

**Statement of  
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Senate Energy and Natural Resources Committee  
S.1317, American Mineral Security Act  
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Thank you for the opportunity to testify on the Department of the Interior's (Department) development and management of critical minerals and on S. 1317, the American Mineral Security Act. The bill would require the Department to develop and maintain a list of minerals critical to the economic prosperity and national security of the United States and to improve the process of locating, developing, and using those critical minerals. The bill would also require several other agencies -- including the Department of Energy, the Department of Labor, the U.S. Forest Service, the National Science Foundation, and the Small Business Administration -- to track and report on efforts to promote improved critical minerals management.

The Department appreciates the Chairman and the Ranking Member's recognition of the great importance of critical minerals. We are grateful for the hard work that has been done to draft legislation that will help us fulfill the critical minerals strategy developed in response to Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*. We look forward to working with you on the bill to best achieve these goals.

### **Background**

The United States has an extraordinary abundance of mineral resources, both onshore and offshore, and is a major mineral producer. In 2018, the U.S. Geological Survey (USGS) estimated the total value of non-fuel domestic mineral resources produced to be \$82.2 billion<sup>1</sup>. Our nation is a major exporter of certain non-fuel mineral commodities. The United States, however, relies on other countries for more than 50 percent of dozens of minerals that are vital to our economy and security, and in 2018 the country was 100 percent net import-reliant for 18 mineral commodities. For comparison, in 1984 the country was 100 percent import-reliant for just 11 mineral commodities. China, followed by Canada, supplied the largest number of non-fuel mineral commodities to the United States.

Critical minerals are defined as (i) a non-fuel mineral or mineral material essential to the economic and national security of the United States, (ii) the supply chain of which is vulnerable to disruption, and (iii) that serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security.<sup>2</sup> An increasingly broad range of critical minerals commodities are used in consumer and national security applications, especially those involving advanced technologies. These critical minerals are used for things like cell phones, computers, automobiles, airplanes, ships, and many other applications. Accordingly, ensuring a secure, reliable, and affordable supply of minerals and the resiliency of their supply chains is vital for the Nation's economic prosperity

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<sup>1</sup> U.S. Geological Survey, *Mineral Commodities Summary 2019*

<sup>2</sup> Executive Order 13817, Section 2.

and national security. The United States is currently 100 percent reliant on imports of 14 critical minerals, and over 50 percent import-reliant on 15 critical minerals.<sup>3</sup>

### **Federal Critical Minerals Strategy**

To address this vulnerability, in 2017 the President issued Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*. This Executive Order called on agencies across the Federal Government to develop a report that lays out a strategy to reduce the Nation’s susceptibility to critical mineral supply disruptions. To implement the President’s order, Secretary Zinke issued Secretary’s Order 3359, *Critical Mineral Independence and Security*. The Secretary of the Interior, with broad Federal interagency input, led development of the critical minerals list, which was published in the Federal Register on May 18, 2018. The list will be updated periodically to reflect current data on supply, demand, and concentration of production. The list currently includes 35 commodities.<sup>4</sup>

The critical minerals list forms the foundation of the full strategy in the Administration’s report under E.O. 13817, which is forthcoming. The Department has already committed to a number of activities, including expanding geologic mapping using cutting edge technology which will be essential to assess our critical mineral resource potential. Furthermore, the Department is also conducting a review of permitting processes on Federal public lands. The Department will be fully engaged in implementing the strategy included in the forthcoming report, which will require collaboration across the Federal government and cooperation with States, Tribes, universities, and the private sector.

In order to ultimately improve the United States’ access to critical minerals, the USGS and the Bureau of Ocean Energy Management (BOEM) will undertake a plan to expand the mapping of the United States. The USGS’ Earth Mapping Resources Initiative (Earth MRI) will leverage the bureau’s existing relationships with States and the private sector to conduct state-of-the-art mapping and airborne geophysical and topographic (lidar) surveys. Analyses of these datasets should point to potential buried critical mineral deposits. BOEM is beginning to focus its efforts on the potential for offshore critical mineral interest and development as part of their Marine Minerals Program, with an initial focus in Alaska. BOEM also proposed initiating a National Offshore Critical Mineral Inventory to supplement the work by the USGS and the Bureau of Land Management (BLM).

Additionally, the Administration has made environmentally responsible development of all domestic sources of energy a priority. Executive Order 13783, *Promoting Energy Independence and Economic Growth* calls upon the Department, and other Federal agencies, to increase access to and reduce burdens on energy development on public lands. This includes renewable energy

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<sup>3</sup> Fortier, S., et al., “Draft critical mineral list—Summary of methodology and background information—U.S. Geological Survey technical input document in response to Secretarial Order No. 3359,” Open-File Report 2018-1021

<sup>4</sup> aluminum, antimony, arsenic, barite, beryllium, bismuth, cesium and rubidium, chromium, cobalt, fluorspar, gallium, germanium, natural graphite, helium, indium, lithium, magnesium, manganese, niobium, platinum group metals, potash, rare earth elements, rhenium, scandium, strontium, tantalum, tellurium, tin, titanium, tungsten, uranium, vanadium, and zirconium and hafnium

development - and certain renewable energy technologies, especially advanced photovoltaic cells and batteries, which rely on critical minerals<sup>5</sup>. Also, increasing access to oil and gas development will increase availability of helium, which is a byproduct of that development, and is a critical mineral.

