

117TH CONGRESS
2D SESSION

H. R. 8981

To streamline hardrock mine permitting on Federal lands, support technological and scientific advancements for mineral development, expand the mining workforce, track global supply chains, strengthen domestic refining and processing capacity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2022

Mr. WESTERMAN (for himself, Mrs. RODGERS of Washington, Mr. UPTON, Mr. LATTA, Mr. CALVERT, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Foreign Affairs, Energy and Commerce, Appropriations, and Science, Space, and Technology, 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 streamline hardrock mine permitting on Federal lands, support technological and scientific advancements for mineral development, expand the mining workforce, track global supply chains, strengthen domestic refining and processing capacity, and for other purposes.

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Securing America’s
3 Mineral Supply Chains Act of 2022”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—PERMITTING

- Sec. 101. Definitions.
- Sec. 102. Minerals supply chain and reliability.
- Sec. 103. Limitation on judicial review.
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- Sec. 105. Treatment of actions under Presidential Determination 202–11 for
Federal permitting improvement purposes.
- Sec. 106. Mineral exploration activities with limited surface disturbance.
- Sec. 107. Use of mining claims for ancillary activities.

TITLE II—LAND USE PLANNING FOR MINERAL DEVELOPMENT

- Sec. 201. Resource assessment and study required for withdrawal.
- Sec. 202. Congressional approval.

TITLE III—TECHNOLOGICAL INNOVATION

- Sec. 301. Mineral resource and technology grants.
- Sec. 302. Carbon sequestration using mineralization.
- Sec. 303. Rare earth elements and critical minerals processing technologies.

TITLE IV—MINING WORKFORCE DEVELOPMENT

- Sec. 401. Technology grants to strengthen domestic mining education.
- Sec. 402. Authorization of the mineral resources assessment training program.

TITLE V—MINERAL SUPPLY CHAIN SECURITY

- Sec. 501. Ensuring consideration of uranium as a critical mineral.
- Sec. 502. Report on investments of the Russian Federation and the People’s
Republic of China in foreign mining and processing industries.
- Sec. 503. Report on mineral exploration and development in Afghanistan.
- Sec. 504. Annual review of critical mineral designations.

TITLE VI—CRITICAL ENERGY RESOURCES

- Sec. 601. Waiver for national security or energy security.
- Sec. 602. Chemical substance review.
- Sec. 603. Interim hazardous waste permits.
- Sec. 604. Flexible air permits for critical energy resource facilities.
- Sec. 605. Amendment to the Department of Energy Organization Act.
- Sec. 606. Securing critical energy resource supply chains.

Sec. 607. Programs to restore domestic uranium supply services.
Sec. 608. Definitions.

TITLE I—PERMITTING

SEC. 101. DEFINITIONS.

In this Act:

(1) **BYPRODUCT**.—The term “byproduct” has the meaning given such term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) **CRITICAL MINERAL**.—The term “critical mineral” has the meaning given such term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(3) **INDIAN TRIBE**.—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) **SECRETARY**.—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

(5) **STATE**.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

1 (F) the Commonwealth of the Northern
2 Mariana Islands; and

3 (G) the United States Virgin Islands.

4 (6) LEAD AGENCY.—The term “lead agency”
5 means the agency with primary responsibility for
6 issuing a mineral exploration or mine permit for a
7 project.

8 **SEC. 102. MINERALS SUPPLY CHAIN AND RELIABILITY.**

9 Section 40206 of the Infrastructure Investment and
10 Jobs Act (30 U.S.C. 1607) is amended—

11 (1) in the section heading, by striking “Critical
12 minerals” and inserting “Minerals”;

13 (2) in subsection (a)—

14 (A) in the heading by striking “DEFINI-
15 TION OF CRITICAL MINERAL” and inserting
16 “DEFINITIONS”;

17 (B) by striking “section,” and inserting
18 “section:”;

19 (C) by striking “the term ‘critical mineral’
20 has the meaning given the term in section
21 7002(a) of the Energy Act of 2020 (30 U.S.C.
22 1606(a))” and inserting the following:

23 “(1) MINERAL.—The term ‘mineral’ means any
24 mineral of a kind that is locatable (including such
25 minerals located on lands acquired by the United

1 States, as such term is defined in section 102 of the
2 Mineral Leasing Act for Acquired Lands) under the
3 Act of May 10, 1872 (Chapter 152; 17 Stat. 91).”;
4 and

5 (D) by adding at the end the following:

6 “(2) MINERAL EXPLORATION OR MINE PER-
7 MIT.—The term ‘mineral exploration or mine permit’
8 means—

9 “(A) an authorization of the Bureau of
10 Land Management or the Forest Service, as ap-
11 plicable, for exploration for minerals that re-
12 quires analysis under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.);

15 “(B) a plan of operations for a mineral
16 project approved by the Bureau of Land Man-
17 agement or the Forest Service; or

18 “(C) any other permit or authorization for
19 a mineral project.

20 “(3) MINERAL PROJECT.—The term ‘mineral
21 project’ means a project—

22 “(A) located on—

23 “(i) a mining claim, millsite claim, or
24 tunnel site claim for any mineral;

25 “(ii) lands open to mineral entry; or

1 “(iii) a Federal mineral lease; and

2 “(B) for the purposes of exploring for or
3 producing minerals.

4 “(4) LEAD AGENCY.—The term ‘lead agency’
5 means the Federal agency with primary responsi-
6 bility for issuing a mineral exploration or mine per-
7 mit for a mineral project.”;

8 (3) in subsection (b), by striking “critical” each
9 place it appears;

10 (4) in subsection (c)—

11 (A) by striking “critical mineral production
12 on Federal land” and inserting “mineral
13 projects”;

14 (B) by inserting “, and in accordance with
15 subsection (h)” after “to the maximum extent
16 practicable”;

17 (C) by striking “shall complete the” and
18 inserting “shall complete such”;

19 (D) in paragraph (1), by striking “critical
20 mineral-related activities on Federal land” and
21 inserting “mineral projects”;

22 (E) in paragraph (8), by striking the
23 “and” at the end;

24 (F) in paragraph (9), by striking “proce-
25 dures.” and inserting “procedures; and”; and

1 (G) by adding at the end the following:

2 “(10) deferring to and relying on baseline data,
3 analyses, and reviews performed by State agencies
4 with jurisdiction over the environmental or reclama-
5 tion permits for the proposed mineral project.”;

