

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1871

To create intergovernmental coordination between State, local, Tribal, and territorial jurisdictions, and the Federal Government to combat United States reliance on the People’s Republic of China and other covered countries for critical minerals and rare earth metals, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PETERS (for himself, Mr. ROM-
NEY, and Mr. LANKFORD)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intergovernmental
5 Critical Minerals Task Force Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committees on Homeland Security
5 and Governmental Affairs, Energy and Natural
6 Resources, Armed Services, Environment and
7 Public Works, and Foreign Relations of the
8 Senate; and

9 (B) the Committees on Oversight and Ac-
10 countability, Natural Resources, Armed Serv-
11 ices, and Foreign Affairs of the House of Rep-
12 resentatives.

13 (2) COVERED COUNTRY.—The term “covered
14 country” means—

15 (A) a covered nation (as defined in section
16 4872(d) of title 10, United States Code); and

17 (B) any other country determined by the
18 task force to be a geostrategic competitor or ad-
19 versary of the United States with respect to
20 critical minerals.

21 (3) CRITICAL MINERAL.—The term “critical
22 mineral” has the meaning given the term in section
23 7002(a) of the Energy Act of 2020 (30 U.S.C.
24 1606(a)).

1 (4) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and Budg-
3 et.

4 (5) TASK FORCE.—The term “task force”
5 means the task force established under section 4(b).

6 **SEC. 3. FINDINGS.**

7 Congress finds that—

8 (1) current supply chains of critical minerals
9 pose a great risk to the homeland and national secu-
10 rity of the United States;

11 (2) critical minerals contribute to transpor-
12 tation, technology, renewable energy, military equip-
13 ment and machinery, and other relevant entities cru-
14 cial for the homeland and national security of the
15 United States;

16 (3) in 2022, the United States was 100 percent
17 import reliant for 12 out of 50 critical minerals and
18 more than 50 percent import reliant for an addi-
19 tional 31 critical mineral commodities classified as
20 “critical” by the United States Geological Survey,
21 and the People’s Republic of China was the top pro-
22 ducing nation for 30 of those 50 critical minerals;

23 (4) companies based in the People’s Republic of
24 China that extract rare earth minerals around the

1 world have received hundreds of charges of human
2 rights violations; and

3 (5) on March 26, 2014, the World Trade Orga-
4 nization ruled that the export restraints by the Peo-
5 ple’s Republic of China on rare earth metals violated
6 obligations under the protocol of accession to the
7 World Trade Organization, which harmed manufac-
8 turers and workers in the United States.

9 **SEC. 4. INTERGOVERNMENTAL CRITICAL MINERALS TASK**
10 **FORCE.**

11 (a) **PURPOSES.**—The purposes of the task force are—

12 (1) to assess the reliance of the United States
13 on the People’s Republic of China, and other covered
14 countries, for critical minerals, and the resulting
15 homeland and national security risks associated with
16 that reliance, at each level of the Federal, State,
17 local, Tribal, and territorial governments;

18 (2) to make recommendations to onshore and
19 improve the domestic supply chain for critical min-
20 erals; and

21 (3) to reduce the reliance of the United States,
22 and partners and allies of the United States, on crit-
23 ical mineral supply chains involving covered coun-
24 tries.

1 (b) ESTABLISHMENT.—Not later than 90 days after
2 the date of enactment of this Act, the Director shall estab-
3 lish a task force to facilitate cooperation, coordination,
4 and mutual accountability among each level of the Federal
5 Government and State, local, Tribal, and territorial gov-
6 ernments on a holistic response to the dependence on cov-
7 ered countries for critical minerals across the United
8 States.

9 (c) COMPOSITION; MEETINGS.—

10 (1) APPOINTMENT.—The Director, in consulta-
11 tion with key intergovernmental, private, and public
12 sector stakeholders, shall appoint to the task force
13 representatives with expertise in critical mineral sup-
14 ply chains from Federal agencies, State, local, Trib-
15 al, and territorial governments, including not less
16 than 1 representative from each of—

17 (A) the Bureau of Indian Affairs;

18 (B) the Bureau of Land Management;

19 (C) the Department of Agriculture;

20 (D) the Department of Commerce;

21 (E) the Department of Defense;

22 (F) the Department of Energy;

23 (G) the Department of Homeland Security;

24 (H) the Department of Housing and

25 Urban Development;

- 1 (I) the Department of the Interior;
2 (J) the Department of Labor;
3 (K) the Department of State;
4 (L) the Department of Transportation;
5 (M) the Environmental Protection Agency;
6 (N) the General Services Administration;
7 (O) the National Science Foundation;
8 (P) the United States International Devel-
9 opment Finance Corporation;
10 (Q) the United States Geological Survey;
11 and
12 (R) any other relevant Federal entity, as
13 determined by the Director.

14 (2) CONSULTATION.—The task force shall con-
15 sult individuals with expertise in critical mineral
16 supply chains, including representatives from a di-
17 verse and balanced cross-section of—

- 18 (A) intergovernmental consultees, includ-
19 ing—
20 (i) State governments;
21 (ii) local governments;
22 (iii) Tribal governments; and
23 (iv) territorial governments; and
24 (B) other stakeholders, including—
25 (i) academic research institutions;

- 1 (ii) corporations;
- 2 (iii) nonprofit organizations;
- 3 (iv) private sector stakeholders;
- 4 (v) trade associations;
- 5 (vi) mining industry stakeholders; and
- 6 (vii) labor representatives.

