

AMENDMENT TO RULES COMMITTEE PRINT 119-

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OFFERED BY MR. FULCHER OF IDAHO

Add at the end of subtitle B of title XVII, the following new sections:

1 **SEC. 17___ . ASSESSMENT OF DEPARTMENT OF DEFENSE**
2 **PHOSPHATE SUPPLY CHAIN**
3 **VULNERABILITIES; RELATED LAND EX-**
4 **CHANGE AUTHORIZATION.**

5 (a) ASSESSMENT REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this section, the
8 Secretary of Defense (referred to in this subsection
9 as the “Secretary”) shall complete a comprehensive
10 assessment of the vulnerabilities in the supply chain
11 of the Department of Defense for phosphate, includ-
12 ing—

13 (A) the reliance of defense-relevant indus-
14 tries and military operations on foreign-sourced
15 phosphate and phosphate-derived products; and

16 (B) the risks to national security, as of the
17 date of the assessment, posed by patterns of
18 import dependence on phosphate, foreign supply

1 concentration of phosphate, and the suscepti-
2 bility of global commodity supply chains for
3 phosphate to disruption.

4 (2) ELEMENTS.—The assessment required
5 under paragraph (1) shall include, at a minimum, an
6 evaluation of the following:

7 (A) The extent to which the Department of
8 Defense, the defense industrial base, and de-
9 fense-related agricultural and manufacturing
10 supply chains depend on phosphate and phos-
11 phate-derived products, including—

12 (i) phosphate-based munitions compo-
13 nents, propellants, flame retardants, en-
14 ergy storage, and pyrotechnics;

15 (ii) phosphoric acid and phosphate
16 compounds used in metal finishing, corro-
17 sion protection, and other defense manu-
18 facturing processes; and

19 (iii) phosphate fertilizers essential to
20 domestic agricultural production that sup-
21 ports military food supply chains and civil-
22 military operations during a national emer-
23 gency.

24 (B) Current and projected domestic pro-
25 duction capacity for phosphate rock and proc-

1 essed phosphate products, including an assess-
2 ment of the number, location, and operational
3 status of domestic phosphate mining and proc-
4 essing facilities.

5 (C) The vulnerability of the phosphate sup-
6 ply chain to deliberate or inadvertent disrup-
7 tion, including—

8 (i) the degree of United States net
9 import reliance for phosphate at each stage
10 of the supply chain, from raw ore to fin-
11 ished defense-relevant products;

12 (ii) the concentration of foreign sup-
13 pliers of phosphate, including the market
14 share and geopolitical risk profile of Mo-
15 rocco, China, and other major producers;

16 (iii) the risk of supply disruption aris-
17 ing from hostile foreign actions, armed
18 conflicts, sanctions, trade restrictions, ex-
19 port controls imposed by foreign govern-
20 ments, or anti-competitive behaviors by
21 state-owned or state-influenced enterprises;

22 (iv) the risk of disruption arising from
23 single points of failure in domestic trans-
24 portation, processing, or storage infra-
25 structure; and

1 (v) the adequacy and feasibility of
2 substitution, including the availability of
3 alternative materials, alternative suppliers,
4 or alternative production methods capable
5 of replacing phosphate in defense-critical
6 applications within operationally relevant
7 timeframes.

8 (D) The adequacy of existing United
9 States phosphate stockpiles, including any
10 quantities held in or eligible for inclusion in the
11 National Defense Stockpile established under
12 the Strategic and Critical Materials Stock Pil-
13 ing Act (50 U.S.C. 98 et seq.), and the suffi-
14 ciency of such stockpiles to sustain defense-rel-
15 evant consumption during a supply disruption
16 of six, 12, and 24 months, respectively.

17 (E) The relationship between domestic
18 phosphate production capacity and the long-
19 term ability of the United States to reduce sup-
20 ply chain vulnerability through domestic
21 sourcing of phosphate.

22 (F) A comparison of phosphate supply
23 chain vulnerabilities with vulnerabilities of other
24 materials designated, as of the date of the as-
25 sessment, as strategic and critical materials

1 under the Strategic and Critical Materials
2 Stock Piling Act (50 U.S.C. 98 et seq.) or as
3 critical minerals on the list of critical minerals
4 published under section 7002(c)(3) of the En-
5 ergy Act of 2020 (30 U.S.C. 1606(c)(3)), for
6 the purpose of informing relative prioritization.

