

(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.* [Amended Ex. Ord. No. 13817, set out above.]

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.

DONALD J. TRUMP.

§ 1602. Congressional declaration of policies

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.

(Pub. L. 96-479, §3, Oct. 21, 1980, 94 Stat. 2305; Pub. L. 116-260, div. Z, title VII, §7002(b)(1), (m)(2), Dec. 27, 2020, 134 Stat. 2563, 2576.)

Editorial Notes

REFERENCES IN TEXT

The National Science and Technology Policy, Organization, and Priorities Act of 1976, referred to in par. (4), 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.

AMENDMENTS

2020—Pub. L. 116–260, §7002(m)(2), in introductory provisions, substituted “It” for “The Congress declares that it” and “Implementation” for “The Congress further declares that implementation”.

Par. (3). Pub. L. 116–260, §7002(b)(1)(A), added par. (3) and struck out former par. (3) which read as follows: “establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;”.

Pars. (7) to (13). Pub. L. 116–260, §7002(b)(1)(B), (C), added pars. (7) to (13) and struck out former par. (7) which read as follows: “encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.”

§ 1603. Implementation of policies

The President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to implement the policy described in section 1602 of this title 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;

(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.

(Pub. L. 96–479, §4, Oct. 21, 1980, 94 Stat. 2306; Pub. L. 116–260, div. Z, title VII, §7002(m)(3), Dec. 27, 2020, 134 Stat. 2576.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116–260, in introductory provisions, substituted “The” for “For the purpose of implementing the policies set forth in section 1602 of this title and the provisions of section 1604 of this title, the Congress declares that the” and “departments and agencies to implement the policy described in section 1602 of this title” for “departments and agencies.”.

§ 1604. Program administration

(a) President; preparation of plan and submission to Congress of report

Within 1 year after December 27, 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 1602 and 1603 of this title. 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