7 (3) CHAIR.—The Director may serve as chair of
8 the task force, or designate a representative of the
9 task force to serve as chair.

10 (4) MEETINGS.—

11 (A) INITIAL MEETING.—Not later than 90
12 days after the date on which all representatives
13 of the task force have been appointed, the task
14 force shall hold the first meeting of the task
15 force.

16 (B) FREQUENCY.—The task force shall
17 meet not less than once every 90 days.

18 (d) DUTIES.—

19 (1) IN GENERAL.—The duties of the task force
20 shall include—

21 (A) facilitating cooperation, coordination,
22 and mutual accountability for the Federal Gov-
23 ernment and State, local, Tribal, and territorial
24 governments to enhance data sharing and
25 transparency in the supply chains for critical

1 minerals in support of the purposes described in
2 subsection (a);

3 (B) providing recommendations with re-
4 spect to—

5 (i) research and development into
6 emerging technologies used to expand ex-
7 isting critical mineral supply chains in the
8 United States and to establish secure and
9 reliable critical mineral supply chains to
10 the United States;

11 (ii) increasing capacities for mining,
12 processing, refinement, reuse, and recy-
13 cling of critical minerals in the United
14 States to facilitate the environmentally re-
15 sponsible production of domestic resources
16 to meet national critical mineral needs, in
17 consultation with Tribal and local commu-
18 nities;

19 (iii) identifying how statutes, regula-
20 tions, and policies related to the critical
21 mineral supply chain could be modified to
22 accelerate environmentally responsible do-
23 mestic production of critical minerals, in
24 consultation with Tribal and local commu-
25 nities;

1 (iv) strengthening the domestic work-
2 force to support growing critical mineral
3 supply chains with good-paying, safe jobs
4 in the United States;

5 (v) identifying alternative domestic
6 sources to critical minerals that the United
7 States currently relies on the People's Re-
8 public of China or other covered countries
9 for mining, processing, refining, and recy-
10 cling, including the availability, cost, and
11 quality of those domestic alternatives;

12 (vi) identifying critical minerals and
13 critical mineral supply chains that the
14 United States can onshore, at a competi-
15 tive availability, cost, and quality, for those
16 minerals and supply chains that the United
17 States relies on the People's Republic of
18 China or other covered countries to pro-
19 vide; and

20 (vii) opportunities for the Federal
21 Government and State, local, Tribal, and
22 territorial governments to mitigate risks to
23 the homeland and national security of the
24 United States with respect to supply
25 chains for critical minerals that the United

1 States currently relies on the People’s Re-
2 public of China or other covered countries
3 for mining, processing, refining, and recy-
4 cling;

5 (C) prioritizing the recommendations in
6 subparagraph (B), taking into consideration
7 economic costs and focusing on the critical min-
8 eral supply chains with vulnerabilities posing
9 the most significant risks to the homeland and
10 national security of the United States;

11 (D) establishing specific strategies, to be
12 carried out in coordination with the Secretary
13 of State, to strengthen international partner-
14 ships in furtherance of critical minerals supply
15 chain security with international allies and
16 partners, including—

17 (i) countries with which the United
18 States has a free trade agreement;

19 (ii) countries participating in the
20 Indo-Pacific Economic Framework for
21 Prosperity;

22 (iii) countries participating in the
23 Quadrilateral Security Dialogue;

24 (iv) countries that are signatories to
25 the Abraham Accords;

1 (v) countries designated as eligible
2 sub-Saharan Africa countries under section
3 104 of the Africa Growth and Opportunity
4 Act (19 U.S.C. 3701 et seq.); and

5 (vi) other countries or multilateral
6 partnerships the Task Force determines to
7 be appropriate; and

8 (E) other duties, as determined by the Di-
9 rector.

10 (2) REPORT.—The Director shall—

11 (A) not later than 2 years after the date
12 of enactment of this Act, submit to the appro-
13 priate committees of Congress a report, which
14 shall be submitted in unclassified form, but may
15 include a classified annex, that describes any
16 findings, guidelines, and recommendations cre-
17 ated in performing the duties under paragraph
18 (1);

19 (B) not later than 120 days after the date
20 on which the Director submits the report under
21 subparagraph (A), publish that report in the
22 Federal Register and on the website of the Of-
23 fice of Management and Budget, except that
24 the Director shall redact information from the
25 report that the Director determines could pose

1 a risk to the homeland and national security of
2 the United States by being publicly available;
3 and

4 (C) brief the appropriate committees of
5 Congress twice per year.

6 (e) SUNSET.—The task force shall terminate on the
7 date that is 90 days after the date on which the task force
8 completes the requirements under subsection (d)(2).

9 (f) GAO STUDY.—

10 (1) IN GENERAL.—The Comptroller General of
11 the United States shall conduct a study examining
12 the Federal and State regulatory landscape related
13 to improving domestic supply chains for critical min-
14 erals in the United States.

15 (2) REPORT.—Not later than 18 months after
16 the date of enactment of this Act, the Comptroller
17 General of the United States shall submit to the ap-
18 propriate committees of Congress a report that de-
19 scribes the results of the study under paragraph (1).