



American Critical Minerals Association

September 2023 Newsletter Update

Welcome to the inaugural edition of the American Critical Minerals Association's newsletter, which highlights U.S. policy developments relevant to building U.S. critical mineral processing and recycling capacity. We hope you find this to be an informative resource, and please email us at info@critical-minerals.us if you have any feedback or suggestions for future content.

ACMA IN THE NEWS

In case you missed it, check out this week's coverage of ACMA by Axios ("[5. Bonus policy note: a lobbying coalition for its time](#)") and POLITICO ("[Critical Minerals Stakeholders Team Up](#)")!

WASHINGTON UPDATE

The critical minerals supply chain remains front and center for the fall agenda. With numerous provisions aimed at building out the nation's ability to resource critical minerals independently and/or from allies, legislators have zeroed in on supporting policies to shore up the critical minerals supply chain in numerous "must-pass" vehicles including the National Defense Authorization Act, FY24 Defense Appropriations, and FY24 Energy & Water Appropriations.

POLICY DEVELOPMENTS

- I. DOI Releases Recommendations for Mining Reform**
- II. Biden, Harris Highlight Critical Minerals Commitments During Overseas Trips**
- III. Members of Congress to Biden Admin: Consider Deep-Sea Critical Minerals**
- IV. Comments Sought on Critical & Emerging Technology National Stds. Strategy**
- V. DOE Announces Funding to Boost Domestic Critical Mineral Supply Chain**
- VI. DOE Releases 2023 Critical Materials Assessment**

VII. DOD Announces Critical Minerals Agreements

VIII. DOD Increases Commitment to Texas Rare Earths Processing Facility

IX. Federal Judge Dismisses Lawsuit Seeking to Regain Critical Mineral Leases

I. DOI Releases Recommendations for Mining Reform

The **U.S. Interior Department** on Sept. 12 [announced](#) the release of the Interagency Working Group on Mining Laws, Regulations, and Permitting's (IWG) [final report](#) with "Recommendations to Improve Mining on Public Lands," noting that the report will inform efforts to "modernize" the Mining Law of 1872 and related permitting processes as part of federal efforts to "increase domestic supplies of critical minerals and uphold the strongest environmental, labor and community engagement standards."

The report reviewed laws, regulations, policies, and permitting processes related to hardrock mineral development, and includes over 60 recommendations that address areas including access to and use of federal lands, fair return and diligent development, permitting, transparency, engagement with stakeholders, tribes, and affected communities, operational standards, and mine remediation, among other things. Specific recommendations include a new leasing system and early and extensive engagement prior to formal environmental reviews.

IWG Chair and Deputy U.S. Interior Secretary Tommy Beaudreau called for "a modernized approach to make sure mining in this country is sustainable, responsible and efficient," citing the administration's commitment to "a whole-of-government effort in coordination with federal, state and local partners to update our mining policies and promote the sustainable and responsible domestic production of critical minerals." **Deputy U.S. Energy Secretary David Turk** added that sustainability throughout the supply chain is "paramount," and stressed DOE's commitment to community engagement and "ensuring we provide secure, resilient, and environmentally-friendly ways to source critical minerals and raw materials."

Within 90 days, the **U.S. Departments of the Interior** and **Agriculture** will develop a performance metric to track improvements in permitting timelines.

II. Biden, Harris Highlight Critical Minerals Commitments During Overseas Trips

The White House on Sept. 9 [highlighted](#) **President Biden's** announcement of a partnership with the European Union in support of the [expansion](#) of the Lobito Corridor connecting the Democratic Republic of Congo and Zambia with the Lobito port in Angola. Originally announced in May, the White House said that the Corridor will support a "transparent and developed" critical minerals sector.

New commitments and actions cited by the White House include US/EU support for African government feasibility studies for the construction of a new rail line expansion from Angola through Zambia, support for diversified investment in critical minerals and clean energy supply chains, and the U.S. International Development Finance Corporation's Board of Directors [approval](#) of up to \$150 million to **Twigg Exploration and Mining** to expand ore processing facilities for an existing graphite mine facility in Mozambique.

During President Biden's trip to Vietnam, the **White House** on Sept. 10 also [highlighted](#) expanded engagement and new joint U.S.-Vietnam initiatives, including expanded collaboration with Vietnam through a bilateral Memorandum of Understanding in support of diverse and secure critical mineral supply chains. The MOU specifically addresses technical cooperation to support Vietnamese efforts to quantify its rare earth elements resources and economic potential, attract quality investment for their development, and meet high ESG standards.