6 (5) in subsection (d)—

7 (A) by striking “critical” each place it ap-
8 pears; and

9 (B) in paragraph (3), by striking “mineral-
10 related activities on Federal land” and inserting
11 “mineral projects”;

12 (6) in subsection (e), by striking “critical”;

13 (7) in subsection (f), by striking “critical” each
14 place it appears;

15 (8) in subsection (g), by striking “critical” each
16 place it appears; and

17 (9) by adding at the end the following:

18 “(h) OTHER REQUIREMENTS.—

19 “(1) MEMORANDUM OF AGREEMENT.—For pur-
20 poses of maximizing efficiency and effectiveness of
21 the Federal permitting and review processes de-
22 scribed under subsection (c), the lead agency in the
23 Federal permitting and review processes of a min-
24 eral project shall (in consultation with any other
25 Federal agency involved in such Federal permitting

1 and review processes, and upon request of the
2 project applicant, an affected State government,
3 local government, or an Indian Tribe, or other entity
4 such lead agency determines appropriate) enter into
5 a memorandum of agreement to carry out the activi-
6 ties described in subsection (c).

7 “(2) TIMELINES AND SCHEDULES FOR NEPA
8 REVIEWS.—

9 “(A) DEADLINES.—Any timelines or
10 schedules established under subsection (c)(1)
11 relating to a review under section 102(2)(C) of
12 the National Environmental Policy Act of 1969
13 shall require that the review process not ex-
14 ceed—

15 “(i) 18 months for an environmental
16 assessment; and

17 “(ii) 24 months for an environmental
18 impact statement.

19 “(B) EXTENSION.—A project applicant
20 may enter into 1 or more agreements with a
21 lead agency to extend the deadlines described in
22 clauses (i) and (ii) of subparagraph (A) by,
23 with respect to each such agreement, not more
24 than 6 months.

1 “(C) ADJUSTMENT OF TIMELINES.—At the
2 request of a project applicant, the lead agency
3 and any other entity which is a signatory to a
4 memorandum of agreement under paragraph
5 (1) may, by unanimous agreement, adjust—

6 “(i) any deadlines described in sub-
7 paragraph (A); and

8 “(ii) any deadlines extended under
9 subparagraph (B).

10 “(3) EFFECT ON PENDING APPLICATIONS.—

11 Upon a written request by a project applicant, the
12 requirements of this subsection shall apply to any
13 application for a mineral exploration or mine permit
14 that was submitted before the date of enactment of
15 the Securing America’s Mineral Supply Chains Act
16 of 2022.”.

17 **SEC. 103. LIMITATION ON JUDICIAL REVIEW.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, a claim arising under Federal law seeking ju-
20 dicial review of a permit, license, or approval issued by
21 a Federal lead agency for a mining project shall be barred
22 unless it is filed not later than 1 year after the permit,
23 license, or approval is final pursuant to the law under
24 which the agency action is taken, unless a shorter time

1 is specified in the Federal law pursuant to which judicial
2 review is allowed.

3 (b) SAVINGS CLAUSE.—Nothing in this section shall
4 create a right to judicial review or place any limit on filing
5 a claim that a person has violated the terms of a permit,
6 license, or approval.

7 **SEC. 104. FEDERAL REGISTER PROCESS IMPROVEMENT.**

8 Section 7002(f) of the Energy Act of 2020 (30
9 U.S.C. 1606(f)) is amended—

10 (1) in paragraph (2), by striking “critical” both
11 places such term appears; and

12 (2) by striking paragraph (4).

13 **SEC. 105. TREATMENT OF ACTIONS UNDER PRESIDENTIAL**
14 **DETERMINATION 2022–11 FOR FEDERAL PER-**
15 **MITTING IMPROVEMENT PURPOSES.**

16 (a) IN GENERAL.—Except as provided by subsection
17 (c), an action described in subsection (b) shall be—

18 (1) treated as a covered project, as defined in
19 section 41001(6) of the Fixing America’s Surface
20 Transportation Act (42 U.S.C. 4370m(6)), without
21 regard to the requirements of that section; and

22 (2) included in the Permitting Dashboard main-
23 tained pursuant to section 41003(b) of that Act (42
24 13 U.S.C. 4370m–2(b)).

1 (b) ACTIONS DESCRIBED.—An action described in
2 this subsection is an action taken by the Secretary of De-
3 fense pursuant to Presidential Determination 2022–11
4 (87 Fed. Reg. 19775; relating to certain actions under
5 section 303 of the Defense Production Act of 1950) to
6 create, maintain, protect, expand, or restore sustainable
7 and responsible domestic production capabilities
8 through—

9 (1) supporting feasibility studies for mature
10 mining, beneficiation, and value-added processing
11 projects;

12 (2) by-product and co-product production at ex-
13 isting mining, mine waste reclamation, and other in-
14 dustrial facilities;

15 (3) modernization of mining, beneficiation, and
16 value-added processing to increase productivity, envi-
17 ronmental sustainability, and workforce safety; or

18 (4) any other activity authorized under section
19 14 303(a)(1) of the Defense Production Act of 1950
20 15 (50 U.S.C. 4533(a)(1)).

21 (c) EXCEPTION.—An action described in subsection
22 (b) may not be treated as a covered project or be included
23 in the Permitting Dashboard under subsection (a) if the
24 project sponsor (as defined in section 41001(18) of the
25 Fixing America’s Surface Transportation Act (42 U.S.C.

1 21 4370m(18))) requests that the action not be treated
 2 as a covered project.

3 **SEC. 106. MINERAL EXPLORATION ACTIVITIES WITH LIM-**
 4 **ITED SURFACE DISTURBANCE.**

5 Notwithstanding any other provision of law, the Sec-
 6 retary, with respect to lands administered by the Sec-
 7 retary, and the Secretary of Agriculture with respect to
 8 National Forest System lands, shall allow mineral explo-
 9 ration activities other than casual use to proceed after re-
 10 ceiving a notice in such time, place, and manner as the
 11 applicable Secretary determines appropriate, describing
 12 the exploration activities and subsequent reclamation ac-
 13 tivities if—

14 (1) the surface disturbance on Federal land will
 15 not exceed 5 acres;

16 (2) the Secretary determines that the notice is
 17 complete; and

18 (3) the exploration activities are not on Federal
 19 land that has been previously reclaimed.

