

logical Survey in critical and strategic minerals; and

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

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after December 27, 2020.

(f) Secretary of the Interior; collection, evaluation, and analysis activities concerning information

In furtherance of the policies of this chapter, 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, 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 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 nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

(Pub. L. 96-479, §5, Oct. 21, 1980, 94 Stat. 2307; Pub. L. 116-260, div. Z, title VII, §7002(m)(1) Dec. 27, 2020, 134 Stat. 2575.)

Editorial Notes

REFERENCES IN TEXT

The National Science and Technology Policy, Organization, and Priorities Act of 1976, referred to in subsec. (b), is Pub. L. 94-282, May 11, 1976, 90 Stat. 459, which is classified principally to chapter 79 (§6601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6601 of Title 42 and Tables.

The Defense Production Act of 1950, referred to in subsec. (d), is act Sept. 8, 1950, ch. 932, 64 Stat. 798, which was classified to section 2061 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 55 (§4501 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (d), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96-41, §2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§98 et seq.) of chapter 5 of Title 50. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

AMENDMENTS

2020—Pub. L. 116-260, §7002(m)(1)(A), which directed substitution of “date of enactment of the Energy Act of 2020” for “date of enactment of this Act” wherever appearing, was executed by substituting “December 27, 2020” for “October 21, 1980” in subssecs. (a), (d), and (e). Substitutions in subssecs. (d) and (e) were made for original text reading “enactment of this Act” and “the enactment of this Act”, to reflect the probable intent of Congress.

Subsec. (b)(1). Pub. L. 116-260, §7002(m)(1)(B), substituted “National Science and Technology Council” for “Federal Coordinating Council for Science, Engineering, and Technology”.

Subsec. (c). Pub. L. 116-260, §7002(m)(1)(C)(i), in introductory provisions, struck out “the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and” before “such” and substituted “appropriate, shall—” for “appropriate shall—”.

Subsec. (c)(1). Pub. L. 116-260, §7002(m)(1)(C)(ii), (iii), (iv)(II), (III), redesignated par. (2) as (1), substituted “that assesses” for “which assesses” and “and that” for “in the case identified in paragraph (1) of this subsection, and which”, and struck out former par. (1) which read as follows: “within 3 months after October 21, 1980, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection:”.

Pub. L. 116-260, §7002(m)(1)(C)(iv)(I), which directed substitution of “not later than 1 year after the date of the enactment of the Energy Act of 2020” for “within 1 year after October 21, 1980”, was executed by substituting “not later than 1 year after December 27, 2020” for text in original which had read “within 1 year after the date of enactment of this Act” and had been translated to “within 1 year after October 21, 1980”, and by making such substitution prior to similar amendment by §7002(m)(1)(A), to reflect the probable intent of Congress. See first 2020 Amendment note above.

Subsec. (c)(2). Pub. L. 116-260, §7002(m)(1)(C)(v), added par. (2). Former par. (2) redesignated (1).

Subsec. (c)(3). Pub. L. 116-260, §7002(m)(1)(C)(ii), struck out par. (3) which read as follows: “continually thereafter identify and assess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.”

Subsec. (e). Pub. L. 116-260, §7002(m)(1)(D), substituted “United States Geological Survey” for “Bureau of Mines” in pars. (1) and (2).

§ 1605. Applicability to other statutory national mining and minerals policies

Nothing in this chapter shall be interpreted as changing in any manner or degree the provisions of and requirements of section 21a of this title. For the purposes of achieving the objectives set forth in section 1602 of this title, 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 section 21a of this title and (2) the Executive Office of the President to act immediately to promote the goals contained in section 21a of this title among the various departments and agencies.

(Pub. L. 96-479, §6, Oct. 21, 1980, 94 Stat. 2309.)

§ 1606. Mineral security

(a) Definitions

In this section:

(1) Byproduct

The term “byproduct” means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) Critical material

The term “critical material” means—

(A) any non-fuel mineral, element, substance, or material that the Secretary of Energy determines—