Updates
March 31, 2025
Trump Administration Takes Next Step To Advance Domestic Mineral Production

Continuing the administration's strategy to enhance domestic mining and processing of minerals and to minimize the United States' reliance on imports, on March 20, 2025, President Donald Trump issued Executive Order (EO) 14241, titled "Immediate Measures To Increase American Mineral Production" (the Order).

The Order cites "overbearing Federal regulation" as responsible for eroding domestic mineral production and stresses the need for immediate action to increase production as a matter of national and economic security. It aims to reduce dependence on imports by fast-tracking permitting of domestic minerals projects, prioritizing federal lands for mineral exploration, and providing a variety of funding mechanisms for mineral projects and the production of processed critical minerals and other derivative products.

The Order's push for expedited permitting and production on federal lands through reduced regulation and asserted opportunities for increased funding will be welcome to developers and others in the energy sector, including supply chains important to renewable energy. But the ultimate success of those objectives will depend on their interplay with other administration policies and actions, whether congressional actions align with the Order's directives, and coordination with affected industries.

Prior Presidential Actions To Bolster the Supply Chain for Critical Minerals

Strengthening supply chains for critical minerals[1] was a priority of both the first Trump administration and the Biden administration. In his first term, President Trump issued EO 13817 and EO 13953, both aimed at prioritizing critical minerals' supply chain resilience and addressing the corollary threats to national security, foreign policy, and the U.S. economy.

President Joe Biden also focused on the importance of strategic and critical minerals to support clean energy in EO 14017, issued in February 2021. The administration formed a Supply Chain Disruptions Task Force in June

2021 to address short-term supply chain discontinuities and identify sites where critical minerals could be domestically produced and processed and, in October 2021, issued EO 14051, which authorized the release of strategic and critical materials to the Undersecretary of Defense to streamline the National Defense Stockpile. And in February 2022, the Biden administration announced a plan to "Revitalize American Manufacturing and Secure Critical Supply Chains in 2022," noting that "[t]he United States must ensure we are not dependent on foreign or single sources for critical minerals."[2]

Trump's 2025 Executive Orders To Increase Mineral Production

On his first day in office, President Trump issued his first two executive orders focused on increasing critical minerals production.

- **EO 14156, "Declaring a National Energy Emergency."** EO 14156 states that energy and critical minerals identification, leasing, development, production, transportation, refining, and generation capacity are "far too inadequate" to meet the country's needs. EO 14156 declares domestic energy production insufficient and that this insufficiency is an "extraordinary threat" to national security. To resolve this threat, the Order directs agencies to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including critical minerals, and to use "any lawful emergency authorities available" to expedite infrastructure, energy, environmental, and natural resources projects as necessary to bolster domestic energy production and meet the energy emergency.[3]
- **EO 14154, "Unleashing American Energy."** EO 14154 sets forth a policy to become the leading producer and processor of nonfuel minerals, including rare earth minerals. Section 9 of EO 14154 sets forth multiple directives to "restore America's Mineral Dominance." These include rescinding or revising agency actions that impose undue burdens on the domestic mining and processing of nonfuel minerals; reassessing public land withdrawals; considering updating the list of critical minerals, including the addition of uranium; and continuing U.S. Department of Energy (DOE) support for funding of critical minerals projects and processing.[4]
- **EO 14220, "Addressing the Threat to National Security from Imports of Copper."** On February 28, 2025, the president issued EO 14220, which called out the role that copper and its derivative products play in "defense applications, infrastructure, and emerging technologies, including clean energy, electric vehicles, and advanced electronics." The EO requires the Secretary of Commerce (1) to assess, among other things, the feasibility of increasing domestic copper mining, smelting, and refining capacity, and (2) to submit a report within 270 days that would include "policy recommendations for strengthening the United States copper supply chain through strategic investments, permitting reforms, and enhanced recycling initiatives."

Finally, President Trump issued EO 14241, discussed in more detail below.

EO 14241 Expands the Universe of Minerals Covered in Prior Executive Actions

To execute the president's policy goals, the Order defines "minerals" that must be prioritized to "critical minerals" identified in 30 U.S.C. 1606(a)(3) and copper, uranium, gold, and potash. The inclusion of copper as a mineral[5] within the Order's ambit is a logical extension of EO 14220 and will be crucial in the Trump administration's "energy dominance" agenda as copper is widely used in wiring for transmission projects and, notably, clean energy. The demand for copper will only increase as data centers (which require copper for hardware, cooling systems, and power distribution) continue to proliferate. A recent report estimates that between 330,000 and 420,000 tons of copper will be used in data centers by 2030.

Similarly, the addition of uranium aims to strengthen domestic production and, in turn, fuel nuclear power generation.[6] Notably, a significant percentage of imported uranium is from Canada and therefore may be subject to a trade dispute. Because the United States presently imports nearly all of its uranium, the Order would further the Trump administration's goal of increased domestic nuclear energy production. The Order further authorizes the chair of the National Energy Dominance Council[7] (NEDC) to determine that any other element, compound, or material should be included in the definition of mineral. The fact sheet published alongside the Order confirms that such designations could include coal.[8]

Finally, the Order adds "derivative products" within the definition of "mineral production" to include all goods that incorporate processed minerals as inputs (*i.e.*, semi-finished goods such as semiconductor wafers, anodes, and cathodes and final products such as permanent magnets and motors, smartphones, batteries, electric vehicles, and wind turbines and their components).

