

AMENDMENT TO
RULES COMMITTEE PRINT 119–8
OFFERED BY MRS. BIGGS OF SOUTH CAROLINA

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17____. FEASIBILITY STUDY ON EXTENDING CRITICAL**
2 **MINERALS PROCUREMENT AUTHORITIES TO**
3 **OTHER FEDERAL AGENCIES.**

4 (a) FINDINGS ON CRITICAL MINERAL ACQUISITION.—The Congress finds the following:

6 (1) Critical minerals are essential to national
7 security, economic stability, and technological innovation across multiple U.S. government sectors.

9 (2) The Department of Defense’s experience
10 with critical minerals procurement highlights the potential for broader federal application to enhance resource security.

13 (3) Federal agencies, such as the Departments
14 of Energy and Homeland Security, rely on critical
15 minerals but lack independent procurement and resale authorities.

1 (4) Extending such authorities could strengthen
2 domestic supply chains and reduce dependence on
3 foreign sources vulnerable to disruption.

4 (5) Legal and regulatory barriers may limit
5 agencies' ability to procure and manage critical min-
6 erals effectively, requiring thorough evaluation.

7 (6) Allowing resale of excess critical minerals
8 could generate revenue and support strategic goals,
9 provided safeguards prevent market instability.

10 (b) SENSE OF CONGRESS ON CRITICAL MINERAL AC-
11 QUISITION.—It is the sense of the Congress that a whole-
12 of-government approach to critical minerals procurement
13 could bolster national resilience and economic competitive-
14 ness.

15 (c) STUDY REQUIRED.—

16 (1) IN GENERAL.—The Secretary of Defense, in
17 coordination with the Secretary of the Interior, the
18 Secretary of Commerce, the Administrator of Gen-
19 eral Services Administration, and the heads of other
20 relevant Federal agencies, shall conduct a study on
21 the feasibility of providing to other Federal agencies
22 authorities similar to Department of Defense critical
23 mineral procurement authorities.

24 (2) CONTENTS.—The study required by para-
25 graph (1) shall include—

1 (A) an assessment of the need of other
2 Federal agencies for critical minerals;

3 (B) an evaluation of the legal, regulatory,
4 and logistical barriers to granting other Federal
5 agencies authorities similar to Department of
6 Defense critical mineral procurement authori-
7 ties;

8 (C) an analysis of the economic and stra-
9 tegic effects of allowing other Federal agencies
10 to resell critical minerals in excess of those re-
11 quired to meet the needs of the Federal agency
12 on the open market, including potential effects
13 on domestic supply chains and international
14 trade; and

15 (D) recommendations for legislative or reg-
16 ulatory changes necessary to grant other Fed-
17 eral agencies authorities similar to Department
18 of Defense critical mineral procurement au-
19 thorities, including safeguards to prevent mar-
20 ket disruption or misuse of resale proceeds re-
21 sulting from the use of such similar authorities
22 by other Federal agencies.

23 (d) REPORT.—

24 (1) IN GENERAL.—Not later than one year
25 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall submit to the Committee on
2 Armed Services of the Senate, the Committee on
3 Armed Services of the House of Representatives, the
4 Committee on Energy and Natural Resources of the
5 Senate, and the Committee on Natural Resources of
6 the House of Representatives a report described in
7 paragraph (2).

8 (2) REPORT DESCRIBED.—The report described
9 in this subsection is a report by the Secretary of De-
10 fense containing—

11 (A) the detailed findings of the study re-
12 quired by subsection (c)(1);

13 (B) recommendations for granting other
14 Federal agencies authorities similar to Depart-
15 ment of Defense critical mineral procurement
16 authorities; and

17 (C) such other additional information as
18 the Secretary determines appropriate for ensur-
19 ing a coordinated, whole-of-government ap-
20 proach to the management of critical minerals.

21 (3) FORM.—The report required under para-
22 graph (1) shall be submitted in an unclassified form,
23 but may include a classified annex.

24 (e) DEFINITIONS.—In this section:

1 (1) The term “critical mineral” has the mean-
2 ing given such term in section 7002(a) of the En-
3 ergy Act of 2020 (30 U.S.C. 1606(a)), except that
4 such term includes any mineral, element, substance,
5 or material designated by the Secretary of Defense
6 as a critical mineral.

7 (2) The term “Department of Defense critical
8 mineral procurement authorities” means the authori-
9 ties available to the Department of Defense for the
10 Department to independently acquire and dispose of
11 critical minerals.

12 (3) The term “other Federal agency” means a
13 Federal agency other than the Department of De-
14 fense.

