

**NATIONAL MATERIALS AND MINERALS POLICY,
RESEARCH AND DEVELOPMENT ACT OF 1980**

[Public Law 96–479, enacted October 21, 1980]

[As Amended Through P.L. 116–260, Enacted December 27, 2020]

AN ACT To provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [30 U.S.C. 1601 note] this Act may be cited as the “National Materials and Minerals Policy, Research and Development Act of 1980”.

FINDINGS

SEC. 2. [30 U.S.C. 1601] (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national materials and minerals policy.

(b) **DEFINITIONS.**—In this Act:

(1) **CRITICAL MINERAL.**—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under section 7002(c) of the Energy Act of 2020.

(2) MATERIALS.—The term “materials” means substances, including minerals, of current or potential use that will be needed to supply the industrial, military, and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

DECLARATION OF POLICY

SEC. 3. [30 U.S.C. 1602] It is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production, with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. Implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination and evaluation of Federal materials programs, including those involving research and development so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations;

(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(4) promote a vigorous, comprehensive, and coordinated program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries;

(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

- (9) strengthen—
 - (A) educational and research capabilities at not lower than the secondary school level; and
 - (B) workforce training for exploration and development of critical minerals and critical mineral manufacturing;
- (10) bolster international cooperation through technology transfer, information sharing, and other means;
- (11) promote the efficient production, use, and recycling of critical minerals;
- (12) develop alternatives to critical minerals; and
- (13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

IMPLEMENTATION OF POLICY

SEC. 4. [30 U.S.C. 1603] The President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to implement the policy described in section 3 and shall—

- (1) direct that the responsible departments and agencies identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;
- (2) support basic and applied research and development to provide for, among other objectives—
 - (A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;
 - (B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;
 - (C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and
 - (D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;
- (3) provide for improved collection, analysis, and dissemination of scientific, technical and economic materials information and data from Federal, State, and local governments and other sources as appropriate;
- (4) assess the need for and make recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, paying particular regard to the problem of attracting and maintaining high quality materials professionals in the Federal service;
- (5) establish early warning systems for materials supply problems;
- (6) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

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(7) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(8) assess Federal policies which adversely or positively affect all stages of the materials cycle, from exploration to final product recycling and disposal including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(9) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. [30 U.S.C. 1604] (a) Within 1 year after the date of enactment of the Energy Act of 2020, the President shall submit to the Congress—

(1) a program plan to implement such existing or prospective proposals and organizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning domestic and international long-range materials demand, supply and needs, including consideration of the establishment of a separate materials information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the National Science and Technology Council coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in 10- and 25-year increments over the whole expected lifetime of such needs and technologies.

(c) The Secretary of Commerce, in consultation with such other members of the Cabinet as may be appropriate, shall—

(1) not later than 1 year after the date of the enactment of the Energy Act of 2020, submit to the Congress a report that assesses critical materials needs and that recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(2) assess the adequacy and stability of the supply of materials necessary to maintain national security, economic well-being, public health, and industrial production.

(d) The Secretary of Defense, together with such other members of the Cabinet as are deemed necessary by the President, shall prepare a report assessing critical materials needs related to national security and identifying the steps necessary to meet those needs. The report shall include an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.). Such report shall be made available to the Congress within 1 year after enactment of this Act and shall be revised periodically as deemed necessary.

(e) The Secretary of the Interior shall promptly initiate actions to—

(1) improve the capacity of the United States Geological Survey to assess international minerals supplies;

(2) increase the level of mining and metallurgical research by the United States Geological Survey in critical and strategic minerals; and

(3) improve the availability and analysis of mineral data in Federal land use decisionmaking.

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after the enactment of this Act.

(f) In furtherance of the policies of this Act, the Secretary of the Interior shall collect, evaluate, and analyze information concerning mineral occurrence, production, and use from industry, academia, and Federal and State agencies. Notwithstanding the provisions of section 552 of title 5, United States Code, data and information provided to the Department by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of

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the Interior in a nonaggregated form so as to disclose data and information supplied by a single person or firm, unless there is no objection to the disclosure of such data and information by the donor: *Provided, however,* That the Secretary may disclose non-aggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

THE MINING AND MINERALS POLICY ACT OF 1970

SEC. 6. [30 U.S.C. 1605] Nothing in this Act shall be interpreted as changing in any manner or degree the provisions of and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct (1) the Secretary of the Interior to act immediately within the Department's statutory authority to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and (2) the Executive Office of the President to act immediately to promote the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) among the various departments and agencies.

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