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(Original Signature of Member)

117TH CONGRESS
1ST 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.

IN THE HOUSE OF REPRESENTATIVES

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

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.**

4 This Act may be cited as the “American Critical Min-
5 eral Independence Act of 2021”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The assured supply of critical minerals and
2 the resiliency of critical mineral supply chains are
3 essential to the economic prosperity and national de-
4 fense of the United States.

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

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

12 (4) The United States is import-reliant for 30
13 of the 35 minerals designated as critical by the De-
14 partment of the Interior and relies completely on im-
15 ports to meet demand for 13 of these minerals.

16 (5) Over the past two decades China has pro-
17 duced more than 80 percent of the world's rare-
18 earth elements and processed chemicals and has had
19 similar supply control over other critical minerals.

20 (6) China's projected total metals demand
21 growth rate suggests that within a decade China's
22 total annual metals demand will increase from to-
23 day's 55% to more than 75% of the total world pro-
24 duction of all metals.

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

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) BYPRODUCT.—The term “byproduct” has
12 the meaning given such term in section 7002 of Di-
13 vision Z of the Consolidated Appropriations Act,
14 2021 (Public Law 116–260).

15 (2) CRITICAL MINERAL.—The term “critical
16 mineral” has the meaning given such term in section
17 7002 of Division Z of the Consolidated Appropria-
18 tions Act, 2021 (Public Law 116–260) except that
19 such term shall not exclude materials described in
20 subsection (a)(3)(B)(iii) of such section.

21 (3) CRITICAL MINERAL PROJECT.—The term
22 “critical mineral project” means a project—

23 (A) located on—

24 (i) a mining claim, millsite claim, or
25 tunnel site claim for any locatable mineral;

1 (ii) lands open to mineral entry; or

2 (iii) a Federal mineral lease; and

3 (B) for the purpose of producing a critical
4 mineral, including—

5 (i) as a byproduct, or a product of a
6 host mineral, or from tailings; or

7 (ii) through an exploration project
8 with respect to which the presence of a by-
9 product is a reasonable expectation, based
10 on known mineral companionality, geologic
11 formation, mineralogy, or other factors.

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

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

18 (6) STATE.—The term “State” means—

19 (A) a State;

20 (B) the District of Columbia;

21 (C) the Commonwealth of Puerto Rico;

22 (D) Guam;

23 (E) American Samoa;

24 (F) the Commonwealth of the Northern
25 Mariana Islands; and

1 (G) the United States Virgin Islands.

2 (7) LEAD AGENCY.—The term “lead agency”
3 means the agency with primary responsibility for
4 issuing a mineral exploration or mine permit for a
5 project.

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

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

14 (B) a plan of operations issued by the Bu-
15 reau of Land Management or the Forest Serv-
16 ice;

17 (C) a permit for a project located in an
18 area for which a hardrock mineral permit or
19 lease is available.

20 **TITLE I—CRITICAL MINERALS**

21 **RESEARCH AND DEVELOPMENT**

22 **SEC. 101. CRITICAL MINERALS INTERAGENCY SUB-**

23 **COMMITTEE.**

24 (a) IN GENERAL.—The Critical Minerals Sub-
25 committee of the National Science and Technology Council

1 (referred to in this section as “Subcommittee”) shall co-
2 ordinate Federal science and technology efforts to ensure
3 secure and reliable supplies of critical minerals to the
4 United States.

