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H. R. 7807

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 HOUSE OF REPRESENTATIVES

MARCH 22, 2024

Mr. OBERNOLTE introduced the following bill; which was referred to the
Committee on Natural Resources

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. FINDINGS.**

2 Congress finds that—

3 (1) current supply chains of critical minerals
4 pose a great risk to the national security of the
5 United States;

6 (2) critical minerals are necessary for transpor-
7 tation, technology, renewable energy, military equip-
8 ment and machinery, and other relevant sectors cru-
9 cial for the homeland and national security of the
10 United States;

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

18 (4) as of July 2023, companies based in the
19 People’s Republic of China that extract critical min-
20 erals around the world have received hundreds of
21 charges of human rights violations; and

22 (5) on March 26, 2014, the World Trade Orga-
23 nization ruled that the export restraints by the Peo-
24 ple’s Republic of China on rare earth metals violated
25 obligations under the protocol of accession to the

1 World Trade Organization, which harmed manufac-
2 turers and workers in the United States.

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

5 (a) IN GENERAL.—Section 5 of the National Mate-
6 rials and Minerals Policy, Research and Development Act
7 of 1980 (30 U.S.C. 1604) is amended by adding at the
8 end the following:

9 “(g) INTERGOVERNMENTAL CRITICAL MINERALS
10 TASK FORCE.—

11 “(1) PURPOSES.—The purposes of the task
12 force established under paragraph (3)(B) are—

13 “(A) to assess the reliance of the United
14 States on the People’s Republic of China, and
15 other covered countries, for critical minerals,
16 and the resulting national security risks associ-
17 ated with that reliance, at each level of the Fed-
18 eral Government, Indian Tribes, and State,
19 local, and territorial governments;

20 “(B) to make recommendations to the
21 President for the implementation of this Act
22 with regard to critical minerals, including—

23 “(i) the congressional declarations of
24 policies in section 3; and

1 “(ii) revisions to the program plan of
2 the President and the initiatives required
3 under this section;

4 “(C) to make recommendations to secure
5 United States and global supply chains for crit-
6 ical minerals;

7 “(D) to make recommendations to reduce
8 the reliance of the United States, and partners
9 and allies of the United States, on critical min-
10 eral supply chains involving covered countries;
11 and

12 “(E) to facilitate cooperation, coordination,
13 and mutual accountability among each level of
14 the Federal Government, Indian Tribes, and
15 State, local, and territorial governments, on a
16 holistic response to the dependence on covered
17 countries for critical minerals across the United
18 States.

19 “(2) DEFINITIONS.—In this subsection:

20 “(A) APPROPRIATE COMMITTEES OF CON-
21 GRESS.—The term ‘appropriate committees of
22 Congress’ means—

23 “(i) the Committees on Homeland Se-
24 curity and Governmental Affairs, Energy
25 and Natural Resources, Armed Services,

1 Environment and Public Works, Com-
2 merce, Science, and Transportation, Fi-
3 nance, and Foreign Relations of the Sen-
4 ate; and

5 “(ii) the Committees on Oversight and
6 Accountability, Natural Resources, Armed
7 Services, Ways and Means, Foreign Af-
8 fairs, and Energy and Commerce of the
9 House of Representatives.

10 “(B) CHAIR.—The term ‘Chair’ means a
11 member of the Executive Office of the Presi-
12 dent, designated by the President pursuant to
13 paragraph (3)(A).

14 “(C) COVERED COUNTRY.—The term ‘cov-
15 ered country’ means—

16 “(i) a covered nation (as defined in
17 section 4872(d) of title 10, United States
18 Code); and

19 “(ii) any other country determined by
20 the task force to be a geostrategic compet-
21 itor or adversary of the United States with
22 respect to critical minerals.

23 “(D) CRITICAL MINERAL.—The term ‘crit-
24 ical mineral’ has the meaning given the term in

1 section 7002(a) of the Energy Act of 2020 (30
2 U.S.C. 1606(a)).

3 “(E) INDIAN TRIBE.—The term ‘Indian
4 Tribe’ has the meaning given the term in sec-
5 tion 4 of the Indian Self-Determination and
6 Education Assistance Act (25 U.S.C. 5304).

7 “(F) TASK FORCE.—The term ‘task force’
8 means the task force established under para-
9 graph (3)(B).

