

ORDER NO. 3359

Subject: Critical Mineral Independence and Security

Sec. 1 Purpose. This Order implements the Executive Order signed by the President on December 20, 2017, and entitled “A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals” (December 20, 2017 E.O.), which aims to: reduce the vulnerability to disruption of critical mineral supply by identifying critical minerals and new sources; increase activity at all levels of the supply chain; improve and ensure access to advanced topographic, geologic, and geophysical mapping data; and streamline leasing and permitting processes to expedite exploration, production, processing, reprocessing, recycling, and domestic refining of critical minerals.

Sec. 2 Authorities. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; the December 20, 2017 E.O.; the National Materials and Minerals Policy, Research and Development Act of 1980, 30 U.S.C. §§ 1601 et seq.; the Mining and Minerals Policy Act of 1970, 30 U.S.C. § 21a; the United States Geological Survey (USGS) Organic Act of 1879, as amended, 43 U.S.C. §§ 31 et seq.; the Mineral Leasing Act of 1920, 30 U.S.C. §§ 181 et seq.; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351 et seq.; the Mining Law of 1872, 30 U.S.C. §§ 21 et seq.; the Materials Act of 1947, 30 U.S.C. §§ 601 et seq.; the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq.; and other applicable statutes.

Sec. 3 Background. The United States is heavily reliant on imports of certain mineral commodities that are vital to our national security and economic prosperity. This dependency on foreign sources creates a strategic vulnerability to United States industry and the military if supplies of these key minerals were disrupted by foreign government action, natural disasters, or other events. 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, electronically accessible topographical, geological, and geophysical data; permitting delays; and the potential for extended litigation when permits are issued. Increasing private sector domestic exploration, production, recycling, and reprocessing of critical minerals will reduce our import dependence, preserve United States leadership in technological innovation, support job creation, improve our energy security and balance of trade, and enhance the technological advantage and readiness of our Armed Forces – which are among the most significant consumers of critical minerals in the Nation.

Sec. 4 Directive. The following actions are to be taken consistent with governing laws, regulations, and principles of responsible public stewardship:

a. The USGS shall implement the policy in the December 20, 2017 E.O. by identifying new sources of critical minerals; and ensuring that our miners and producers have electronic access to the most advanced topographic, geologic, and geophysical data, with appropriate limitations to protect critical infrastructure data such as those related to national security areas.

b. Within 30 days of the issuance of this Order, the Director, USGS, in coordination with the Bureau of Land Management, shall provide a proposed list of minerals defined as “critical minerals” to the Secretary of the Interior. Within 30 days after receiving the list, the Secretary will coordinate with the Department of Defense and consult with the heads of other relevant agencies and departments to establish the final list.

c. Within 60 days of the completion of the critical minerals list (Sec.4b), the Director, USGS shall provide a plan to the Secretary of the Interior to improve the topographic, geological, and geophysical mapping of the United States, and make the resulting data and metadata electronically accessible to support private sector mineral exploration of critical minerals.

d. Within 60 days of the President’s signing of the December 20, 2017 E.O., each bureau head with land management responsibilities shall submit to the Secretary a list of recommendations to improve access to lands to explore for and develop critical minerals; streamline permitting and review processes related to critical minerals development; and otherwise increase critical mineral discovery, production, and domestic refining.

Sec. 5 Implementation. The Deputy Secretary is responsible for taking all reasonably necessary steps to implement this Order to fulfill requirements set forth in the December 20, 2017 E.O.

Sec. 6 Effect of Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.

Secretary of the Interior

Date: