficient, duplicative, or excessively bur-  
2 densome.

3 (k) APPLICATION.—Section 41001(6)(A) of the  
4 FAST Act (42 U.S.C. 4370m(6)(A)) is amended by in-  
5 serting “(including critical mineral manufacturing (as de-  
6 fined in section [section 2 of the \_\_\_\_\_ Act]))” after  
7 “manufacturing”.

8 **SEC. 105. FEDERAL REGISTER PROCESS.**

9 (a) DEPARTMENTAL REVIEW.—Absent any extraor-  
10 dinary circumstance, and except as otherwise required by  
11 law, the Secretary and the Secretary of Agriculture shall  
12 ensure that each Federal Register notice described in sub-  
13 section (b) shall be—

14 (1) subject to any required reviews within the  
15 Department of the Interior or the Department of  
16 Agriculture; and

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

20 (b) PREPARATION.—The preparation of Federal Reg-  
21 ister notices required by law associated with the issuance  
22 of a critical mineral exploration or mine permit shall be  
23 delegated to the organizational level within the agency re-  
24 sponsible for issuing the critical mineral exploration or  
25 mine permit.

1 (c) TRANSMISSION.—All Federal Register notices re-  
2 garding official document availability, announcements of  
3 meetings, or notices of intent to undertake an action shall  
4 be originated in, and transmitted to the Federal Register  
5 from, the office in which, as applicable—

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

7 (2) the activity is initiated.

8 **SEC. 106. DEPARTMENT OF ENERGY CRITICAL MINERALS**

9 **RESEARCH AND DEVELOPMENT PROGRAM.**

10 (a) IN GENERAL.—The Secretary of Energy shall  
11 carry out a crosscutting research and development pro-  
12 gram to accelerate innovation in advanced critical minerals  
13 development strategies and technologies for the purpose  
14 of making better use of domestic resources and elimi-  
15 nating national reliance on minerals and mineral materials  
16 that are subject to supply disruptions.

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

19 (1) develop innovative technologies and prac-  
20 tices to diversify commercially viable domestic  
21 sources of critical minerals and identify new uses for  
22 co-products and by-products;

23 (2) advance new mapping and mining tech-  
24 nologies and techniques that can accelerate the ro-  
25 bust characterization of domestic critical minerals

1 resources, including advanced critical mineral extrac-  
2 tion, production, separation, alloying, or processing  
3 technologies that can decrease the energy intensity,  
4 potential environmental impact and costs of those  
5 activities;

6 (3) identify and develop alternative minerals,  
7 metals, and replacement materials that lessen the  
8 need for critical minerals, particularly those avail-  
9 able in abundance within the United States and not  
10 subject to supply disruptions, and design new sys-  
11 tems to use these alternatives;

12 (4) advance new technologies and techniques to  
13 support the economically viable manufacturing, recy-  
14 cling, and reuse of critical minerals; and

15 (5) develop advanced theoretical, computational,  
16 and experimental tools necessary to support the  
17 crosscutting basic research and development needs  
18 of diverse critical minerals stakeholders.

19 (c) LEVERAGING.—In carrying out the program  
20 under subsection (a) the Secretary of Energy shall lever-  
21 age resources and expertise across the Department and  
22 from—

23 (1) Federal agencies;

24 (2) National Laboratories;

25 (3) critical mineral producers;



- 1 (4) critical mineral processors;
- 2 (5) critical mineral manufacturers;
- 3 (6) trade associations;
- 4 (7) academic institutions;
- 5 (8) small businesses; and
- 6 (9) other relevant entities or individuals.

7 (d) STANDARD OF REVIEW.—Not later than 2 years  
8 after the date of the enactment of this Act the Secretary  
9 of Energy shall conduct a review of activities carried out  
10 under this program described in subsection (a) to deter-  
11 mine the achievement of technical milestones established  
12 in subsection (f).

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

16 (f) CRITICAL MINERALS CONSORTIUM.—

17 (1) IN GENERAL.—Not later than 1 year after  
18 the date of enactment of this Act, the Secretary of  
19 Energy shall establish and operate a Critical Min-  
20 erals Consortium (referred to in this section as the  
21 “Consortium”) for the purpose of supporting the  
22 program under subsection (a) by providing, to the  
23 maximum extent practicable, a centralized entity for  
24 multidisciplinary, collaborative, critical minerals re-  
25 search and development.

1           (2) MEMBERSHIP.—The members of the Con-  
2           sortium shall be representatives from relevant Fed-  
3           eral agencies, the National Laboratories, institutions  
4           of higher education, multi-institutional collabora-  
5           tions, and other appropriate entities.

