IDAHO MINING ASSOCIATION

PO Box 1660 Boise, ID 83701
208.342.0031

October 4, 2020

Salmon-Challis National Forest
Supervisor's Office
1206 S. Challis Street
Salmon, ID 83467

Re: **Salmon-Challis Forest Plan Revision #49464**

Dear Supervisor Mark:

The Salmon-Challis National Forest initiated revision of existing management plans in January 2017. The Idaho Mining Association (IMA) appreciates the opportunity to provide the following comments on this phase of the Salmon-Challis National Forests plan revisions.

IMA is a non-profit, non-partisan, state-wide trade association located in Boise, Idaho. IMA is the recognized voice in support of exploration and mining in the state of Idaho. Our purpose is to advocate for a sustainable mining industry that benefits our state and local communities, while advancing the mineral resource and mining related interests of our members. We represent and inform our membership on legislative, regulatory, safety, technical, and environmental issues that surround the mining industry. We are committed to the protection of human health, the natural environment, and a prosperous mining industry.

Since 1903, IMA has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. Our membership also consists of companies and industries that provide services to the mining industry within the state. IMA and its members are dedicated to responsible and sustainable mineral withdrawal in Idaho and our member companies continue to utilize and explore more innovative and science-based methods to extract minerals needed for everyday life while protecting and preserving the environment in Idaho for future generations. IMA members live, work and play in and near the

Salmon and Challis national forests. Their contributions and importance to the local, rural communities that support the forest cannot be overstated.

IMA does not believe that a forest plan revision should not be an extensive overhaul and that it should focus on issues identified as areas needing improvement such as but not limited to, fire management and fuels reduction. Plan revisions should reflect and protect the local communities and infrastructure already in place. Similarly, we believe that it is important to continue to have separate forest plans for each forest. This maintains the protection of the communities most local and protects the resources, access, and uses that are unique to each forest.

IMA believes that both forests must be managed for multiple uses including mineral exploration and development. For well over 100 years, the USFS has been able to work with all users to manage and balance the many uses of our public lands. The US has some of the most robust environmental standards and most comprehensive environmental reviews in the world. As scientific methods of mineral extraction advance, and with continued improvements in our environmental and financial assurance requirements, we can be assured that the USFS will have the tools necessary to manage these beneficial uses for generations.

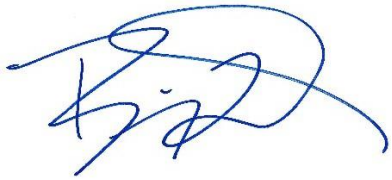
The Salmon-Challis National Forests have several outstanding attributes, which includes significant deposits of several precious, strategic and critical minerals. The IMA appreciates the forest's recognition that the Mining Law of 1872 and the USFS's own 1897 Organic Administrations Act, govern mineral exploration and development open to location under the Mining Act. We agree with the USFS as stated in a recent webinar that forest plans must recognize rights granted under the mining law and that revisions to a plan must be consistent with these rights. These rights are especially important in the Salmon-Challis forests. In a 2019 memo regarding the forest plan, the Idaho Geological Survey (IGS) notes that the Salmon-Challis Forest *"…is one of the most mineralized areas in Idaho in terms of the geologic favorability, abundance of historical mines and prospects, and the amount of mining and exploration activity over the past 30 years"*. This has included recent exploration activity principally focused on cobalt (Co), a critical mineral, and gold, and in the past 15 years, copper, lead, zinc, tungsten, molybdenum, and exploration directed at rare earth elements (REEs), which are another critical mineral commodity. In fact, there is already significant infrastructure in place to access and locate these minerals and any revision to either plan must protect this infrastructure and access. The IGS memo concludes by stating "*Known areas with geologic potential for nationally significant critical minerals such as cobalt and rare earth elements, or areas of favorable geology for economically viable deposits of precious and base metals, alloy metals, or other critical minerals should be preserved as multiple-use lands of the Salmon-Challis Forest, as noted in the purpose of the Central Idaho Wilderness Act of 1980*".

Availability and access of the critical and non-critical minerals in the Salmon-Challis Forests is imperative. The working lands in our forest must remain open to exploration and development. Nothing in the future plans should place further restrictions on responsible mineral entry and no further withdrawals should be included within either plan. As stated in EO 13953 signed

9/20/2020, the United States is currently 50% or more import reliant on 31 of 35 critical minerals and *"has no domestic mineral production for 14 of the critical minerals and is completely dependent on imports to supply its demand"*. Many technological, medical, defense and industrial applications are dependent upon the production of these raw materials and a domestic supply chain for these minerals is essential and, in fact, has been declared a national emergency as of September 30th. It cannot be understated how important it is that access to these strategic minerals not be hindered. Our national security depends on it.

