

113TH CONGRESS
1ST SESSION

H. R. 1063

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2013

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

19 (4) the United States has vast mineral re-
20 sources but is becoming increasingly dependent upon
21 foreign sources;

22 (5) 25 years ago the United States was depend-
23 ent on foreign sources for 30 nonfuel mineral mate-
24 rials, 6 of which were entirely imported to meet the
25 Nation's requirements and another 16 of which were

1 imported to meet more than 60 percent of the Na-
2 tion's needs;

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

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

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

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

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

23 (b) POLICY GOALS.—Implementation of the policy set
24 forth in subsection (a) requires that the Federal Govern-

1 ment coordinate the Federal departments and agencies re-
2 sponsible for ensuring that supply, to—

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

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

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

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

20 **SEC. 4. SECRETARY OF THE INTERIOR REPORT ON ACCESS**
21 **AND AUTHORIZATIONS FOR MINERAL DEVEL-**
22 **OPMENT.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of the Inte-
25 rior, through the Bureau of Land Management and the

1 United States Geological Survey, and in consultation with
2 the Secretary of Agriculture (through the Forest Service
3 Mineral and Geology Management Division), the Secretary
4 of Defense, the Secretary of Commerce, and the heads of
5 other appropriate Federal agencies, shall prepare, submit
6 to Congress, and make available to the public a report that
7 includes—

8 (1) an inventory of the nonfossil-fuel mineral
9 potential of lands under the jurisdiction of the Bu-
10 reau of Land Management and the Forest Service
11 and an identification of all such lands that have
12 been withdrawn, segregated, or otherwise restricted
13 from mineral exploration and development;

14 (2) an assessment of—

15 (A) the mineral requirements to meet cur-
16 rent and emerging national security, economic,
17 industrial manufacturing, technological, agricul-
18 tural, and social needs;

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

21 (C) the implications of mineral supply
22 shortages or disruptions;

23 (3) a detailed description of the time required
24 to process mineral applications, operating plans,
25 leases, licenses, permits, and other use authoriza-

1 tions for mineral-related activities on lands under
2 the jurisdiction of the Bureau of Land Management
3 and the Forest Service, and identification of meas-
4 ures that would streamline the processing of such
5 applications, such as elimination of overlapping re-
6 quirements or set deadlines;

7 (4) an itemized list of all use authorizations re-
8 ferred to in paragraph (3) for which applications are
9 pending before the Bureau of Land Management
10 and the Forest Service, and the length of time each
11 of those applications has been pending;

12 (5) an assessment of the impact of litigation on
13 processing or issuing mineral exploration and mine
14 permits, identification of the statutes the litigation
15 was brought under, and the cost to the agency or
16 the Federal Government, including for payments of
17 attorney fees;

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

21 (7) an assessment of the Federal workforce
22 with educational degrees and expertise in economic
23 geology, geochemistry, mining, industrial minerals,
24 metallurgy, metallurgical engineering, and mining
25 engineering, including—

1 (A) retirement eligibility and agency plans
2 for retention, recruitment, and succession plan-
3 ning;

4 (B) comparison of the existing Federal sal-
5 aries and recruitment and retention bonuses
6 with the salaries, recruitment incentives, and
7 retention packages normally offered in the min-
8 eral industry; and

9 (C) examination of the differences between
10 Federal and private financial packages for
11 early-, mid-, and late-career workers; and

12 (8) an inventory of rare earth element potential
13 on the Federal lands, and impediments or restric-
14 tions on the exploration or development of those rare
15 earth elements, and recommendations to lift the im-
16 pediments or restrictions while maintaining environ-
17 mental safeguards.

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

1 (1) efforts to increase access to domestic sup-
2 plies of minerals, and facilitation of their production;
3 and

4 (2) implementation of recommendations con-
5 tained in—

6 (A) the National Research Council re-
7 ports—

8 (i) Minerals, Critical Minerals, and
9 the U.S. Economy;

10 (ii) Managing Minerals for a Twenty-
11 First Century Military; and

12 (iii) the current workforce study au-
13 thorized in sections 385 and 1830 of the
14 Energy Policy Act of 2005 (119 Stat. 744,
15 1137);

16 (B) the Department of Energy Critical
17 Materials Strategy I and II; and

18 (C) the Department of Defense assessment
19 and plan for critical rare earth elements in de-
20 fense applications required under section 843 of
21 the National Defense Appropriations Act for
22 Fiscal Year 2011.

23 **SEC. 5. NATIONAL MINERAL ASSESSMENT.**

24 For the first National Mineral Assessment conducted
25 after the date of enactment of this Act, the United States

1 Geological Survey shall include mineral assessments for
2 those mineral commodities important to the Nation's en-
3 ergy infrastructure, manufacturing and agricultural in-
4 dustries, and to the national defense. Priority should be
5 given to minerals that are critical based on the impact of
6 a potential supply restriction and the likelihood of a supply
7 restriction.

8 **SEC. 6. GLOBAL MINERAL ASSESSMENT.**

9 The United States Geological Survey is directed to
10 expand the current Global Mineral Assessment to include
11 mineral assessments for rare earth elements and other
12 minerals that are critical based on the impact of a poten-
13 tial supply restriction and the likelihood of a supply re-
14 striction. Assessments conducted under this section shall
15 include an analysis, developed with participation by the
16 National Minerals Information Center and in consultation
17 with appropriate agencies, of the rare earth elements or
18 other critical minerals supply chain and associated proc-
19 esses and products, including mining, processing, recy-
20 cling, separation, metal production, alloy production, and
21 manufacturing of products sold to end users. In con-
22 ducting the assessment, the United States Geological Sur-
23 vey should coordinate with the heads of foreign geologic
24 surveys when possible.

1 **SEC. 7. DEFINITIONS.**

2 In this Act—

3 (1) **INVENTORY.**—The term “inventory” means
4 an accounting of known mineral occurrences and
5 mineral deposits, including documentation of identi-
6 fied resources.

7 (2) **MINERAL ASSESSMENT.**—The term “min-
8 eral assessment” means an assessment of undis-
9 covered mineral resources that includes a qualitative
10 assessment and a quantitative assessment of such
11 resources.

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

19 (4) **QUANTITATIVE ASSESSMENT.**—The term
20 “quantitative assessment” means a probabilistic esti-
21 mate of the quantity and quality by tonnage and
22 grade of undiscovered mineral resources in areas de-
23 lined as permissive for occurrence in a qualitative
24 assessment.

1 **SEC. 8. APPLICABILITY OF OTHER STATUTORY MINING**
2 **POLICIES.**

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

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