

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 8
OFFERED BY MR. SWALWELL OF CALIFORNIA**

At the end of the bill, insert the following:

1 **TITLE VII—SECURING ENERGY**
2 **CRITICAL ELEMENTS AND**
3 **AMERICAN JOBS**

4 **SEC. 7001. SHORT TITLE.**

5 This title may be cited as the “Securing Energy Crit-
6 ical Elements and American Jobs Act of 2015”.

7 **SEC. 7002. DEFINITIONS.**

8 In this title:

9 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
10 **TEES.**—The term “appropriate Congressional com-
11 mittees” means the Committee on Science, Space,
12 and Technology of the House of Representatives and
13 the Committee on Commerce, Science, and Trans-
14 portation and the Committee on Energy and Natural
15 Resources of the Senate.

16 (2) **CENTER.**—The term “Center” means the
17 Critical Materials Information Center established
18 under section 7012(b).

1 (3) DEPARTMENT.—The term “Department”
2 means the Department of Energy.

3 (4) ENERGY CRITICAL ELEMENT.—The term
4 “energy critical element” means any of a class of
5 chemical elements that have a high risk of a supply
6 disruption and are critical to one or more new, en-
7 ergy-related technologies such that a shortage of
8 such element would significantly inhibit large-scale
9 deployment of technologies that produce, transmit,
10 store, or conserve energy.

11 (5) HUB.—The term “Hub” means the Critical
12 Materials Energy Innovation Hub authorized in sec-
13 tion 7012(a).

14 (6) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given such term in section 101(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18 (7) PROGRAM.—The term “program” means
19 the program authorized in section 7011(a).

20 (8) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 **Subtitle A—Energy Critical** 23 **Elements**

24 **SEC. 7011. ENERGY CRITICAL ELEMENTS PROGRAM.**

25 (a) AUTHORIZATION OF PROGRAM.—

1 (1) IN GENERAL.—There is authorized in the
2 Department a program of research, development,
3 demonstration, and commercial application to assure
4 the long-term, secure, and sustainable supply of en-
5 ergy critical elements sufficient to satisfy the na-
6 tional security, economic well-being, and industrial
7 production needs of the United States. This program
8 may be carried out primarily by the Critical Mate-
9 rials Energy Innovation Hub authorized in section
10 7012(a).

11 (2) PROGRAM ACTIVITIES.—The program shall
12 focus on areas that the private sector by itself is not
13 likely to undertake because of technical and financial
14 uncertainty and support activities to—

15 (A) improve methods for the extraction,
16 processing, use, recovery, and recycling of en-
17 ergy critical elements;

18 (B) improve the understanding of the per-
19 formance, processing, and adaptability in engi-
20 neering designs using energy critical elements;

21 (C) identify and test alternative materials
22 that can be substituted for energy critical ele-
23 ments and maintain or exceed current perform-
24 ance; and

25 (D) engineer and test applications that—

- 1 (i) use recycled energy critical ele-
2 ments;
3 (ii) use alternative materials; or
4 (iii) seek to minimize energy critical
5 element content.

6 (3) EXPANDING PARTICIPATION.—In carrying
7 out the program, the Secretary shall encourage mul-
8 tidisciplinary collaborations of participants, including
9 opportunities for students at institutions of higher
10 education.

11 (4) CONSISTENCY.—The program shall be con-
12 sistent with the policies and programs in the Na-
13 tional Materials and Minerals Policy, Research and
14 Development Act of 1980 (30 U.S.C. 1601 et seq.).

15 (5) INTERNATIONAL COLLABORATION.—In car-
16 rying out the program, the Secretary shall collabo-
17 rate, to the extent practicable, on activities of mu-
18 tual interest with the relevant agencies of foreign
19 countries with interests relating to energy critical
20 elements.

21 (b) PLAN.—

22 (1) IN GENERAL.—Within 180 days after the
23 date of enactment of this Act and biennially there-
24 after, the Secretary shall prepare and submit to the

1 appropriate Congressional committees a plan to
2 carry out the program.

