

What Cos. Should Know About U.S. Minerals Executive Order

By **Joseph Sopcisak, James Steinbauer and Katherine Speece** (April 3, 2025)

On March 20, President Donald Trump signed an executive order that sets the foundation for boosting U.S. mineral production through regulatory streamlining, leveraging the Defense Production Act, or DPA, and encouraging private and public sector investments.

Industry stakeholders will be key in shaping the order's success, particularly through the National Energy Dominance Council, or NEDC, and other federal initiatives.

The order faces several challenges, including the need for congressional funding, coordination among various federal agencies, and legal obstacles related to land use and environmental regulations.

The order provides multiple avenues for industry players to influence policy and funding, including advocating for the inclusion of additional minerals, engaging with the National Security Capital Forum for investment opportunities, and participating in the U.S. Small Business Administration's recommendations to support small businesses in the sector.

Trump's order on immediate measures to increase American mineral production is aimed at boosting domestic production of critical minerals and reducing reliance on foreign sources.

Its key stated goal is to stimulate job creation and economic growth by ensuring a stable, secure supply of minerals essential for defense, infrastructure, technology and other strategic sectors.

This order invokes the DPA, which grants broad presidential authority to direct industrial production for national security. It includes a series of ambitious initiatives to expedite permitting, open federal lands to mining projects, and incentivize both private and public capital investments.

The success of the order will depend on funding, coordination among federal agencies and collaboration with industry stakeholders.

Key Provisions of the Executive Order

Use of the Defense Production Act

The executive order leverages the DPA to accelerate domestic mineral production. However, existing critical mineral investments may create competition for resources, and the delegation of DPA loan authority to the U.S. International Development Finance Corp., or DFC, adds complexity.



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No Additional Funding

The order does not allocate new funding. Congress must provide the resources needed to meet its ambitious goals.

Inclusive Definition of "Minerals"

The order's flexible definition of "minerals" specifically includes those on the U.S. Geological Survey's critical minerals list, as well as uranium, copper, potash and gold, and allows for the inclusion of other elements, compounds and materials not yet listed. Stakeholders are encouraged to lobby the NEDC for inclusion.

Signaling Trump Administration Priorities

The order underscores the administration's commitment to enhancing domestic mineral production. It may be leveraged to advance projects delayed by permitting or funding issues, and empower agencies to use unallocated funds to facilitate domestic mineral production to the maximum possible extent.

Permitting and Federal Lands: Streamlining Access

One of the executive order's central provisions addresses the challenges posed by existing federal regulations that hinder domestic mining. The order seeks to expedite permitting for mineral production projects by identifying and prioritizing projects for immediate regulatory approval.

Within 10 days of the order's signing, relevant executive departments are required to submit a list of projects to the NEDC, which will then review and expedite the approval process. However, the legal weight of "immediate" approval is unclear, and projects will still face regulatory hurdles.

The order also seeks to increase access to federal lands for mining, by directing the U.S. Department of the Interior secretary to identify lands with valuable mineral deposits and provide a comprehensive list by March 30. To prioritize these lands and facilitate faster permitting to make them operational, relevant agencies must identify sites suitable for commercial development by April 20.

Additionally, the order empowers the secretaries of the U.S. Department of Defense and the U.S. Department of Energy to enter into extended use leases with private entities for mineral development on identified lands. However, the exact mechanisms for these contracts remain unclear, and legal questions may arise.

While ambitious, these initiatives may face obstacles due to regulatory constraints and competing land use priorities.

Mobilizing Capital for Domestic Mineral Production

The executive order emphasizes the importance of accelerating the flow of private and public investments in U.S. mineral production to enhance domestic supply chains and

reduce foreign dependence. It outlines a multifaceted strategy, with the DPA playing a leading role in supporting strategic mineral production.