5 (b) PURPOSES.—The purposes of the Subcommittee
6 shall be—

7 (1) to advise and assist the Committee on
8 Homeland and National Security and the National
9 Science and Technology Council on United States
10 policies, procedures, and plans as it relates to crit-
11 ical minerals, including—

12 (A) Federal research, development, and de-
13 ployment efforts to optimize methods for ex-
14 tractions, concentration, separation, and purifi-
15 cation of conventional, secondary, and uncon-
16 ventional sources of critical minerals;

17 (B) efficient use and reuse of critical min-
18 erals;

19 (C) the critical minerals workforce of the
20 United States; and

21 (D) United States private industry invest-
22 ments in innovation and technology transfer
23 from federally funded science and technology;

24 (2) to identify emerging opportunities, stimu-
25 late international cooperation, and foster the devel-

1 opment of secure and reliable supply chains of crit-
2 ical minerals;

3 (3) to ensure the transparency of information
4 and data related to critical minerals; and

5 (4) to provide recommendations on coordination
6 and collaboration among the research, development,
7 and deployment programs and activities of Federal
8 agencies to promote a secure and reliable supply of
9 critical minerals necessary to maintain national se-
10 curity, economic well-being, and industrial produc-
11 tion.

12 (c) RESPONSIBILITIES.—In carrying out paragraphs
13 (1) and (2), the Subcommittee shall, taking into account
14 the findings and recommendations of relevant advisory
15 committees—

16 (1) provide recommendations on how Federal
17 agencies may improve the topographic, geologic, and
18 geophysical mapping of the United States and im-
19 prove the discoverability, accessibility, and usability
20 of the resulting and existing data, to the extent per-
21 mitted by law and subject to appropriate limitation
22 for purposes of privacy and security; assess the
23 progress towards developing critical minerals recy-
24 cling and reprocessing technologies, and techno-
25 logical alternatives to critical minerals;

1 (2) examine options and provide recommenda-
2 tions for accessing and developing critical minerals
3 through investment and trade with allies and part-
4 ners of the United States;

5 (3) evaluate and provide recommendations to
6 incentivize the development and use of advances in
7 science and technology in the private industry;

8 (4) assess the need for, and make recommenda-
9 tions to address, the challenges facing the critical
10 minerals supply chain workforce of the United
11 States, including aging and retiring personnel and
12 faculty; public perceptions about the nature of min-
13 ing and mineral processing; and foreign competition
14 for United States talent; and

15 (5) develop, and update as necessary, a stra-
16 tegic plan to guide Federal programs and activities
17 to enhance scientific and technical capabilities across
18 critical mineral supply chains, including a roadmap
19 that identifies key research and development needs
20 and coordinates ongoing activities for source diver-
21 sification, more efficient use, recycling, and substi-
22 tution for critical minerals; as well as cross-cutting
23 mining science, data science techniques, manufac-
24 turing science and engineering, computational mod-

1 eling, and environmental health and safety research
2 and development.

3 **SEC. 102. CRITICAL MINERALS MINING RESEARCH AND DE-**
4 **VELOPMENT AT THE NATIONAL SCIENCE**
5 **FOUNDATION.**

6 (a) IN GENERAL.—The Director of the National
7 Science Foundation shall award grants, on a competitive
8 basis, to institutions of higher education or nonprofit orga-
9 nizations (or consortium of such institutions or organiza-
10 tions) to support basic research that will accelerate inno-
11 vation to advance critical minerals mining strategies and
12 technologies for the purpose of making better use of do-
13 mestic resources and eliminating national reliance on min-
14 erals and mineral materials that are subject to supply dis-
15 ruptions.

16 (b) USE OF FUNDS.—Activities funded by a grant
17 under this section may include—

18 (1) advancing mining research and development
19 activities to develop new mapping and mining tech-
20 nologies and techniques, including advanced critical
21 mineral extraction and production, to improve exist-
22 ing or to develop new supply chains of critical min-
23 erals and to yield more efficient, economical, and en-
24 vironmentally benign mining practices;

1 (2) advancing critical mineral processing re-
2 search activities to improve separation, alloying,
3 manufacturing or recycling techniques and tech-
4 nologies that can decrease the energy intensity,
5 waste, potential environmental impact and costs of
6 those activities;

7 (3) conducting long-term earth observatory of
8 reclaimed mine sites, including the study of the evo-
9 lution of microbial diversity at such sites;

10 (4) examining the application of artificial intel-
11 ligence for geological exploration of critical minerals,
12 including what size and diversity of data sets would
13 be required;

14 (5) examining the application of machine learn-
15 ing for detection and sorting of critical minerals,
16 and determining the size and diversity of data sets
17 required for this analysis;

18 (6) conducting detailed isotope studies of crit-
19 ical minerals and the development of more refined
20 geologic models; and

21 (7) providing training and researcher opportu-
22 nities to undergraduate and graduate students to
23 prepare the next generation of mining engineers and
24 researchers.