7 (3) RECOMMENDATIONS.—The assessment re-
8 quired under paragraph (1) shall include rec-
9 ommendations with respect to—

10 (A) actions the Department of Defense
11 should take to reduce identified vulnerabilities
12 in the phosphate supply chain, including
13 through stockpiling, domestic production incen-
14 tives, or other supply chain resilience measures;
15 and

16 (B) any legislative or regulatory action
17 necessary to address identified gaps in phos-
18 phate supply chain security.

19 (4) REPORT TO CONGRESS.—

20 (A) IN GENERAL.—Not later than 30 days
21 after the date on which the assessment required
22 under paragraph (1) is completed, the Secretary
23 shall submit a report containing the findings,
24 conclusions, and recommendations of the as-
25 sessment to—

1 (i) the Committee on Armed Services
2 of the Senate;

3 (ii) the Committee on Armed Services
4 of the House of Representatives;

5 (iii) the Committee on Energy and
6 Natural Resources of the Senate; and

7 (iv) the Committee on Natural Re-
8 sources of the House of Representatives.

9 (B) CLASSIFIED ANNEX.—The report re-
10 quired under subparagraph (A)—

11 (i) shall be submitted in an unclassi-
12 fied form; but

13 (ii) may include a classified annex if
14 the Secretary determines that the inclusion
15 of certain information in an unclassified
16 report would be detrimental to the national
17 security of the United States.

18 (5) DEFENSE-RELATED INDUSTRY DEFINED.—

19 In this subsection, the term “defense-related indus-
20 try” means a business entity that derives a signifi-
21 cant portion of its gross revenue from prime and
22 subcontracts with the Department of Defense for the
23 research, development, production, maintenance, re-
24 pair, or modification of defense articles or defense
25 services.

1 (b) RATIFICATION OF ACTIONS OF THE SECRETARY
2 OF THE INTERIOR.—Notwithstanding any other provision
3 of law, the actions of the Secretary of the Interior in the
4 approval and issuance of land patent No. 11–2021–0002
5 pursuant to the Federal Land Policy and Management Act
6 of 1976 (43 U.S.C. 1701 et seq.) are reaffirmed and rati-
7 fied.

8 **SEC. 17____. CONFIRMATION OF USE OF CERTAIN NON-FED-**
9 **ERAL LAND IN SALT LAKE CITY, UTAH, FOR**
10 **VALID PUBLIC PURPOSES.**

11 (a) CONFIRMATION OF USES.—

12 (1) IN GENERAL.—The use by the University of
13 Utah of the land described in subsection (b) as a
14 University research park, as approved by the letter
15 from the Secretary of the Interior to the University
16 of Utah dated December 10, 1970, and any modi-
17 fications of the approved plan of development and
18 management approved by the Department of the In-
19 terior prior to the date of enactment of this section,
20 is confirmed as a valid public purpose consistent
21 with the requirements of the Act of June 14, 1926
22 (commonly known as the “Recreation and Public
23 Purposes Act”) (44 Stat. 741, chapter 578; 43
24 U.S.C. 869 et seq.), subject to the terms and condi-
25 tions included in the letter and approvals.

1 (2) OTHER USES.—Any other uses of the land
2 described in subsection (b) by the University of Utah
3 that are consistent with use as a University research
4 park and related university purposes (including de-
5 velopment of student housing and a transit hub) are
6 confirmed as valid public purposes consistent with
7 the requirements of the Act of June 14, 1926 (com-
8 monly known as the “Recreation and Public Pur-
9 poses Act”) (44 Stat. 741, chapter 578; 43 U.S.C.
10 869 et seq.).

11 (b) DESCRIPTION OF NON-FEDERAL LAND.—The
12 land referred to in subsection (a) is the approximately
13 593.54 acres of land conveyed to the University of Utah
14 under the Act of June 14, 1926 (commonly known as the
15 “Recreation and Public Purposes Act”) (44 Stat. 741,
16 chapter 578; 43 U.S.C. 869 et seq.), by patent numbered
17 43–99–0012 and dated October 18, 1968, and more par-
18 ticularly described as tracts D (excluding parcels num-
19 bered 1, 2, 3, 4, and 5), G, and J, T. 1 S., R. 1 E., Salt
20 Lake Meridian.

21 **SEC. 17___ . CONTINENTAL DIVIDE NATIONAL SCENIC**
22 **TRAIL.**

23 (a) DEFINITIONS.—In this section:

24 (1) The term “Secretary” means the Secretary
25 of Agriculture.