10 “(3) ESTABLISHMENT.—Not later than 90 days
11 after the date of enactment of this subsection, the
12 President shall—

13 “(A) designate a Chair for the task force;
14 and

15 “(B) acting through the Executive Office
16 of the President, establish a task force.

17 “(4) COMPOSITION; MEETINGS.—

18 “(A) APPOINTMENT.—The Chair, in con-
19 sultation with key intergovernmental, private,
20 and public sector stakeholders, shall appoint to
21 the task force representatives with expertise in
22 critical mineral supply chains from Federal
23 agencies, Indian Tribes, and State, local, and
24 territorial governments, including not less than
25 1 representative from each of—

- 1 “(i) the Bureau of Indian Affairs;
- 2 “(ii) the Bureau of Land Manage-
- 3 ment;
- 4 “(iii) the Critical Minerals Sub-
- 5 committee of the National Science and
- 6 Technology Council;
- 7 “(iv) the Department of Agriculture;
- 8 “(v) the Department of Commerce;
- 9 “(vi) the Department of Defense;
- 10 “(vii) the Department of Energy;
- 11 “(viii) the Department of Homeland
- 12 Security;
- 13 “(ix) the Department of the Interior;
- 14 “(x) the Department of Labor;
- 15 “(xi) the Department of State;
- 16 “(xii) the Department of Transpor-
- 17 tation;
- 18 “(xiii) the Environmental Protection
- 19 Agency;
- 20 “(xiv) the Export-Import Bank of the
- 21 United States;
- 22 “(xv) the Forest Service;
- 23 “(xvi) the General Services Adminis-
- 24 tration;

1 “(xvii) the National Science Founda-
2 tion;

3 “(xviii) the Office of the United
4 States Trade Representative;

5 “(xix) the United States International
6 Development Finance Corporation;

7 “(xx) the United States Geological
8 Survey; and

9 “(xxi) any other relevant Federal enti-
10 ty, as determined by the Chair.

11 “(B) CONSULTATION.—The task force
12 shall consult individuals with expertise in crit-
13 ical mineral supply chains, individuals from
14 States whose communities, businesses, and in-
15 dustries are involved in aspects of critical min-
16 eral supply chains, including mining and proc-
17 essing operations, and individuals from a di-
18 verse and balanced cross-section of—

19 “(i) intergovernmental consultees, in-
20 cluding—

21 “(I) State governments;

22 “(II) local governments;

23 “(III) territorial governments;

24 and

25 “(IV) Indian Tribes; and

- 1 “(ii) other stakeholders, including—
2 “(I) academic research institu-
3 tions;
4 “(II) corporations;
5 “(III) nonprofit organizations;
6 “(IV) private sector stakeholders;
7 “(V) trade associations;
8 “(VI) mining industry stake-
9 holders; and
10 “(VII) labor representatives.

11 “(C) MEETINGS.—

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

17 “(ii) FREQUENCY.—The task force
18 shall meet not less than once every 90
19 days.

20 “(5) DUTIES.—

21 “(A) IN GENERAL.—The duties of the task
22 force shall include—

23 “(i) facilitating cooperation, coordina-
24 tion, and mutual accountability for the
25 Federal Government, Indian Tribes, and

1 State, local, and territorial governments to
2 enhance data sharing and transparency to
3 build more robust and secure domestic
4 supply chains for critical minerals in sup-
5 port of the purposes described in para-
6 graph (1);

7 “(ii) providing recommendations with
8 respect to—

9 “(I) increasing capacities for
10 mining, processing, refinement, reuse,
11 and recycling of critical minerals in
12 the United States to facilitate the en-
13 vironmentally responsible production
14 of domestic resources to meet national
15 critical mineral needs, in consultation
16 with Tribal and local communities;

17 “(II) identifying how statutes,
18 regulations, and policies related to the
19 critical mineral supply chain, such as
20 stockpiling and development finance,
21 could be modified to accelerate envi-
22 ronmentally responsible domestic and
23 international production of critical
24 minerals, in consultation with Indian
25 Tribes and local communities;

1 “(III) strengthening the domestic
2 workforce to support growing critical
3 mineral supply chains with good-pay-
4 ing, safe jobs in the United States;

5 “(IV) identifying alternative do-
6 mestic and global sources to critical
7 minerals that the United States cur-
8 rently relies on the People’s Republic
9 of China or other covered countries
10 for mining, processing, refining, and
11 recycling, including the availability,
12 cost, and quality of those domestic al-
13 ternatives;

