

116TH CONGRESS
1ST SESSION

H. R. 3405

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.

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 “Removing Uranium
5 from the Critical Minerals List Act.”

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Pursuant to Executive Order 13817, the
9 Department of the Interior published a Final List of
10 Critical Minerals 2018 (83 Fed. Reg. 23295) on

1 May 18th, 2018, that categorizes uranium as a crit-
2 ical mineral.

3 (2) A “critical mineral”, as defined by Execu-
4 tive Order 13817, is a mineral—

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

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

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

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

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

19 (A) consistent with how uranium has been
20 uniformly described by the United States Geo-
21 logical Survey, the Bureau of Land Manage-
22 ment, the National Science and Technology
23 Council Subcommittee on Critical and Strategic
24 Mineral Supply, and others; and

1 (B) supported by the Department of Ener-
2 gy’s Energy Information Administration catego-
3 rizing uranium with coal, natural gas, and pe-
4 troleum as an energy mineral since 1977.

5 (5) Uranium is not a “mineral material” be-
6 cause—

7 (A) the Materials Act of 1947 and the
8 Multiple Surface Use Act of 1955 define min-
9 eral materials as “common varieties” of sand,
10 stone, gravel, pumice, pumicite, cinders, and
11 clay; and

12 (B) Federal agencies do not treat uranium
13 as a “common variety mineral” but as a min-
14 eral locatable under the General Mining Act of
15 1872.

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

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

23 (8) The Department of the Interior did not
24 demonstrate how uranium meets the definition of a
25 “nonfuel mineral” or of “mineral material”, nor did

1 the Department demonstrate that the uranium sup-
2 ply chain is vulnerable to disruption.

3 (9) No other significant analysis of critical min-
4 erals, including those published by the National Re-
5 search Council, the National Science and Technology
6 Council, the Department of Energy, the American
7 Physical Society, and the Materials Research Society
8 categorize uranium as a critical mineral.

9 **SEC. 3. REVISION OF FINAL RULE REGARDING CRITICAL**
10 **MINERALS.**

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

15 (b) **RESTRICTION.**—The Secretary of the Interior
16 may not add uranium to the Final List of Critical Min-
17 erals.

18 (c) **FINAL LIST OF CRITICAL MINERALS.**—The term
19 “Final List of Critical Minerals” means the Final List of
20 Critical Minerals issued pursuant to Executive Order
21 13817 (82 Fed. Reg. 60835, relating to a Federal strategy
22 to ensure secure and reliable supplies of critical minerals).

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