1 (2) The term “Trail” means the Continental
2 Divide National Scenic Trail.

3 (3) The term “Trail Completion Team” means
4 the joint Forest Service-Bureau of Land Manage-
5 ment Trail completion team established under sub-
6 section (c).

7 (b) COMPLETION OF CONTINENTAL DIVIDE NA-
8 TIONAL SCENIC TRAIL.—Subject to the availability of ap-
9 propriations, the Secretary and the Secretary of the Inte-
10 rior shall seek to complete the Trail as a continuous route
11 not later than 10 years after the date of enactment of this
12 section.

13 (c) TRAIL COMPLETION TEAM.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this section, the Secretary
16 and the Secretary of the Interior shall establish a
17 joint Forest Service-Bureau of Land Management
18 Trail completion team to work in coordination with
19 the administrator of the Trail—

20 (A) to facilitate the completion and optimi-
21 zation of the Trail, consistent with the purposes
22 of the Trail; and

23 (B) to assist in the development of the
24 comprehensive development plan for the Trail
25 under subsection (d).

1 (2) CONSULTATION.—As appropriate, the Trail
2 Completion Team shall consult with other Federal
3 agencies, affected State, Tribal, and local govern-
4 ments, landowners, affected land-grant mercedes
5 owners and users, acequias, and other interested
6 parties in—

7 (A) the completion and optimization of the
8 Trail; and

9 (B) the development and completion of the
10 comprehensive development plan for the Trail
11 under subsection (d).

12 (d) COMPREHENSIVE DEVELOPMENT PLAN FOR THE
13 CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of establishment of the Trail Completion
16 Team under subsection (c), the Secretary shall com-
17 plete a comprehensive development plan for the
18 Trail.

19 (2) PLAN INCLUSIONS.—The comprehensive de-
20 velopment plan under paragraph (1) shall—

21 (A) identify any gaps in the Trail for
22 which the Secretary and the Secretary of the
23 Interior have not been able to acquire land;

1 (B) identify opportunities for the use of
2 easements acquired from willing sellers to facili-
3 tate completion of the Trail; and

4 (C) include general and site-specific Trail
5 development plans, including anticipated costs
6 of the plans.

7 (e) PARTNERSHIPS.—The Secretary and the Sec-
8 retary of the Interior shall seek to enter into agreements
9 with volunteer and nonprofit organizations, as appro-
10 priate, to facilitate the completion and administration of
11 the Trail.

12 (f) EFFECT.—Nothing in this section—

13 (1) provides any authority to acquire land or in-
14 terests in land for inclusion in the Trail beyond the
15 authorities provided for the Trail in the National
16 Trails System Act (16 U.S.C. 1241 et seq.), includ-
17 ing acquisition by eminent domain; or

18 (2) makes the acquisition of land or interests in
19 land for the Trail a priority over other land acqui-
20 sition authorizations.

21 **SEC. 17 ____ . WITHDRAWAL OF CERTAIN BUREAU OF LAND**
22 **MANAGEMENT LAND, NEW MEXICO.**

23 (a) IN GENERAL.—Subject to valid existing rights,
24 the Federal land described in subsection (b) is withdrawn
25 from all forms of—

1 (1) location, entry, and patent under the mining
2 laws; and

3 (2) disposition under the mineral leasing, min-
4 eral materials, and geothermal leasing laws.

5 (b) DESCRIPTION.—The Federal land referred to in
6 subsections (a) and (c) is the approximately 4,288 acres
7 of land administered by the Director of the Bureau of
8 Land Management and generally depicted as “Tract A”,
9 “Tract B”, “Tract C”, and “Tract D” on the map entitled
10 “Placitas, New Mexico Area Map” and dated November
11 13, 2019.

12 (c) SURFACE ESTATE.—

13 (1) IN GENERAL.—Subject to the reservation of
14 the mineral estate under paragraph (2), nothing in
15 this section prohibits the Secretary of the Interior
16 from conveying the surface estate of the Federal
17 land described in subsection (b) in accordance
18 with—

19 (A) the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1701 et seq.); or

21 (B) the Act of June 14, 1926 (commonly
22 known as the “Recreation and Public Purposes
23 Act”) (43 U.S.C. 869 et seq.).

24 (2) MINERAL ESTATE.—Any conveyance of the
25 surface estate of the Federal land described in sub-

1 section (b) shall require a reservation of the mineral
2 estate to the United States.