Lastly, during remarks prior to a bilateral meeting in Jakarta, Indonesia on Sept. 6, **Vice President Kamala Harris** [committed](#) to continuing to work with Indonesia "to build resilient supply chains, including for the critical minerals required to expand our clean energy economies."

III. Members of Congress to Biden Admin: Consider Deep-Sea Critical Minerals

In a [letter](#) sent to **President Biden** and **Defense Sec. Lloyd Austin** on July 25, 9 U.S. House Republicans urged the administration to seriously consider deep-sea critical minerals for the sake of national security. The letter highlights the importance of a secure and resilient critical mineral supply chain, and notes U.S. dependency on foreign nations to meet existing demand, including countries that are unfriendly and have nonexistent labor and environmental standards. In doing so, it highlights China's dominance in the critical mineral supply chain, and its increasing focus on the seabed, which holds the largest estimated source of metals including cobalt, nickel, and manganese.

Noting that China hold more contracts for the exploration and development of seabed minerals (polymetallic nodules) than any other nation and is making significant investments in deep-sea mining technology, the letter underscores (1) the opportunity for the United States to process and refine seabed minerals from contracts held by allied parties and domestic partners in international waters, and (2) the need for the United States to secure its own critical mineral supply, including seabed minerals. It specifically calls on DOD to keep all options on the table, including seabed mineral opportunities.

The letter was signed by **Rep.'s Robert Wittman (R-VA), Elise Stefanik (R-NY), Byron Donalds (R-FL), Marianne Miller-Meeks (R-IA), Buddy Carter (R-GA), Carol Miller (R-WV), Rich McCormick (R-GA), Michelle Steel (R-CA), and Brad Wenstrup (R-OH).**

IV. Comments Sought on Critical & Emerging Technology National Stds. Strategy

The U.S. Commerce Dept.'s **National Institute of Standards and Technology** on Sept. 7 [announced](#) that it is seeking information by **5 pm ET on Nov. 6, 2023** to support development of an implementation plan for the [United States Government National Standards Strategy for Critical and Emerging Technology](#) (Strategy) that was published in May.

Specific applications of Critical and Emerging Technology that federal departments and agencies have determined will impact the global economy and U.S. national security include critical minerals supply chains, with the Strategy noting that the United States "will promote standards that support increased sustainable extraction of critical minerals necessary to manufacture renewable energy technologies, semiconductors, and EVs."

NIST noted that the Strategy is intended to support and complement existing private sector-led activities and plans, with a focus on critical and emerging technology(ies), and is specifically interested in information that will support the identification and prioritization of key activities that will optimize implementation of the Strategy and further enhance the U.S. government's ability to support a private sector-led, open, consensus-based international standards system, to which the U.S. government is an active stakeholder and participant.

V. DOE Announces Funding to Boost Domestic Critical Mineral Supply Chain

The **U.S. Department of Energy** on Aug. 21 [announced](#) up to \$30 million in Bipartisan Infrastructure Law funding to support domestic rare earths and other critical minerals and materials production from U.S. coal-based resources. DOE noted that the program will fund research for lab and bench-scale testing of economically viable, environmentally-benign extraction, separation, and refining technologies, starting with unconventional coal-based resources, and producing rare earths and critical minerals for use in clean energy, national defense, and/or commercial commodity products and equipment. Applications for [funding](#) are due by **Oct. 20, 2023**.

DOE on Sep. 6 separately [announced](#) the availability of up to \$150 million in Bipartisan Infrastructure Law funding to advance cost effective and environmentally responsible critical minerals and materials production and refining in the United States. The announcement noted that the United States is completely reliant on foreign nations for 12 critical minerals, and 50% dependent on other countries for over 30 critical minerals. DOE said the funding will support bench and pilot-scale research, development, and demonstration projects that will help build a U.S.-based critical mineral supply chain from sources including recycled materials, mine waste, industrial waste, and ore deposits. Applications for [funding](#) are due by **Nov. 10, 2023**.

