

109TH CONGRESS
2D SESSION

H. R. 6080

To establish the Mineral Commodity Information Administration in the
Department of the Interior, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2006

Mrs. DRAKE (for herself, Mr. GIBBONS, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Mr. BOSWELL, Mr. BROWN of South Carolina, Mr. SHERWOOD, Mrs. CUBIN, Mr. PETRI, and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Mineral Commodity Information Administration in the Department of the Interior, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Resources Origin and
5 Commodity Knowledge Act”.

6 **SEC. 2. FINDINGS, PURPOSE, AND POLICY.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Mineral commodities are essential to the
9 United States economy.

1 (2) The United States is the world's leading
2 user of mineral commodities.

3 (3) Mineral commodities processed domestically
4 accounted for \$478,000,000,000 in the United
5 States economy in 2005.

6 (4) The value of imports of raw and processed
7 mineral commodities totaled \$103,000,000,000 in
8 2005.

9 (5) The Board of Governors of the Federal Re-
10 serve uses mineral commodity information data and
11 reports to calculate the indexes of industrial produc-
12 tion, capacity, and capacity utilization, which are
13 among the most widely followed monthly indicators
14 of the United States economy.

15 (6) Manufacturers and consumers of mineral
16 commodities in the United States depended on for-
17 eign countries for 100 percent of 16 mineral com-
18 modities and for more than 50 percent of 42 mineral
19 commodities that are critical to the United States
20 economy.

21 (7) The Department of Defense requires min-
22 eral commodity information on strategic minerals to
23 manage the National Defense Stockpile.

24 (8) Mineral specialists assist the Department of
25 State fulfill United States obligations under the

1 Clean Diamond Trade Act (19 U.S.C. 3901 et seq.)
2 and as a signatory to the Kimberly Process Certifi-
3 cation Scheme, which is a multinational effort to
4 stop the flow of conflict diamonds.

5 (9) New and innovative uses of minerals are
6 vital to maintaining the high quality of both the nat-
7 ural environment and human environment in the
8 United States.

9 (10) Knowledge and understanding of mineral
10 mining and usage, both domestically and inter-
11 nationally, is important for maintaining the national
12 security and economic security of the United States.

13 (b) PURPOSES.—The purpose of this Act is to create
14 the Mineral Commodity Information Administration to en-
15 sure information vital to the United States economy, do-
16 mestic security, and the high quality of life enjoyed by all
17 residents of the United States continues to be provided
18 to the many customers that rely upon the data.

19 (c) POLICY.—The Congress declares that—

20 (1) it is in the national interest to maintain and
21 disseminate information on domestically produced
22 mineral commodities, regardless of ownership of the
23 resources involved; and

24 (2) it is in the national interest to maintain and
25 disseminate information on international mineral

1 commodities and resources, international mineral in-
2 dustry activities, and international mineral com-
3 modity markets.

4 **SEC. 3. ESTABLISHMENT OF MINERAL COMMODITY INFOR-**
5 **MATION ADMINISTRATION.**

6 (a) ESTABLISHMENT.—There is established the Min-
7 eral Commodity Information Administration, which shall
8 be under the general direction and supervision of the Sec-
9 retary of the Interior and shall not be affiliated with or
10 be within any other agency or bureau of the Department
11 of the Interior.

12 (b) ADMINISTRATOR.—The management of the Ad-
13 ministration shall be vested in an Administrator, who shall
14 be appointed from by the President, by and with the ad-
15 vice and consent of the Senate, from among individuals
16 who have outstanding qualifications with a broad back-
17 ground and substantial experience in the mineral indus-
18 tries and in the management of mineral resources.

19 (c) OTHER OFFICIALS AND EMPLOYEES.—

20 (1) IN GENERAL.—There shall be in the Admin-
21 istration an Associate Administrator and 4 Assistant
22 Administrators who shall perform, in accordance
23 with applicable law, such functions as the Adminis-
24 trator shall assign to them in accordance with this
25 Act. The functions the Administrator shall assign to

1 the Assistant Administrators shall include the fol-
2 lowing functions:

3 (A) Commodity information and analysis,
4 including development and maintenance of—

5 (i) historical and current mineral com-
6 modity information, including the degree of
7 import dependence of the United States;

8 (ii) international mineral commodity
9 and resource information;

10 (iii) domestic mineral commodity and
11 resource information by State, county, and
12 region;

13 (iv) material flow and recycling anal-
14 ysis, showing disposition in the United
15 States of mined materials into stocks in
16 use, waste, and residuals; and

17 (v) ongoing analysis of United States
18 mineral commodity exports, and analysis of
19 imports of mineral commodities and proc-
20 essed materials of mineral origin that are
21 destined for consumption in the United
22 States, categorized by the country of ori-
23 gin.

