

(Pub. L. 96-294, title VI, § 622, June 30, 1980, 94 Stat. 765.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 27A of the Merchant Marine Act, 1920, referred to in subsec. (b)(7), is section 27A of act June 5, 1920, ch. 250, as added Pub. L. 85-902, Sept. 2, 1958, 72 Stat. 1736, which was classified to section 883-1 of the former Appendix to Title 46, Shipping, and was repealed and restated in section 12118 of Title 46, Shipping, by Pub. L. 109-304, §§ 5, 19, Oct. 6, 2006, 120 Stat. 1491, 1710.

This Act, referred to in subsec. (i), is Pub. L. 96-294, June 30, 1980, 94 Stat. 611, known as the Energy Security Act. For complete classification of this Act to the Code, see Short Title note set out under section 8801 of Title 42, The Public Health and Welfare, and Tables.

Section 1144 of this title, referred to in subsec. (j), was repealed by Pub. L. 116-260, div. Z, title III, § 3002(i)(3), Dec. 27, 2020, 134 Stat. 2495.

##### CODIFICATION

In subsec. (b)(7), “section 50501 of title 46” substituted for “section 2(a)–(c) of the Shipping Act, 1916 (46 U.S.C. 802)” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 50501 of Title 46, Shipping.

### SUBCHAPTER III—ESTABLISHMENT OF ASSISTANCE PROGRAM

#### § 1531. Feasibility study loan program

##### (a) Authorization; purposes

The Secretary is authorized and directed to establish a program of assistance for the accelerated development of geothermal resources for nonelectric applications by geothermal utility districts, geothermal industrial development districts, and other persons.

##### (b) Maximum amount of loan for costs of administration; cancellation of unpaid balance and accrued interest

(1) In providing assistance under the program established pursuant to subsection (a), the Secretary is authorized to make a loan to any person to defray up to 90 per centum of the costs of (A) studies to determine the feasibility of any geothermal development described in such subsection, and (B) preparing applications for any necessary licenses or other Federal, State, and local approvals respecting such development.

(2) The Secretary may cancel the unpaid balance and any accrued interest on any loan granted for a study pursuant to clause (A) of paragraph (1) if he determines, on the basis of the study, that the geothermal development is not technically or economically feasible.

##### (c) Maximum amount of loan for costs of construction

In providing assistance under such program, the Secretary is also authorized to make a loan to any person to defray up to 75 per centum of the costs directly related to the construction of a system or systems for nonelectric geothermal development pursuant to such subsection, where the Secretary finds that—

(1) all necessary licenses and other required Federal, State, and local approvals for construction of such system or systems have been or will be issued,

(2) the project involved will comply with all applicable laws relating to protection of the environment, and

(3) the applicant requires such assistance to undertake and complete the project.

##### (d) Interest rate; term

Each loan made pursuant to this section shall bear interest at a discount or interest rate equal to the rate in effect (at the time the loan is made) for water resources planning projects under section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d)–17(a)).<sup>1</sup> Each loan shall be for such term as the Secretary deems appropriate, but not in excess of ten years for loans under subsection (b) or thirty years for loans under subsection (c).

##### (e) Funding; deposit of amount repaid

Loans pursuant to this section shall be made from funds appropriated (pursuant to this subchapter) to the Geothermal Resources Development Fund established under section 1144<sup>2</sup> of this title; and amounts repaid on such loans shall be deposited in the Geothermal Resources Development Fund for purposes of this subchapter.

##### (f) Authorization of appropriations

For loans under clause (A) of subsection (b)(1) for fiscal year 1981, there is authorized to be appropriated to the Geothermal Resources Development Fund not to exceed \$5,000,000, which shall remain available until expended. For loans under such clause (A) for subsequent fiscal years, and for loans under clause (B) of subsection (b)(1) or under subsection (c) (for any such subsequent fiscal year), there may be appropriated to such Fund only such sums as are authorized by legislation hereafter enacted.

##### (g) “Person” defined

As used in this section, the term “person” includes municipalities, cooperatives, industrial development agencies, nonprofit organizations, and Indian tribes, as well as the districts referred to in subsection (a) and the other entities included within such term under section 1 of title 1.

(Pub. L. 96-294, title VI, § 631, June 30, 1980, 94 Stat. 767.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1144 of this title, referred to in subsec. (e), was repealed by Pub. L. 116-260, div. Z, title III, § 3002(i)(3), Dec. 27, 2020, 134 Stat. 2495.