Expedited Identification and Review of Mineral Production Projects

Mineral production projects have always experienced a prolonged permitting process. The Order builds on the Biden administration's initiatives to improve permitting and review for these projects, particularly to alleviate burdens on the critical minerals supply chain[9] through directives to multiple agencies.

- **Within 10 days of the Order:** The heads of all executive departments and all agencies involved with permitting domestic mineral production must provide the chair of the NEDC with a list of all mineral production projects for which a plan of operations, permit application, or other application for approval has been submitted to such agency.
    - **Within 10 days of receipt of that submission:** NEDC's chair must identify projects that can be immediately approved, or which permits can be immediately issued, and work to expedite and issue relevant permits and approvals.[10]
- **Within 15 days of the Order:** The NEDC chair, in concert with the heads of relevant agencies, must determine within 15 days which critical mineral production projects should be considered "transparency projects" under section 41003 of title 41 of the Fixing America's Surface Transportation Act (FAST-41).[11]
    - Selected projects and schedules for their expedited review must be published on the Permitting Dashboard, which tracks deadlines for environmental reviews and authorizations across multiple federal agencies and improves project transparency for the public.[12]

Prioritizing Mining on Federal Lands

- By March 30, 2025, the Secretary of the Interior had to identify all federal lands known to hold mineral deposits and reserves and provide a list of such lands to the Assistants to the President for Economic Policy and National Security Affairs.[13] For such lands, the secretary had to "prioritize mineral production and mining-related purposes as the primary land uses." Bureau of Land Management land-use plans may be amended or revised in support of the Order.
- The secretaries of defense, interior, agriculture, and energy must identify as many sites as possible on the land that they manage for leasing or development for private commercial mineral production, prioritizing those sites that could be permitted and operational as soon as possible. These lands may have been previously withdrawn from public lands.
- The secretaries of defense and energy also are instructed to enter extended-use leases "with private entities to advance the installation of commercial mineral production enterprises" on the identified lands.[14]

- To further these goals, the agencies are instructed to make use of loans, capital assistance, technical assistance, and working capital to domestic mineral production project sponsors to ensure that private parties can secure favorable terms for any such leases.

Facilitating Investment

The Order, by its terms, spurs private and public capital investment in domestic mineral production through several different mechanisms. It first instructs the Secretary of Defense to utilize the National Security Capital Forum[15] (NSCF) to facilitate private investments. The Order also invokes the Defense Production Act (DPA) Title III authorities to address the "National Energy Emergency" declared in EO 14156. In this Order, President Trump delegates his authority under the DPA to the Secretary of Defense to facilitate domestic mineral production.[16]

The Order further provides that:

- The U.S. International Development Finance Corporation (USDFC), in concert with the Secretary of Defense and U.S. Department of Defense Office of Strategic Capital, must establish a dedicated mineral and mineral production fund for domestic investments.
- The Export-Import Bank (EXIM) must issue guidance for the use of mineral and mineral production financing tools authorized under the Supply Chain Resiliency Initiative (SCRI) for United States' offtake of global raw mineral feedstock for production of processed critical minerals and derivative products.[17] Again, how this will interact with the president's aggressive trade policy could affect how agencies implement this instruction.
- The Assistant Secretary of Defense for industrial base policy must convene buyers of minerals and work towards an announced request for bids to supply the minerals.
- Finally, the administrator of the Small Business Administration is directed to prepare recommendations for legislation to enhance private-public capital activities to support financing for small businesses engaged in mineral production.

Industry Feedback Sought

The Order directs the chair of the NEDC, in consultation with relevant agencies, to issue a request for information (RFI) to solicit industry feedback on regulatory bottlenecks and other recommended strategies for expediting domestic mineral production. Unlike other directives in the Order, no timeline is associated with this RFI.

Implications

In addition to funding opportunities provided through loans and technical assistance programs called out in this Order, significant funding to execute this initiative will come from the Defense Production Act Fund [18] (DPAF), which was allocated[19] more than $587 million in 2024. The continued investments in minerals projects will depend on future appropriations. However, because of the capital-intensive nature of minerals projects, existing DPAF funding alone will likely not suffice to foot the bill at the scale the president envisions. The president will need to work with Congress to establish long-term funding solutions through both the DPA and other agency authorities to realize the provisions of the Order.

The call to expedite permitting of minerals projects is appealing to the development community and other stakeholders. Changes in federal policy have been notoriously difficult to implement, and those considerations will be in play here. Project-specific permits and analyses must be undertaken, and those undertakings will

continue to be reviewable by the courts. Successful federal permitting requires experienced policy, legal, and technical personnel. The administration's various strategies to reduce the size of the federal workforce could affect the permitting process depending on the nature and degree of the cuts. Coordination across multiple federal agencies responsible for permitting these projects will continue to be important, including by the Permitting Council, which the president charged with leading this effort.