6           (3) ACTIVITIES.—The Consortium shall—

7                   (A) develop and implement a multi-year  
8                   program plan which includes the determination  
9                   of technical goals and milestones and prioritizes  
10                  leveraging of the user facilities, high perform-  
11                  ance computing capabilities, and expertise of  
12                  the Department of Energy and the National  
13                  Laboratories; and

14                   (B) submit an annual report to the Sec-  
15                  retary of Energy summarizing the activities of  
16                  the Consortium which includes an evaluation of  
17                  the Consortium's role in the achievement of  
18                  technical milestones determined in subpara-  
19                  graph (A).

20           (4) COORDINATION.—The Secretary of Energy  
21           shall ensure the coordination of, and avoid unneces-  
22           sary duplication of, the activities of the Consortium  
23           with the activities of other research entities of the  
24           Department, institutions of higher education, and  
25           the private sector.

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

5           (6) RENEWAL.—Upon the expiration of any pe-  
6           riod of support of the Consortium, the Secretary of  
7           Energy may renew support for the Consortium, on  
8           a merit-reviewed basis, for a period of not more than  
9           5 years.

10          (7) TERMINATION.—Consistent with the exist-  
11          ing authorities of the Department, the Secretary of  
12          Energy may terminate the Consortium for cause  
13          during the performance period.

14          (g) REPORTS.—Not later than 2 years after the date  
15          of enactment of this Act, and annually thereafter, the Sec-  
16          retary of Energy shall submit to Congress a report sum-  
17          marizing the activities, findings, and progress of the pro-  
18          gram.

19          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated to the Secretary of En-  
21          ergy \$135,000,000 for each of fiscal years 2021 through  
22          2030 to carry out this section.

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

24          (a) IN GENERAL.—The Secretary of Energy, in con-  
25          sultation with the Director of the National Science Foun-

1 dation, shall support the development of a web-based plat-  
2 form to provide access to a database of computed informa-  
3 tion on known and predicted critical minerals and related  
4 mineral materials properties and computational tools in  
5 order to—

6 (1) accelerate breakthroughs in critical minerals  
7 discovery and design;

8 (2) strengthen the foundation for new mining  
9 technologies and advanced manufacturing; and

10 (3) drive the development of advanced materials  
11 for applications that span the Department's missions  
12 in energy, environment, and national security.

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

15 (1) conduct cooperative research with industry,  
16 academia, and other research institutions to facili-  
17 tate the design of novel materials, including critical  
18 materials and substitutes for critical materials;

19 (2) leverage existing high performance com-  
20 puting systems to conduct high throughput calcula-  
21 tions and develop computation and data mining al-  
22 gorithms for the prediction of mineral properties, in-  
23 cluding a focus on critical minerals;

24 (3) leverage and support basic research in min-  
25 eralogy and mineral chemistry to enhance the under-

1 standing, prediction, and manipulation of critical  
2 minerals; and

3 (4) manage and make available to researchers  
4 accessible, curated, standardized, secure, and privacy  
5 protected data sets from the public and private sec-  
6 tors for the purposes of critical minerals research  
7 and development activities.

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

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

16 **SEC. 108. ANALYSIS AND FORECASTING.**

17 (a) CAPABILITIES.—In order to evaluate existing crit-  
18 ical mineral policies and inform future actions that may  
19 be taken to avoid supply shortages, mitigate price vola-  
20 tility, and prepare for demand growth and other market  
21 shifts, the Secretary, in consultation with the Energy In-  
22 formation Administration, academic institutions, and oth-  
23 ers to maximize the application of existing competencies  
24 related to developing and maintaining computer-models

1 and similar analytical tools, shall conduct and publish the  
2 results of an annual report that includes—

3 (1) as part of the annually published Mineral  
4 Commodity Summaries from the United States Geo-  
5 logical Survey, a comprehensive review of critical  
6 mineral production, consumption, and recycling pat-  
7 terns, including—

8 (A) the quantity of each critical mineral  
9 domestically produced during the preceding  
10 year;

11 (B) the quantity of each critical mineral  
12 domestically consumed during the preceding  
13 year;

14 (C) market price data or other price data  
15 for each critical mineral;

16 (D) an assessment of—

17 (i) critical mineral requirements to  
18 meet the national security, energy, eco-  
19 nomic, industrial, technological, and other  
20 needs of the United States during the pre-  
21 ceding year;

22 (ii) the reliance of the United States  
23 on foreign sources to meet those needs  
24 during the preceding year; and

1 (iii) the implications of any supply  
2 shortages, restrictions, or disruptions dur-  
3 ing the preceding year;