VI. DOE Releases 2023 Critical Materials Assessment

The **U.S. Department of Energy** on July 31 [announced](#) the release of its [2023 Critical Materials Assessment](#), which assessed materials for their criticality to global clean energy technology supply chains and identified energy-specific critical and near-critical materials through 2035. DOE noted that the list, which includes 18 critical materials for energy and 50 critical minerals, will inform Inflation Reduction Act tax credit eligibility as well as the Department's crosscutting priorities.

In announcing the report, **Acting Assistant DOE Secretary for Energy Efficiency and Renewable Energy Alejandro Moreno** said that “[a]s our nation continues the transition to a clean energy economy, it is our responsibility to anticipate critical material supply chains needed to manufacture our most promising clean energy generation, transmission, storage and end-use technologies, including solar panels, wind turbines, power electronics, lighting, and electric vehicles,” adding that “[u]ltimately, identifying and mitigating material criticality now will ensure that a clean energy future is possible for decades to come.”

VII. DOD Announces Critical Minerals Agreements

The **U.S. Department of Defense** on Sept. 12 [announced](#) a \$20.6M agreement with **Talon Nickel** for increased U.S. nickel production in Michigan and Minnesota. The agreement was arranged through DOD's Office of the Deputy Assistant Secretary for Industrial Base Resilience's [Manufacturing Capability Expansion and Investment Prioritization \(MCEIP\) Office](#) pursuant to Defense Production Act (DPA) authorities and Additional Ukrainian Supplemental Appropriations Act funding. According to [Talon](#), funding will be used to buy equipment, hire personnel, and discover and delineate high-grade nickel deposits.

MCEIP Director Anthony Di Stasio called the agreement "yet another example of the critical importance of the DPA investment authorities," adding that the award "exemplifies the DoD's commitment to strengthening the resilience of critical supply chains and lessening our reliance on foreign sources of vital materials."

DOD on Sept. 12 separately [announced](#) a \$90M agreement with **Albemarle Corporation** - also entered into through the MCEIP Office and pursuant to DPA authorities and Inflation Reduction Act funding – to support the expansion of U.S. lithium mining and production by supporting the planned reopening of a lithium mine in Kings Mountain, NC. The mine is expected to become operations between 2025 and 2030.

Di Stasio said that the agreement "demonstrates the DoD's ongoing commitment to meeting the needs of our warfighter, today and in the future," and that the investment directly supports the March 2022 [Presidential Determination for Critical Materials in Large-Capacity Batteries](#).

VIII. DOD Increases Commitment to Texas Rare Earths Processing Facility

Lynas Rare Earths Ltd on Aug. 1 [announced](#) that its subsidiary **Lynas USA LLC** has signed an updated contract with the **U.S. Department of Defense** for the construction of the Heavy Rare Earths component of the Lynas U.S. Rare Earths Processing Facility in Texas, which will receive its feedstock from Australia. According to the announcement, the U.S. increased its commitment to the project from ~\$120M to ~\$258M following additional design work and cost updates since completion of the original design. The 149-acre project in Seadrift, TX was conceived and jointly supported by Lynas and DOD, with Lynas noting that it will be the world's only scale producer of separated heavy rare earths outside of China. The project is expected to be operational in FY 2026, and will serve DOD as well as commercial customers.

Deputy Assistant Secretary of Defense for Industrial Base Resilience Halimah Najieb-Locke called heavy rare earth elements "an increasingly important part of any economy, with applications in virtually every industry including both defense and commercial markets," referring to the project as "a cornerstone event in securing resilient supply chains by enabling the United States and its allies to gain an organic capability for critical minerals and materials and depart from foreign dependence..."

IX. Federal Judge Dismisses Lawsuit Seeking to Regain Critical Mineral Leases

The Associated Press on Sep. 7 [reported](#) on a federal district court judge's dismissal of a company's lawsuit seeking to regain rights to critical mineral leases that were canceled by the Biden administration. The leases at issue involve a \$1.7 billion copper-nickel mine project located

in northeastern Minnesota near the Boundary Waters Canoe Area Wilderness. Following the Obama administration's decision in 2016 not to renew the leases, the leases were reinstated in 2019 before being canceled by the Biden administration in 2022. In addition to the lease cancellation, the administration enacted a 20-year moratorium on mining in the region.

Responding to the court decision, Jobs for Minnesotans said that "[y]ou cannot combat the climate crisis through green energy technologies like electric vehicles, solar panels or windmills without the minerals that are located in northeast Minnesota," and that "[w]e as a country cannot continue to shut out an industry in one breath and then expect to have the ability to make this critical clean energy transition in another."

