

Calendar No. 196118TH CONGRESS
1ST SESSION**S. 1871****[Report No. 118–93]**

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.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2023

Mr. PETERS (for himself, Mr. ROMNEY, Mr. LANKFORD, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 5, 2023

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

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.

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 the “Intergovernmental
 5 Critical Minerals Task Force Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ALLIED COUNTRY.**—The term “allied coun-
 9 try” means—

10 (A) a country described in section 4801(1)
 11 of title 10, United States Code; and

12 (B) a country that the task force deter-
 13 mines is an ally of the United States for pur-
 14 poses of this Act.

15 (2) **APPROPRIATE COMMITTEES OF CON-**
 16 **GRESS.**—The term “appropriate committees of Con-
 17 gress” means—

18 (A) the Committees on Homeland Security
 19 and Governmental Affairs, Energy and Natural
 20 Resources, Armed Services, and Foreign Rela-
 21 tions of the Senate; and

22 (B) the Committees on Oversight and Ac-
 23 countability, Natural Resources, Armed Serv-
 24 ices, and Foreign Affairs of the House of Rep-
 25 resentatives.

1 (3) COVERED COUNTRY.—The term “covered
2 country” means—

3 (A) a covered nation (as defined in section
4 4872(d) of title 10, United States Code); and

5 (B) any other country determined by the
6 task force to be a geostrategic competitor or ad-
7 versary of the United States with respect to
8 critical minerals.

9 (4) CRITICAL MINERAL.—The term “critical
10 mineral” has the meaning given the term in section
11 7002(a) of the Energy Act of 2020 (30 U.S.C.
12 1606(a)).

13 (5) DIRECTOR.—The term “Director” means
14 the Director of the Office of Management and Budget.
15 et.

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

18 **SEC. 3. FINDINGS.**

19 Congress finds that—

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

23 (2) critical minerals contribute to transpor-
24 tation, technology, renewable energy, military equip-
25 ment and machinery, and other relevant entities cru-

1 eial for the homeland and national security of the
2 United States.

3 **SEC. 4. INTERGOVERNMENTAL CRITICAL MINERALS TASK**
4 **FORCE.**

5 (a) PURPOSE.—The purpose of the task force is to
6 assess the reliance of the United States on the People’s
7 Republic of China, and other covered countries, for critical
8 minerals, and the resulting homeland and national secu-
9 rity risks associated with that reliance, at each level of
10 the Federal, State, local, Tribal, and territorial govern-
11 ments.

12 (b) ESTABLISHMENT.—Not later than 90 days after
13 the date of enactment of this Act, the Director shall estab-
14 lish a task force to facilitate cooperation, coordination,
15 and mutual accountability among each level of the Federal
16 Government and State, local, Tribal, and territorial gov-
17 ernments on a holistic response to the dependence on cov-
18 ered countries for critical minerals across the United
19 States.

20 (c) COMPOSITION; MEETINGS.—

21 (1) APPOINTMENT.—The Director shall appoint
22 to the task force representatives with expertise in
23 critical mineral supply chains from Federal agencies,
24 State, local, Tribal, and territorial governments, and
25 academic research institutions, including—

1 (A) not less than 1 representative from
2 each of—

3 (i) the Department of Agriculture;

4 (ii) the Department of Commerce;

5 (iii) the Department of Defense;

6 (iv) the Department of Energy;

7 (v) the Department of Homeland Se-
8 curity;

9 (vi) the Department of Housing and
10 Urban Development;

11 (vii) the Department of the Interior;

12 (viii) the Department of State;

13 (ix) the Department of Transpor-
14 tation;

15 (x) the Environmental Protection
16 Agency;

17 (xi) the National Science Foundation;

18 (xii) the United States Geological Sur-
19 vey; and

20 (xiii) any other relevant Federal enti-
21 ty, as determined by the Director; and

22 (B) in consultation with relevant entities,
23 not less than 15 representatives from a diverse
24 cross-section of State, local, Tribal, and terri-

1 territorial governments, including not less than 5
2 representatives from each of—

3 (i) State governments;

4 (ii) local governments;

5 (iii) Tribal governments; and

6 (iv) territorial governments.

7 (2) 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 (3) 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 1 time per quarter.

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

1 transparency in the supply chains for critical
2 minerals;

3 ~~(B)~~ addressing the homeland and national
4 security risks associated with the current crit-
5 ical mineral supply chains of the United States;

6 ~~(C)~~ identifying a list of critical minerals
7 most important for securing the homeland and
8 national security of the United States;

9 ~~(D)~~ using the list described in subpara-
10 graph ~~(C)~~ to assess—

11 (i) the amount of critical minerals
12 mined, processed, refined, and recycled by
13 the People’s Republic of China, other cov-
14 ered countries, and the United States; and

15 (ii) critical minerals that the task
16 force determines that the Federal Govern-
17 ment and State, local, Tribal, and terri-
18 torial governments still need to obtain
19 from covered countries and recommend—

20 ~~(I)~~ alternative minerals, available
21 in the United States, that can sub-
22 stitute for critical minerals that the
23 United States currently relies on the
24 People’s Republic of China or other

1 covered countries for mining, proc-
2 essing, refining, and recycling; and

3 (H) opportunities for the Federal
4 Government and State, local, Tribal,
5 and territorial governments to miti-
6 gate risk to the homeland and na-
7 tional security of the United States
8 with respect to supply chains for crit-
9 ical minerals that the United States
10 currently relies on the People's Re-
11 public of China or other covered coun-
12 tries for mining, processing, refining,
13 and recycling;

14 (E) providing recommendations address-
15 ing—

16 (i) research and development into
17 emerging technologies necessary to expand
18 existing critical mineral supply chains in
19 the United States and to establish new
20 critical mineral supply chains in the United
21 States;

22 (ii) increasing opportunities for min-
23 ing, processing, refinement, reuse, and re-
24 cycling of critical minerals, including crit-

1 ical minerals listed on the list described in
2 subparagraph (C), in the United States;

3 (iii) strengthening the domestic work-
4 force to support growing critical mineral
5 supply chains in the United States; and

6 (iv) improving partnerships between
7 the United States and allied countries to
8 improve critical mineral supply chains; and

9 (F) other duties, as determined by the Di-
10 rector.

11 (2) REPORT.—The Director shall—

12 (A) not later than 2 years after the date
13 of enactment of this Act, submit to the appro-
14 priate committees of Congress a report that de-
15 scribes any findings, guidelines, and rec-
16 ommendations created in performing the duties
17 under paragraph (1); and

18 (B) not later than 120 days after the date
19 on which the Director submits the report under
20 subparagraph (A), publish that report in the
21 Federal Register, except that the Director shall
22 redact information from the report that the Di-
23 rector determines could pose a risk to the
24 homeland and national security of the United
25 States by being publicly available.

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

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Intergovernmental Crit-*
 6 *ical Minerals Task Force Act”.*

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

10 *The term “appropriate committees of Congress”*
 11 *means—*

12 (A) *the Committees on Homeland Security*
 13 *and Governmental Affairs, Energy and Natural*
 14 *Resources, Armed Services, Environment and*
 15 *Public Works, Commerce, Science, and Transpor-*
 16 *tation, and Foreign Relations of the Senate; and*

17 (B) *the Committees on Oversight and Ac-*
 18 *countability, Natural Resources, Armed Services,*
 19 *and Foreign Affairs of the House of Representa-*
 20 *tives.*

21 (2) *COVERED COUNTRY.*—*The term “covered*
 22 *country” means—*

23 (A) *a covered nation (as defined in section*
 24 *4872(d) of title 10, United States Code); and*

1 (B) any other country determined by the
2 task force to be a geostrategic competitor or ad-
3 versary of the United States with respect to crit-
4 ical minerals.

5 (3) *CRITICAL MINERAL*.—The term “critical
6 mineral” has the meaning given the term in section
7 7002(a) of the Energy Act of 2020 (30 U.S.C.
8 1606(a)).

9 (4) *DIRECTOR*.—The term “Director” means the
10 Director of the Office of Management and Budget.

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

13 **SEC. 3. FINDINGS.**

14 Congress finds that—

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

18 (2) critical minerals contribute to transpor-
19 tation, technology, renewable energy, military equip-
20 ment and machinery, and other relevant entities cru-
21 cial for the homeland and national security of the
22 United States;

23 (3) in 2022, the United States was 100 percent
24 import reliant for 12 out of 50 critical minerals and
25 more than 50 percent import reliant for an addi-

1 *tional 31 critical mineral commodities classified as*
2 *“critical” by the United States Geological Survey,*
3 *and the People’s Republic of China was the top pro-*
4 *ducing nation for 30 of those 50 critical minerals;*

5 *(4) companies based in the People’s Republic of*
6 *China that extract rare earth minerals around the*
7 *world have received hundreds of charges of human*
8 *rights violations; and*

9 *(5) on March 26, 2014, the World Trade Organi-*
10 *zation ruled that the export restraints by the People’s*
11 *Republic of China on rare earth metals violated obli-*
12 *gations under the protocol of accession to the World*
13 *Trade Organization, which harmed manufacturers*
14 *and workers in the United States.*

15 **SEC. 4. INTERGOVERNMENTAL CRITICAL MINERALS TASK**

16 **FORCE.**

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

18 *(1) to assess the reliance of the United States on*
19 *the People’s Republic of China, and other covered*
20 *countries, for critical minerals, and the resulting*
21 *homeland and national security risks associated with*
22 *that reliance, at each level of the Federal, State, local,*
23 *Tribal, and territorial governments;*

1 (2) *to make recommendations to onshore and im-*
2 *prove the domestic supply chain for critical minerals;*
3 *and*

4 (3) *to reduce the reliance of the United States,*
5 *and partners and allies of the United States, on crit-*
6 *ical mineral supply chains involving covered coun-*
7 *tries.*

8 (b) *ESTABLISHMENT.*—*Not later than 90 days after*
9 *the date of enactment of this Act, the Director shall establish*
10 *a task force to facilitate cooperation, coordination, and mu-*
11 *tual accountability among each level of the Federal Govern-*
12 *ment and State, local, Tribal, and territorial governments*
13 *on a holistic response to the dependence on covered countries*
14 *for critical minerals across the United States.*

15 (c) *COMPOSITION; MEETINGS.*—

16 (1) *APPOINTMENT.*—*The Director, in consulta-*
17 *tion with key intergovernmental, private, and public*
18 *sector stakeholders, shall appoint to the task force rep-*
19 *resentatives with expertise in critical mineral supply*
20 *chains from Federal agencies, State, local, Tribal, and*
21 *territorial governments, including not less than 1 rep-*
22 *resentative from each of—*

23 (A) *the Bureau of Indian Affairs;*

24 (B) *the Bureau of Land Management;*

25 (C) *the Department of Agriculture;*

- 1 (D) the Department of Commerce;
- 2 (E) the Department of Defense;
- 3 (F) the Department of Energy;
- 4 (G) the Department of Homeland Security;
- 5 (H) the Department of Housing and Urban
- 6 Development;
- 7 (I) the Department of the Interior;
- 8 (J) the Department of Labor;
- 9 (K) the Department of State;
- 10 (L) the Department of Transportation;
- 11 (M) the Environmental Protection Agency;
- 12 (N) the General Services Administration;
- 13 (O) the National Science Foundation;
- 14 (P) the United States International Devel-
- 15 opment Finance Corporation;
- 16 (Q) the United States Geological Survey;
- 17 and
- 18 (R) any other relevant Federal entity, as
- 19 determined by the Director.

20 (2) CONSULTATION.—The task force shall consult

21 individuals with expertise in critical mineral supply

22 chains, individuals from States whose communities,

23 businesses, and industries are involved in aspects of

24 the critical mineral supply chain, including mining

1 *and processing operations, and individuals from a di-*
2 *verse and balanced cross-section of—*

3 (A) *intergovernmental consultees, includ-*
4 *ing—*

5 (i) *State governments;*

6 (ii) *local governments;*

7 (iii) *Tribal governments; and*

8 (iv) *territorial governments; and*

9 (B) *other stakeholders, including—*

10 (i) *academic research institutions;*

11 (ii) *corporations;*

12 (iii) *nonprofit organizations;*

13 (iv) *private sector stakeholders;*

14 (v) *trade associations;*

15 (vi) *mining industry stakeholders; and*

16 (vii) *labor representatives.*

17 (3) *CHAIR.—The Director may serve as chair of*
18 *the task force, or designate a representative of the task*
19 *force to serve as chair.*

20 (4) *MEETINGS.—*

21 (A) *INITIAL MEETING.—Not later than 90*
22 *days after the date on which all representatives*
23 *of the task force have been appointed, the task*
24 *force shall hold the first meeting of the task force.*

1 (B) *FREQUENCY.*—*The task force shall meet*
2 *not less than once every 90 days.*

3 (d) *DUTIES.*—

4 (1) *IN GENERAL.*—*The duties of the task force*
5 *shall include—*

6 (A) *facilitating cooperation, coordination,*
7 *and mutual accountability for the Federal Gov-*
8 *ernment and State, local, Tribal, and territorial*
9 *governments to enhance data sharing and trans-*
10 *parency in the supply chains for critical min-*
11 *erals in support of the purposes described in sub-*
12 *section (a);*

13 (B) *providing recommendations with re-*
14 *spect to—*

15 (i) *research and development into*
16 *emerging technologies used to expand exist-*
17 *ing critical mineral supply chains in the*
18 *United States and to establish secure and*
19 *reliable critical mineral supply chains to*
20 *the United States;*

