

AMENDMENT TO H.R. 2670
OFFERED BY MR. GALLAGHER OF WISCONSIN

Add at the end of subtitle B of title XIV the following:

1 **SEC. 14 ____ . CRITICAL MINERAL INDEPENDENCE.**

2 (a) DEFINITIONS.—In this section:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Armed Services of
7 the Senate; and

8 (B) the Committee on Armed Services of
9 the House of Representatives.

10 (2) COVERED COUNTRY.—The term “covered
11 country” means—

12 (A) a covered nation (as defined in section
13 4872(d) of title 10, United States Code); and

14 (B) any other country determined by the
15 Secretary of Defense to be a geostrategic com-
16 petitor or adversary of the United States for
17 purposes of this section.

18 (3) CRITICAL MINERAL.—The term “critical
19 mineral” means a critical mineral (as defined in sec-

1 tion 7002(a) of the Energy Act of 2020 (30 U.S.C.
2 1606(a)) that the Secretary of Defense determines
3 to be important to the national security of the
4 United States for purposes of this section.

5 (4) SHORTFALL MATERIAL.—The term “short-
6 fall material” means materials determined to be in
7 shortfall in the most recent report on stockpile re-
8 quirements submitted to Congress under subsection
9 (a) of section 14 of the Strategic and Critical Mate-
10 rials Stock Piling Act (50 U.S.C. 98h–5) and in-
11 cluded in the most recent briefing required by sub-
12 section (f) of such section.

13 (b) STATEMENT OF POLICY.—It is the policy of the
14 United States—

15 (1) to expand mining and processing of critical
16 minerals, including rare earth elements, in the
17 United States and in countries that are allies or
18 partners of the United States to meet the needs of
19 the United States defense sector so that the Depart-
20 ment of Defense will achieve critical mineral supply
21 chain independence from covered countries, includ-
22 ing the People’s Republic of China, the Russian
23 Federation, the Islamic Republic of Iran, and the
24 Democratic People’s Republic of North Korea; and

1 (2) that the Department of Defense will pro-
2 cure critical minerals and products made using sup-
3 ply chains involving critical minerals that are not
4 mined or processed in or by covered countries.

5 (c) STRATEGY TO ACHIEVE CRITICAL MINERAL SUP-
6 PLY CHAIN INDEPENDENCE FOR THE DEPARTMENT OF
7 DEFENSE.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, the
10 Under Secretary of Defense for Acquisition and
11 Sustainment shall submit to the appropriate commit-
12 tees of Congress a strategy to develop supply chains
13 for the Department of Defense that are not depend-
14 ent on mining or processing of critical minerals in
15 or by covered countries, in order to achieve critical
16 mineral supply chain independence from covered
17 countries for the Department by 2035.

18 (2) ELEMENTS.—The strategy required by
19 paragraph (1) shall—

20 (A) identify and assess significant
21 vulnerabilities in the supply chains of contrac-
22 tors and subcontractors of the Department of
23 Defense involving critical minerals that are
24 mined or processed in or by covered countries;

1 (B) identify and recommend changes to
2 the acquisition laws, regulations, and policies of
3 the Department of Defense to ensure contrac-
4 tors and subcontractors of the Department use
5 supply chains involving critical minerals that
6 are not mined or processed in or by covered
7 countries to the greatest extent practicable;

8 (C) evaluate the utility and desirability of
9 leveraging the process for acquiring shortfall
10 materials for the National Defense Stockpile
11 under the Strategic and Critical Materials
12 Stock Piling Act (50 U.S.C. 98 et seq.) to
13 strengthen mining and processing capacity for
14 critical minerals in the United States and in
15 countries that are allies or partners of the
16 United States;

17 (D) identify areas of potential engagement
18 and partnership with the governments of coun-
19 tries that are allies or partners of the United
20 States to jointly reduce dependence on critical
21 minerals mined or processed in or by covered
22 countries;

23 (E) identify and recommend other policy
24 changes that may be needed to achieve critical

1 mineral supply chain independence from cov-
2 ered countries for the Department;

3 (F) identify and recommend measures to
4 streamline authorities and policies with respect
5 to critical minerals and supply chains for crit-
6 ical minerals; and

7 (G) prioritize the recommendations made
8 in the strategy to achieve critical mineral supply
9 chain independence from covered countries for
10 the Department, taking into consideration eco-
11 nomic costs and varying degrees of vulnerability
12 posed to the national security of the United
13 States by reliance on different types of critical
14 minerals.

15 (3) FORM OF STRATEGY.—The strategy re-
16 quired by paragraph (1) shall be submitted in classi-
17 fied form but shall include an unclassified summary.

