

President Trump Issues Executive Order to Promote Domestic Mineral Production

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On March 20, 2025, the Trump administration issued an Executive Order (EO) titled Immediate Measures to Increase American Mineral Production. The stated purpose of this EO is to take immediate action to facilitate domestic mineral production to the maximum possible extent. The EO seeks to achieve this goal by accelerating the approval of mineral production projects, utilizing federal land for the purpose of mineral production, removing regulatory constraints and facilitating public and private investment into the mineral production industry. Minerals covered by the EO include critical minerals, defined by 30 U.S.C. 1606(a)(3), as well as uranium, copper, potash, gold and any other element, compound or material as determined by the Chair of the National Energy Dominance Council (NEDC).

Below is a summary highlighting the key elements of the EO.

Priority Projects

The EO directs the heads of each executive department or agency involved in the permitting of mineral production projects in the United States to submit to the Chair of the NEDC a list of all mineral production projects for which a plan of operations, a permit application or other application for approval has been submitted to such agency within 10 days of the EO. Within 10 days of submitting those lists, the heads of those agencies must, in coordination with the Chair of the NEDC, identify priority projects that can be immediately approved or identify which permits can be immediately issued.

The EO also directs the Chair of the NEDC, within 15 days of the EO, to submit a list of mineral production projects to the Executive Director of the Permitting Council for consideration as transparency projects on the Fixing America's Surface Transportation Act Permitting Dashboard. Within 15 days of such submission, the Executive Director must publish any selected projects and establish schedules for expedited review.

Under the EO, the Chair of the NEDC is also required to solicit industry feedback on regulatory bottlenecks and strategies to expedite mineral production projects.

Mining Act of 1872

The EO instructs the Chair of the NEDC and the Director of the Office of Legislative Affairs to submit joint recommendations to the President for Congress to clarify the treatment of waste rock, tailings and mine waste disposal under the Mining Act of 1872 within 30 days of the EO.

Land Use for Mineral Projects

The EO directs the Secretary of the Interior to create a list of all Federal lands known to hold mineral deposits and reserves within 10 days of the EO. The Secretary of the Interior must then prioritize mineral production and mining related purposes as the primary land uses in these areas.

In support of this, the EO requires that land use plans under the Federal Land Policy and Management Act be amended or amended as necessary to provide for and to support mineral production.

The EO also instructs the Secretaries of Defense, the Interior, Agriculture and Energy to identify sites on Federal land managed by their agencies that are suitable for the construction and operation of private mineral production enterprises within 30 days of the EO. The EO further instructs the Secretaries of Defense and Energy to enter into extended use leases or similar agreements with private entities to advance installation of commercial mineral production enterprises on these sites. In addition, within 30 days of the EO, the Secretaries of Defense and Energy must coordinate with any agency which can provide loans, capital assistance, technical assistance or working capital to such private entities to ensure that they can utilize as many favorable terms and conditions as are available.

Accelerating Private and Public Capital Investment

A fundamental feature of the EO is accelerating and expanding availability of private and public funding for mineral production. In Section 6 of the EO, the President directs the Secretary of Defense to use the National Security Capital Forum to facilitate private investment into commercial mineral production. The EO also invokes emergency powers to waive several requirements under the Defense Production Act (DPA) and to delegate to the Secretary of Defense and CEO of the United States International Development Finance Corporation (DFC) the authority under the DPA to facilitate domestic mineral production while also directing the Secretary of Defense to add mineral production as a priority for the Industrial Base Analysis and Sustainment Program. The EO also directs the Secretary of Defense and CEO of the DFC to develop a plan to establish a dedicated fund for investment in domestic mineral production investment within 30 days of the EO.

The EO imposes additional directives on the President of the Export-Import Bank and the Administrator of the Small Business Administration to further support public and private investment in domestic mineral production.

The EO can be found at the [White House website](#).

For further information, please contact a member of the [Capital Markets and Securities Practice Group](#).