24 (B) Mineral industry analysis, including
25 the continuing assessment and analysis of

1 events, trends, and issues affecting the minerals
2 sector of the domestic economy, including explo-
3 ration spending and activity, mineral production
4 trends, mineral stocks and inventories, merger
5 and acquisitions activity, and labor and work-
6 force trends.

7 (C) Data acquisition and analysis, includ-
8 ing management of data collection, statistical
9 analysis, analytical forecasting and modeling,
10 and regular data quality assessments.

11 (D) Information systems and services, in-
12 cluding information technology management,
13 publications and production dissemination, and
14 library services.

15 (E) External affairs, including congres-
16 sional and legislative liaison, communications,
17 and public affairs, and international and inter-
18 governmental affairs.

19 (F) Budget, financial, and human resource
20 management, including budget and financial
21 management, human capital management, em-
22 ployee training, professional development, pro-
23 curement and contract management, and small
24 business support.

1 (2) TRANSFER OF EXISTING POSITIONS.—With-
2 in 30 days after the date of the enactment of this
3 Act, the Secretary of the Interior shall transfer to
4 the Administrator the following positions:

5 (A) UNITED STATES GEOLOGICAL SUR-
6 VEY.—From the United States Geological Sur-
7 vey, not less than 200 full-time equivalent posi-
8 tions, including all filled and unfilled commodity
9 and country specialists within the United States
10 Geological Survey Minerals Information Team
11 immediately before the enactment of this Act.

12 (B) DEPARTMENT OF INTERIOR, GEN-
13 ERALLY.—From the Department of the Interior
14 generally not less than 100 full time equivalent
15 positions of an administrative nature, including
16 communications and public affairs specialists,
17 congressional and legislative liaison specialists,
18 human resources personnel, librarians, adminis-
19 trative assistants, information technology man-
20 agement specialists, publication service special-
21 ists, and budget analysts.

22 (3) SUBSEQUENT APPOINTMENTS.—The Ad-
23 ministrator may appoint such employees as may be
24 necessary to positions that are transferred under
25 paragraph (2), but vacant on the date of the trans-

1 fer of the positions. Such appointments shall be sub-
2 ject to the provisions of title 5, United States Code,
3 governing appointments in the competitive service.
4 Such positions shall be paid in accordance with the
5 provisions of chapter 51 and subchapter III of chap-
6 ter 53 of such title relating to classification and
7 General Schedule pay rates.

8 (d) WRITTEN AND ELECTRONIC MATERIALS.—The
9 Secretary of the Interior shall transfer to the Adminis-
10 trator all existing written and electronic materials under
11 the control of the Department pertaining to mineral com-
12 modities and mineral resources, including mineral com-
13 modity time series data, library materials, maps, unpub-
14 lished data files, and existing mineral commodity reports
15 prepared or held by the United States Geological Survey
16 and its predecessor agency, the Bureau of Mines.

17 **SEC. 4. DUTIES OF THE ADMINISTRATOR.**

18 (a) MINERAL COMMODITY DATA AND INFORMATION
19 PROGRAM.—The Administrator carrying out a central,
20 comprehensive, and unified mineral commodity data and
21 information program to collect, evaluate, assemble, ana-
22 lyze, and disseminate data and information regarding min-
23 eral resources and reserves, mineral commodity produc-
24 tion, consumption, and technology, and related economic
25 and statistical information, that is relevant to the ade-

1 quacy of mineral resources to meet demands in the near
2 term and longer term future for the Nation's economic
3 and social needs.

4 (b) MINERAL COMMODITY DATA TIME SERIES.—

5 (1) IN GENERAL.—The Administrator shall con-
6 tinue to maintain all existing mineral commodity
7 data time series maintained by the Department of
8 the Interior immediately before the enactment of
9 this Act, and shall develop such new mineral com-
10 modity data time series as the Administrator finds
11 useful and proper after consulting with other Fed-
12 eral and State agencies and the public.