1 **SEC. 103. RARE EARTH ELEMENTS AND CRITICAL MIN-**
2 **ERALS PROCESSING TECHNOLOGIES.**

3 (a) RESEARCH PROGRAM FOR THE RECOVERY OF
4 CRITICAL MINERALS FROM VARIOUS FORMS OF MINE
5 WASTE AND METALLURGICAL ACTIVITIES.—

6 (1) IN GENERAL.—The Secretary of Energy, in
7 consultation with the Secretary, acting through the
8 Office of Surface Mining Reclamation and Enforce-
9 ment Applied Science Program, shall carry out a
10 grant program—

11 (A) to research, develop, and assess ad-
12 vanced processing technologies and techniques
13 for the extraction, recovery, and reduction of
14 critical minerals, including rare earth elements,
15 from various forms of mine waste and metallur-
16 gical activities, including mine waste piles,
17 abandoned mine land sites, acid mine drainage
18 sludge, byproducts produced through legacy
19 mining and metallurgy activities, or oil shale;
20 and

21 (B) to determine if there are, and mitigate
22 if present, any potential environmental impacts
23 that could arise from the recovery of critical
24 minerals from these resources.

25 (2) AUTHORIZATION OF APPROPRIATIONS.— To
26 carry out the program under paragraph (1) there is

1 authorized to be appropriated to the Secretary of the
2 Energy \$15,000,000 for each of fiscal years 2022
3 through 2026, and to the Secretary of the Interior
4 \$10,000,000 for each of fiscal years 2022 through
5 2026.

6 (b) REPORT.—Not later than 1 year after the date
7 of enactment of this Act, the Secretary of Energy, in con-
8 sultation with the Secretary, shall submit to the Com-
9 mittee on Energy and Natural Resources of the Senate
10 and the Committee on Natural Resources, the Committee
11 on Science, Space, and Technology, and the Committee
12 on Energy and Commerce of the House of Representatives
13 a report evaluating the research and development of ad-
14 vanced processing technologies for the extraction, recov-
15 ery, and reduction of critical minerals, including rare
16 earth elements, from mine waste piles, acid mine drainage
17 sludge, byproducts produced through legacy mining and
18 metallurgy activities, or oil shale.

19 **TITLE II—CRITICAL MINERAL**
20 **DEVELOPMENT AND TECH-**
21 **NOLOGY SUPPORT**

22 **SEC. 201. PERMITTING.**

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

1 (1) critical minerals are fundamental to the
2 economy, competitiveness, and security of the United
3 States;

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

9 (3) the current Federal permitting process is an
10 impediment to mineral production and the mineral
11 security of the United States.

12 (b) COORDINATION ON PERMITTING PROCESS.—

13 (1) IN GENERAL.—The Secretary, in consulta-
14 tion with appropriate Federal agencies, shall, to the
15 maximum extent practicable, with respect to the
16 Federal permitting and review process for critical
17 mineral projects on Federal land—

18 (A) establish and adhere to timelines and
19 schedules for the consideration of, and final de-
20 cisions regarding, applications, operating plans,
21 leases, licenses, permits, and other use author-
22 izations for mineral-related activities on Federal
23 land;

1 (B) establish clear, quantifiable, and tem-
2 poral permitting performance goals and track-
3 ing progress against those goals;

4 (C) engage in early collaboration among
5 agencies, project sponsors, and affected stake-
6 holders—

7 (i) to incorporate and address the in-
8 terests of each such agency, sponsor, and
9 stakeholder; and

10 (ii) to minimize delays;

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

16 (E) engage in early and active consultation
17 with State and local governments and Indian
18 Tribes 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) meet or exceed the performance
23 metrics required by subsection (g);

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) develop other practices to improve the
9 regulatory processes, such as preapplication
10 procedures.