We appreciate the opportunity to comment on this plan and look forward to providing further input when necessary.

Kindest Regards,



Benjamin J. Davenport, Executive V.P.
Idaho Mining Association

Enclosures

Memo: Idaho Geological Survey Minerals Information for Proposed Salmon-Challis Forest Wilderness Planning Proposal -DRAFT

FROM: Virginia Gillerman, Ph.D., Economic Geologist
TO: Peter Isaacson, Interim Director, Idaho Geological Survey (IGS)
DATE: January 24, 2019

Introduction

The Salmon-Challis Forest began a revision to their management plan in early 2017. Recently, the Survey (IGS) was informed of the Forest Plan revision and its Wilderness and Wild and Scenic Rivers processes as part of that revision. The Governor's Office of Energy and Mineral Resources has asked the IGS to supply geological and mineral resource information for their comment. The Forest deadline for feedback to comment on the Evaluation Phase is January 31, 2019. This Evaluation Phase is step 2 of a 4-step process towards the forest supervisor deciding on suitability for wilderness. The Evaluation Areas Map is at:

https://www.fs.usda.gov/detail/scnf/landmanagement/planning/?cid=fseprd544724

The map provides the base for Figure 1, which shows two categories of wilderness evaluation areas (Focal Wilderness Evaluation Areas in orange and [Non-focal] Wilderness Areas in yellow) along with mines, prospects, and active claims. Areas for discussion herein are labelled with a letter, i.e. "A," on the map in Figure 1. No information on geological characteristics or mineral deposit occurrences or active mineral projects was evident in the planning datasets on the Forest Plan website.

Wilderness Evaluation Areas in the Salmon-Challis Forest cover most of the Forest with the Focal Wilderness Evaluation Areas corresponding to the mapped "nearly roadless" areas. However, the rationale for defining "nearly roadless" areas is unknown.

General Geological and Mineral Resource Assessment

The Salmon-Challis Forest is one of the most mineralized areas in Idaho, both in terms of the geologic favorability, abundance of historical mines and prospects, and the amount of mining and exploration activity over the past 30 years (Figures 1 and 2). In 2018, exploration activity principally focused on cobalt (Co), a critical mineral, and gold, but in the past 15 years the Salmon-Challis has also seen exploration directed at rare earth elements (REEs), another critical mineral commodity, plus copper, lead, zinc, tungsten, and molybdenum. Cobalt has always been an essential component for superalloys and its current use in rechargeable batteries, coupled with a global source dominated by the Congo, makes it a strategic and critical mineral. The Salmon-Challis National Forest is the location of the Idaho Cobalt Belt with the largest domestic cobalt resource in the country (Figure 2). eCobalt's Idaho Cobalt Project, in the Salmon-Challis Forest is the nation's only permitted primary cobalt mine plan; it is in the development stage. Several other current cobalt exploration projects are also located within the Forest's designation of Wilderness Evaluation Areas (areas A and B especially). Rare earth elements, used in magnets, batteries, smart phones, and numerous other modern applications, are also a critical mineral, with over 90% of the world's supply chain coming from China. The Lemhi Pass and Mineral Hill

districts in Lemhi County host important resources of rare earths and related commodities but are located partly within or surrounded by the Wilderness Evaluation Areas L and K indicated by the Salmon-Challis plan revision maps and Figure 1.

Designation of large blocks of country as "wilderness" limits the ability of either companies or individuals to explore and develop mineral or energy resources. As the Forest Supervisor noted, nine companies hold claims and are actively engaged in exploration and development within the Cobalt belt. Figure 2 shows the 2018 exploration activity in Idaho, and the Cobalt belt and Salmon area in general "light up." In the past 20 years, mining and exploration has been a significant economic activity and source of livelihood for citizens in Lemhi County and the region. Examples of recently operating, job-producing mines which are enclosed by or adjacent to the proposed wilderness zones include the Beartrack mine at Leesburg, and the Thompson Creek molybdenum mine in Custer County. Additional references and geological information are available on the Idaho Geological Survey website, www.idahogeology.org.

Areal Assessments

Wilderness Evaluation Areas:

As can be seen on Figure 1, the multiple "Wilderness Evaluation Areas," colored pale yellow on the map, include a very large number of prospective critical mineral prospects and active exploration areas for cobalt, rare earths and related elements, and precious and base metals. Putting all or most of those tracts into wilderness would lead to an end for mineral exploration and economic development in the Salmon-Challis Forest, as well as likely create a number of legal challenges and eliminate recreational and general commercial activity in the forest. Many of the Wilderness Evaluation Areas contain numerous mines and prospects and are geologically favorable for exploration. In particular, areas B, F, K, and L on Figure 1, plus the yellow area adjacent to area D, contain current mineral activity or significant potential and should not be evaluated for wilderness in any way. Area B includes not only part of the Idaho Cobalt Belt but also the Musgrove Creek gold deposit, fluorspar deposits and others.