3 (2) SPECIFIC REQUIREMENTS.—The plan re-
4 quired under paragraph (1) shall include a descrip-
5 tion of—

6 (A) the research and development activities
7 to be carried out by the program during the
8 subsequent 2 years;

9 (B) the expected contributions of the pro-
10 gram to the creation of innovative methods and
11 technologies for the efficient and sustainable
12 provision of energy critical elements to the do-
13 mestic economy; and

14 (C) how the program is promoting the
15 broadest possible participation by academic, in-
16 dustrial, and other contributors.

17 (3) CONSULTATION.—In preparing each plan
18 under paragraph (1), the Secretary shall consult
19 with appropriate representatives of industry, institu-
20 tions of higher education, Department of Energy na-
21 tional laboratories, professional and technical soci-
22 eties, other Federal agencies, and other entities, as
23 determined by the Secretary.

24 (c) COORDINATION AND NONDUPLICATION.—To the
25 maximum extent practicable, the Secretary shall ensure

1 that the activities carried out under this subtitle are co-
2 ordinated with, and do not unnecessarily duplicate the ef-
3 forts of, other programs within the Federal Government.

4 **SEC. 7012. CRITICAL MATERIALS ENERGY INNOVATION**
5 **HUB.**

6 (a) CRITICAL MATERIALS ENERGY INNOVATION
7 HUB.—To carry out the program, the Secretary is author-
8 ized to maintain a Critical Materials Energy Innovation
9 Hub.

10 (b) CRITICAL MATERIALS INFORMATION CENTER.—

11 (1) IN GENERAL.—To collect, catalogue, dis-
12 seminate, and archive information on energy critical
13 elements in coordination with the Department of
14 Energy Office of Scientific and Technical Informa-
15 tion, the Hub shall establish and maintain a Critical
16 Materials Information Center.

17 (2) CENTER ACTIVITIES.—

18 (A) IN GENERAL.—The Center shall—

19 (i) serve as the repository for sci-
20 entific and technical data generated by the
21 research and development activities funded
22 under this section;

23 (ii) assist scientists and engineers in
24 making the fullest possible use of the Cen-
25 ter's data holdings;

1 (iii) seek and incorporate other infor-
2 mation on energy critical elements to en-
3 hance the Center's utility for program par-
4 ticipants and other users;

5 (iv) provide advice to the Secretary
6 concerning the program; and

7 (v) host meetings, at least annually,
8 for participants in the program and other
9 interested parties to promote information
10 sharing and encourage new collaborative
11 activities.

12 (B) RESTRICTION.—Not more than 2.5
13 percent of the amounts made available pursuant
14 to this section may be used for hosting con-
15 ferences under subparagraph (A)(v).

16 (c) REVIEW AND REPORT TO CONGRESS.—An award
17 made to operate the Hub shall be for a period not to ex-
18 ceed 5 years, after which the award may be renewed, sub-
19 ject to a rigorous merit review. A Hub already in existence
20 on the date of enactment of this Act may continue to re-
21 ceive support for a period of 5 years beginning on the date
22 of establishment of that Hub. Following this process, if
23 the Secretary determines that award renewal for the Hub
24 is justified, then the Secretary must submit a report to
25 the appropriate Congressional committees at least 30 days

1 prior to the award renewal which explains the Secretary's
2 determination and describes the Department's review
3 process.

4 (d) PROHIBITION ON CONSTRUCTION.—No funds
5 provided pursuant to this section may be used for con-
6 struction of new buildings or facilities for the Hub. Con-
7 struction of new buildings or facilities shall not be consid-
8 ered as part of the non-Federal share of a Hub cost-shar-
9 ing agreement.