The administration's strategy to rescind NEPA's implementing regulations could also affect mineral and energy development. The administration's clear national policy direction on mineral and energy development may be valuable in permitting and defending projects in NEPA litigation to the extent these objectives underscore the agency's purpose and need for action. On balance, developers should welcome the emphasis in the Order on supply chains, expedited permitting, and energy independence, as well as the expanded range of minerals accorded priority.

Next Steps

Affected industries, whether mining companies or those producing other derivative products important to the renewable energy industry and its extensive supply chain, should track the timelines in the Order and directives to the relevant agencies. Close attention to potential regulatory hurdles and legal challenges that may arise under the streamlining directives are of particular importance. Finally, even if a timeline is not set forth, industry stakeholders should anticipate its release in short order and consider responding to the RFI to share what is most important for the sector.

Endnotes

[1] "Critical minerals" are defined in 30 U.S.C. § 1606(a)(3). In 2022, U.S. Geological Survey (USGS) published a list of 50 critical minerals, including: aluminum, antimony, arsenic, barite, beryllium, bismuth, cerium, cesium, chromium, cobalt, dysprosium, erbium, europium, fluorspar, gadolinium, gallium, germanium, graphite, hafnium, holmium, indium, iridium, lanthanum, lithium, lutetium, magnesium, manganese, neodymium, nickel, niobium, palladium, platinum, praseodymium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thulium, tin, titanium, tungsten, vanadium, ytterbium, yttrium, zinc, and zirconium. 87 Fed. Reg. 10,381 (Feb. 24, 2022). That list is revised every 3 years. 30 U.S.C. § 1606 (c)(5)(A).

[2] For a more in-depth analysis of earlier presidential actions, please see our April 2022 Update on this initiative.

[3] See U.S. Department of Interior (DOI) Secretarial Order 3417 "Addressing the National Energy Emergency," issued on February 3, 2025 (implementing provisions of EO 14156).

[4] See DOI Secretarial Order 3418 on "Unleashing American Energy," issued on February 3, 2025 (implementing provisions of EO 14154).

[5] Copper was designated as a "critical material" by the DOE in 2023. U.S. Dep't of Energy, Critical Materials Assessment (2023). While not on the DOE's list of critical minerals, DOE projected that it would be "near critical" between 2025 and 2035. *Id.* at 106. USGS declined to designate copper as a critical mineral in 2023, concluding that "its supply chain vulnerabilities are mitigated by domestic capacity, trade with reliable partners, and significant secondary capacity." Letter from David Applegate, director of USGS, to Senator Kyrsten Sinema (April 13, 2023).

[6] In Secretarial Order 3418, Secretary Doug Burgum directed all assistant secretaries to prioritize updating the USGS list of critical minerals, including uranium.

[7] The NEDC was established by Executive Order 14213 on Feb. 14, 2025. Among other things, the NEDC is tasked with advising the president on improving processes for permitting, production, generation, distribution, regulation, transportation, and export of all forms of American energy, including critical minerals.

[8] Coal does not fall within the definition of a "critical mineral," which does not include "fuel mineral." 30 U.S.C. § 1606(a)(3).

[9] *See* U.S. Dep't of the Interior Final Report: Recommendations to Improve Mining on Public Lands (Sept. 2023). The Federal Permitting Improvement Steering Council (Permitting Council) issued a final rule in 2021 adding mining as a sector of projects covered by FAST-41. 86 Fed. Reg. 1281 (Jan. 8, 2021).

[10] Note that Section 40206 of the Infrastructure Investment and Jobs Act (30 U.S.C. § 1606(c)) requires that DOI's Bureau of Land Management and the U.S. Department of Agriculture's Forest Service streamline the federal permitting and review process for critical mineral production on federal lands.

[11] FAST-41 established a process for improving federal agency coordination and timeliness.

[12] *See* Jamie Pleune & Edward Boling, *This Permit Reform Already Works. Why Aren't More Mining Projects Using It?*, 53 Env't L. Rep. 10463 (2023). One critical minerals project was accepted for coverage under FAST-41 on May 8, 2023, and is now being tracked on the Permitting Dashboard.

[13] Consistent with this directive, Secretarial Order 3418 directs the prioritization of efforts to accelerate geological mapping of the United States with a focus on locating previously known deposits of critical minerals.

[14] As authorized by 10 U.S.C. 2667, 42 U.S.C. 7256(a), or any other authority they deem appropriate.

[15] The NCSF was established by section 1092(a) of the National Defense Authorization Act of 2025. Pub. L. No. 118-159 (Dec. 23, 2024).

[16] As discussed above, in 2022, President Biden issued a narrower directive invoking the DPA to secure reliable supply chains for minerals essential to a clean energy transition, including lithium, nickel, cobalt, graphite, and manganese.

[17] EXIM launched the SCRI "to help secure supply chains of critical minerals and rare earth elements for U.S. businesses."

[18] 50 U.S.C. 4534.

[19] Further Consolidated Appropriations Act of 2024, Pub. L. No. 118-47, 138 Stat. 476 (2024).

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