

Ranking Member Westerman & Ranking Member Rodgers
Securing America's Mineral Supply Chains Act of 2022
Section-by-Section

Sec. 1. Short title.

Sec. 2. Table of contents.

Title I – Permitting

Sec. 101. Definitions.

Sec. 102. Minerals supply chain and reliability.

- Designates a lead federal agency to coordinate the mine permitting process to maximize efficiency and minimize delays for mining projects on federal land.
- Authorizes a memorandum of agreement between the lead agency and the project sponsor or state or tribal government to carry out permitting activities.
- Sets time limits for key steps in the federal permitting process.

Sec. 103. Limitation on judicial review.

- Limits judicial review of lawsuits to one year after a final decision on a mining project has been published in the Federal Register.

Sec. 104. Federal Register process improvement.

- Applies previously enacted Federal Register process improvements to all mineral projects to reduce delays.

Sec. 105. Treatment of actions under Presidential Determination 2022-11 for federal permitting improvement purposes.

- Includes any project that receives federal funds under the Defense Production Act for domestic mining or processing as covered projects under the Fixing America's Surface Transportation (FAST) Act, unless the project sponsor opts out.

Sec. 106. Mineral exploration activities with limited surface disturbance.

- Expedites review of minor surface disturbance activities on federal lands.

Sec. 107. Use of mining claims for ancillary activities.

- Ensures that ancillary mining activities, such as construction of a mine access road, are permitted on mine claims.

Title II – Land Use Planning for Mineral Development

Sec. 201. Resource assessment and study required for withdrawal.

- Prohibits mineral withdrawals on federal lands without a recent mineral assessment or a certification that a proposed withdrawal would not impede a secure U.S. supply chain.
- Upon discovery of a new mineral deposit in a previously withdrawn area, the Department of the Interior (DOI) shall recommend ways to reduce impacts the withdrawal may have on critical mineral exploration, development, and other mining activities.
- Requires a recent mineral assessment be part of a resource management plan.

Sec. 202. Congressional approval.

- Prohibits moratoria on leases, claims, or permits for mining on federal lands without an act of Congress.
- Prohibits the reversal of existing leases, permits, or claims for critical mineral or aggregate development without an act of Congress.

Title III – Technological Innovation

Sec. 301. Mineral resource and technology grants.

- Establishes a grant program at the U.S. Geological Survey (USGS) for research projects related to the production of critical minerals.
- Eligible grant recipients include universities, state agencies, and private sector organizations that partner with schools.

Sec. 302. Carbon sequestration utilizing mineralization.

- Directs USGS to conduct an updated national resource assessment of high potential areas for carbon mineralization, including the utilization of mine tailings.
- Authorizes a pilot project to identify new, or analyze further, high potential areas for carbon mineralization.
- Directs the establishment of a national database of high potential areas.

Sec. 303. Rare earth elements and critical minerals processing technologies.

- Establishes a grant program at the Department of Energy (DOE) to research methods to recover critical minerals including rare earth elements from various forms of mine waste.

Title IV - Mining Workforce Development

Sec. 401. Technology grants to strengthen domestic mining education.

- Establishes a grant program at DOE to award grants to mining schools for development of the mining workforce.

Sec. 402. Authorization of the mineral resources assessment training program.

- Establishes a training program for early and mid-career scientists at USGS to carry out mineral resource assessments.

Title V – Mineral Supply Chain Security

Sec. 501. Ensuring consideration of uranium as a critical mineral.

- Amends existing critical mineral criteria to prevent the unilateral exclusion of uranium from future consideration as a critical mineral.

Sec. 502. Report on investments of the Russian Federation and the People’s Republic of China in foreign mining and processing industries.

- Requires USGS, in consultation with other agencies, to report to Congress on the involvement of the Russian Federation and the People’s Republic of China in mining and

processing in countries from which the U.S. imports minerals, including an evaluation of strategic or security concerns due to such involvement.

Sec. 503. Report on mineral exploration and development in Afghanistan.

- Directs USGS to include the involvement of the People’s Republic of China in mining or processing in Afghanistan in USGS’ forecasting analysis on mineral supply chains.

Sec. 504. Annual review of critical mineral designations.

- Requires DOI to use available USGS data forecasting a possible shortage of a mineral commodity when determining whether to update the critical minerals list more frequently than required by law.

Title VI – Critical Energy Resources

Sec. 601. Waiver for national security or energy security.

- Authorizes the Environmental Protection Agency (EPA) to waive particular requirements under the Clean Air Act (CAA) and the Solid Waste Disposal Act (SWDA) for facilities that process or refine a critical energy resource that the EPA Administrator, in consultation with the Secretary of Energy, determines is important to the national security or energy security of the United States.

Sec. 602. Chemical substance review.

- Amends the Toxic Substances Control Act (TSCA) to ensure balanced, practical, and timely reviews of new critical energy resources that are regulated under TSCA.

Sec. 603. Interim hazardous waste permits.

- Amends SWDA to require EPA to automatically grant an interim permit for waste, pending regulatory review on its permanency. This language would not disrupt state priorities and does not allow bad actors to take advantage of the amended permitting system.

Sec. 604. Flexible air permits for critical energy resource facilities.

- Requires EPA to revise CAA regulations to authorize critical energy resource facilities to utilize flexible air permitting to facilitate flexible, market-responsive operations.

Sec. 605. Amendment to the Department of Energy Organization Act.

- Establishes the definition of “critical energy resource” and requires the Secretary of Energy to assign to the Assistant Secretaries functions that relate to securing the supply of critical energy resources.

Sec. 606. Securing critical energy resource supply chains.

- Requires DOE to conduct ongoing assessments and take actions to strengthen the critical energy resource supply chain, including by diversifying supply, encouraging domestic mining, and processing, and developing substitutes and alternatives.

Sec. 607. Programs to restore domestic uranium supply services.

- Directs DOE to carry out a strategic uranium reserve program to rebuild the U.S. nuclear fuel supply chain, to ensure the availability of domestically produced and converted uranium in the event of a supply disruption, and to reduce reliance on Russian uranium.

608. Definitions.