10 **SEC. 7013. SUPPLY OF ENERGY CRITICAL ELEMENTS.**

11 The President, acting through the Critical Material
12 Supply Chain Subcommittee of the Committee on Envi-
13 ronment, Natural Resources, and Sustainability of the Na-
14 tional Science and Technology Council, shall—

15 (1) coordinate the actions of applicable Federal
16 agencies to promote an adequate and stable supply
17 of energy critical elements necessary to maintain na-
18 tional security, economic well-being, and industrial
19 production with appropriate attention to a long-term
20 balance between resource production, energy use, a
21 healthy environment, natural resources conservation,
22 and social needs;

23 (2) identify energy critical elements and estab-
24 lish scenario modeling systems for supply problems
25 of energy critical elements;

1 (3) establish a mechanism for the coordination
2 and evaluation of Federal programs with energy crit-
3 ical element needs, including Federal programs in-
4 volving research and development, in a manner that
5 complements related efforts carried out by the pri-
6 vate sector and other domestic and international
7 agencies and organizations;

8 (4) promote and encourage private enterprise in
9 the development of an economically sound and stable
10 domestic energy critical elements supply chain;

11 (5) promote and encourage the recycling of en-
12 ergy critical elements, taking into account the logis-
13 tics, economic viability, environmental sustainability,
14 and research and development needs for completing
15 the recycling process;

16 (6) assess the need for and make recommenda-
17 tions concerning the availability and adequacy of the
18 supply of technically trained personnel necessary for
19 energy critical elements research, development, ex-
20 traction, and industrial production, with a particular
21 focus on the problem of attracting and maintaining
22 high-quality professionals for maintaining an ade-
23 quate supply of energy critical elements; and

1 (7) report to the appropriate Congressional
2 committees on activities and findings under this sec-
3 tion.

4 **Subtitle B—National Materials and**
5 **Minerals Policy, Research, and**
6 **Development**

7 **SEC. 7021. AMENDMENTS TO NATIONAL MATERIALS AND**
8 **MINERALS POLICY, RESEARCH AND DEVEL-**
9 **OPMENT ACT OF 1980.**

10 (a) PROGRAM PLAN.—Section 5 of the National Ma-
11 terials and Minerals Policy, Research and Development
12 Act of 1980 (30 U.S.C. 1604) is amended—

13 (1) by striking “date of enactment of this Act”
14 each place it appears and inserting “date of enact-
15 ment of the Securing Energy Critical Elements and
16 American Jobs Act of 2015”;

17 (2) in subsection (b)(1), by striking “Federal
18 Coordinating Council for Science, Engineering, and
19 Technology” and inserting “National Science and
20 Technology Council”;

21 (3) in subsection (c)—

22 (A) by striking “the Federal Emergency”
23 and all that follows through “Agency, and”;

24 (B) by striking “appropriate shall” and in-
25 serting “appropriate, shall”;

1 (C) by striking paragraph (1);

2 (D) in paragraph (2), by striking “in the
3 case” and all that follows through “sub-
4 section,”;

5 (E) by redesignating paragraph (2) as
6 paragraph (1);

7 (F) by redesignating paragraph (3) as
8 paragraph (2); and

9 (G) by amending paragraph (2), as red-
10 igned, to read as follows:

11 “(2) assess the adequacy and stability of the
12 supply of materials necessary to maintain national
13 security, economic well-being, and industrial produc-
14 tion.”;

15 (4) by striking subsection (d); and

16 (5) by redesignating subsections (e) and (f) as
17 subsections (d) and (e), respectively.

18 (b) POLICY.—Section 3 of such Act (30 U.S.C. 1602)
19 is amended—

20 (1) by striking “The Congress declares that it”
21 and inserting “It”; and

22 (2) by striking “The Congress further declares
23 that implementation” and inserting “Implementa-
24 tion”.

1 (c) IMPLEMENTATION.—The matter before para-
2 graph (1) of section 4 of such Act (30 U.S.C. 1603) is
3 amended—

4 (1) by striking “For the purpose” and all that
5 follows through “declares that the” and inserting
6 “The”; and

7 (2) by striking “departments and agencies,”
8 and inserting “departments and agencies to imple-
9 ment the policies set forth in section 3”.

10 **SEC. 7022. REPEAL.**

11 The National Critical Materials Act of 1984 (30
12 U.S.C. 1801 et seq.) is repealed.