20 **SEC. 107. USE OF MINING CLAIMS FOR ANCILLARY ACTIVI-**
 21 **TIES.**

22 Section 10101 of the Omnibus Budget Reconciliation
 23 Act of 1993 (30 U.S.C. 28f) is amended by adding at the
 24 end the following:

25 “(e) SECURITY OF TENURE.—

1 “(1) IN GENERAL.—A claimant shall have the
2 right to use and occupy public land, before and after
3 the discovery of a valuable mineral deposit, in order
4 to prospect, mine, conduct processing operations, or
5 carry out other activities reasonably incident to such
6 activities if—

7 “(A) such claimant makes a timely pay-
8 ment of the location fee required by section
9 10102(g) and the claim maintenance fee re-
10 quired by subsection (a); or

11 “(B) in the case of a claimant who quali-
12 fies for a waiver under subsection (d), such
13 claimant makes a timely payment of the loca-
14 tion fee and complies with the required assess-
15 ment work under the general mining laws.

16 “(2) FULFILLMENT OF FEDERAL LAND POLICY
17 AND MANAGEMENT ACT.—A claimant that fulfills
18 the requirements of this section and section
19 10102(g) shall be deemed to satisfy the require-
20 ments of any provision of the Federal Land Policy
21 and Management Act that requires the payment of
22 fair market value to the United States for use of
23 public lands and resources relating to use of such
24 lands and resources authorized by the general min-
25 ing laws.

1 “(3) SAVINGS CLAUSE.—Nothing in this sub-
2 section may be construed to diminish—

3 “(A) the rights of entry, use, and occu-
4 pancy of a claimant under the general mining
5 laws; or

6 “(B) the rights of a claimant under the
7 general mining laws.”.

8 **TITLE II—LAND USE PLANNING**
9 **FOR MINERAL DEVELOPMENT**

10 **SEC. 201. RESOURCE ASSESSMENT AND STUDY REQUIRED**
11 **FOR WITHDRAWAL.**

12 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal
13 lands and waters may not be withdrawn from entry under
14 the mining laws or operation of the mineral leasing and
15 mineral materials laws unless—

16 (1) a quantitative and qualitative geophysical
17 and geological mineral resource assessment of the
18 impacted area has been completed during the 10-
19 year period ending on the date of such withdrawal
20 or has been certified as current by the Director of
21 the United States Geological Survey; or

22 (2) United States Geological Survey, in con-
23 sultation with the Department of Defense, Depart-
24 ment of State, and the United States Trade Rep-
25 resentative, conducts a mineral assessment to ensure

1 that the minerals to be withdrawn by a proposed
2 withdrawal does not impede the ability of the United
3 States or its allies to procure a secure supply chain
4 of mineral resources, and in turn, result in negative
5 impacts on—

6 (A) the economic or national security of
7 the United States or an ally of the United
8 States;

9 (B) the ability of the United States to en-
10 sure an appropriate balance of trade; or

11 (C) the ability of the United States to ac-
12 cess mineral resources certified as responsibly
13 sourced and not acquired through the use of
14 child or slave labor.

15 (b) NEW INFORMATION.—If a resource assessment
16 completed by the Director of the United States Geological
17 Survey shows that a previously undiscovered deposit is
18 likely present in an area that has been withdrawn from
19 entry under the mining laws or operation of the mineral
20 leasing and mineral materials laws pursuant to—

21 (1) section 204 of the Federal Land Policy and
22 Management Act of 1976 (43 U.S.C. 1714), the
23 Secretary shall update the existing Resource Man-
24 agement Plan for such area; or

1 (2) chapter 3203 of title 54, United States
2 Code, the Secretary shall provide recommendations
3 to the President on appropriate measures to reduce
4 unnecessary impacts that the withdrawal may have
5 on critical mineral exploration, development, and
6 other mining activities.

7 (c) RESOURCE MANAGEMENT PLANS.—Before a re-
8 source management plan under the Federal Land Policy
9 and Management Act of 1976 (43 U.S.C. 1701 et seq.)
10 is updated or completed, the Secretary or Secretary of Ag-
11 riculture, as applicable, shall, in consultation with the Di-
12 rector of the United States Geological Survey—

13 (1) review a quantitative and qualitative min-
14 eral resource assessment that was completed or up-
15 dated during the 10-year period ending on the date
16 the resource management plan is updated or com-
17 pleted or is certified as current by the Director of
18 the United States Geological Survey for the geo-
19 graphic area affected by the resource management
20 plan; and

21 (2) in consultation with the Departments of
22 Commerce and Defense, consider the economic, stra-
23 tegic and national security value of mineral deposits
24 in the impacted geographic area affected by the re-
25 source management plan.

1 (d) PREVIOUSLY UNDISCOVERED DEPOSIT.—In this
2 section, the term “previously undiscovered deposit” means
3 a deposit that has been previously evaluated by the United
4 States Geological Survey and found to be of low mineral
5 potential but upon subsequent evaluation is determined to
6 have recoverable quantities of a critical mineral.

7 **SEC. 202. CONGRESSIONAL APPROVAL.**

8 (a) MORATORIA.—The Secretary may not declare a
9 moratorium on issuing leases, claims, or permits on Fed-
10 eral lands, including on the Outer Continental Shelf, for
11 the mining of critical minerals, or related activities.

12 (b) LIMITATION.—Notwithstanding any other provi-
13 sion of law, the Secretary and the Secretary of Agriculture
14 may not withdraw Federal lands and waters from entry
15 under the mining laws or operation of the mineral leasing
16 and mineral materials laws for the mining of critical min-
17 erals and any mineral commodity from which a byproduct
18 of production is a critical mineral if such withdrawal—

19 (1) exceeds 5,000 acres in a single withdrawal;
20 or

21 (2) is of a parcel the exterior boundary of which
22 is less than 50 miles away from the exterior bound-
23 ary of another parcel that was withdrawn during the
24 1-year period ending on the date of withdrawal of
25 the parcel at issue.

1 (c) PROHIBITION ON RESCISSION OF LEASES, PER-
 2 MITS, OR CLAIMS.—The President or Secretary, or Sec-
 3 retary of Agriculture as applicable, may not rescind any
 4 existing lease, permit, or claim on the mining and extrac-
 5 tion of any critical mineral or common varieties of sand,
 6 stone, and gravel on National Forest System or Bureau
 7 of Land Management land unless specifically authorized
 8 by an Act of Congress, or upon the lessee, permittee, or
 9 claimant’s failure to comply with any of the provisions of
 10 its agreement.