### SUBCHAPTER IV—FEDERAL FACILITIES

#### § 1541. Use of geothermal energy in Federal facilities

The option of using geothermal energy or geothermal energy resources shall be considered fully in any new Federal building, facility, or installation which is located in a geothermal resource area as designated by the Secretary.

(Pub. L. 96-294, title VI, § 642, June 30, 1980, 94 Stat. 769.)

<sup>1</sup> So in original. Should be “(42 U.S.C. 1962d–17(a)).”

<sup>2</sup> See References in Text note below.

**§ 1542. Regulations**

All regulations made with respect to this subchapter shall be promulgated no later than six months after June 30, 1980.

(Pub. L. 96-294, title VI, §644, June 30, 1980, 94 Stat. 770.)

**Editorial Notes****REFERENCES IN TEXT**

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle D of title VI of Pub. L. 96-294, June 30, 1980, 94 Stat. 768, which enacted this subchapter and former sections 1146 and 1147 of this title and amended former sections 1141 and 1143 of this title and sections 796, 824a-3, 824i, and 824j of Title 16, Conservation.

**CHAPTER 28—MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT**

Sec.

- 1601. Congressional statement of findings; “materials” defined.
- 1602. Congressional declaration of policies.
- 1603. Implementation of policies.
- 1604. Program administration.
- 1605. Applicability to other statutory national mining and minerals policies.
- 1606. Mineral security.
- 1607. Critical minerals supply chains and reliability.

**§ 1601. Congressional statement of findings; “materials” defined**

(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 section 21a of this title, the United States does not have a coherent national materials and minerals policy.

(b) **DEFINITIONS.**—In this chapter:

(1) **CRITICAL MINERAL.**—The term “critical mineral” means any mineral, element, sub-

stance, or material designated as critical by the Secretary under section 1606(c) of this title.

(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.

(Pub. L. 96-479, §2, Oct. 21, 1980, 94 Stat. 2305; Pub. L. 116-260, div. Z, title VII, §7002(b)(2), Dec. 27, 2020, 134 Stat. 2563.)

**Editorial Notes****AMENDMENTS**

2020—Subsec. (b). Pub. L. 116-260 inserted subsec. heading, substituted “In this chapter:” for “As used in this chapter,” designated remainder of existing provisions as par. (2), inserted heading, and substituted “The term” for “the term”, and added par. (1).

**Statutory Notes and Related Subsidiaries****SHORT TITLE**

Pub. L. 96-479, §1, Oct. 21, 1980, 94 Stat. 2305, provided: “That this Act [enacting this chapter] may be cited as the ‘National Materials and Minerals Policy, Research and Development Act of 1980’.”

**Executive Documents**

EX. ORD. NO. 13817. A FEDERAL STRATEGY TO ENSURE SECURE AND RELIABLE SUPPLIES OF CRITICAL MINERALS

Ex. Ord. No. 13817, Dec. 20, 2017, 82 F.R. 60835, as amended by Ex. Ord. No. 13953, §7, Sept. 30, 2020, 85 F.R. 62543, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**SECTION 1. Findings.** The United States is heavily reliant on imports of certain mineral commodities that are vital to the Nation’s security and economic prosperity. This dependency of the United States on foreign sources creates a strategic vulnerability for both its economy and military to adverse foreign government action, natural disaster, and other events that can disrupt supply of these key minerals. Despite the presence of significant deposits of some of these minerals across the United States, our miners and producers are currently limited by a lack of comprehensive, machine-readable data concerning topographical, geological, and geophysical surveys; permitting delays; and the potential for protracted litigation regarding permits that are issued. An increase in private-sector domestic exploration, production, recycling, and reprocessing of critical minerals, and support for efforts to identify more commonly available technological alternatives to these minerals, will reduce our dependence on imports, preserve our leadership in technological innovation, support job creation, improve our national security and balance of trade, and enhance the technological superiority and readiness of our Armed Forces, which are among the Nation’s most significant consumers of critical minerals.

**SEC. 2. Definition.** (a) A “critical mineral” is a mineral identified by the Secretary of the Interior pursuant to subsection (b) of this section to be (i) a non-fuel mineral or mineral material essential to the economic and national security of the United States, (ii) the sup-