

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—

- (i) has a high risk of a supply chain disruption; and

- (ii) serves an essential function in 1 or more energy technologies, including technologies that produce, transmit, store, and conserve energy; or

- (B) a critical mineral.

(3) Critical mineral

(A) In general

The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) Exclusions

The term “critical mineral” does not include—

- (i) fuel minerals;

- (ii) water, ice, or snow;

- (iii) common varieties of sand, gravel, stone, pumice, cinders, and clay.

(4) Indian Tribe

The term “Indian Tribe” has the meaning given the term in section 5304 of title 25.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(6) State

The term “State” means—

- (A) a State;

- (B) the District of Columbia;

- (C) the Commonwealth of Puerto Rico;

- (D) Guam;

- (E) American Samoa;

- (F) the Commonwealth of the Northern Mariana Islands; and

- (G) the United States Virgin Islands.

(7) Institution of higher education

The term “institution of higher education” means—

- (A) an institution of higher education (as defined in section 1001(a) of title 20); or

- (B) a postsecondary vocational institution (as defined in section 1002(c) of title 20).

(b) Omitted

(c) Critical mineral designations

(1) Draft methodology and list

The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the “Secretary”), shall publish in the Federal Register for public comment—

- (A) a description of the draft methodology used to identify a draft list of critical minerals;

- (B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and