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:

TITLE VII—SECURING ENERGY CRITICAL ELEMENTS AND AMERICAN JOBS

SEC. 7001. SHORT TITLE.
This title may be cited as the “Securing Energy Critical Elements and American Jobs Act of 2015”.

SEC. 7002. DEFINITIONS.
In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate Congressional committees” means the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate.

(2) CENTER.—The term “Center” means the Critical Materials Information Center established under section 7012(b).
(3) DEPARTMENT.—The term “Department” means the Department of Energy.

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


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

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

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

Subtitle A—Energy Critical Elements

SEC. 7011. ENERGY CRITICAL ELEMENTS PROGRAM.

(a) AUTHORIZATION OF PROGRAM.—
(1) **IN GENERAL.**—There is authorized in the Department a program of research, development, demonstration, and commercial application to assure the long-term, secure, and sustainable supply of energy critical elements sufficient to satisfy the national security, economic well-being, and industrial production needs of the United States. This program may be carried out primarily by the Critical Materials Energy Innovation Hub authorized in section 7012(a).

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

(A) improve methods for the extraction, processing, use, recovery, and recycling of energy critical elements;

(B) improve the understanding of the performance, processing, and adaptability in engineering designs using energy critical elements;

(C) identify and test alternative materials that can be substituted for energy critical elements and maintain or exceed current performance; and

(D) engineer and test applications that—
(i) use recycled energy critical elements;
(ii) use alternative materials; or
(iii) seek to minimize energy critical element content.

(3) EXPANDING PARTICIPATION.—In carrying out the program, the Secretary shall encourage multidisciplinary collaborations of participants, including opportunities for students at institutions of higher education.

(4) CONSISTENCY.—The program shall be consistent with the policies and programs in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.).

(5) INTERNATIONAL COLLABORATION.—In carrying out the program, the Secretary shall collaborate, to the extent practicable, on activities of mutual interest with the relevant agencies of foreign countries with interests relating to energy critical elements.

(b) PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act and biennially thereafter, the Secretary shall prepare and submit to the
appropriate Congressional committees a plan to carry out the program.

(2) SPECIFIC REQUIREMENTS.—The plan required under paragraph (1) shall include a description of—

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

(B) the expected contributions of the program to the creation of innovative methods and technologies for the efficient and sustainable provision of energy critical elements to the domestic economy; and

(C) how the program is promoting the broadest possible participation by academic, industrial, and other contributors.

(3) CONSULTATION.—In preparing each plan under paragraph (1), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, professional and technical societies, other Federal agencies, and other entities, as determined by the Secretary.

(c) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure
that the activities carried out under this subtitle are co-
ordinated with, and do not unnecessarily duplicate the ef-
forts of, other programs within the Federal Government.

SEC. 7012. CRITICAL MATERIALS ENERGY INNOVATION
HUB.

(a) Critical Materials Energy Innovation
Hub.—To carry out the program, the Secretary is author-
ized to maintain a Critical Materials Energy Innovation
Hub.

(b) Critical Materials Information Center.—

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

(2) Center activities.—

(A) In general.—The Center shall—

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

(ii) assist scientists and engineers in
making the fullest possible use of the Cen-
ter’s data holdings;
(iii) seek and incorporate other information on energy critical elements to enhance the Center’s utility for program participants and other users;

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

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

(B) Restriction.—Not more than 2.5 percent of the amounts made available pursuant to this section may be used for hosting conferences under subparagraph (A)(v).

(e) Review and Report to Congress.—An award made to operate the Hub shall be for a period not to exceed 5 years, after which the award may be renewed, subject to a rigorous merit review. A Hub already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that Hub. Following this process, if the Secretary determines that award renewal for the Hub is justified, then the Secretary must submit a report to the appropriate Congressional committees at least 30 days
prior to the award renewal which explains the Secretary’s
determination and describes the Department’s review
process.

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

SEC. 7013. SUPPLY OF ENERGY CRITICAL ELEMENTS.

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

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

(2) identify energy critical elements and estab-
lish scenario modeling systems for supply problems
of energy critical elements;
(3) establish a mechanism for the coordination and evaluation of Federal programs with energy critical element needs, including Federal programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

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

(5) promote and encourage the recycling of energy critical elements, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for energy critical elements research, development, extraction, and industrial production, with a particular focus on the problem of attracting and maintaining high-quality professionals for maintaining an adequate supply of energy critical elements; and
(7) report to the appropriate Congressional committees on activities and findings under this section.

Subtitle B—National Materials and Minerals Policy, Research, and Development

SEC. 7021. AMENDMENTS TO NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH AND DEVELOPMENT ACT OF 1980.

(a) PROGRAM PLAN.—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended—

(1) by striking “date of enactment of this Act” each place it appears and inserting “date of enactment of the Securing Energy Critical Elements and American Jobs Act of 2015”;

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

(3) in subsection (c)—

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

(B) by striking “appropriate shall” and inserting “appropriate, shall”;
(C) by striking paragraph (1);

(D) in paragraph (2), by striking “in the case” and all that follows through “subsection,”;

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

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

(G) by amending paragraph (2), as redesignated, to read as follows:

“(2) assess the adequacy and stability of the supply of materials necessary to maintain national security, economic well-being, and industrial production.”;

(4) by striking subsection (d); and

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

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

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

(2) by striking “The Congress further declares that implementation” and inserting “Implementation”.

(c) IMPLEMENTATION.—The matter before paragraph (1) of section 4 of such Act (30 U.S.C. 1603) is amended—

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

(2) by striking “departments and agencies,” and inserting “departments and agencies to implement the policies set forth in section 3”.

SEC. 7022. REPEAL.