Focal Wilderness Evaluation Areas and Specific Wilderness Evaluation Areas:

The Focal Wilderness Evaluation Areas, identified in orange on Figure 1, are presumably what the proponents of this wilderness proposal are advocating more strongly for. Individual areas, identified by letter on Figure 1, are described below:

- Idaho Cobalt Belt: The belt is a northwest-trending zone of cobalt-bearing mines and prospects about 60 kilometers long by 4 to 10 kilometers wide. The belt extends from the Salmon Canyon Copper mine on the northwest end through the Clear Creek Special Management area, area A and the Blackbird Mining District, and beyond to the Iron Creek deposit on the southeast end of area B on Figure 1. The belt is underlain by a specific sequence of ancient sedimentary rocks. The copper-cobalt-gold mineralization is solely in that package of rocks, largely siltstones to schists. The formerly producing Blackbird mine site is still in a remediation phase, and it hosts an unmined resource of about 18 million tons. Blackbird is located at the widest part of the Cobalt Belt with the now-eliminated Blackbird Mountain Focal Wilderness Evaluation Area just to the

northwest. In 2018, about 5,000 new claims were staked along the belt. eCobalt's RAM deposit, which is in the development phase for an underground mine and mill, lies adjacent to the Blackbird patented claims. Other companies, including ePower Metals and International Cobalt, have announced promising grass-roots discoveries based on field-based soil and rock chip sampling. That is the first step of any exploration process and it is too early to tell if they might represent major deposits. At the southeast end of the zone, First Cobalt had a large drilling program at the Iron Creek property, which includes two existing adits. Favorable results have identified multiple zones of copper-cobalt ore and a significant resource; the company is planning additional work. Several other companies are also working in the region. In December, 2018, Forest Supervisor, Charles Mark, removed the Blackbird Mountain and the Leecock Point Focal Wilderness Areas (area A on Figure 1) from consideration due to their location in the Idaho Cobalt Belt and federal Executive Order 13817, the policy to reduce the Nation's "*vulnerability to disruptions in the supply of critical minerals …*" as well as fire management concerns.

Even the hint of putting the Idaho Cobalt Belt (areas A and B especially) and surrounding access areas into potential wilderness will make it more difficult for any of these companies to raise capital, plan infrastructure needs, or conduct permitting, exploration, and environmental activities. As shown on Figure 1, there are also a few scattered cobalt prospects in the northern Lemhi Range (area C), which is also one of the Focal Wilderness Evaluation Areas. The southeastern part of the Cobalt Belt is still included within the apparently lower-priority Wilderness Evaluation Area in several parcels, including Cobalt, Taylor Mountain, Lake Mtn. East, and Sheephorn Mtn., according to the Forest Service map (area B). The northwest section of the Idaho Cobalt Belt was designated as a "Special Mining Management Zone – Clear Creek" in June 1980 under the Central Idaho Wilderness Act of 1980 (Public Law 96-312, 94 Statute 948) wherein "*prospecting and exploration for, and development or mining of cobalt and associated minerals shall be considered a dominant use of the land …*." Given the recognition in 1980 and today of the strategic importance of cobalt and the knowledge that the Idaho Cobalt Belt is unique as the country's only setting for primary cobalt deposits, it is unclear why any of that area is being proposed for wilderness evaluation.

- North Lemhi Range tract (area C): This covers most of the Lemhi Range and includes a significant number of active mining claims and historic mines hosting tungsten and molybdenum (the recently explored Ima mine and several prospects), and base and precious metals. The area around Gilmore is well-mineralized and known for its rich lead-zinc-silver ores; it is also inhabitated. It is not suited for wilderness. Likewise, the areas at the very north and south end of the Lemhi block and near the Ima W-Mo mine have prospects and alteration that are prospective. With its favorable geology, the entire Lemhi Range block (area C) should not be considered for wilderness.

- Copper Basin and North Slope Pioneers (area D): These have a number of both mineral resources and potential, some active mining claims and recreational campgrounds and use. The Wilderness Evaluation Area to the northeast abuts and includes the Empire mine project near Mackay and a number of active claims. These blocks are not suitable for wilderness consideration.