21 (ii) *increasing capacities for mining,*
22 *processing, refinement, reuse, and recycling*
23 *of critical minerals in the United States to*
24 *facilitate the environmentally responsible*
25 *production of domestic resources to meet na-*

1 *tional critical mineral needs, in consulta-*
2 *tion with Tribal and local communities;*

3 *(iii) identifying how statutes, regula-*
4 *tions, and policies related to the critical*
5 *mineral supply chain could be modified to*
6 *accelerate environmentally responsible do-*
7 *mestic production of critical minerals, in*
8 *consultation with Tribal and local commu-*
9 *nities;*

10 *(iv) strengthening the domestic work-*
11 *force to support growing critical mineral*
12 *supply chains with good-paying, safe jobs*
13 *in the United States;*

14 *(v) identifying alternative domestic*
15 *sources to critical minerals that the United*
16 *States currently relies on the People's Re-*
17 *public of China or other covered countries*
18 *for mining, processing, refining, and recy-*
19 *cling, including the availability, cost, and*
20 *quality of those domestic alternatives;*

21 *(vi) identifying critical minerals and*
22 *critical mineral supply chains that the*
23 *United States can onshore, at a competitive*
24 *availability, cost, and quality, for those*
25 *minerals and supply chains that the United*

1 *States relies on the People’s Republic of*
2 *China or other covered countries to provide;*
3 *and*

4 *(vii) opportunities for the Federal Gov-*
5 *ernment and State, local, Tribal, and terri-*
6 *torial governments to mitigate risks to the*
7 *homeland and national security of the*
8 *United States with respect to supply chains*
9 *for critical minerals that the United States*
10 *currently relies on the People’s Republic of*
11 *China or other covered countries for min-*
12 *ing, processing, refining, and recycling;*

13 *(C) prioritizing the recommendations in*
14 *subparagraph (B), taking into consideration eco-*
15 *nomical costs and focusing on the critical mineral*
16 *supply chains with vulnerabilities posing the*
17 *most significant risks to the homeland and na-*
18 *tional security of the United States;*

19 *(D) establishing specific strategies, to be*
20 *carried out in coordination with the Secretary of*
21 *State, to strengthen international partnerships*
22 *in furtherance of critical minerals supply chain*
23 *security with international allies and partners,*
24 *including—*

1 (i) countries with which the United
2 States has a free trade agreement;

3 (ii) countries participating in the
4 Indo-Pacific Economic Framework for Pros-
5 perity;

6 (iii) countries participating in the
7 Quadrilateral Security Dialogue;

8 (iv) countries that are signatories to
9 the Abraham Accords;

10 (v) countries designated as eligible sub-
11 Saharan Africa countries under section 104
12 of the Africa Growth and Opportunity Act
13 (19 U.S.C. 3701 et seq.); and

14 (vi) other countries or multilateral
15 partnerships the Task Force determines to
16 be appropriate; and

17 (E) other duties, as determined by the Di-
18 rector.

19 (2) *REPORT.*—The Director shall—

20 (A) not later than 2 years after the date of
21 enactment of this Act, submit to the appropriate
22 committees of Congress a report, which shall be
23 submitted in unclassified form, but may include
24 a classified annex, that describes any findings,

1 *guidelines, and recommendations created in per-*
2 *forming the duties under paragraph (1);*

3 *(B) not later than 120 days after the date*
4 *on which the Director submits the report under*
5 *subparagraph (A), publish that report in the*
6 *Federal Register and on the website of the Office*
7 *of Management and Budget, except that the Di-*
8 *rector shall redact information from the report*
9 *that the Director determines could pose a risk to*
10 *the homeland and national security of the*
11 *United States by being publicly available; and*

12 *(C) brief the appropriate committees of*
13 *Congress twice per year.*

14 *(e) SUNSET.—The task force shall terminate on the*
15 *date that is 90 days after the date on which the task force*
16 *completes the requirements under subsection (d)(2).*

17 *(f) GAO STUDY.—*

18 *(1) IN GENERAL.—The Comptroller General of*
19 *the United States shall conduct a study examining*
20 *the Federal and State regulatory landscape related to*
21 *improving domestic supply chains for critical min-*
22 *erals in the United States.*

23 *(2) REPORT.—Not later than 18 months after the*
24 *date of enactment of this Act, the Comptroller General*
25 *of the United States shall submit to the appropriate*

- 1 *committees of Congress a report that describes the re-*
- 2 *sults of the study under paragraph (1).*

Calendar No. 196

118TH CONGRESS
1ST Session

S. 1871

[Report No. 118-93]

A BILL

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.

SEPTEMBER 5, 2023

Reported with an amendment