11 **TITLE III—TECHNOLOGICAL** 12 **INNOVATION**

13 **SEC. 301. MINERAL RESOURCE AND TECHNOLOGY GRANTS.**

14 (a) IN GENERAL.—The Director of the United States
 15 Geological Survey shall establish a competitive grant pro-
 16 gram to provide grants to eligible entities to conduct stud-
 17 ies, research, and demonstration projects relating to the
 18 production of critical minerals, including—

- 19 (1) the geologic setting and genesis of United
 20 States mineral resources in a global context, in order
 21 to ensure a sustainable supply of minerals for the
 22 Nation’s future;
- 23 (2) mineral deposits, mineralizing processes,
 24 and identifying undiscovered resources, provide ob-
 25 jective information and analysis related to minerals

1 issues to support national security, land use, re-
2 source policy, and environmental or public health
3 and safety decision makers;

4 (3) collect, compile, analyze, and disseminate
5 data and develop and maintain national and inter-
6 national databases for timely release of information
7 to users;

8 (4) apply mineral-resource expertise and tech-
9 nologies to non-mineral-resource issues; or

10 (5) studies of mining, mineral extraction, proc-
11 essing and reclamation technologies.

12 (b) ELIGIBLE ENTITIES.—For the purposes of this
13 section, the term “eligible entities” means—

14 (1) universities, including mining schools;

15 (2) State agencies, including State geological
16 surveys; and

17 (3) private sector organizations with the ability
18 to carry out the purposes identified in this section
19 that partner with State agencies or universities, in-
20 cluding mining schools.

21 **SEC. 302. CARBON SEQUESTRATION USING MINERALIZA-**
22 **TION.**

23 (a) NATIONAL RESOURCE ASSESSMENT FOR CARBON
24 MINERALIZATION.—Not later than 1 year after the date
25 of enactment of this section, the Director of the United

1 States Geological Survey, in consultation with the Director
2 of the Bureau of Land Management, the State geological
3 surveys, and the Secretary of Energy, shall conduct a na-
4 tional resource assessment of high potential areas for car-
5 bon mineralization, both in situ and ex situ, including but
6 not limited to utilization of mine tailings.

7 (b) PILOT PROJECT.—The Director of the United
8 States Geological Survey, in consultation with the Director
9 of the Bureau of Land Management and applicable State
10 geological surveys, shall conduct a pilot project through
11 the Mineral Resources Assessment Training program, es-
12 tablished under section 402, for the following purposes:

13 (1) Identification of new areas of high carbon
14 mineralization potential in the United States, both
15 in situ and ex situ.

16 (2) Further analysis of areas previously identi-
17 fied by the United States Geological Survey, State
18 geological surveys, or other data science agencies as
19 high potential areas for carbon mineralization in the
20 United States.

21 (3) To the extent practicable, evaluation of the
22 economic viability of carbon mineralization efforts in
23 identified areas.

24 (c) DATABASE.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, the Director
3 of the United States Geological Survey, in consulta-
4 tion with applicable State and Federal data science
5 and land management agencies, shall establish a na-
6 tional database of high potential areas for in situ
7 and ex situ carbon mineralization in the United
8 States.

9 (2) INTEGRATION OF DATA.—The database es-
10 tablished in this subsection shall integrate data or
11 other analysis collected through the activities re-
12 quired by subsections (a) and (b).

13 (d) SAVINGS CLAUSE.—Nothing in this section shall
14 be construed as requiring prioritization of the use of mine
15 tailing for carbon mineralization compared to the use of
16 mine tailings for any other purpose.

17 **SEC. 303. RARE EARTH ELEMENTS AND CRITICAL MIN-**
18 **ERALS PROCESSING TECHNOLOGIES.**

19 (a) RESEARCH PROGRAM FOR THE RECOVERY OF
20 CRITICAL MINERALS FROM VARIOUS FORMS OF MINE
21 WASTE AND METALLURGICAL ACTIVITIES.—The Sec-
22 retary of Energy, in consultation with the Secretary, act-
23 ing through the Office of Surface Mining Reclamation and
24 Enforcement Applied Science Program, shall carry out a
25 grant program—

1 (1) to research, develop, and assess advanced
2 processing technologies and techniques for the ex-
3 traction, recovery, and reduction of critical minerals,
4 including rare earth elements, from various forms of
5 mine waste and metallurgical activities, including
6 mine waste piles, abandoned mine land sites, acid
7 mine drainage sludge, byproducts produced through
8 legacy mining and metallurgy activities, or oil shale;
9 and

10 (2) to determine if there are, and mitigate if
11 present, any potential environmental impacts that
12 could arise from the recovery of critical minerals
13 from these resources.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary of Energy, in con-
16 sultation with the Secretary, shall submit to the Com-
17 mittee on Energy and Natural Resources of the Senate
18 and the Committee on Natural Resources, the Committee
19 on Science, Space, and Technology, and the Committee
20 on Energy and Commerce of the House of Representatives
21 a report evaluating the research and development of ad-
22 vanced processing technologies for the extraction, recov-
23 ery, and reduction of critical minerals, including rare
24 earth elements, from mine waste piles, acid mine drainage

1 sludge, byproducts produced through legacy mining and
 2 metallurgy activities, or oil shale.

3 **TITLE IV—MINING WORKFORCE** 4 **DEVELOPMENT**

5 **SEC. 401. TECHNOLOGY GRANTS TO STRENGTHEN DOMES-** 6 **TIC MINING EDUCATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) BOARD.—The term “Board” means the
 9 Mining Professional Development Advisory Board
 10 established by subsection (d)(1).

11 (2) MINING INDUSTRY.—The term “mining in-
 12 dustry” means the mining industry of the United
 13 States, consisting of the search for, extraction,
 14 beneficiation, refining, smelting, and processing of,
 15 naturally occurring metal and nonmetal minerals
 16 from the earth.

17 (3) MINING PROFESSION.—The term “mining
 18 profession” means the body of jobs directly relevant
 19 to—

20 (A) the exploration, planning, execution,
 21 and remediation of metal and nonmetal mining
 22 sites; and

23 (B) the extraction, including the separa-
 24 tion, refining, alloying, smelting, concentration,
 25 and processing, of mineral ores.