13 (2) PUBLIC COMMENT.—The Administrator
14 shall—

15 (A) provide for public review and comment
16 regarding all mineral commodity data time se-
17 ries maintained by the Department of the Inte-
18 rior immediately before the enactment of this
19 Act, by not later than 15 years after such date
20 of enactment; and

21 (B) seek public comments on a continuing
22 basis on the adequacy and accuracy of any time
23 series added after the date of the enactment of
24 this Act, not later than 5 years after the incep-
25 tion of such new series.

1 (c) PROJECTIONS OF USAGE PATTERNS.—

2 (1) IN GENERAL.—The Administrator shall—

3 (A) not later than 3 years after the date
4 of the enactment of this Act, prepare and make
5 available to the public an analysis of projected
6 mineral commodity usage patterns by the
7 United States at 10, 25, and 50 year intervals
8 following such date of enactment; and

9 (B) update such analysis and make it pub-
10 licly available every 5 years thereafter.

11 (2) CONSIDERATIONS.—In preparing such anal-
12 yses, the Administrator shall take into consider-
13 ation—

14 (A) market trends;

15 (B) geopolitical considerations; and

16 (C) the reasonably foreseeable advances in
17 basic industries, high technology, material
18 sciences, and energy usage.

19 (d) ANNUAL REPORT.—The Administrator shall an-
20 nually publish and submit to the Congress a report on the
21 state of the domestic mining, minerals, and mineral rec-
22 lamation industries, including a statement of the trend in
23 utilization and depletion of the domestic supplies of min-
24 eral commodities.

1 (e) MINERAL COMMODITY REPORTS.—The Adminis-
2 trator—

3 (1) shall continue to prepare and distribute all
4 series of mineral commodity reports prepared and
5 published by the Bureau of Mines and the United
6 States Geological Survey as of the date of the enact-
7 ment of this Act, including—

8 (A) all volumes of the Minerals Yearbook;

9 (B) Mineral Commodity Summaries;

10 (C) Mineral Industry Surveys;

11 (D) Metal Industry Indicators;

12 (E) Nonmetallic Mineral Product Industry
13 Indexes;

14 (F) material flow studies and recycling re-
15 ports; and

16 (G) Historical Statistics for Mineral and
17 Material Commodities;

18 (2) may develop, prepare, and publish addi-
19 tional reports related to mineral commodities as the
20 Administrator considers appropriate.

21 (f) ANALYSIS WITH RESPECT SUSTAINING ENERGY
22 USAGE.—

23 (1) IN GENERAL.—The Administrator of the
24 Mineral Commodity Information Administration
25 shall, in 2007 and each year thereafter, following the

1 issuance of the Annual Energy Outlook analysis pre-
2 pared by the Administrator of the Energy Informa-
3 tion Administration, prepare and publish an analysis
4 of the foreign and domestic mineral commodities
5 that will be required by the United States to sustain
6 the energy supply, demand, and prices projected by
7 such Annual Energy Outlook analysis.

8 (2) JOINT AGREEMENT.—The Administrator of
9 the Energy Information Agency and the Adminis-
10 trator of the Mineral Commodity Information Ad-
11 ministration may, at their sole discretion, enter into
12 a joint agreement for preparation of a unified anal-
13 ysis to meet the requirements of this paragraph.

14 (g) OTHER APPROVAL NOT REQUIRED.—The Ad-
15 ministrator—

16 (1) shall not be required to obtain the approval
17 of any other officer or employee of the United States
18 in connection with the collection or analysis of any
19 information; and

20 (2) shall not be required, prior to publication,
21 to obtain the approval of any other officer or em-
22 ployee of the United States with respect to the sub-
23 stance of any analytical studies, statistical, or fore-
24 casting technical reports that the Administrator has
25 prepared in accordance with law.

1 **SEC. 5. EXCEPTIONS TO INFORMATION AVAILABILITY.**

2 (a) IN GENERAL.—Notwithstanding section 552 of
3 title 5, United States Code, and except as provided in sub-
4 section (b), data and information provided to the Adminis-
5 trator by persons or firms engaged in any phase of mineral
6 or mineral-material production or large-scale consumption
7 shall not be disclosed outside of the Administration in a
8 nonaggregated form in such a manner as may disclose
9 data and information supplied by an individual or other
10 person, unless such person authorizes such disclosure after
11 the person is provided notice and an opportunity to object.