In response to the national energy emergency outlined in his Jan. 20 executive order, the president has waived certain statutory criteria that domestic mineral production projects must meet to be eligible for DPA funding.[1]

The order delegates authority under Section 303 of the DPA to the secretary of defense to prioritize and direct resources for domestic mineral production. The Industrial Base Analysis and Sustainment Program must recognize mineral production as a priority capability, ensuring mineral production efforts are integrated into national security strategies.

The order also delegates DPA authority to the chief executive officer of the DFC, enabling the agency to provide loans, loan guarantees and other financial instruments to support mineral production.

The DOD and the DFC are tasked with leveraging existing funding sources, including the DOD's Office of Strategic Capital, to establish a dedicated mineral production fund for investments executed by the DFC.

In addition to the DPA, the order outlines other federal initiatives to drive resources toward domestic mineral projects.

The National Security Capital Forum and Strategic Investments

The National Security Capital Forum will connect private investors with viable mineral production projects, aligning private capital with national security priorities.

The Export-Import Bank and Supply Chain Resiliency

The Export-Import Bank will provide guidance on financing tools to secure global mineral feedstock for U.S. processing.

Its "Make More in America" initiative will also support domestic mineral production.

Industry Coordination and Small Business Support

The assistant secretary of defense for industrial base policy will convene a meeting of mineral buyers within 30 days to identify market needs and encourage investment.

The U.S. Small Business Administration will submit legislative recommendations by May 5 to enhance financing opportunities for small businesses in the mineral sector.

Challenges and Potential Pitfalls

Though the executive order presents a proactive framework for enhancing U.S. mineral production, several challenges could hinder its full implementation.

These include funding limitations, interagency coordination, and legal concerns related to

land use and regulatory compliance.

Funding Limitations

The order does not allocate new funds. Rather, it instructs the DOD to reimburse key initiatives such as the Mineral Production Fund and the DFC's activities with existing funding sources.

Consequently, the burden falls on Congress to provide the necessary appropriations. Securing this funding will be crucial to turning the order's plans into reality.

Coordination Among Agencies

The executive order mandates extensive coordination across multiple federal agencies, each with its own priorities, processes and regulatory frameworks. Balancing these factors with the order's expedited goals may face logistical hurdles.

Legal and Regulatory Hurdles

Although the order aims to streamline permitting and expand land use for mineral projects, legal challenges related to environmental protections, indigenous land rights and other existing regulations may arise.

Industry and Public Engagement

The order's success depends on robust engagement with both the private sector and the public. Industry stakeholders must ensure that their concerns are addressed, and that the order's provisions align with the realities of the mining sector.

Insights and Next Steps

The executive order's call for agencies to solicit and fund projects that facilitate domestic mineral production is noteworthy because it comes at a time when the administration is taking a whole-of-government approach to scaling back federal investments.

Though the order sets the framework for transforming U.S. mineral production, industry stakeholders will be critical in shaping its outcome.

As part of the order's implementation, the NEDC will issue a request for information to gather feedback on regulatory bottlenecks. A specific timeline for this RFI is not provided; however, industry stakeholders should prepare to respond and highlight areas requiring regulatory reform.

The order's flexible definition of "minerals" presents an opportunity for industry players to lobby the NEDC for the inclusion of additional elements, compounds or materials not yet listed in the order, which already includes critical minerals on the U.S. Geological Survey list, as well as uranium, copper, potash and gold.

This provides a window for stakeholders to advocate for materials essential to their

operations.

The SBA is tasked with submitting recommendations by May 5 to support small businesses in the mineral production sector. This could offer opportunities for collaboration with federal agencies to shape policies that facilitate private sector involvement.

Finally, the order directs the creation of the National Security Capital Forum, which will connect private investors with U.S. mineral production projects. This initiative is designed to facilitate international investment and partnerships, but will require coordination between the federal government and private entities.

Industry players should prepare to engage in these areas, and seek out financing opportunities that align with the goals of the executive order.

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[1] Section 303 of the DPA allows the president to waive the statutory requirements of 50 U.S.C. 4533(a)(1) through (6) when "action is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability."