

30 USC 1607: Critical minerals supply chains and reliability

Text contains those laws in effect on August 3, 2023

From Title 30-MINERAL LANDS AND MINING

CHAPTER 28-MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT

Jump To:

[Source Credit](#)

[Miscellaneous](#)

[Codification](#)

§1607. Critical minerals supply chains and reliability**(a) Definition of critical mineral**

In this section, the term "critical mineral" has the meaning given the term in section 1606(a) of this title.

(b) Sense of Congress

It is the sense of Congress that-

- (1) critical minerals are fundamental to the economy, competitiveness, and security of the United States;
- (2) many critical minerals are only economic to recover when combined with the production of a host mineral;
- (3) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and
- (4) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(c) Federal permitting and review performance improvements

To improve the quality and timeliness of Federal permitting and review processes with respect to critical mineral production on Federal land, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretaries"), to the maximum extent practicable, shall complete the Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by-

- (1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;
- (2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;
- (3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders-
 - (A) to incorporate and address the interests of those parties; and
 - (B) to minimize delays;
- (4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;
- (5) engaging in early and active consultation with State, local, and Tribal governments-
 - (A) to avoid conflicts or duplication of effort;
 - (B) to resolve concerns; and
 - (C) to allow for concurrent, rather than sequential, reviews;
- (6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;
- (7) expanding and institutionalizing Federal permitting and review process improvements that have proven effective;
- (8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and
- (9) developing other practices, such as preapplication procedures.

(d) Review and report

Not later than 1 year after November 15, 2021, the Secretaries shall submit to Congress a report that-

- (1) identifies additional measures, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;
- (2) identifies options, including cost recovery paid by permit applicants, for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the period of time typically required to complete each step associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, including by-

(A) calculating the range, the mean, the median, the variance, and other statistical measures or representations of the period of time; and

(B) taking into account other aspects that affect the period of time that are outside the control of the Executive branch, such as judicial review, applicant decisions, or State and local government involvement; and

(4) describes actions carried out pursuant to subsection (c).

(e) Performance metric

Not later than 90 days after the date of submission of the report under subsection (d), and after providing public notice and an opportunity to comment, the Secretaries, using as a baseline the period of time quantified under paragraph (3) of that subsection, shall develop and publish a performance metric for evaluating the progress made by the Executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(f) Annual reports

Not later than the date on which the President submits the first budget of the President under section 1105 of title 31, after publication of the performance metric required under subsection (e), and annually thereafter, the Secretaries shall submit to Congress a report that-

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (d);

(2) using the performance metric developed under subsection (e), describes progress made by the Executive branch, as compared to the baseline developed pursuant to subsection (d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) Individual projects

Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31.

(Pub. L. 117–58, div. D, title II, §40206, Nov. 15, 2021, 135 Stat. 961 .)

EDITORIAL NOTES

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the National Materials and Minerals Policy, Research and Development Act of 1980 which comprises this chapter.

STATUTORY NOTES AND RELATED SUBSIDIARIES

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.