4 (E) the quantity of each critical mineral  
5 domestically recycled during the preceding year;

6 (F) the market penetration during the pre-  
7 ceding year of alternatives to each critical min-  
8 eral;

9 (G) a discussion of international trends as-  
10 sociated with the discovery, production, con-  
11 sumption, use, costs of production, prices, and  
12 recycling of each critical mineral as well as the  
13 development of alternatives to critical minerals;  
14 and

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

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

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

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

4 (C) an assessment of—

5 (i) critical mineral requirements to  
6 meet projected national security, energy,  
7 economic, industrial, technological, and  
8 other needs of the United States;

9 (ii) the projected reliance of the  
10 United States on foreign sources to meet  
11 those needs; and

12 (iii) the projected implications of po-  
13 tential supply shortages, restrictions, or  
14 disruptions;

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

18 (E) the market penetration of alternatives  
19 to each critical mineral projected to take place  
20 over the subsequent 1-year, 5-year, and 10-year  
21 periods;

22 (F) a discussion of reasonably foreseeable  
23 international trends associated with the dis-  
24 covery, production, consumption, use, costs of  
25 production, and recycling of each critical min-



1 eral as well as the development of alternatives  
2 to critical minerals; and

3 (G) such other projections relating to each  
4 critical mineral as the Secretary determines to  
5 be necessary to achieve the purposes of this sec-  
6 tion.

7 (b) PROPRIETARY INFORMATION.—In preparing a re-  
8 port described in subsection (a), the Secretary shall en-  
9 sure, consistent with section 5(f) of the National Materials  
10 and Minerals Policy, Research and Development Act of  
11 1980 (30 U.S.C. 1604(f)), that—

12 (1) no person uses the information and data  
13 collected for the report for a purpose other than the  
14 development of or reporting of aggregate data in a  
15 manner such that the identity of the person or firm  
16 who supplied the information is not discernible and  
17 is not material to the intended uses of the informa-  
18 tion;

19 (2) no person discloses any information or data  
20 collected for the report unless the information or  
21 data has been transformed into a statistical or ag-  
22 gregate form that does not allow the identification of  
23 the person or firm who supplied particular informa-  
24 tion; and

1           (3) procedures are established to require the  
2           withholding of any information or data collected for  
3           the report if the Secretary determines that with-  
4           holding is necessary to protect proprietary informa-  
5           tion, including any trade secrets or other confiden-  
6           tial information.

7           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
8           are authorized to be appropriated to the Secretary  
9           \$4,000,000 for each of fiscal years 2021 through 2030  
10          to carry out this section.

11       **SEC. 109. EDUCATION AND WORKFORCE.**

12          (a) WORKFORCE ASSESSMENT.—

13               (1) IN GENERAL.—Not later than 1 year and  
14               300 days after the date of enactment of this Act, the  
15               Secretary of Labor, in consultation with the Sec-  
16               retary, the Director of the National Science Founda-  
17               tion, the institutions of higher education described in  
18               paragraph (2), and employers in the critical minerals  
19               sector, shall submit to Congress an assessment of  
20               the domestic availability of technically trained per-  
21               sonnel necessary for critical mineral exploration, de-  
22               velopment, assessment, production, manufacturing,  
23               recycling, analysis, forecasting, education, and re-  
24               search, including an analysis of—

1 (A) skills that are in the shortest supply as  
2 of the date of the assessment;

3 (B) skills that are projected to be in short  
4 supply in the future;

5 (C) the demographics of the critical min-  
6 erals industry and how the demographics will  
7 evolve under the influence of factors such as an  
8 aging workforce;

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

11 (E) opportunities to hire locally for new  
12 and existing critical mineral activities;

13 (F) the sufficiency of personnel within rel-  
14 evant areas of the Federal Government for  
15 achieving the policies described in section 3 of  
16 the National Materials and Minerals Policy, Re-  
17 search and Development Act of 1980 (30  
18 U.S.C. 1602); and

19 (G) the potential need for new training  
20 programs to have a measurable effect on the  
21 supply of trained workers in the critical min-  
22 erals industry.

23 (2) INSTITUTIONS OF HIGHER EDUCATION.—

24 The institutions of higher education described in this  
25 paragraph are—

1 (A) institutions of higher education with  
2 substantial expertise in mining; and

3 (B) institutions of higher education with  
4 significant expertise in minerals research, in-  
5 cluding fundamental research into alternatives.

6 (b) CURRICULUM STUDY.—

7 (1) IN GENERAL.—The Secretary and the Sec-  
8 retary of Labor shall jointly enter into an arrange-  
9 ment with the National Academy of Sciences and the  
10 National Academy of Engineering under which the  
11 Academies shall coordinate with the National  
12 Science Foundation on conducting a study—

13 (A) to design an interdisciplinary program  
14 on critical minerals that will support the critical  
15 mineral supply chain and improve the ability of  
16 the United States to increase domestic critical  
17 mineral exploration, development, production,  
18 manufacturing, and research, including funda-  
19 mental research into alternatives, and recycling;

20 (B) to address undergraduate and grad-  
21 uate education, especially to assist in the devel-  
22 opment of graduate level programs of research  
23 and instruction that lead to advanced degrees  
24 with an emphasis on the critical mineral supply  
25 chain or other positions that will increase do-

1           mestic critical mineral exploration, development,  
2           production, manufacturing, and research, in-  
3           cluding fundamental research into alternatives,  
4           and recycling;

5           (C) to develop guidelines for proposals  
6           from institutions of higher education with sub-  
7           stantial capabilities in the required disciplines  
8           for activities to improve the critical mineral  
9           supply chain and advance the capacity of the  
10          United States to increase domestic critical min-  
11          eral exploration, research, development, produc-  
12          tion, manufacturing, and recycling; and

13          (D) to outline criteria for evaluating per-  
14          formance and recommendations for the amount  
15          of funding that will be necessary to establish  
16          and carry out the program described in sub-  
17          section (c).

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

22          (c) PROGRAM.—

23               (1) ESTABLISHMENT.—The Secretary and the  
24          Secretary of Labor shall jointly conduct a competi-  
25          tive grant program under which institutions of high-

1 er education may apply for and receive 4-year grants  
2 for—

3 (A) startup costs for newly designated fac-  
4 ulty positions in integrated critical mineral edu-  
5 cation, research, innovation, training, and work-  
6 force development programs consistent with  
7 subsection (b);

8 (B) internships, scholarships, and fellow-  
9 ships for students enrolled in programs related  
10 to critical minerals;

11 (C) equipment necessary for integrated  
12 critical mineral innovation, training, and work-  
13 force development programs; and

14 (D) research of critical minerals and their  
15 applications, particularly concerning the manu-  
16 facture of critical components vital to national  
17 security.

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

22 **SEC. 110. NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA**  
23 **PRESERVATION PROGRAM.**

24 Section 351(k) of the Energy Policy Act of 2005 (42  
25 U.S.C. 15908(k)) is amended by striking “\$30,000,000

1 for each of fiscal years 2006 through 2010” and inserting  
2 “\$5,000,000 for each of fiscal years 2021 through 2030,  
3 to remain available until expended”.

4 **SEC. 111. ADMINISTRATION.**

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

7 (b) CONFORMING AMENDMENT.—Section 3(d) of the  
8 National Superconductivity and Competitiveness Act of  
9 1988 (15 U.S.C. 5202(d)) is amended in the first sentence  
10 by striking “, with the assistance of the National Critical  
11 Materials Council as specified in the National Critical Ma-  
12 terials Act of 1984 (30 U.S.C. 1801 et seq.),”.

13 (c) SAVINGS CLAUSES.—

14 (1) IN GENERAL.—Nothing in this Act or an  
15 amendment made by this Act modifies any require-  
16 ment or authority provided by—

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

20 (B) the first section of Public Law 87–626  
21 (43 U.S.C. 31(b)).

22 (2) EFFECT ON DEPARTMENT OF DEFENSE.—  
23 Nothing in this Act or an amendment made by this  
24 Act affects the authority of the Secretary of Defense  
25 with respect to the work of the Department of De-

1 fense on critical material supplies in furtherance of  
2 the national defense mission of the Department of  
3 Defense.

4 (3) SECRETARIAL ORDER NOT AFFECTED.—  
5 This Act shall not apply to any mineral described in  
6 Secretarial Order No. 3324, issued by the Secretary  
7 on December 3, 2012, in any area to which the  
8 order applies.