1 (4) MINING SCHOOL.—The term “mining
2 school” means—

3 (A) a mining, metallurgical, geological, or
4 mineral engineering program accredited by the
5 Accreditation Board for Engineering and Tech-
6 nology, Inc., that is located at an institution of
7 higher education (as defined in section 101 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1001)); or

10 (B) a geology or engineering program or
11 department that is located at a 4-year public in-
12 stitution of higher education (as so defined) lo-
13 cated in a qualified State.

14 (5) QUALIFIED STATE.—The term “qualified
15 State” means a State that, in the 5 years preceding
16 the date of an application for a grant under this sec-
17 tion, averaged not less than \$2,000,000,000 in the
18 combined categories of “Mining (except oil and
19 gas)” and “Support activities for mining”, according
20 to the Bureau of Economic Analysis.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

23 (b) DOMESTIC MINING EDUCATION STRENGTHENING
24 PROGRAM.—The Secretary shall establish a program to
25 strengthen domestic mining education under which the

1 Secretary shall award competitive grants to mining schools
2 for the purposes described in paragraph (4).

3 (c) GRANTS.—

4 (1) IN GENERAL.—In carrying out the grant
5 program established under subsection (b), the Sec-
6 retary shall award not more than 10 grants each
7 year to mining schools.

8 (2) SELECTION REQUIREMENTS.—

9 (A) IN GENERAL.—To the maximum ex-
10 tent practicable, the Secretary shall select re-
11 cipients for grants under paragraph (1) to en-
12 sure geographic diversity among grant recipi-
13 ents to ensure that region-specific specialties
14 are developed for region-specific geology.

15 (B) TIMELINE.—

16 (i) IN GENERAL.—The Secretary shall
17 award the first grant under paragraph (1)
18 not later than 1 year after the date of en-
19 actment of this Act.

20 (ii) SUBSEQUENT GRANTS.—Each
21 year following the first year in which
22 grants are awarded pursuant to clause (i),
23 the Secretary shall award subsequent
24 grants by not later than 1 year after the

1 date on which the grants were awarded the
2 previous year.

3 (3) RECOMMENDATIONS OF THE BOARD.—In
4 selecting recipients for grants under paragraph (1)
5 and determining the amount of each grant, the Sec-
6 retary shall take into consideration the recommenda-
7 tions of the Board under subparagraphs (A) and (B)
8 of subsection (d)(3).

9 (4) USE OF FUNDS.—A mining school shall use
10 grant funds received under this section—

11 (A) to recruit students to the mining
12 school, including through awarding scholar-
13 ships; and

14 (B) to enhance and support programs re-
15 lated to, as applicable—

16 (i) mining, mineral extraction effi-
17 ciency, and related processing technology;

18 (ii) emphasizing critical mineral and
19 rare earth element exploration, extraction,
20 and refining;

21 (iii) reclamation technology and prac-
22 tices for active mining operations;

23 (iv) the development of reprocessing
24 systems and technologies that facilitate

1 reclamation that fosters the recovery of re-
2 sources at abandoned mine sites;

3 (v) mineral extraction methods that
4 reduce environmental and human impacts;

5 (vi) technologies to extract, refine,
6 separate, melt, or produce minerals, in-
7 cluding rare earth elements;

8 (vii) reducing dependence on foreign
9 energy and mineral supplies through in-
10 creased domestic critical mineral produc-
11 tion;

12 (viii) enhancing the competitiveness of
13 United States energy and mineral tech-
14 nology exports;

15 (ix) the extraction or processing of co-
16 inciding mineralization, including rare
17 earth elements, within coal, coal processing
18 byproduct, overburden, or coal residue;

19 (x) enhancing technologies and prac-
20 tices relating to mitigation of acid mine
21 drainage, reforestation, and revegetation in
22 the reclamation of land and water re-
23 sources adversely affected by mining;

24 (xi) enhancing exploration and charac-
25 terization of new or novel deposits, includ-

ing rare earth elements and critical minerals within phosphate rocks, uranium-bearing deposits, and other nontraditional sources;

(xii) meeting challenges of extreme mining conditions, such as deeper deposits or offshore or cold region mining; and

(xiii) mineral economics, including analysis of supply chains, future mineral needs, and unconventional mining resources.

(d) MINING PROFESSIONAL DEVELOPMENT ADVISORY BOARD.—

(1) IN GENERAL.—There is established an advisory board, to be known as the “Mining Professional Development Advisory Board”.

(2) COMPOSITION.—The Board shall be composed of 6 members, to be appointed by the Secretary not later than 180 days after the date of enactment of this Act, of whom—

(A) 3 shall be individuals who are actively working in the mining profession and for the mining industry; and

(B) 3 shall have experience in academia implementing and operating professional skills

1 training and education programs in the mining
2 sector.

3 (3) DUTIES.—The Board shall—

4 (A) evaluate grant applications received
5 under subsection (c) and make recommenda-
6 tions to the Secretary for selection of grant re-
7 cipients under that subsection;

8 (B) propose the amount of the grant for
9 each applicant recommended to be selected
10 under subparagraph (A); and

11 (C) perform oversight to ensure that grant
12 funds awarded under subsection (c) are used
13 for the purposes described in paragraph (4) of
14 that subsection.

15 (4) TERM.—A member of the Board shall serve
16 for a term of 4 years.

17 (5) VACANCIES.—A vacancy on the Board—

18 (A) shall not affect the powers of the
19 Board; and

20 (B) shall be filled in the same manner as
21 the original appointment was made by not later
22 than 180 days after the date on which the va-
23 cancy occurs.

1 **SEC. 402. AUTHORIZATION OF THE MINERAL RESOURCES**
2 **ASSESSMENT TRAINING PROGRAM.**

3 (a) ESTABLISHMENT.—Within one year of enactment
4 of this section, the United States Geological Survey shall
5 establish a Mineral Resources Assessment Training Pro-
6 gram to train early and mid-career scientists, employed
7 at the United States Geological Survey to carry out min-
8 eral assessments and associated activities.

9 (1) Training shall be conducted over a two-year
10 curriculum period.

11 (2) Training curriculum shall be conducted for
12 applicable students at regular intervals not less than
13 once every five years.

14 (b) PILOT PROJECTS.—Participants of the program
15 established by (a) may conduct pilot projects furthering
16 the goals of the United States Geological Survey Mineral
17 Resources Program as part of training curriculum. Such
18 pilot projects may be conducted in conjunction with State
19 geological surveys, the Bureau of Land Management, and
20 other data science and land management agencies.