- South Cabin Creek Peak Focal Wilderness Evaluation Area (area E): North of Stanley, this tract abuts the Yankee Fork mining district and includes the Basin Creek and other mineralized areas. The South and North Motorway Wilderness Evaluation Area to the east in area F includes the old Custer Motorway mine road, a state-promoted tourist attraction of the Idaho Parks and Recreation Land of the Yankee Fork historic site.

- Spring Basin Squaw tracts (area F): These not only include major historic mines, and are adjacent to the Thompson Creek mine, but also are next to the Bayhorse ghost town and Bayhorse Lake, major tourist destinations. It is very difficult to imagine why or how the Salmon-Challis Forest, or anyone familiar with the amount of roads and recreation use, could possibly consider these areas as suitable for wilderness. The very large Thompson Creek molybdenum mine, partly on patented ground and on care and maintenance, is either within or adjacent to the Forest Service's Spring Basin Squaw Wilderness Evaluation Area (area F). The mine still hosts a large resource. Thompson Creek has been a major source of jobs for residents of Custer County, as well as a contributor to state coffers.

- Stein Mountain block north and east of North Fork (area G): These Focal Wilderness Evaluation Areas also have major roads and some mineral prospects and a few claims.

- Lost River Range (area H): There are few mineral prospects present here, and the crest of the range, including Borah Peak, is a more reasonable candidate for wilderness evaluation. However, with the large number of hikers, the issue of emergency helicopter or vehicle use may be a factor to consider if smaller versions of the Spring Hill or Borah Plus tracts are evaluated.

- West Fork Morgan Plus tract (area I): A downsized tract that does not include prospects or areas of mineral potential might be suitable for wilderness evaluation in area I.

- Phelan Mountain (area J): This small Focal Wilderness Evaluation Area north of Salmon is probably too small, too close to the main population center and highways, and too close to rare earth prospects to justify wilderness evaluation.

- North Fork/Ulysses Mountain/Leesburg/Mineral Hill District (area K): This very large Wilderness Evaluation Area spans both sides of the Salmon River and includes a number of rare earth occurrences (plus critical commodities niobium and titanium in rutile) in the Mineral Hill district west of North Fork near the Ulysses Mountain tract (area K). On the south side of the Salmon River, area K surrounds and appears to include the high priority precious metal project at the Beartrack mine and Arnett Creek areas at Leesburg, as well as gold deposits of the Ditch Creek area north of North Fork and smaller occurrences. The historic townsite of Leesburg is also a major tourist attraction. The northern area contains major roads that cross into Montana as well as provide general transportation for forest management and multiple use activities. The Goldstone Mtn. and Upper Flume Creek wilderness evaluation areas (area L) and the Diamond Creek region (in or near area

K) host rare earth and thorium deposits explored in recent years. The area around Leadore (area L) has been explored for base metals and is well-mineralized. The multiple tracts in areas K and L should not be included for wilderness evaluation.

Conclusions

The mineral potential of the great majority of Focal Wilderness Evaluation Areas and the Wilderness Evaluation Areas in the Salmon-Challis Forest plan revision is simply far too great and the amount of current or recent mining and exploration activity too significant to justify transferring these large areas of multiple-use lands into wilderness. The mining industry provides jobs and revenues to municipalities, counties, and the state. Areas more appropriate for wilderness consideration might be the crest of the Lost River Range and a few other small parcels. Known areas with geologic potential for nationally significant critical minerals such as cobalt and rare earth elements, or areas of favorable geology for economically viable deposits of precious and base metals, alloy metals, or other critical minerals should be preserved as multiple-use lands of the Salmon-Challis Forest, as noted in the purpose of the Central Idaho Wilderness Act of 1980.

Figures:

Figure 1. Mines, Prospects, and Active Claims Overlay on Wilderness Evaluation Areas (also available as oversized attachment)
Figure 2. 2018 Exploration Activity Map of Idaho, with location of Idaho Cobalt Belt