12 (b) DISCLOSURE TO FEDERAL DEFENSE OR HOME-
13 LAND SECURITY AGENCIES.—The Administrator may dis-
14 close nonaggregated data and information to any agency
15 of the Department of Homeland Security or the Depart-
16 ment of Defense, upon written request by the head of the
17 agency for appropriate purposes.

18 **SEC. 6. ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—Not later than 90 days after
20 [the date of enactment of this Act], the Administrator
21 shall establish an advisory committee to be known as the
22 Mineral Commodity Advisory Committee.

23 (b) FUNCTIONS.—The Advisory Committee—

24 (1) shall respond to all questions referred to it
25 by the Administrator regarding any matter related
26 to the activities authorized by this Act;

1 (2) shall undertake such studies and inquiries
2 as are necessary to provide answers, advice, and rec-
3 ommendations on matters referred to it by the Ad-
4 ministrators; and

5 (3) in carrying out such studies, may seek in-
6 formation from individuals, business enterprises, col-
7 leges, universities, and any State or Federal agency.

8 (c) PARTICIPATION IN REVIEWS OF MATERIALS.—
9 The Administrator shall invite the Advisory Committee to
10 participate in any public review of materials prepared pur-
11 suant to section 4.

12 (d) MEMBERSHIP.—

13 (1) IN GENERAL.—The Advisory Committee—

14 (A) shall consist of 15 individuals ap-
15 pointed in accordance with paragraph (2); and

16 (B) shall include—

17 (i) one representative from each of a
18 mineral exploration company, a metallic
19 mineral producer, an industrial mineral
20 producer, and an aggregate producer;

21 (ii) one representative from each of
22 the State geologists, mining labor organi-
23 zations, and the mining finance industry;

24 (iii) two representatives from small
25 businesses;

1 (iv) three representatives from manu-
2 facturing industries; and

3 (v) three purchasing professionals.

4 (2) APPOINTMENT.—The Administrator shall
5 appoint the members of the Advisory Committee
6 from among individuals who—

7 (A) are not officers or employees of the
8 Federal Government; and

9 (B) are United States citizens.

10 (3) TERM.—Each member of the Advisory
11 Committee shall be appointed to serve a term of 4
12 years.

13 (e) ORGANIZATION AND MEETINGS.—The Advisory
14 Committee—

15 (1) shall select a Chairman and Vice-Chairman
16 from among its members;

17 (2) shall organize itself into such subcommit-
18 tees as the members determine to be necessary; and

19 (3) shall meet not less than 2 times each year.

20 (f) COMPENSATION AND EXPENSES.—Subject to the
21 availability of appropriations, each member of the Advi-
22 sory Committee—

23 (1) shall be compensated at a rate equal to the
24 daily equivalent of the annual rate of basic pay pre-
25 scribed for level IV of the Executive Schedule under

1 section 5315 of title 5, United States Code, for each
2 day (including travel time) during which such mem-
3 ber is engaged in the performance of the duties of
4 the Advisory Committee; and

5 (2) shall be allowed travel expenses, including
6 per diem in lieu of subsistence, at rates authorized
7 for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from the member's home or regular place of
10 business in the performance of services for the Com-
11 mittee.

12 (g) SUPPORT AND RECORDS MAINTENANCE.—The
13 Administrator—

14 (1) shall provide administrative and technical
15 support for the Advisory Committee; and

16 (2) shall maintain the records of the Advisory
17 Committee.

18 (h) FACA.—The Federal Advisory Committee Act (5
19 U.S.C. App.) shall apply to the Advisory Committee only
20 to the extent that the provisions of such Act do not conflict
21 with the requirements of this section.

22 **SEC. 7. DEFINITIONS.**

23 In this Act:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the Mineral Commodity Information
3 Administration established by this Act.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Administra-
6 tion.

7 (3) ADVISORY COMMITTEE.—The term “Advi-
8 sory Committee” means the Mineral Commodity Ad-
9 visory Committee established by this Act.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to the Admin-
12 istrator to carry out this Act \$30,000,000 for each of the
13 fiscal years through 2007 through 2017.

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