

119TH CONGRESS
2D SESSION

S. _____

To establish a National Critical Minerals Council within the Executive Office of the President to develop and coordinate the implementation of a national critical mineral and material strategy for the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HICKENLOOPER (for himself, Mr. TILLIS, Ms. ROSEN, Mr. SHEEHY, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a National Critical Minerals Council within the Executive Office of the President to develop and coordinate the implementation of a national critical mineral and material strategy for the United States, 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 “National Critical Min-
5 erals Council Act”.

1 **SEC. 2. NATIONAL CRITICAL MINERALS COUNCIL.**

2 Section 7002 of the Energy Act of 2020 (30 U.S.C.
3 1606) is amended—

4 (1) by redesignating subsection (o) as sub-
5 section (p); and

6 (2) by inserting after subsection (n) the fol-
7 lowing:

8 “(o) NATIONAL CRITICAL MINERALS COUNCIL.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) ADVISOR.—The term ‘Advisor’ means
11 the Chief Minerals Advisor designated under
12 paragraph (4)(C).

13 “(B) ADVISORY COUNCIL.—The term ‘Ad-
14 visory Council’ means the National Critical
15 Minerals Council established under paragraph
16 (3).

17 “(C) CO-CHAIR.—The term ‘Co-Chair’
18 means an individual listed under paragraph
19 (4)(A).

20 “(D) CRITICAL MINERAL OR MATERIAL
21 PROJECT.—The term ‘critical mineral *or mate-*
22 *rial* project’ means any project that, as a pri-
23 mary function or purpose, identifies, character-
24 izes, mines, extracts, processes, reprocesses,
25 reuses, or recycles critical minerals or critical
26 materials.

1 “(E) INSTITUTION OF HIGHER EDU-
2 CATION.—The term ‘institution of higher edu-
3 cation’ has the meaning given the term in sec-
4 tion 101 of the Higher Education Act of 1965
5 (20 U.S.C. 1001).

6 “(F) MINING SCHOOL.—The term ‘mining
7 school’ means—

8 “(i) a mining, metallurgical, geologi-
9 cal, or mineral engineering program ac-
10 credited by the Accreditation Board for
11 Engineering and Technology, Inc., that is
12 located at an institution of higher edu-
13 cation, including a Tribal College or Uni-
14 versity (as defined in section 316(b) of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1059c(b))); or

17 “(ii) a geology or engineering program
18 or department that is located at a 4-year
19 public institution of higher education lo-
20 cated in a State the gross domestic prod-
21 uct of which in 2021 was not less than
22 \$2,000,000,000 in the combined categories
23 of “Mining (except oil and gas)” and
24 “Support activities for mining”, according
25 to the Bureau of Economic Analysis.

1 “(G) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term ‘relevant congressional com-
3 mittees’ means—

4 “(i) the Committees on Energy and
5 Natural Resources, Armed Services, and
6 Foreign Relations of the Senate; and

7 “(ii) the Committees on Natural Re-
8 sources, Energy and Commerce, Armed
9 Services, and Foreign Affairs of the House
10 of Representatives.

11 “(2) PURPOSES.—The purposes of the Advisory
12 Council are—

13 “(A) to develop and coordinate the imple-
14 mentation of a national critical mineral and
15 critical material strategy for the United States
16 to secure the critical minerals and critical mate-
17 rials needed for energy security, economic op-
18 portunity, and national defense purposes;

19 “(B) to coordinate with relevant critical
20 mineral and critical material efforts across rel-
21 evant Federal agencies;

22 “(C) to reduce reliance on foreign adver-
23 saries for critical mineral and critical material
24 imports;

1 “(D) to support domestic mineral sourcing
2 capacity; and

3 “(E) to reduce single points of failure in
4 critical mineral and critical material supply
5 chains of the United States.

6 “(3) ESTABLISHMENT.—There is established in
7 the Executive Office of the President a National
8 Critical Minerals Council, to advise the Co-Chairs
9 and Advisor.

10 “(4) STAFF.—

11 “(A) CO-CHAIRS.—The Advisory Council
12 shall be co-chaired by—

13 “(i) the Secretary (or a designee);

14 “(ii) the National Security Advisor (or
15 a designee); and

16 “(iii) the Director of the National
17 Economic Council (or a designee).

18 “(B) ADVISOR.—

19 “(i) IN GENERAL.—Not later than
20 180 days after the date of enactment of
21 this subsection, the Co-Chairs shall des-
22 ignate a Chief Minerals Advisor.

23 “(ii) DUTIES.—The Advisor shall—

24 “(I) carry out the day-to-day op-
25 erations of the Advisory Council;

1 “(II) have hiring authority for
2 Advisory Council staff and serve as
3 the principal staff director for activi-
4 ties of the Advisory Council within the
5 Executive Office of the President;

6 “(III) serve as the executive sec-
7 retary of the Advisory Council; and

8 “(IV) report to the Co-Chairs.

9 “(iii) POSITION.—The Advisor shall
10 be—

11 “(I) a Senior Executive Service
12 position (as defined in section 3132(a)
13 of title 5, United States Code) in the
14 Department of the Interior; or

15 “(II) an equivalent level official
16 within the Executive Office of the
17 President.