In response to the President's Executive Orders, the Department and the BLM have improved environmental reviews and permitting authorizations for energy and mineral development. One such example is Secretary's Order 3355, *Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807*, which provides a number of internal Departmental directives to increase efficiency of environmental reviews, including setting page and time limit goals on all National Environmental Policy Act (NEPA) analysis. Over the last ten years, BLM Environmental Impact Statements (EISs) had an average preparation time of approximately five years. The BLM implemented Secretary's Order 3355 by establishing a new 12-month approval process for EISs and their associated Federal Register notices. The BLM also continues to coordinate with elected officials, engage with Tribes, other Federal agencies, and the public, to identify additional opportunities to streamline planning and NEPA processes at the BLM.

### **S. 1317, American Mineral Security Act**

S. 1317, the American Mineral and Security Act, would require the Department to develop and maintain a list of minerals critical to the economic prosperity and national security of the United States and to improve the process of locating, developing and using those critical minerals. The bill would also authorize various other agencies to conduct activities that would promote critical mineral industry and its supply chain. The Department defers to those agencies on the provisions that affect them.

#### ***Designation & Assessment of Critical Minerals (Secs. 4, 5, 9 & 11)***

The bill (Section 4) authorizes a process by which the USGS and other agencies would support the Secretary of the Interior's designation of critical minerals. These provisions closely align with the Department's successful work to designate critical minerals as part of our Federal critical minerals strategy. Section 5 of the bill directs the Secretary of the Interior to conduct resource assessments of those critical minerals, within four years and with an update at two years. The Department supports conducting these assessments. As part of the Federal critical minerals strategy, the Department is directing the USGS and BOEM to assess critical mineral resources, including mapping on Federal public lands and offshore lands. The Department would like to work with the Committee on the timelines for the assessments to align them with the Federal strategy. In lieu of completing a four-year assessment of all critical minerals, we would recommend instead authorizing that at least one national or regional domestic multi-commodity critical mineral resource assessment on prospective deposit types be delivered every two years. The Department also would like to discuss with the Committee opportunities to improve our offshore critical minerals inventory.

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<sup>5</sup> Fortier, S., et al., "Draft critical mineral list—Summary of methodology and background information—U.S. Geological Survey technical input document in response to Secretarial Order No. 3359," Open-File Report 2018-1021

Under the bill (Section 9), the USGS and the Energy Information Agency would be directed to expand current reports on mineral commodities to include an annual critical mineral forecast and certain other analyses. As part of the Federal critical minerals strategy, the Administration will improve certain critical mineral reporting, such as the annual USGS *Mineral Commodity Summaries*. The Department looks forward to further discussion with the Committee on this section to determine appropriate reporting requirements and timeframes, particularly for commodity forecasting. Finally, the Department supports the bill's (Section 11) reauthorization of the National Geologic and Geophysical Data Preservation Program at the USGS, which is important in the implementation of the Federal critical minerals strategy.

### ***Permitting & Development (Sections 6 & 7)***

The bill (Section 6) directs the Department and the U.S. Forest Service (Forest Service) to implement improvements to each respective agency's mineral development permitting processes for critical minerals. It would also require several reports, including an annual report on the progress of implementing these permit processing improvements. The bill directs the Department and the Forest Service, to the maximum extent practicable, to establish and adhere to timelines for processing the applications and final decisions for critical minerals. It also requires the Department to engage in early and active consultation with State, local, and Tribal governments to allow for concurrent reviews as a means to minimize delays in issuing permits. Under Secretary's Order 3355, the Department is committed to finding and implementing efficiencies in permitting, and this section of the bill aligns with these priorities. The Secretary's Order similarly directs the BLM to adhere to a schedule for processing environmental reviews.

Under the bill (Section 7), Federal Register notices must be published by the offices that issue critical mineral permits within 45 days of initial preparation. The Department supports the sponsors' goal of expediting permitting processes. We would like to continue to work with the sponsors on finding ways to help streamline the Department's notification process.

### ***Provisions Affecting Other Agencies***

The Department defers to the Department of Energy, the Department of Labor, the National Science Foundation and the Small Business Administration on the bill's provisions that affect their respective agencies.

### **Conclusion**

The Department is committed to promoting domestically sourced critical minerals. Doing so will create and sustain jobs, promote U.S. technological innovation, and reduce our Nation's vulnerability to disruptions in the critical mineral supply chain. Thank you for the opportunity to present this testimony. I will be glad to answer any questions.