14 “(V) identifying critical minerals
15 and critical mineral supply chains that
16 the United States can onshore, at a
17 competitive availability, cost, and
18 quality, for those minerals and supply
19 chains that the United States relies
20 on the People’s Republic of China or
21 other covered countries to provide;

22 “(VI) opportunities for the Fed-
23 eral Government, Indian Tribes, and
24 State, local, and territorial govern-
25 ments to mitigate risks to the national

1 security of the United States with re-
2 spect to supply chains for critical min-
3 erals that the United States currently
4 relies on the People’s Republic of
5 China or other covered countries for
6 mining, processing, refining, and recy-
7 cling; and

8 “(VII) evaluating and integrating
9 the recommendations of the Critical
10 Minerals Subcommittee of the Na-
11 tional Science and Technology Council
12 into the recommendations of the task
13 force;

14 “(iii) prioritizing the recommendations
15 in clause (ii), taking into consideration eco-
16 nomic costs and focusing on the critical
17 mineral supply chains with vulnerabilities
18 posing the most significant risks to the na-
19 tional security of the United States;

20 “(iv) recommending specific strate-
21 gies, to be carried out in coordination with
22 the Secretary of State and the Secretary of
23 Commerce, to strengthen international
24 partnerships in furtherance of critical min-
25 erals supply chain security with inter-

1 national allies and partners, including a
2 strategy to collaborate with governments of
3 the allies and partners described in sub-
4 paragraph (B) to develop advanced mining,
5 refining, separation and processing tech-
6 nologies; and

7 “(v) other duties, as determined by
8 the Chair.

9 “(B) ALLIES AND PARTNERS.—The allies
10 and partners referred to in subparagraph (A)
11 include—

12 “(i) countries participating in the
13 Quadrilateral Security Dialogue;

14 “(ii) countries that are—

15 “(I) signatories to the Abraham
16 Accords; or

17 “(II) participants in the Negev
18 Forum;

19 “(iii) countries that are members of
20 the North Atlantic Treaty Organization;
21 and

22 “(iv) other countries or multilateral
23 partnerships the task force determines to
24 be appropriate.

25 “(C) REPORT.—The Chair shall—

1 “(i) not later than 60 days after the
2 date of enactment of this subsection, and
3 every 60 days thereafter until the require-
4 ments under subsection (a) are satisfied,
5 brief the appropriate committees of Con-
6 gress on the status of the compliance of
7 the President with completing the require-
8 ments under that subsection;

9 “(ii) not later than 2 years after the
10 date of enactment of this Act, submit to
11 the appropriate committees of Congress a
12 report, which shall be submitted in unclas-
13 sified form, but may include a classified
14 annex, that describes any findings, guide-
15 lines, and recommendations created in per-
16 forming the duties under subparagraph
17 (A);

18 “(iii) not later than 120 days after
19 the date on which the Chair submits the
20 report under clause (ii), publish that report
21 in the Federal Register and on the website
22 of the Office of Management and Budget,
23 except that the Chair shall redact informa-
24 tion from the report that the Chair deter-
25 mines could pose a risk to the national se-

1 curity of the United States by being pub-
2 licly available; and

3 “(iv) brief the appropriate committees
4 of Congress twice per year.

5 “(6) SUNSET.—The task force shall terminate
6 on the date that is 90 days after the date on which
7 the task force completes the requirements under
8 paragraph (5)(C).”.

9 (b) GAO STUDY.—

10 (1) STUDY REQUIRED.—The Comptroller Gen-
11 eral of the United States shall conduct a study ex-
12 amining the Federal and State regulatory landscape
13 related to improving domestic supply chains for crit-
14 ical minerals 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).

20 (3) DEFINITIONS.—In this subsection:

21 (A) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of
23 Congress” means—

24 (i) the Committees on Homeland Se-
25 curity and Governmental Affairs, Energy

1 and Natural Resources, Armed Services,
2 Environment and Public Works, Com-
3 merce, Science, and Transportation, Fi-
4 nance, and Foreign Relations of the Sen-
5 ate; and

6 (ii) the Committees on Oversight and
7 Accountability, Natural Resources, Armed
8 Services, Ways and Means, Foreign Af-
9 fairs, and Energy and Commerce of the
10 House of Representatives.

11 (B) CRITICAL MINERAL.—The term “crit-
12 ical mineral” has the meaning given the term in
13 section 7002(a) of the Energy Act of 2020 (30
14 U.S.C. 1606(a)).

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