18 “(C) MEMBERSHIP.—The Advisory Council
19 shall comprise such heads of Executive agencies
20 (as defined in section 105 of title 5, United
21 States Code) or their appropriate designees, in-
22 cluding at least 1 representative from each of—

23 “(i) the Department of Agriculture;

24 “(ii) the Department of Commerce;

25 “(iii) the Department of Defense;

1 “(iv) the Department of Energy;
2 “(v) the Department of the Interior;
3 “(vi) the Department of Labor;
4 “(vii) the Department of State;
5 “(viii) the Department of the Treas-
6 ury;
7 “(ix) the Committee on Foreign In-
8 vestment in the United States;
9 “(x) the Development Finance Co-
10 operation;
11 “(xi) the Environmental Protection
12 Agency;
13 “(xii) the Export-Import Bank of the
14 United States;
15 “(xiii) the National Economic Council;
16 “(xiv) the National Security Council;
17 “(xv) the Office of Management and
18 Budget;
19 “(xvi) the Office of Science and Tech-
20 nology Policy;
21 “(xvii) the Office of the Director of
22 National Intelligence; and
23 “(xviii) the Office of the United
24 States Trade Representative.

1 “(5) DUTIES.—In carrying out this subsection,
2 the Advisory Council shall—

3 “(A) coordinate the development of inter-
4 agency policy guidance related to critical min-
5 erals and critical materials, including guidance
6 issued jointly through the processes of the Na-
7 tional Security Council and the National Eco-
8 nomic Council;

9 “(B) recommend alignment of Federal
10 agency budget requests with the national crit-
11 ical minerals and critical materials strategy and
12 provide advice to the Director of the Office of
13 Management and Budget on that alignment;

14 “(C) identify duplicative or conflicting
15 Federal agency policies and recommend harmo-
16 nization across represented Federal agencies;

17 “(D) coordinate with the heads of all rel-
18 evant Federal agencies to consistently and
19 proactively track investments in critical mineral
20 or material projects and mining-related projects
21 around the world made by the People’s Repub-
22 lic of China and other foreign entities of con-
23 cern, as determined by the Advisor;

24 “(E) take actions to improve the visibility
25 of the United States as a preferred partner for

1 critical mineral or material projects and agree-
2 ments in comparison to foreign adversaries, in-
3 cluding collaborating with non-United States
4 entities and governments from allied and part-
5 ner nations;

6 “(F) track and advise on memoranda of
7 understanding or agreements with allied and
8 partner nations for the exchange of resources,
9 including financing, workforce, and innovation;

10 “(G) facilitate the availability, develop-
11 ment, and environmentally responsible produc-
12 tion of domestic resources to meet national crit-
13 ical minerals and critical materials needs;

14 “(H) seek to ensure there is an evaluation
15 and consideration of the impact to current and
16 future supplies of critical minerals and critical
17 materials in proposed Federal agency decision-
18 making with respect to proposed decisions that
19 have the potential for significant positive or
20 negative impacts to the supply of those critical
21 minerals and critical materials;

22 “(I) consult with outside experts from min-
23 ing schools and other institutions of higher edu-
24 cation, National Laboratories (as defined in
25 section 2 of the Energy Policy Act of 2005 (42

1 U.S.C. 15801)), relevant private industries, rel-
2 evant nongovernmental entities, Indian Tribes,
3 and investors to stay apprised of current com-
4 mercial practices, industry trends, research
5 trends, industry needs, and best practices for
6 responsible critical minerals and critical mate-
7 rials sourcing;

8 “(J) coordinate mining and critical mineral
9 or material project research, development, de-
10 ployment, investment, and commercialization
11 funding priorities and opportunities across all
12 relevant Federal agencies;

13 “(K) develop a central platform on which
14 funding opportunities may be viewed by private
15 entities;

16 “(L) maintain a central, digitized dash-
17 board accessible to all agency staff, developers,
18 and the public, to serve as a comprehensive re-
19 source for tracking projects and housing data
20 across Federal agencies, encouraging trans-
21 parency and coordination; and

22 “(M) coordinate mining, metallurgical, geo-
23 logical, and critical mineral education and work-
24 force development efforts to enable implementa-

1 tion of the national critical minerals and critical
2 materials strategy.

3 “(6) REPORT.—Not later than 1 year after the
4 date of enactment of this subsection, the Advisor, in
5 consultation with the Co-Chairs, shall submit to the
6 relevant congressional committees a report on—

7 “(A) the composition and function of the
8 Advisory Council;

9 “(B) a national critical mineral and critical
10 material strategy to achieve the purposes de-
11 scribed in paragraph (2); and

12 “(C) an implementation plan that—

13 “(i) describes how represented agen-
14 cies intend to carry out that national crit-
15 ical mineral and critical material strategy;
16 and

17 “(ii) includes clear benchmarks to
18 evaluate how the strategy and implementa-
19 tion plan are fulfilling the purposes de-
20 scribed in paragraph (2).

21 “(7) BRIEFING.—Not later than 1 year after
22 the date the report required under paragraph (6) is
23 submitted, and annually thereafter, the Advisor shall
24 provide to the relevant congressional committees a
25 briefing on the progress of the Advisory Council in

1 executing the implementation plan and updates to
2 the national critical mineral and critical material
3 strategy described in that report.”.