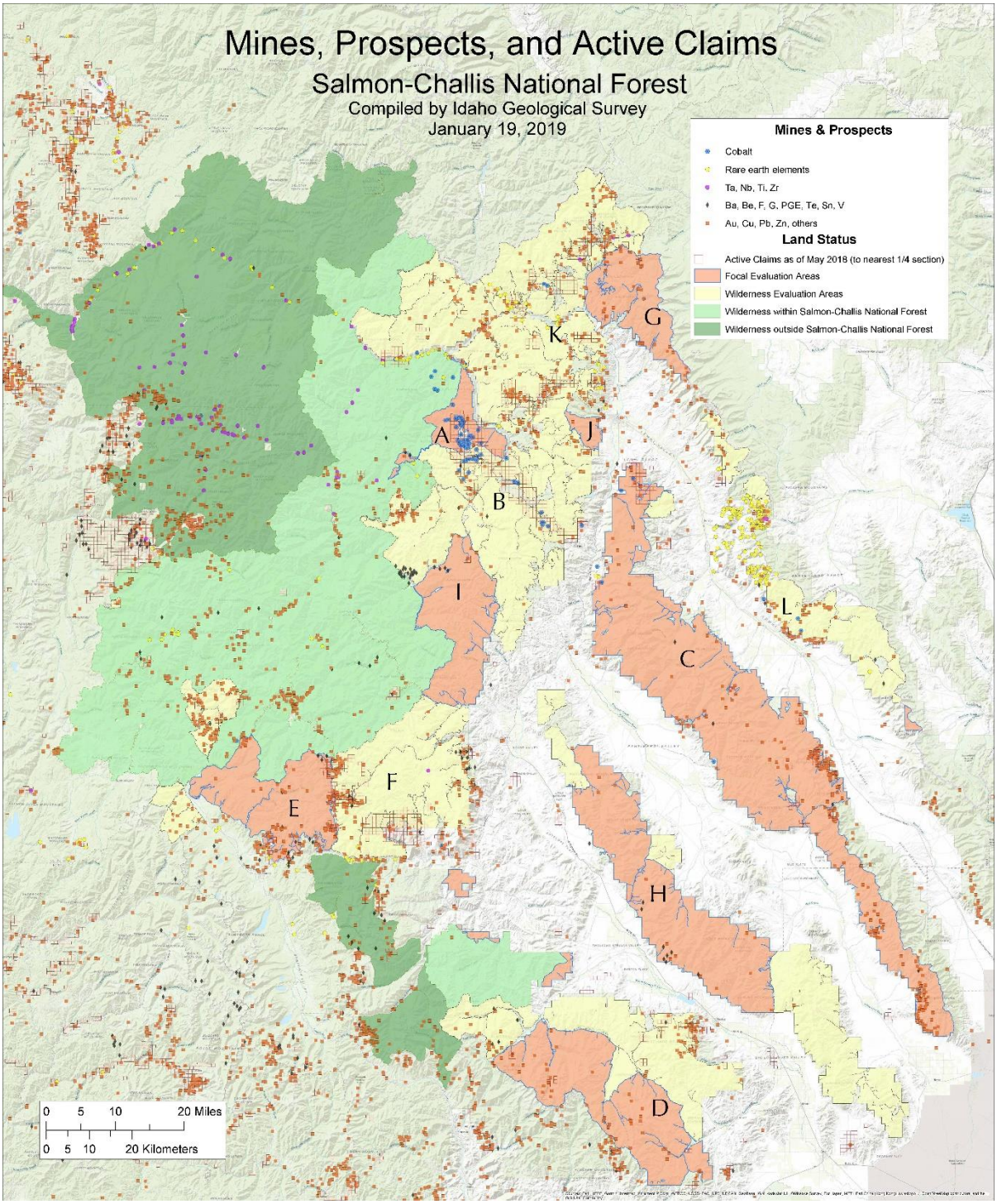


Figure 1. Mines, prospects, and active claims in and near the Salmon-Challis National Forest. USFS Focal Wilderness Evaluation Areas are in orange and Wilderness Evaluation Areas are in yellow. Letters identify specific tracts discussed by IGS in the text. See full-size plot for details.

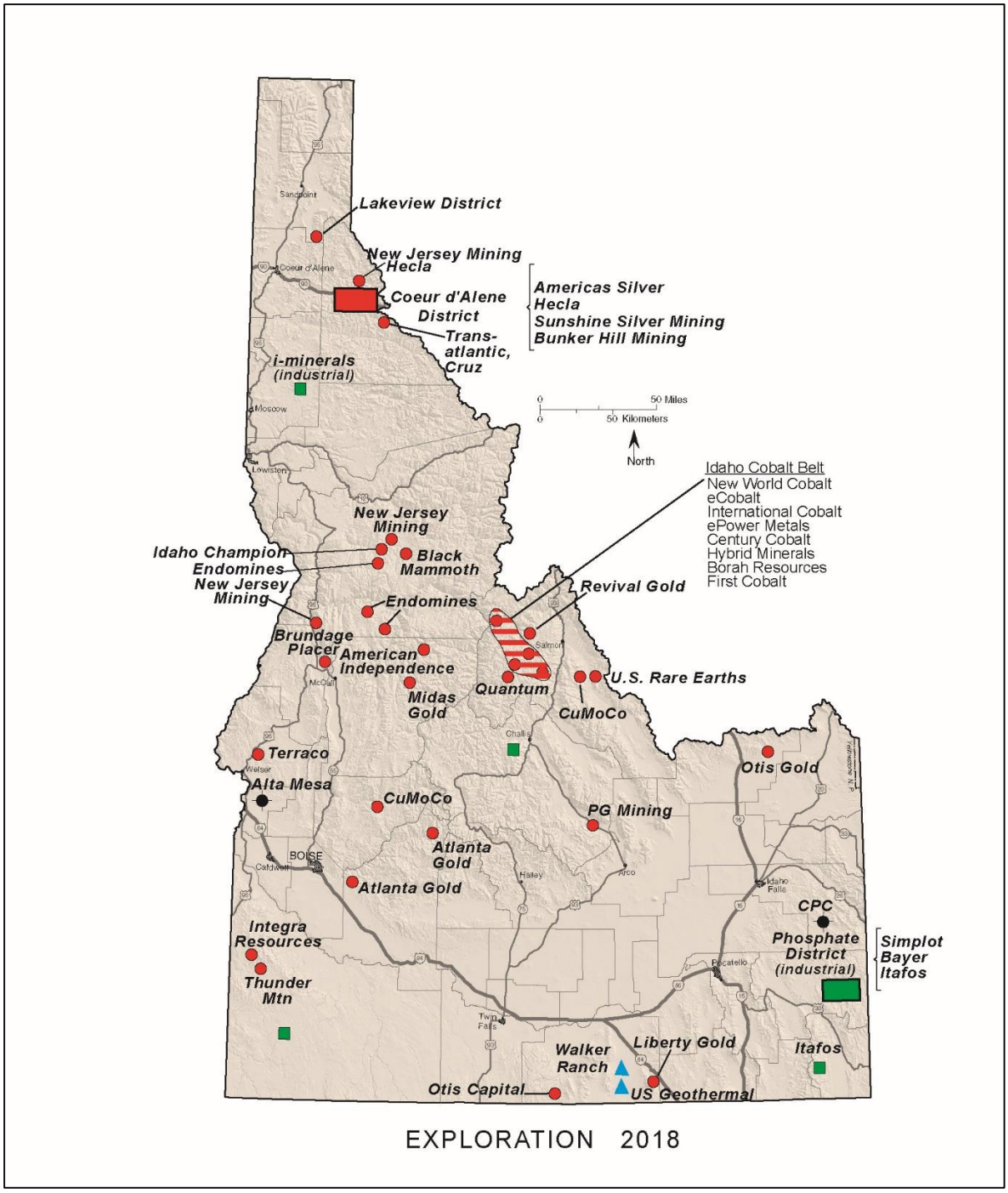


Figure 2. 2018 exploration activity in Idaho. Red circles indicate exploration projects for metals, with the Idaho Cobalt Belt shown in a red striped pattern. Green squares are industrial mineral projects; blue triangles are geothermal projects; and black circles are for hydrocarbon exploration.

Federal Register
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Presidential Documents

Title 3—

The President

Executive Order 13953 of September 30, 2020

Addressing the Threat to the Domestic Supply Chain From Reliance on Critical Minerals From Foreign Adversaries and Supporting the Domestic Mining and Processing Industries

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that a strong America cannot be dependent on imports from foreign adversaries for the critical minerals that are increasingly necessary to maintain our economic and military strength in the 21st century. Because of the national importance of reliable access to critical minerals, I signed Executive Order 13817 of December 20, 2017 (A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals), which required the Secretary of the Interior to identify critical minerals and made it the policy of the Federal Government ''to reduce the Nation's vulnerability to disruptions in the supply of critical minerals.'' Pursuant to my order, the Secretary of the Interior conducted a review with the assistance of other executive departments and agencies (agencies) that identified 35 minerals that (1) are ''essential to the economic and national security of the United States,'' (2) have supply chains that are ''vulnerable to disruption,'' and (3) serve ''an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security.''

These critical minerals are necessary inputs for the products our military, national infrastructure, and economy depend on the most. Our country needs critical minerals to make airplanes, computers, cell phones, electricity generation and transmission systems, and advanced electronics. Though these minerals are indispensable to our country, we presently lack the capacity to produce them in processed form in the quantities we need. American producers depend on foreign countries to supply and process them. For 31 of the 35 critical minerals, the United States imports more than half of its annual consumption. The United States has no domestic production for 14 of the critical minerals and is completely dependent on imports to supply its demand. Whereas the United States recognizes the continued importance of cooperation on supply chain issues with international partners and allies, in many cases, the aggressive economic practices of certain non-market foreign producers of critical minerals have destroyed vital mining and manufacturing jobs in the United States.