21 (c) INTERAGENCY TRAINING.—In carrying out the
22 goals of this section, the United States Geological Survey
23 is authorized to conduct joint training sessions with other
24 data science and land management agencies, including but
25 not limited to the Bureau of Land Management and State
26 geological surveys.

**TITLE V—MINERAL SUPPLY
CHAIN SECURITY**

**SEC. 501. ENSURING CONSIDERATION OF URANIUM AS A
CRITICAL MINERAL.**

Section 7002(a)(3)(B)(i) is amended to read as follows:

“(i) oil, oil shale, coal, or natural gas;”.

**SEC. 502. REPORT ON INVESTMENTS OF THE RUSSIAN FED-
ERATION AND THE PEOPLE’S REPUBLIC OF
CHINA IN FOREIGN MINING AND PROC-
ESSING INDUSTRIES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter for 5 years, the Secretary, acting through the Director of the United States Geological Survey, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report that—

(1) describes the involvement of the Government of the People’s Republic of China, People’s Republic of China state-sponsored companies, and companies incorporated in the People’s Republic of China and the involvement of the Government of the Russian Federation, state-sponsored companies of

1 the Russian Federation, and companies incorporated
2 in the Russian Federation in the exploration, plan-
3 ning, development, operation, production, financing,
4 or ownership of mining or processing facilities as
5 identified in global investment trends by the World
6 Mineral Outlook, and in countries identified in the
7 United States Geological Survey’s Annual Mineral
8 Commodity Summaries for which the United States
9 imports minerals, metals, and materials; and

10 (2) evaluates strategic or security concerns and
11 implications for United States national security and
12 economic interests and the interests of the countries
13 identified pursuant to paragraph (1) with respect to
14 the People’s Republic of China’s involvement and in-
15 fluence in developing the country’s mining and proc-
16 essing industries.

17 (b) PUBLICATION.—The report required under sub-
18 section (a) shall be published on the respective websites
19 of the Department of State, the Department of Commerce,
20 the Department of Homeland Security, and the United
21 States Geological Survey.

22 (c) APPROPRIATE CONGRESSIONAL COMMITTEE DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Natural Resources, the
2 Committee on Foreign Affairs, the Committee on
3 Energy and Commerce, and the Committee on
4 Homeland Security of the House of Representatives;
5 and

6 (2) the Committee on Energy and Natural Re-
7 sources, the Committee on Foreign Relations, the
8 Committee on Finance, and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate.

11 **SEC. 503. REPORT ON MINERAL EXPLORATION AND DEVEL-**
12 **OPMENT IN AFGHANISTAN.**

13 Section 7002(d)(1) of the Energy Act of 2020 (30
14 U.S.C. 1606(d)(1)) is amended—

15 (1) in subparagraph (A), by striking “and”;

16 (2) in subparagraph (B), by striking the period
17 at the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(C) describes the involvement of the Gov-
20 ernment of the People’s Republic of China,
21 state sponsored enterprises of such Govern-
22 ment, and companies incorporated under the
23 laws of such Government in the exploration,
24 planning, development, operation, production,

1 or ownership of mining or processing facilities
2 in Afghanistan with respect to such mineral.”.

3 **SEC. 504. ANNUAL REVIEW OF CRITICAL MINERAL DES-**
4 **IGNATIONS.**

5 Section 7002(c)(5)(A) of the Energy Act of 2020 (30
6 U.S.C. 1606(c)(5)(A)) is amended to read as follows:

7 “(A) IN GENERAL.—The Secretary, in con-
8 sultation with the Secretaries of Defense, Com-
9 merce, Agriculture, and Energy and the United
10 States Trade Representative, shall review the
11 methodology and list under paragraph (3) and
12 the designations under paragraph (4)—

13 “(i) at least every 3 years;

14 “(ii) with respect to a specific min-
15 eral, element, substance, or material, after
16 any change in circumstances that has a
17 substantial material effect on a factor de-
18 scribed in paragraph (4)(A) relating to
19 such mineral, element, substance, or mate-
20 rial if such effect is likely to lead to a
21 change in the listing status of such min-
22 eral, element, substance, or material under
23 such paragraph; and

24 “(iii) more frequently as the Secretary
25 considers to be appropriate.”.

1 **TITLE VI—CRITICAL ENERGY**
2 **RESOURCES**

3 **SEC. 601. WAIVER FOR NATIONAL SECURITY OR ENERGY**
4 **SECURITY.**

5 (a) CLEAN AIR ACT REQUIREMENTS.—If the Admin-
6 istrator of the Environmental Protection Agency, in con-
7 sultation with the Secretary of Energy, determines that
8 processing or refining a critical energy resource at a crit-
9 ical energy resource facility is important to the national
10 security or energy security of the United States, then the
11 Administrator may waive application of any requirement,
12 sanction, or fee under the Clean Air Act (42 U.S.C. 7401
13 et seq.) that the Administrator, in consultation with the
14 Governor of the State in which the critical energy resource
15 facility is located, determines appropriate with respect to
16 the critical energy resource facility.

17 (b) SOLID WASTE DISPOSAL ACT.—

18 (1) HAZARDOUS WASTE MANAGEMENT.—The
19 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
20 is amended by inserting after section 3024 the fol-
21 lowing:

22 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**
23 **FACILITIES.**

24 “(a) DETERMINATION.—If the Administrator, in con-
25 sultation with the Secretary of Energy, determines that

1 processing or refining a critical energy resource at a crit-
 2 ical energy resource facility is important to the national
 3 security or energy security of the United States, then the
 4 Administrator may, with respect to the critical energy re-
 5 source facility, waive application of—

6 “(1) any standard established under section
 7 3002, 3003, or 3004;

8 “(2) the permit requirement under section
 9 3005; or

10 “(3) any other requirement of this title, as the
 11 Administrator determines appropriate.

12 “(b) CRITICAL ENERGY RESOURCE; CRITICAL EN-
 13 ERGY RESOURCE FACILITY.—The terms ‘critical energy
 14 resource’ and ‘critical energy resource facility’ have the
 15 meanings given such terms in section 608 of the Securing
 16 America’s Mineral Supply Chains Act of 2022.”.

17 (2) TABLE OF CONTENTS.—The Solid Waste
 18 Disposal Act is amended in the table of contents by
 19 inserting after the item relating to section 3024 the
 20 following:

“Sec. 3025. Waivers for critical energy resource facilities.”.