11 (2) CONSIDERATIONS.—In carrying out para-
12 graph (1), the lead agency shall consider deferring
13 to, and relying on, baseline data, analyses, and re-
14 views performed by State agencies with jurisdiction
15 over the proposed critical mineral project.

16 (3) MEMORANDUM OF AGREEMENT.—The lead
17 agency with respect to a critical mineral project on
18 Federal land, in consultation with any other Federal
19 agency with jurisdiction over such project, shall,
20 upon request of the project sponsor, a State or local
21 government, an Indian Tribe, or other entity such
22 lead agency determines appropriate, establish a
23 memorandum of agreement with the project sponsor,
24 a State or local government, an Indian Tribe, or an-
25 other entity such lead agency determines appropriate

1 to carry out the activities described in this sub-
2 section.

3 (4) TIME LIMIT FOR PERMITTING PROCESS.—
4 Notwithstanding any other provision of law, and ex-
5 cept with agreement of the project sponsor, the total
6 period for all necessary Federal reviews and permit
7 consideration for a critical mineral project on Fed-
8 eral land reasonably expected to produce critical
9 minerals may not exceed—

10 (A) with respect to a project that requires
11 an environmental assessment under section
12 102(2)(C) of the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4332(2)(C)), 18
14 months; or

15 (B) with respect to a project that requires
16 an environmental impact statement under such
17 section, 24 months.

18 (c) DETERMINATION UNDER NATIONAL ENVIRON-
19 MENTAL POLICY ACT.—

20 (1) IN GENERAL.—To the extent that the Na-
21 tional Environmental Policy Act of 1969 (42 U.S.C.
22 4321 et seq.) applies to the issuance of any mineral
23 exploration or mine permit relating to a critical min-
24 eral project, the lead agency may deem the require-
25 ments of such Act satisfied if the lead agency deter-

1 mines that a State or Federal agency acting under
2 State or Federal law has addressed the following
3 factors:

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

6 (B) Possible alternatives to issuance of the
7 permit.

8 (C) The relationship between long- and
9 short-term uses of the local environment and
10 the maintenance and enhancement of long-term
11 productivity.

12 (D) Any irreversible and irretrievable com-
13 mitment of resources that would be involved in
14 the proposed action.

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

19 (3) VERIFICATION.—The lead agency shall pub-
20 lish a determination that the factors under para-
21 graph (1) have been sufficiently addressed and pub-
22 lic participation has occurred with regard to any au-
23 thorizing actions before issuing any mineral explo-
24 ration or mine permit for a critical mineral project.

1 (d) SCHEDULE FOR PERMITTING PROCESS.—For
2 any critical mineral project for which the lead agency can-
3 not make the determination described in subsection (c),
4 at the request of a project sponsor, the lead agency, co-
5 operating agencies, and any other agencies involved with
6 the mineral exploration or mine permitting process shall
7 enter into an agreement with the project sponsor that sets
8 time limits for each part of the permitting process, includ-
9 ing—

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

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

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

21 (4) preparation of any draft environmental im-
22 pact statement or similar analysis required under
23 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 of a critical mineral project under the
13 National Environmental Policy Act of 1969 (42 U.S.C.
14 4321 et seq.), the lead agency may not address any agency
15 or public comments that were 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 projects on Federal land;

11 (3) quantifies the amount of time typically re-
12 quired (including a range derived from minimum
13 and maximum durations, mean, median, variance,
14 and any other statistical measure or representation
15 the Secretary and the Secretary of Agriculture de-
16 termine appropriate) to complete each step (includ-
17 ing 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 a mineral exploration or
23 mine permit for a critical mineral project; 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 (f), 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 critical mineral projects.