ANALYSIS & OPINION

I. Study: "Considerable Challenges" Ahead to Secure U.S. Critical Minerals Supply

II. Center for Maritime Strategy: U.S. Should Look to Seabed for Critical Minerals

III. Washington Post: Red Tape for U.S. Critical Mineral Projects Must Be Cut

I. Study: "Considerable Challenges" Ahead to Secure U.S. Critical Minerals Supply

S&P Global on Aug. 15 [announced](#) the release of a new [study](#) finding increased U.S. demand for decarbonization technologies in the wake of the Inflation Reduction Act (IRA). According to S&P, demand for lithium, nickel, and cobalt will be 23 times higher in 2035 compared to 2021, with demand for copper doubling.

The study further finds "considerable challenges" ahead in securing an adequate supply of critical minerals and copper, among other things citing IRA tax credit eligibility criteria that require critical minerals to be processed and/or extracted in the United States or in a country with which the United States has a free trade agreement. Additionally, the study cites challenges associated with long lead times and permitting challenges for domestic mineral development. Of the four materials assessed, only lithium is found likely to be sufficiently supplied given domestic content requirements under the IRA.

S&P Global Vice Chairman Daniel Yergin said that the study shows that the Inflation Reduction Act "is indeed transformative on the demand side," while cautioning that "challenges remain in securing supply of critical minerals needed to meet growing demand and achieve its goal of accelerating the energy transition."

II. Center for Maritime Strategy: U.S. Should Look to Seabed for Critical Minerals

Center for Maritime Strategy Senior Analyst Thea Dunlevie on Sep. 5 [wrote](#) about the significance of seabed minerals in the context of U.S. competition with countries like China and Russia, which she noted are "among the dozens of countries greatly invested in the hunt for seabed minerals." Stating that the United States is lagging behind China and Russia "in the race towards seabed mining," Dunlevie called on the United States to "look to the seabed," including through participation in the International Seabed Authority's mining regulation process and

through partnerships with allied ISA members including Norway in areas like trade and joint seabed mining opportunities.

In doing so, Dunlevie noted rising demand for critical minerals and their role as a battery mineral, and said that the United States could increase its influence within ISA through U.S. NGOs and academic entities, which can also become observers to the ISA and help inform and influence regulations governing seabed mining. Noting that “[s]ome might consider seabed mining to be a sort of 21st century ‘Sputnik moment’ for the future of green energy and technology that China and Russia could exploit more fully than the U.S.,” she said the “time is of the essence” for the U.S. to “positively impact the trajectory of and maximize benefits from seabed mining.”

III. Washington Post: Red Tape for U.S. Critical Mineral Projects Must Be Cut

In an editorial published on Aug. 25, The Washington Post [highlighted](#) geopolitical risks to the United States associated with a transition to cleaner energy, specifically calling out China’s key role in producing and processing materials like lithium, nickel, copper, and cobalt, along with rare earth elements. In doing so, it noted the need for a U.S. strategy to secure global critical minerals supply chains, and “a smart policy to limit reliance on China” that includes critical minerals stockpiling, federal research funding for battery recycling, a commitment to U.S.-based mining and mineral processing (including cutting red tape and “creative new approaches” to resolving siting concerns), and resiliency through interdependence grounded in partnerships with allies.

In doing so, the Post said cautioned environmentalists to remember that “[t]he question is not whether mining will occur but where,” and that “[i]f not under regulated conditions in this country, it could well be in places such as the Democratic Republic of Congo,” where it said “working conditions remain poor, and a significant minority of the substance still comes from artisanal mines, often dug by children.” It added that “the time to act is fast approaching” if the United States is to “help keep the planet safer for future generations without playing into the hands of governments that would make the planet less safe for this country and the values it represents.”

RECENT & UPCOMING EVENTS

I. U.S. Chamber: Summit Makes Case for Permitting Reform

II. Researchers Discuss Central Appalachia’s Potential as a Critical Mineral Hub

III. Missouri S&T Workshop Addresses U.S. Critical Minerals

IV. IEA to Hold Critical Minerals and Clean Energy Summit

I. U.S. Chamber: Summit Makes Case for Permitting Reform

In an Aug. 2 blog post, the U.S. Chamber of Commerce’s **Global Energy Institute Senior Director for Policy Ruth Demeter** [wrote](#) about sentiment shared during the Chamber’s Critical

Minerals Summit on the importance of the Bipartisan Infrastructure Law and Inflation Reduction Act in driving investments in the critical mineral market, as well as the need for permitting reform to support domestic critical minerals development.

