To direct the Secretary of the Interior to revise the Final List of Critical Minerals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mr. GRIJALVA (for himself and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to revise the Final List of Critical Minerals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Removing Uranium from the Critical Minerals List Act.”

SEC. 2. FINDINGS.

Congress finds the following:

(1) Pursuant to Executive Order 13817, the Department of the Interior published a Final List of Critical Minerals 2018 (83 Fed. Reg. 23295) on
May 18th, 2018, that categorizes uranium as a critical mineral.

(2) A “critical mineral”, as defined by Executive Order 13817, is a mineral—

(A) identified to be a nonfuel mineral or mineral material essential to the economic and national security of the United States;

(B) from a supply chain that is vulnerable to disruption; and

(C) that serves an essential function in the manufacturing of a product, the absence of which would have substantial consequences for the United States economy or national security.

(3) The terms “nonfuel mineral” and “mineral material” are used elsewhere in Federal law and do not include uranium.

(4) Uranium is defined as a “mineral fuel” by the Mining and Minerals Policy Act of 1970—

(A) consistent with how uranium has been uniformly described by the United States Geological Survey, the Bureau of Land Management, the National Science and Technology Council Subcommittee on Critical and Strategic Mineral Supply, and others; and
(B) supported by the Department of Energy’s Energy Information Administration categorizing uranium with coal, natural gas, and petroleum as an energy mineral since 1977.

(5) Uranium is not a “mineral material” because—

   (A) the Materials Act of 1947 and the Multiple Surface Use Act of 1955 define mineral materials as “common varieties” of sand, stone, gravel, pumice, pumicite, cinders, and clay; and

   (B) Federal agencies do not treat uranium as a “common variety mineral” but as a mineral locatable under the General Mining Act of 1872.

(6) The United States uranium supply chain is not vulnerable to disruption, nor is it highly concentrated in individual markets, two requirements identified in the Department’s methodology for being considered a critical mineral.

(7) In 2017, the United States imported 52 percent of its uranium from Canada and Australia.

(8) The Department of the Interior did not demonstrate how uranium meets the definition of a “nonfuel mineral” or of “mineral material”, nor did
the Department demonstrate that the uranium supply chain is vulnerable to disruption.

(9) No other significant analysis of critical minerals, including those published by the National Research Council, the National Science and Technology Council, the Department of Energy, the American Physical Society, and the Materials Research Society categorize uranium as a critical mineral.

SEC. 3. REVISION OF FINAL RULE REGARDING CRITICAL MINERALS.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall revise the Final List of Critical Minerals, and any related regulations, to remove uranium from such list.

(b) RESTRICTION.—The Secretary of the Interior may not add uranium to the Final List of Critical Minerals.

(c) FINAL LIST OF CRITICAL MINERALS.—The term “Final List of Critical Minerals” means the Final List of Critical Minerals issued pursuant to Executive Order 13817 (82 Fed. Reg. 60835, relating to a Federal strategy to ensure secure and reliable supplies of critical minerals).