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

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

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

23 (3) compares the United States to other coun-
24 tries in terms of permitting efficiency and any other

1 criteria relevant to the globally competitive critical
2 minerals industry.

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

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

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

22 (2) performing an analysis of regulations appli-
23 cable to the critical minerals industry that may be
24 outmoded, inefficient, duplicative, or excessively bur-
25 densome.

1 **SEC. 202. TECHNOLOGY GRANTS.**

2 (a) IN GENERAL.—The Secretary, in coordination
3 with the Secretary of Energy, shall establish a competitive
4 grant program to conduct studies, research, and dem-
5 onstration projects relating to the production of critical
6 minerals, including—

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

9 (2) reclamation technology and practices for ac-
10 tive mining operations;

11 (3) the development of remining systems and
12 technologies that facilitate reclamation that fosters
13 the recovery of resources at abandoned mine sites;

14 (4) investigations of critical mineral extraction
15 methods that reduce environmental and human im-
16 pacts;

17 (5) reducing dependence on foreign energy and
18 mineral supplies through increased domestic critical
19 mineral production;

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

22 (7) the extraction or processing of coinciding
23 mineralization, including rare earth elements, within
24 coal, coal processing byproduct, overburden or coal
25 residue;

1 (8) enhancing technologies and practices related
2 to mitigation of acid mine drainage, reforestation,
3 and revegetation in the reclamation of land and
4 water resources adversely affected by mining;

5 (9) meeting challenges of extreme mining condi-
6 tions, such as deeper deposits or offshore or cold re-
7 gion mining; and

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

11 (b) MINIMUM AMOUNT FOR MINING SCHOOLS.—Of
12 amounts expended pursuant to this section, not less than
13 70 percent shall be expended to enhance and support min-
14 ing and mineral engineering programs at mining schools
15 in the United States.

16 (c) PUBLIC PARTICIPATION.—The Secretary shall
17 consult with relevant stakeholders and provide a signifi-
18 cant opportunity for participation by undergraduate and
19 graduate students at mining schools.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this title
22 \$10,000,000 for each of fiscal years 2022 through 2032.

23 (e) MINING SCHOOL.—In this title, the term “mining
24 school” means a mining, metallurgical, or mineral engi-
25 neering program or department accredited by the Accredi-

1 tation Board for Engineering and Technology, Inc., that
2 is located at an institution of higher education (as that
3 term is defined in section 631(a) of the Higher Education
4 Act of 1965 (20 U.S.C. 1132(a))) in the United States.

5 **SEC. 203. ECONOMIC AND NATIONAL SECURITY ANALYSIS.**

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

15 (b) **NEW INFORMATION.**—If a resource assessment
16 completed by the Director of the United States Geological
17 Survey shows that a previously undiscovered deposit is
18 likely present in an area that has been withdrawn from
19 entry under the mining laws or operation of the mineral
20 leasing and mineral materials laws pursuant to—

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

1 (2) chapter 3203 of title 54, United States
2 Code, the Secretary shall provide recommendations
3 to the President on appropriate measures to reduce
4 unnecessary impacts that the withdrawal may have
5 on critical mineral exploration, development, and
6 other mining activities.

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

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

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

1 (d) PREVIOUSLY UNDISCOVERED DEPOSIT.—In this
2 section, the term “previously undiscovered deposit” means
3 a deposit that has been previously evaluated by the United
4 States Geological Survey and found to be of low mineral
5 potential but upon subsequent evaluation is determined to
6 have recoverable quantities of a critical mineral.

7 **SEC. 204. CONGRESSIONAL APPROVAL.**

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

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

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

21 or

22 (2) is of a parcel the exterior boundary of which
23 is less than 50 miles away from the exterior bound-
24 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.