

118TH CONGRESS
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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.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2023

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

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ALLIED COUNTRY.—The term “allied coun-
4 try” means—

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

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

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

13 (A) the Committees on Homeland Security
14 and Governmental Affairs, Energy and Natural
15 Resources, Armed Services, and Foreign Rela-
16 tions of the Senate; and

17 (B) the Committees on Oversight and Ac-
18 countability, Natural Resources, Armed Serv-
19 ices, and Foreign Affairs of the House of Rep-
20 resentatives.

21 (3) 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

25 (B) any other country determined by the
26 task force to be a geostrategic competitor or ad-

1 versary of the United States with respect to
2 critical minerals.

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

7 (5) DIRECTOR.—The term “Director” means
8 the Director of the Office of Management and Budg-
9 et.

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

12 **SEC. 3. FINDINGS.**

13 Congress finds that—

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

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

22 **SEC. 4. INTERGOVERNMENTAL CRITICAL MINERALS TASK**
23 **FORCE.**

24 (a) PURPOSE.—The purpose of the task force is to
25 assess the reliance of the United States on the People’s

1 Republic of China, and other covered countries, for critical
2 minerals, and the resulting homeland and national secu-
3 rity risks associated with that reliance, at each level of
4 the Federal, State, local, Tribal, and territorial govern-
5 ments.

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

14 (c) COMPOSITION; MEETINGS.—

15 (1) APPOINTMENT.—The Director shall appoint
16 to the task force representatives with expertise in
17 critical mineral supply chains from Federal agencies,
18 State, local, Tribal, and territorial governments, and
19 academic research institutions, including—

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

22 (i) the Department of Agriculture;

23 (ii) the Department of Commerce;

24 (iii) the Department of Defense;

25 (iv) the Department of Energy;

1 (v) the Department of Homeland Se-
2 curity;

3 (vi) the Department of Housing and
4 Urban Development;

5 (vii) the Department of the Interior;

6 (viii) the Department of State;

7 (ix) the Department of Transpor-
8 tation;

9 (x) the Environmental Protection
10 Agency;

11 (xi) the National Science Foundation;

12 (xii) the United States Geological Sur-
13 vey; and

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

16 (B) in consultation with relevant entities,
17 not less than 15 representatives from a diverse
18 cross-section of State, local, Tribal, and terri-
19 torial governments, including not less than 5
20 representatives from each of—

21 (i) State governments;

22 (ii) local governments;

23 (iii) Tribal governments; and

24 (iv) territorial governments.

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

4 (3) MEETINGS.—

5 (A) INITIAL MEETING.—Not later than 90
6 days after the date on which all representatives
7 of the task force have been appointed, the task
8 force shall hold the first meeting of the task
9 force.

10 (B) FREQUENCY.—The task force shall
11 meet not less than 1 time per quarter.

12 (d) DUTIES.—

13 (1) IN GENERAL.—The duties of the task force
14 shall include—

15 (A) facilitating cooperation, coordination,
16 and mutual accountability for the Federal Gov-
17 ernment and State, local, Tribal, and territorial
18 governments to enhance data sharing and
19 transparency in the supply chains for critical
20 minerals;

21 (B) addressing the homeland and national
22 security risks associated with the current crit-
23 ical mineral supply chains of the United States;

1 (C) identifying a list of critical minerals
2 most important for securing the homeland and
3 national security of the United States;

4 (D) using the list described in subpara-
5 graph (C) to assess—

6 (i) the amount of critical minerals
7 mined, processed, refined, and recycled by
8 the People’s Republic of China, other cov-
9 ered countries, and the United States; and

10 (ii) critical minerals that the task
11 force determines that the Federal Govern-
12 ment and State, local, Tribal, and terri-
13 torial governments still need to obtain
14 from covered countries and recommend—

15 (I) alternative minerals, available
16 in the United States, that can sub-
17 stitute for critical minerals that the
18 United States currently relies on the
19 People’s Republic of China or other
20 covered countries for mining, proc-
21 essing, refining, and recycling; and

22 (II) opportunities for the Federal
23 Government and State, local, Tribal,
24 and territorial governments to miti-
25 gate risk to the homeland and na-

1 tional security of the United States
2 with respect to supply chains for crit-
3 ical minerals that the United States
4 currently relies on the People’s Re-
5 public of China or other covered coun-
6 tries for mining, processing, refining,
7 and recycling;

8 (E) providing recommendations address-
9 ing—

10 (i) research and development into
11 emerging technologies necessary to expand
12 existing critical mineral supply chains in
13 the United States and to establish new
14 critical mineral supply chains in the United
15 States;

16 (ii) increasing opportunities for min-
17 ing, processing, refinement, reuse, and re-
18 cycling of critical minerals, including crit-
19 ical minerals listed on the list described in
20 subparagraph (C), in the United States;

21 (iii) strengthening the domestic work-
22 force to support growing critical mineral
23 supply chains in the United States; and

1 (iv) improving partnerships between
2 the United States and allied countries to
3 improve critical mineral supply chains; and
4 (F) other duties, as determined by the Di-
5 rector.

6 (2) REPORT.—The Director shall—

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

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

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

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