

112TH CONGRESS
1ST SESSION

H. R. 2011

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 competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. LAMBORN (for himself, Mr. HASTINGS of Washington, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. FLEMING, Mr. MCCLINTOCK, Mr. THOMPSON of Pennsylvania, Mr. RIVERA, Mr. GOSAR, Mr. TIPTON, Mr. HARRIS, Mr. FLEISCHMANN, Mr. BENISHEK, Mr. JOHNSON of Ohio, Mr. BOREN, Mr. SIMPSON, Mr. GALLEGLY, Mrs. LUMMIS, Mrs. McMORRIS RODGERS, Mr. MATHESON, Mr. YOUNG of Alaska, and Mr. DUNCAN of Tennessee) 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 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 2011”.

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 supply
9 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, and renewable energy technologies;

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

24 (5) 25 years ago the United States was depend-
25 ent on foreign sources for 30 nonfuel mineral mate-
26 rials, 6 of which were entirely imported to meet the

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

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

10 (7) it is essential to the national interest to en-
11 sure an expanding and competitive manufacturing
12 industry built upon a healthy mining and minerals
13 industry;

14 (8) attracting investment necessary to maintain
15 a competitive and growing mining industry requires
16 a fair, predictable, and efficient regulatory frame-
17 work;

18 (9) the United States lacks a coherent national
19 policy to assure the availability of minerals essential
20 to manufacturing, national economic well-being and
21 security, and global economic competitiveness; and

22 (10) the Nation's ability to compete and inno-
23 vate requires proper planning and preparation today
24 to meet tomorrow's mineral needs.

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

2 (a) IN GENERAL.—It is the continuing policy of the
3 United States to promote an adequate and stable supply
4 of minerals to maintain our Nation’s economic well-being,
5 security, and manufacturing, industrial, energy, and tech-
6 nological capabilities.

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

11 (1) facilitate the availability, development, and
12 production of domestic mineral resources to meet
13 national needs, including the demands of the Na-
14 tion’s manufacturing industry;

15 (2) promote and encourage the development of
16 economically sound and stable domestic mining, min-
17 erals, metals, and processing industries;

18 (3) establish an assessment capability for iden-
19 tifying the mineral demands, supply, and needs of
20 our Nation; and

21 (4) minimize duplication, needless paperwork,
22 and delays in the administration of Federal and
23 State laws and regulations, and issuance of permits
24 and authorizations necessary to explore, develop, and
25 produce minerals and construct and operate mineral-
26 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 assessment of the non-fossil-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, and so-
24 cial 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; and

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.

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

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

12 (B) the current workforce study authorized
13 in sections 385 and 1830 of the Energy Policy
14 Act of 2005 (119 Stat. 744, 1137).

15 **SEC. 5. AUTHORIZATION OF FUNDS.**

16 There is authorized to be appropriated to the Sec-
17 retary of the Interior to carry out this Act \$1,000,000
18 for fiscal years 2012 and 2013.

19 **SEC. 6. APPLICABILITY OF OTHER STATUTORY MINING**
20 **POLICIES.**

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

○