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# United States Senate

COMMITTEE ON  
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May 18, 2022

The Honorable Debra Haaland  
Secretary  
The Department of the Interior  
1849 C St, NW  
Washington, D.C., 20240

The Honorable Thomas Vilsack  
Secretary  
The U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C., 20250

Dear Secretary Haaland and Secretary Vilsack,

During the week of February 22, 2022, the Biden Administration rolled out a multi-departmental mineral supply strategy to support American manufacturing, energy, infrastructure, and national security. Several Departments released a series of reports identifying weaknesses in our domestic mineral supply chain. The Department of Energy's report noted that increasing "domestic raw material availability" is the top opportunity to strengthen supply chains.<sup>1</sup> The Department of Defense's report identified China's battery mineral supply chain dominance as "by far the largest challenge" to achieving a secure battery supply chain for national defense needs.<sup>2</sup>

However, in the midst of these pro-domestic supply chain announcements, the Department of the Interior pursued an opposite course. It suspended the permit for the Ambler Road, which is essential to accessing and developing minerals in northwest Alaska. I need not mention last year's cancellation of Twin Metals' copper and nickel leases in Minnesota and suspension of Resolution Copper's environmental review. These cancellations, delays, and impending regulations will have a chilling effect on American mining at a time when our country can least afford it. Additionally, in what appears to be a misguided attempt to rectify our mineral supply chain challenges, the Biden Administration invoked the Defense Production Act (DPA) at the end of March. Invoking the DPA for "feasibility studies" is a misuse of the act. Furthermore, it fails to address the underlying issue – an unnecessarily lengthy and burdensome permitting process.

I write to remind you of your statutory obligation to improve permitting processes for the mining of critical minerals on federal land. Both Departments are required to implement Section 40206 of the Infrastructure Investment and Jobs Act (IIJA) (PL 117-58), which requires your Departments to improve the quality and timeliness of federal critical mineral permitting processes. It directs you to take steps to complete the Federal permitting and review processes with maximum efficiency and effectiveness by establishing timelines for the consideration of critical mineral-related activities on federal lands, measuring permitting performance, and improving stakeholder engagement.

<sup>1</sup> *America's Strategy to Secure the Supply Chain for a Robust Clean Energy Transition*, Department of Energy, February 24, 2022

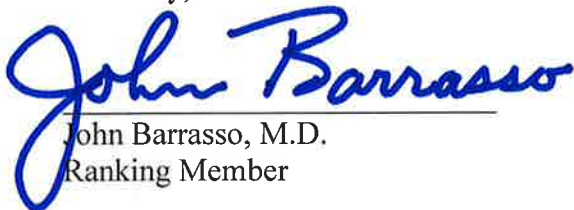
<sup>2</sup> *Securing Defense-Critical Supply Chains*, Department of Defense, February 2022

On May 10, 2022, the Interagency Working Group on Mining Regulations, Laws, and Permitting convened a meeting of stakeholders to discuss reform of the Mining Law of 1872. The purpose of the working group is to “ensure that new production meets strong environmental and community...standards during all stages of mine development.”<sup>3</sup> I will be monitoring the activities of this working group closely. It is paramount that the Working Group not impede the goals of Section 40206. It must focus its efforts on streamlining permitting and increasing domestic mineral production.

In the 1990s, the United States was the world’s largest producer of minerals. Today, we are in seventh place.<sup>4</sup> Investment in the U.S. mining sector has fallen precipitously in that time, due in large part to regulatory uncertainty and duplicative, inefficient, and costly mine permitting processes. It is not a lack of minerals, but a lack of confidence in our regulatory structure that has turned investment away. We must correct this trend by modernizing our permitting processes, as directed by Section 40206 of IIJA.

I ask that your Departments provide our staff with an in-person briefing, no later than June 3, 2022, to provide updates on implementation of this section.

Sincerely,

  
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John Barrasso, M.D.  
Ranking Member

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<sup>3</sup> Press Release: Interior Department Launches Interagency Working Group on Mining Reform, Department of the Interior, February 22, 2022

<sup>4</sup> Mills, Mark. “Mines, Minerals, and “Green” Energy: A Reality Check.” July 2020