During the Summit's opening address, **U.S. Sen. Catherine Cortez Masto (D-NV)** said she is "baffled by those who seek carbon neutrality but refuse to support the critical minerals that get us there," and stressed the need for substantial National Environmental Policy Act reforms and moving away from imported processed minerals. In doing so, she urged congressional action to support domestic critical mineral mining, processing, and manufacturing.

Additionally, **U.S. Department of Energy Loan Program Office Senior Advisor John Lushetsky** talked about financial and technical support being made available to support critical mineral supply chain projects. Other speakers stressed the need for a resilient EV battery supply chain, highlighted the importance of permitting reform to enable domestic mining, and noted the role of innovation, the need to reduce U.S. reliance on foreign markets for critical minerals, the importance of advanced technology, and the significance of public-private partnerships and government support.

Speakers outside of government included representatives of **6K, American Association of Port Authorities, General Motors, Global Energy Institute, Greyfriars LLC & The Wilson Center, National Mining Association, Ramaco Resources, Rio Tinto, Securing America's Future Energy, Talon Metals, and The Permitting Institute.**

II. Researchers Discuss Central Appalachia's Potential as a Critical Mineral Hub

Virginia Mercury on Aug. 8 [reported](#) on an updated **U.S. Department of Energy**-funded research on the potential for Central Appalachia to serve as a hub for industries that extract and process critical minerals and rare earth elements. As part of the Evolve Central Appalachia project that has been underway since 2021, researchers have been evaluating the potential for these industries in the region. Researchers discovered 10 seams in Southwest Virginia with significant amounts of critical minerals, with the highest concentrations found in non-coal sources, with potential also found in coal ash.

Although the technology necessary to extract critical minerals and rare earth elements already exists, the report noted that extracting them will require operators to change how they work, as the process is different than extracting from coal mines, but that 24 community colleges in the region have programs in place to support extraction and processing.

Crescent Resource Innovation's Brian Hill, whose firm provides financial consulting for DOE said that "[t]he key takeaway here is the...region has a lot of the key building blocks that are

necessary for future processing facilities.”

III. Missouri S&T Workshop Addresses U.S. Critical Minerals

Missouri University of Science and Technology (Missouri S&T) on Aug. 9-10 [hosted](#) the third annual Resilient Supply of Critical Minerals national workshop. Funded by the National Science Foundation, the workshop included ~130 in-person attendees and 90 online participants. The group addressed topics including opportunities for critical minerals mining in the United States, mineral processing and recycling, critical mineral policies, and resource sustainability. Workshop attendees also visited the nearby Brushy Creek Mine.

Missouri S&T Associate Professor of Geology and Geophysics and Faculty Fellow in Research and Innovation Dr. Marek Locmelis said that the workshop included “many fruitful discussions between academics, industry visitors and representatives from federal- and state-level agencies that kickstarted collaborations to increase critical mineral supply chain resilience,” adding that “[t]he critical minerals crisis is not something our country will solve overnight, but we will continue to address this issue...[and] take what we learned...and continue to make headway toward developing a strong supply of critical minerals for the United States’ needs.”

IV. IEA to Hold Critical Minerals and Clean Energy Summit

The International Energy Agency (IEA) will hold its first ever [Critical Minerals and Clean Energy Summit](#) in Paris on Sept. 28. The conference will focus on measures that promote the secure, sustainable, and responsible supply of raw materials that play a key role in clean energy. The event will include the participation of government officials, business leaders, investors, and representatives of international organizations and civil society.

Government representatives will include **U.S. Energy Secretary Jennifer Granholm, U.S. Under Secretary of State for Economic Growth, Energy, and the Environment Jose Fernandez**, and officials from Argentina, Australia, Belgium, Canada, the Cook Islands, Czech Republic, Estonia, Finland, France, Hungary, Indonesia, Ireland, Israel, Italy, South Korea, Lithuania, Madagascar, Mozambique, The Netherlands, Norway, Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Zambia, the African Union, European Parliament, and European Union.

If you have questions or would like to learn more about the American Critical Minerals Association, please contact us at info@critical-minerals.us



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