21 **SEC. 602. CHEMICAL SUBSTANCE REVIEW.**

22 Section 5(a) of the Toxic Substances Control Act (15
 23 U.S.C. 2604(a)) is amended by adding at the end the fol-
 24 lowing:

25 “(6) CRITICAL ENERGY RESOURCES.—

“(A) STANDARD.—For purposes of a determination under paragraph (3) with respect to a chemical substance that is a critical energy resource, the Administrator shall take into consideration costs and other nonrisk factors, notwithstanding any requirement of this section to not take such factors into consideration.

“(B) FAILURE TO RENDER DETERMINATION.—If, with respect to a chemical substance that is a critical energy resource, the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the submitter may take the actions described in paragraph (1)(A) with respect to the chemical substance.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘critical energy resource’ has the meaning given that term in section 608 of the Securing America’s Mineral Supply Chains Act of 2022.”.

SEC. 603. INTERIM HAZARDOUS WASTE PERMITS.

Section 3005(e)(1)(A) of the Solid Waste Disposal Act (42 U.S.C. 6925(e)(1)(A)) is amended—

(1) in clause (i), by striking “or” at the end;

1 (2) in clause (ii), by inserting “or” after “this
2 section,”; and

3 (3) by adding at the end the following:

4 “(iii) is a critical energy resource facility
5 (as defined in section 608 of the Securing
6 America’s Mineral Supply Chains Act of
7 2022),”.

8 **SEC. 604. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**
9 **RESOURCE FACILITIES.**

10 The Administrator of the Environmental Protection
11 Agency shall, as necessary, revise regulations under parts
12 70 and 71 of title 40, Code of Federal Regulations, to—

13 (1) authorize the owner or operator of a critical
14 energy resource facility to utilize flexible air permit-
15 ting (as described in the final rule titled “Operating
16 Permit Programs; Flexible Air Permitting Rule”
17 published by the Environmental Protection Agency
18 in the Federal Register on October 6, 2009 (74 Fed.
19 Reg. 51418)) with respect to such critical energy re-
20 source facility; and

21 (2) facilitate flexible, market-responsive oper-
22 ations (as described in the final rule identified in
23 paragraph (1)) with respect to critical energy re-
24 source facilities.

1 **SEC. 605. AMENDMENT TO THE DEPARTMENT OF ENERGY**
2 **ORGANIZATION ACT.**

3 The Department of Energy Organization Act (42
4 U.S.C. 7101 et seq.) is amended—

5 (1) in section 2, by adding at the end the fol-
6 lowing:

7 “(d) As used in sections 102(20) and 203(a)(12), the
8 term ‘critical energy resource’ means any energy resource
9 that—

10 “(1) is essential to the energy sector and energy
11 systems of the United States; and

12 “(2) the supply chain of which is vulnerable to
13 disruption.”;

14 (2) in section 102, by adding at the end the fol-
15 lowing:

16 “(20) To ensure there is an adequate and reli-
17 able supply of critical energy resources that are es-
18 sential to the energy security of the United States.”;
19 and

20 (3) in section 203(a), by adding at the end the
21 following:

22 “(12) Functions that relate to securing the sup-
23 ply of critical energy resources, including identifying
24 and mitigating the effects of a disruption of such
25 supply on—

1 “(A) the development and use of energy
2 technologies; and

3 “(B) the operation of energy systems.”.

4 **SEC. 606. SECURING CRITICAL ENERGY RESOURCE SUPPLY**
5 **CHAINS.**

6 In carrying out the requirements of the Department
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), the
8 Secretary of Energy, in consultation with the appropriate
9 Federal agencies, representatives of the energy sector,
10 States, and other stakeholders, shall—

11 (1) conduct ongoing assessments of—

12 (A) energy resource criticality based on the
13 importance of critical energy resources to the
14 development of energy technologies and the sup-
15 ply of energy;

16 (B) the critical energy resource supply
17 chain of the United States; and

18 (C) the vulnerability of such supply chain;

19 (2) strengthen critical energy resource supply
20 chains in the United States, including by—

21 (A) diversifying the sources of the supply
22 of critical energy resources; and

23 (B) increasing domestic production, sepa-
24 ration, and processing of critical energy re-
25 sources;

1 (3) develop substitutes and alternatives to crit-
2 ical energy resources;

3 (4) improve technology that reuses and recycles
4 critical energy resources; and

5 (5) evaluate how the energy security of the
6 United States is affected by the reliance of the
7 United States on importing critical energy resources.

8 **SEC. 607. PROGRAMS TO RESTORE DOMESTIC URANIUM**
9 **SUPPLY SERVICES.**

10 (a) NATIONAL STRATEGIC URANIUM RESERVE.—

11 (1) PROGRAM.—On the date of enactment of
12 this Act, the Secretary shall begin carrying out,
13 using amounts transferred under paragraph (6), a
14 program to operate a national strategic uranium re-
15 serve, to ensure the availability of uranium produced
16 and converted in the United States and for other
17 purposes described in paragraph (2), in accordance
18 with this subsection.

19 (2) PURPOSES.—The purposes of the Uranium
20 Reserve are—

21 (A) to ensure the availability of domesti-
22 cally produced and converted uranium in the
23 event of a supply disruption;

1 (B) to address domestic nuclear fuel sup-
2 ply chain gaps and deficiencies in uranium pro-
3 duction and conversion; and

4 (C) to support strategic nuclear fuel supply
5 chain capabilities in the United States.

6 (3) ACTIVITIES.—In operating the Uranium
7 Reserve, the Secretary shall—

8 (A) operate the Uranium Reserve in a
9 manner consistent with the recommendations in
10 the document entitled “Restoring America’s
11 Competitive Nuclear Energy Advantage: A
12 Strategy to Assure U.S. National Security”, re-
13 leased by the United States Nuclear Fuel
14 Working Group in 2020;

15 (B) acquire uranium produced and con-
16 verted in the United States for storage in the
17 Uranium Reserve in sufficient amounts to sus-
18 tain the continued operation of nuclear reactors
19 in the United States in the event of a supply
20 disruption;

21 (C) make uranium available from the Ura-
22 nium Reserve as needed, in a manner consistent
23 with the cost recovery requirements described in
24 paragraph (4); and

1 (D) if uranium is made available from the
2 Uranium Reserve under subparagraph (C), re-
3 plenish the Uranium Reserve in a manner con-
4 sistent with the requirements of this subsection.