9 **TITLE II—CRITICAL MINERALS**  
10 **TECHNOLOGY DEVELOPMENT**  
11 **SUPPORT**

12 **SEC. 201. TECHNOLOGY GRANTS.**

13 (a) IN GENERAL.—The Secretary shall establish a  
14 competitive grant program to conduct studies, research,  
15 and demonstration projects relating to the production of  
16 critical minerals, including—

17 (1) studies of mining, mineral extraction effi-  
18 ciency, and related processing technology;

19 (2) reclamation technology and practices for ac-  
20 tive mining operations;

21 (3) the development of re-mining systems and  
22 technologies that facilitate reclamation that fosters  
23 the recovery of resources at abandoned mine sites;



1 (4) investigations of mineral resource extraction  
2 methods that reduce environmental and human im-  
3 pacts;

4 (5) reducing dependence on foreign energy and  
5 mineral supplies;

6 (6) enhancing the competitiveness of United  
7 States energy and mineral technology exports;

8 (7) the extraction or processing of coinciding  
9 mineralization, including rare earth elements, within  
10 coal, coal processing byproduct, overburden or coal  
11 residue;

12 (8) enhancing technologies and practices related  
13 to mitigation of acid mine drainage, reforestation,  
14 and revegetation in the reclamation of land and  
15 water resources adversely affected by mining;

16 (9) meeting challenges of extreme mining condi-  
17 tions, such as deeper deposits or offshore or cold re-  
18 gion mining; and

19 (10) mineral economics, including analysis of  
20 supply chains, future mineral needs, and unconven-  
21 tional mining resources.

22 (b) MINIMUM AMOUNT FOR MINING SCHOOLS.—Of  
23 amounts expended pursuant to this section, not less than  
24 70 percent shall be expended to enhance and support min-

1 ing and mineral engineering programs at mining schools  
2 in the United States.

3 (c) PUBLIC PARTICIPATION.—The Secretary shall  
4 consult with relevant stakeholders and provide a signifi-  
5 cant opportunity for participation by undergraduate and  
6 graduate students at mining schools.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this title  
9 \$10,000,000 for each of fiscal years 2021 through 2030.

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

## 17 **TITLE III—MANAGEMENT OF** 18 **FEDERAL MINERAL RESOURCES**

### 19 **SEC. 301. ECONOMIC AND NATIONAL SECURITY ANALYSIS.**

20 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal  
21 lands and waters may not be withdrawn from entry under  
22 the mining laws or operation of the mineral leasing and  
23 mineral materials laws unless a quantitative and quali-  
24 tative geophysical and geological mineral resource assess-  
25 ment of the impacted area has been completed during the

1 10-year period ending on the date of such withdrawal or  
2 has been certified as current by the Director of the United  
3 States Geological Survey.

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

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

15 (2) chapter 3203 of title 54, United States  
16 Code, the Secretary shall provide recommendations  
17 to the President on appropriate measures to reduce  
18 unnecessary impacts that the withdrawal may have  
19 on critical mineral exploration, development, and  
20 other mining activities.

21 (c) RESOURCE MANAGEMENT PLANS.—Before a re-  
22 source management plan under the Federal Land Policy  
23 and Management Act of 1976 (43 U.S.C. 1701 et seq.)  
24 is updated or completed, the Secretary or Secretary of Ag-

1 riculture, as applicable, shall, in consultation with the Di-  
2 rector of the United States Geological Survey:

3 (1) Review a quantitative and qualitative min-  
4 eral resource assessment that was completed or up-  
5 dated during the 10-year period ending on the date  
6 the resource management plan is updated or com-  
7 pleted or is certified as current by the Director of  
8 the United States Geological Survey for the geo-  
9 graphic area affected by the resource management  
10 plan; and

11 (2) In consultation with the Departments of  
12 Commerce and Defense, consider the economic, stra-  
13 tegic and national security value of mineral deposits  
14 in the impacted geographic area affected by the re-  
15 source management plan.

16 (d) PREVIOUSLY UNDISCOVERED DEPOSIT.—In this  
17 section, the term “previously undiscovered deposit” means  
18 a deposit that has been previously evaluated by the United  
19 States Geological Survey and found to be of low mineral  
20 potential but upon subsequent evaluation is determined to  
21 have economically recoverable quantities of a critical min-  
22 eral.

23 **SEC. 302. CONGRESSIONAL APPROVAL.**

24 (a) MORATORIA.—Notwithstanding any other provi-  
25 sion of law, the Secretary may not declare a moratorium

1 on issuing leases, claims, or permits on Federal lands, in-  
2 cluding on the Outer Continental Shelf, for the mining of  
3 critical minerals, or related activities unless such morato-  
4 rium is authorized by an Act of Congress.

5 (b) LIMITATION.—Notwithstanding any other provi-  
6 sion of law, the Secretary may not withdraw Federal lands  
7 and waters from entry under the mining laws or operation  
8 of the mineral leasing and mineral materials laws for the  
9 mining of critical minerals without Congressional approval  
10 if such withdrawal—

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

12 or

13 (2) is of a parcel the exterior boundary of which  
14 is less than 50 miles away from the exterior bound-  
15 ary of another parcel that was withdrawn during the  
16 one year period ending on the date of withdrawal of  
17 the parcel at issue.