

117TH CONGRESS
1ST SESSION

H. R. 2176

To provide for the continued and uninterrupted production of domestic minerals in the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Mr. STEWART introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the continued and uninterrupted production of domestic minerals in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Access to
5 Domestic Mineral Production Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (a) **WITHDRAWAL.**—The term “withdrawal” means
9 withholding an area of Federal public land from the loca-

tion of new mining claim, purchase and from mining activities such as exploration and mine development in accordance with 43 U.S.C. § 1702(j); 43 C.F.R. § 2300–0–5(h).

(b) SECRETARY.—The term “Secretary” means either the Secretary of the Interior or the Secretary of Agriculture or their designee.

SEC. 3. CONGRESSIONAL FINDINGS.

(a) IN GENERAL.—Congress finds that production of domestic minerals is essential to U.S. economic and national security and necessary to provide the essential resources needed for the U.S. economy and allied nations, including—

(1) for the national defense and national security requirements;

(2) for the energy infrastructure of the United States, including—

(A) pipelines;

(B) refining capacity;

(C) electrical power generation and transmission; and

(D) renewable energy production;

(3) for community resiliency, coastal restoration, and ecological sustainability for the coastal United States;

1 (4) to support domestic manufacturing, agri-
2 culture, housing, telecommunications, healthcare,
3 and transportation infrastructure; or

4 (5) for the economic security of, and balance of
5 trade in, the United States.

6 (b) WITHDRAWALS OF LANDS PURSUANT TO SEC-
7 TION 204 OF THE FEDERAL LAND POLICY AND MANAGE-
8 MENT ACT (FLPMA).—In enacting FLPMA to govern
9 withdrawals of Federal lands and mineral assessment of
10 lands prior to any withdrawal, Congress expressly in-
11 tended to—

12 (1) limit the Secretary’s authority to withdraw
13 more than five thousand acres; and

14 (2) provide a mechanism for Congress to dis-
15 approve withdrawals that exceed five thousand acres.

16 **SEC. 4. LIMITATIONS ON MINERAL WITHDRAWALS.**

17 (a) Congress prohibits the Secretary from any min-
18 eral withdrawal until a mineral study has been completed,
19 as required under Section 204 of FLPMA, that dem-
20 onstrates that the proposed withdrawal will not result in
21 any negative impacts to U.S. national security by limiting
22 access to critical minerals.

23 (b) Congress prohibits the Secretary from with-
24 drawing Federal lands in excess of five thousand acres un-
25 less the withdrawal is expressly approved by Congress.

1 (c) Prior to any withdrawal being initiated, the U.S.
2 Geological Survey—in consultation with the Department
3 of Defense, Department of State, and the U.S. Trade Rep-
4 resentative—will conduct a mineral assessment to ensure
5 that the minerals to be withdrawn by a proposed with-
6 drawal does not impede the ability of the U.S. or its allies
7 to procure a secure supply chain of mineral resources nec-
8 essary for activities designated in Section 3(a), and in
9 turn, result in negative impacts on—

- 10 (1) U.S. economic or national security;
11 (2) U.S. allies economic or national security; or
12 (3) the ability to ensure an appropriate balance
13 of trade.

14 **SEC. 5. MINERAL ASSESSMENT.**

15 (a) Any mineral assessment conducted prior to any
16 withdrawal being initiated must—

- 17 (1) include ample opportunity for input from
18 the public including mineral and mining interests;
19 (2) include forecasted impacts to U.S. and al-
20 lied nations economic and national security;
21 (3) include forecasted impacts to U.S. mineral
22 supply chains;
23 (4) be completed no more than 12 months prior
24 to the withdrawal;

1 (5) evaluate the impacts of continued mineral
2 import reliance from foreign sources, including geo-
3 political adversaries;

4 (6) include a comprehensive geological mapping
5 and analysis by USGS of the likelihood of the pres-
6 ence of critical minerals within the withdrawal area;
7 and

8 (7) include an analysis, conducted by the De-
9 partment of Defense, of the impacts of the with-
10 drawal on national security, including—

11 (A) vulnerabilities to national security of
12 preventing access to domestic minerals located
13 in the withdrawal area.

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