5 (4) COST RECOVERY.—

6 (A) IN GENERAL.—In carrying out activi-
7 ties under this subsection, the Secretary shall
8 ensure that any uranium acquired, provided, or
9 made available through the Uranium Reserve is
10 subject to cost recovery based on the fair mar-
11 ket value of the applicable uranium.

12 (B) AVAILABILITY OF CERTAIN FUNDS.—
13 Notwithstanding section 3302 of title 31,
14 United States Code, revenues received from the
15 sale or transfer of uranium and other activities
16 related to making uranium available pursuant
17 to this subsection—

18 (i) shall be available to the Depart-
19 ment for carrying out the purposes of this
20 subsection, to reduce the need for further
21 appropriations for such purposes; and

22 (ii) shall remain available until ex-
23 pended.

1 (5) EXCLUSION.—The Secretary shall exclude
2 from the Uranium Reserve uranium from an entity
3 that—

4 (A) is owned or controlled by the Govern-
5 ment of the Russian Federation or the Govern-
6 ment of the People’s Republic of China; or

7 (B) is organized under the laws of, or oth-
8 erwise subject to the jurisdiction of, the Rus-
9 sian Federation or the People’s Republic of
10 China.

11 (6) FUNDING TRANSFER.—

12 (A) IN GENERAL.—Notwithstanding any
13 other provision of law, the amounts described in
14 subparagraph (B) shall be transferred to the
15 Office of Nuclear Energy of the Department for
16 the purpose of carrying out the program de-
17 scribed in paragraph (1) by—

18 (i) continuing the activities initiated
19 by the Department, including the National
20 Nuclear Security Administration, using the
21 amounts described in the proviso referred
22 to in that subparagraph;

23 (ii) carrying out other activities con-
24 sistent with the purposes for which the

1 amounts described in that proviso were
2 originally made available; and

3 (iii) carrying out activities in accord-
4 ance with this subsection.

5 (B) AMOUNTS DESCRIBED.—The amounts
6 referred to in subparagraph (A) are the
7 amounts that remain available as of the date of
8 enactment of this Act from the \$75,000,000
9 that shall be used for the Uranium Reserve
10 Program described in the first proviso under
11 the heading “WEAPONS ACTIVITIES” under the
12 heading “NATIONAL NUCLEAR SECURITY
13 ADMINISTRATION” under the heading
14 “ATOMIC ENERGY DEFENSE ACTIVI-
15 TIES” in title III of division D of the Consoli-
16 dated Appropriations Act, 2021 (Public Law
17 116–260; 134 Stat. 1369), that were made
18 available to the Department by that Act.

19 (C) CLARIFICATION.—Subparagraph (A)
20 does not affect any amounts made available to
21 the Department, including the National Nuclear
22 Security Administration, that are not described
23 in the proviso referred to in subparagraph (B).

24 (b) DOMESTIC URANIUM AVAILABILITY.—

1 (1) ESTABLISHMENT.—Not later than 60 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish and carry out a program (re-
4 ferred to in this subsection as the “program”) to en-
5 sure the availability of uranium produced, converted,
6 and enriched in the United States.

7 (2) PURPOSES.—The purposes of the program
8 shall be—

9 (A) to eliminate reliance on Russian ura-
10 nium;

11 (B) to address domestic nuclear fuel sup-
12 ply chain gaps and deficiencies; and

13 (C) to ensure the availability of domesti-
14 cally produced, converted, and enriched ura-
15 nium to support the continued operation of nu-
16 clear reactors in the United States.

17 (3) CONSIDERATIONS.—In carrying out the pro-
18 gram, the Secretary shall consider, and, as appro-
19 priate, execute options—

20 (A) to establish, through a competitive
21 process, new and, as appropriate, diverse do-
22 mestic uranium mining, conversion, and enrich-
23 ment capacity that is needed to replace ura-
24 nium imported from Russia;

1 (B) to activate and expand the American
2 Assured Fuel Supply to meet domestic and
3 international nuclear fuel supply needs;

4 (C) to restock the American Assured Fuel
5 Supply, including by utilizing, or merging with,
6 the Uranium Reserve;

7 (D) that do not disrupt or replace market
8 mechanisms; and

9 (E) that ensure the use of domestic ura-
10 nium utilized as a result of the program does
11 not negatively impact the economic operation of
12 nuclear reactors in the United States.

13 (4) EXCLUSION.—The Secretary shall exclude
14 from the program uranium from an entity that—

15 (A) is owned or controlled by the Govern-
16 ment of the Russian Federation or the Govern-
17 ment of the People’s Republic of China; or

18 (B) is organized under the laws of, or oth-
19 erwise subject to the jurisdiction of, the Rus-
20 sian Federation or the People’s Republic of
21 China.

22 (c) CONTRACTS.—The Secretary may acquire ura-
23 nium for the program carried out under subsection (a) or
24 the program carried out under subsection (b) through the
25 use of any—

1 (1) competitive selection process that the Sec-
 2 retary determines to be appropriate to achieve the
 3 purposes described in subsection (a) or subsection
 4 (b) in an expeditious manner; and

5 (2) contract or other arrangement of such dura-
 6 tion as the Secretary determines to be appropriate
 7 to achieve any such purposes.

8 (d) USEC PRIVATIZATION ACT.—The requirements
 9 of section 3112 of the USEC Privatization Act (42 U.S.C.
 10 2297h–10) shall not apply to any activity carried out
 11 under the program carried out under subsection (a) or the
 12 program carried out under subsection (b).

13 (e) DEFINITIONS.—In this section:

14 (1) DEPARTMENT.—The term “Department”
 15 means the Department of Energy.

16 (2) SECRETARY.—The term “Secretary” means
 17 the Secretary of Energy, acting through the Assist-
 18 ant Secretary for Nuclear Energy.

19 (3) URANIUM RESERVE.—The term “Uranium
 20 Reserve” means the national strategic uranium re-
 21 serve operated pursuant to the program described in
 22 subsection (a)(1).

23 **SEC. 608. DEFINITIONS.**

24 In this title:

1 (1) CRITICAL ENERGY RESOURCE.—The term
2 “critical energy resource” has the meaning given
3 such term in section 2(d) of the Department of En-
4 ergy Organization Act (42 U.S.C. 7101(d)), as
5 added by section 605 of this title.

6 (2) CRITICAL ENERGY RESOURCE FACILITY.—
7 The term “critical energy resource facility” means a
8 facility that processes or refines a critical energy re-
9 source.

○