Our dependence on one country, the People's Republic of China (China), for multiple critical minerals is particularly concerning. The United States now imports 80 percent of its rare earth elements directly from China, with portions of the remainder indirectly sourced from China through other countries. In the 1980s, the United States produced more of these elements than any other country in the world, but China used aggressive economic practices to strategically flood the global market for rare earth elements and displace its competitors. Since gaining this advantage, China has exploited its position in the rare earth elements market by coercing industries that rely on these elements to locate their facilities, intellectual property,

and technology in China. For instance, multiple companies were forced to add factory capacity in China after it suspended exports of processed rare earth elements to Japan in 2010, threatening that country's industrial and defense sectors and disrupting rare earth elements prices worldwide.

The United States also disproportionately depends on foreign sources for barite. The United States imports over 75 percent of the barite it consumes, and over 50 percent of its barite imports come from China. Barite is of critical importance to the hydraulic fracturing (''fracking'') industry, which is vital to the energy independence of the United States. The United States depends on foreign sources for 100 percent of its gallium, with China producing around 95 percent of the global supply. Gallium-based semiconductors are indispensable for cellphones, blue and violet light-emitting diodes (LEDs), diode lasers, and fifth-generation (5G) telecommunications. Like for gallium, the United States is 100 percent reliant on imports for graphite, which is used to make advanced batteries for cellphones, laptops, and hybrid and electric cars. China produces over 60 percent of the world's graphite and almost all of the world's production of high-purity graphite needed for rechargeable batteries.

For these and other critical minerals identified by the Secretary of the Interior, we must reduce our vulnerability to adverse foreign government action, natural disaster, or other supply disruptions. Our national security, foreign policy, and economy require a consistent supply of each of these minerals.

I therefore determine that our Nation's undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency to deal with that threat.

In addition, I find that the United States must broadly enhance its mining and processing capacity, including for minerals not identified as critical minerals and not included within the national emergency declared in this order. By expanding and strengthening domestic mining and processing capacity today, we guard against the possibility of supply chain disruptions and future attempts by our adversaries or strategic competitors to harm our economy and military readiness. Moreover, additional domestic capacity will reduce United States and global dependence on minerals produced in countries that do not endorse and pursue appropriate minerals supply chain standards, leading to human rights violations, forced and child labor, violent conflict, and health and environmental damage. Finally, a stronger domestic mining and processing industry fosters a healthier and faster-growing economy for the United States. Mining and mineral processing provide jobs to hundreds of thousands of Americans whose daily work allows our country and the world to ''Buy American'' for critical technology.

I hereby determine and order:

Section 1. (a) To address the national emergency declared by this order, and pursuant to subsection 203(a)(1)(B) of IEEPA (50 U.S.C. 1702(a)(1)(B)), the Secretary of the Interior, in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the heads of other agencies, as appropriate, shall investigate our Nation's undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries. The Secretary of the Interior shall submit a report to the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, within 60 days of the date of this order. That report shall summarize any conclusions from this investigation and recommend executive action, which may include the imposition of tariffs or quotas, other import restrictions against China and other non-market foreign adversaries whose economic practices threaten to undermine

the health, growth, and resiliency of the United States, or other appropriate action, consistent with applicable law.

(b) By January 1, 2021, and every 180 days thereafter, the Secretary of the Interior, in consultation with the heads of other agencies, as appropriate, shall inform the President of the state of the threat posed by our Nation's reliance on critical minerals, in processed or unprocessed form, from foreign adversaries and recommend any additional actions necessary to address that threat.

(c) The Secretary of the Interior, in consultation with the heads of other agencies, as appropriate, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 2. (a) It is the policy of the United States that relevant agencies should, as appropriate and consistent with applicable law, prioritize the expansion and protection of the domestic supply chain for minerals and the establishment of secure critical minerals supply chains, and should direct agency resources to this purpose, such that:

(i) the United States develops secure critical minerals supply chains that do not depend on resources or processing from foreign adversaries;

(ii) the United States establishes, expands, and strengthens commercially viable critical minerals mining and minerals processing capabilities; and

(iii) the United States develops globally competitive, substantial, and resilient domestic commercial supply chain capabilities for critical minerals mining and processing.

(b) Within 30 days of the date of this order, the heads of all relevant agencies shall each submit a report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, and the Assistant to the President for Economic Policy, that identifies all legal authorities and appropriations that the agency can use to meet the goals identified in subsection (a) of this section.

(c) Within 60 days of the date of this order, the heads of all relevant agencies shall each submit a report as provided in subsection (b) of this section that details the agency's strategy for using the legal authorities and appropriations identified pursuant to that subsection to meet the goals identified in subsection (a) of this section. The report shall explain how the agency's activities will be organized and how it proposes to coordinate relevant activities with other agencies.

(d) Within 60 days of the date of this order, the Director of the Office of Science and Technology Policy shall submit a report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, that describes the current state of research and development activities undertaken by the Federal Government that relate to the mapping, extraction, processing, and use of minerals and that identifies future research and development needs and funding opportunities to strengthen domestic supply chains for minerals.

(e) Within 45 days of the date of this order, the Secretary of State, in consultation with the United States Trade Representative, shall submit a report to the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, that details existing and planned efforts and policy options to:

(i) reduce the vulnerability of the United States to the disruption of critical mineral supply chains through cooperation and coordination with partners and allies, including the private sector;

(ii) build resilient critical mineral supply chains, including through initiatives to help allies build reliable critical mineral supply chains within their own territories;

(iii) promote responsible minerals sourcing, labor, and business practices; and

(iv) reduce the dependence of the United States on minerals produced using methods that do not adhere to responsible mining standards.

Sec. 3. The Secretary of the Interior, in consultation with the Secretary of Defense, shall consider whether the authority delegated at section 306 of Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness) can be used to establish a program to provide grants to procure or install production equipment for the production and processing of critical minerals in the United States.

Sec. 4. (a) Within 30 days of the date of this order, the Secretary of Energy shall develop and publish guidance (and, as appropriate, shall revoke, revise, or replace prior guidance, including loan solicitations) clarifying the extent to which projects that support domestic supply chains for minerals are eligible for loan guarantees pursuant to Title XVII of the Energy Policy Act of 2005, as amended (42 U.S.C. 16511 *et seq.*) (''Title XVII''), and for funding awards and loans pursuant to the Advanced Technology Vehicles Manufacturing incentive program established by section 136 of the Energy Independence and Security Act of 2007, as amended (42 U.S.C. 17013) (''the ATVM statute''). In developing such guidance, the Secretary:

(i) shall consider whether the relevant provisions of Title XVII can be interpreted in a manner that better promotes the expansion and protection of the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically);

(ii) shall examine the meaning of the terms ''avoid, reduce, or sequester'' and other key terms in section 16513(a) of title 42, United States Code, which provides that the Secretary ''may make guarantees under this section only for projects that—(1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued'';

(iii) shall consider whether relevant provisions of the ATVM statute may be interpreted in a manner that better promotes the expansion and protection of the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically), including in such consideration the application of these provisions to minerals determined to be components installed for the purpose of meeting the performance requirements of advanced technology vehicles; and

(iv) shall examine the meaning of the terms ''qualifying components'' and other key terms in subsection 17013(a) of title 42, United States Code.

(b) Within 30 days of the date of this order, the Secretary of Energy shall review the Department of Energy's regulations (including any preambles thereto) interpreting Title XVII and the ATVM statute, including the regulations published at 81 *Fed. Reg.* 90,699 (Dec. 15, 2016) and 73 *Fed. Reg.* 66,721 (Nov. 12, 2008), and shall identify all such regulations that may warrant revision or reconsideration in order to expand and protect the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically). Within 90 days of the date of this order, the Secretary shall propose for notice and comment a rule or rules to revise or reconsider any such regulations for this purpose, as appropriate and consistent with applicable law.

Sec. 5. The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Secretary of the Army (acting through the Assistant Secretary of the Army for Civil Works), and the heads of all other relevant agencies shall, as appropriate and consistent with applicable law, use all available authorities to accelerate the issuance of permits and the completion of projects in connection with expanding and protecting the domestic supply chain for minerals.

Sec. 6. The Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall examine all available authorities of their respective agencies and identify any such authorities that could be used to accelerate and encourage the development and reuse of historic coal waste areas, material on historic mining sites, and abandoned mining sites for the recovery of critical minerals.

Sec. 7. *Amendment.* Executive Order 13817 is hereby amended to add the following sentence to the end of section 2(b): ''This list shall be updated periodically, following the same process, to reflect current data on supply, demand, and concentration of production, as well as current policy priorities.''

Sec. 8. *Definitions.* As used in this order:

(a) the term ''critical minerals'' means the minerals and materials identified by the Secretary of the Interior pursuant to section 2(b) of Executive Order 13817, as amended by this order; and

(b) the term ''supply chain,'' when used with reference to minerals, includes the exploration, mining, concentration, separation, alloying, recycling, and reprocessing of minerals.

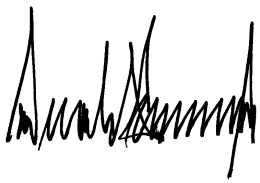
Sec. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
September 30, 2020.

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