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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

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

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

22 (4) the United States has vast mineral re-
23 sources but is becoming increasingly dependent upon
24 foreign sources;

25 (5) 25 years ago the United States was depend-
26 ent on foreign sources for 30 nonfuel mineral mate-

1 rials, 6 of which were entirely imported to meet the
2 Nation's requirements and another 16 of which were
3 imported to meet more than 60 percent of the Na-
4 tion's needs;

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

11 (7) the United States lacks a coherent national
12 policy to assure the availability of minerals essential
13 to manufacturing, national economic well-being and
14 security, agricultural production, and global eco-
15 nomic competitiveness; and

16 (8) the Nation's ability to compete and innovate
17 requires proper planning and preparation today to
18 meet tomorrow's mineral needs.

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

20 (a) IN GENERAL.—It is the continuing policy of the
21 United States to promote an adequate and stable supply
22 of minerals to maintain our Nation's economic well-being,
23 security, and manufacturing, industrial, energy, agricul-
24 tural, and technological capabilities.

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

5 (1) facilitate the availability, development, and
6 production of domestic mineral resources to meet
7 national needs, including the demands of the Na-
8 tion’s manufacturing and agricultural industries;

9 (2) promote and encourage the development of
10 economically and environmentally sound, safe, and
11 stable domestic mining, minerals, metals, processing,
12 and minerals recycling industries;

13 (3) establish an assessment capability for iden-
14 tifying the mineral demands, supply, and needs of
15 our Nation; and

16 (4) minimize duplication, needless paperwork,
17 and delays in the administration of Federal and
18 State laws and regulations, and issuance of permits
19 and authorizations necessary to explore, develop, and
20 produce minerals and construct and operate mineral-
21 related facilities.

1 **SEC. 4. SECRETARY OF THE INTERIOR REPORT ON ACCESS**
2 **AND AUTHORIZATIONS FOR MINERAL DEVELOP-**
3 **MENT.**

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

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

20 (2) an assessment of—

21 (A) the mineral requirements to meet cur-
22 rent and emerging national security, economic,
23 industrial manufacturing, technological, agricul-
24 tural, and social needs;

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

1 (C) the implications of mineral supply
2 shortages or disruptions;

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

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

17 (5) an assessment of the impact of litigation on
18 processing or issuing mineral exploration and mine
19 permits, identification of the statutes the litigation
20 was brought under, and the cost to the agency or
21 the Federal Government, including for payments of
22 attorney fees;

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

1 (7) an assessment of the Federal workforce
2 with educational degrees and expertise in economic
3 geology, geochemistry, mining, industrial minerals,
4 metallurgy, metallurgical engineering, and mining
5 engineering, including—

6 (A) retirement eligibility and agency plans
7 for retention, recruitment, and succession plan-
8 ning;

9 (B) comparison of the existing Federal sal-
10 aries and recruitment and retention bonuses
11 with the salaries, recruitment incentives, and
12 retention packages normally offered in the min-
13 eral industry; and

14 (C) examination of the differences between
15 Federal and private financial packages for
16 early-, mid-, and late-career workers; and

17 (8) an inventory of rare earth element potential
18 on the Federal lands, and impediments or restric-
19 tions on the exploration or development of those rare
20 earth elements, and recommendations to lift the im-
21 pediments or restrictions while maintaining environ-
22 mental safeguards.

23 (b) PROGRESS REPORTS.—Not later than one year
24 after the date of enactment of this Act, and each year
25 thereafter for the following two years, the Secretary of the

1 Interior shall submit to Congress and make available to
2 the public a report that describes the progress made in
3 reaching the policy goals described in section 3(b), includ-
4 ing—

5 (1) efforts to increase access to domestic sup-
6 plies of minerals, and facilitation of their production;
7 and

8 (2) implementation of recommendations con-
9 tained in—

10 (A) the National Research Council re-
11 ports—

12 (i) Minerals, Critical Minerals, and
13 the U.S. Economy;

14 (ii) Managing Minerals for a Twenty-
15 First Century Military; and

16 (iii) the current workforce study au-
17 thorized in sections 385 and 1830 of the
18 Energy Policy Act of 2005 (119 Stat. 744,
19 1137);

20 (B) the Department of Energy Critical
21 Materials Strategy I and II; and

22 (C) the Department of Defense assessment
23 and plan for critical rare earth elements in de-
24 fense applications required under section 843 of

1 the National Defense Appropriations Act for
2 Fiscal Year 2011.

3 **SEC. 5. NATIONAL MINERAL ASSESSMENT.**

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

13 **SEC. 6. GLOBAL MINERAL ASSESSMENT.**

14 The United States Geological Survey is directed to
15 expand the current Global Mineral Assessment to include
16 mineral assessments for rare earth elements and other
17 minerals that are critical based on the impact of a poten-
18 tial supply restriction and the likelihood of a supply re-
19 striction. Assessments conducted under this section shall
20 include an analysis, developed with participation by the
21 National Minerals Information Center and in consultation
22 with appropriate agencies, of the rare earth elements or
23 other critical minerals supply chain and associated pro-
24 cesses and products, including mining, processing, recy-
25 cling, separation, metal production, alloy production, and

1 manufacturing of products sold to end users. In con-
2 ducting the assessment, the United States Geological Sur-
3 vey should coordinate with the heads of foreign geologic
4 surveys when possible.

5 **SEC. 7. DEFINITIONS.**

6 In this Act—

7 (1) **INVENTORY.**—The term “inventory” means
8 an accounting of known mineral occurrences and
9 mineral deposits, including documentation of identi-
10 fied resources.

11 (2) **MINERAL ASSESSMENT.**—The term “min-
12 eral assessment” means an assessment of undis-
13 covered mineral resources that includes a qualitative
14 assessment and a quantitative assessment of such
15 resources.

16 (3) **QUALITATIVE ASSESSMENT.**—The term
17 “qualitative assessment” means a geologic-based de-
18 lineation (mapping) of areas permissive for the oc-
19 currence of undiscovered mineral resources, based on
20 all available geotechnical data including geology,
21 geophysics, geochemistry, remote sensing, and min-
22 eral localities data.

23 (4) **QUANTITATIVE ASSESSMENT.**—The term
24 “quantitative assessment” means a probabilistic esti-
25 mate of the quantity and quality by tonnage and

1 grade of undiscovered mineral resources in areas de-
2 lineated as permissive for occurrence in a qualitative
3 assessment.

4 **SEC. 8. APPLICABILITY OF OTHER STATUTORY MINING**
5 **POLICIES.**

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