

CRITICAL MINERALS POLICY ACT OF 2013

Background and Section-by-Section Summary

An abundant and affordable supply of domestic minerals is critical to nearly every part of America's future, from the smallest computer chips to the tallest skyscrapers. And yet, despite that, our nation's mineral-related capabilities have been slipping for decades. According to the U.S. Geological Survey (USGS), the United States was 100 percent dependent on foreign sources for 17 mineral commodities in 2012 and more than 50 percent dependent on foreign sources for some 24 more.

To revitalize the domestic, critical mineral supply chain, Senators Lisa Murkowski, Ron Wyden, Mark Udall, Dean Heller and 13 of their colleagues introduced the bipartisan "Critical Minerals Policy Act of 2013" (S. 1600) on October 29, 2013. The bill provides programmatic direction to help keep the U.S. competitive and will ensure that the federal government's mineral policies – some of which have not been updated since the 1980s – are brought into the 21st century.

The legislation directs the Secretary of Interior to establish a list of minerals critical to the U.S. economy and, pursuant to those designations, outlines a comprehensive set of policies that will bolster critical mineral production, expand manufacturing, and promote recycling and alternatives – all while maintaining strong environmental protections.

SECTION-BY-SECTION

Sec.1. Short Title and Table of Contents – Establishes the bill's official title and lists the provisions included in each of its three titles.

Sec.2. Definitions – Defines key terms for the bill, which include critical mineral, critical mineral manufacturing, and rare earth element.

TITLE I—DESIGNATIONS AND POLICIES

Sec.101. Designations – Requires the Secretary of the Interior to develop a methodology for determining which minerals are critical and to use that methodology to make a finite number of designations.

Sec.102. Policy – Establishes that it is the policy of the United States to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical material or mineral needs as well as strengthen analytical capabilities, minimize unnecessary permitting delays, bolster international cooperation, and promote alternative sources of supply such as recycling.

Sec.103. Resource Assessment – Directs the Secretary of the Interior to complete a comprehensive national resource assessment within four years of the bill's enactment for each mineral designated as critical. Authorizes field work for the assessment as well as technical assistance for States and Indian tribes.

Sec.104. Study – Directs the Secretary of the Interior to seek an update from the National Academy of Sciences of its 1999 report entitled “Hardrock Mining on Federal Lands” concerning regulatory requirements.

Sec.105. Agency Review and Reports – Directs the Secretaries of the Interior and Agriculture to improve the permitting process and requires performance metrics for the processing of permit applications. Imposes reporting requirements on efforts to improve timeliness and quality of work and requires the Secretaries to make recommendations to the President and the Congress on additional improvements to the permitting process.

Sec.106. Recycling, Efficiency, and Supply – Requires the Secretary of Energy to conduct a research and development program to facilitate the more efficient production, use, and recycling of critical minerals.

Sec.107. Alternatives – Requires the Secretary of Energy to conduct a research and development program of alternative materials that can be used to reduce the demand for critical mineral commodities.

Sec.108. Analysis and Forecasting – Establishes a collaborative effort between USGS and Energy Information Administration for annual reviews of domestic mineral trends as well as forward-looking analyses of critical mineral production, consumption, and recycling patterns.

Sec.109. Education and Workforce – Provides for workforce assessments, curriculum development, worker training, and associated grants to academic institutions related to critical minerals.

Sec.110. International Cooperation – Directs the Secretaries of State and Energy to promote international cooperation on critical mineral supply chain issues and provides an avenue for technology and information transfer via diplomatic channels.

TITLE II—MINERAL-SPECIFIC ACTIONS

Sec.201. Administration – Adds a savings clause to clarify that none of the minerals listed in Title II presuppose which minerals should be designated as critical under Title I of the Act.

Sec.202. Cobalt – Authorizes basic and applied research focusing on novel uses (including energy technologies and super alloys) for cobalt.

Sec.203. Lead – Directs the Secretary of Energy to support well-coordinated research programs focused on advanced lead manufacturing processes capable of reducing environmental impacts.

Sec.204. Lithium – Directs the Secretary of Energy to provide grants for the research, development, demonstration, and commercial application of advanced lithium battery technologies.

Sec.205 Thorium – Directs the Secretary of Energy to conduct a study on the technical, economic, and policy issues associated with the establishment of a licensing pathway for the complete thorium nuclear fuel cycle.

Sec.206. Nontraditional Sources for Rare Earth Elements – Requires the Secretary of Energy to conduct a research and development program for producing rare earth elements from nontraditional sources.

TITLE III—MISCELLANEOUS

Sec.301. Repeal and Authorization Offset – Avoids duplication of existing authorities related to critical minerals by repealing, in whole or in part, two previous Acts of Congress: the National Critical Minerals Act of 1984 and the National Materials and Minerals Policy, Research, and Development Act of 1980. Additionally, reduces the authorization level for Section 207(c) of the Energy Independence and Security Act of 2007 by \$60 million.

Sec.302. Administration – Adds a savings clause to clarify that nothing in this Act displaces the authorizations included under “Geological Survey” of the first section of the Organic Act of March 3, 1879.

Sec.303. Authorization of Appropriations – Authorizes a total of \$60 million over two fiscal years for the various activities, programs, and requirements of the Act.