

118TH CONGRESS
1ST SESSION

S. 2031

To strengthen the national security of the United States by decreasing the reliance of the Department of Defense on critical minerals from the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of North Korea, and other geostrategic competitors and adversaries of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

Mr. ROMNEY (for himself, Mr. SULLIVAN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To strengthen the national security of the United States by decreasing the reliance of the Department of Defense on critical minerals from the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of North Korea, and other geostrategic competitors and adversaries of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Critical Mineral Inde-
3 pendence Act of 2023”.

4 **SEC. 2. STRATEGY TO ACHIEVE CRITICAL MINERAL SUPPLY**
5 **CHAIN INDEPENDENCE FOR THE DEPART-**
6 **MENT OF DEFENSE.**

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

16 (b) ELEMENTS.—The strategy required by subsection
17 (a) shall—

18 (1) identify and assess significant vulnerabilities
19 in the supply chains of contractors and subcontractors
20 of the Department of Defense involving critical
21 minerals that are mined or processed in or by cov-
22 ered countries;

23 (2) identify and recommend changes to the ac-
24 quisition laws, regulations, and policies of the De-
25 partment of Defense to ensure contractors and sub-
26 contractors of the Department use supply chains in-

1 volving critical minerals that are not mined or proc-
2 essed in or by covered countries to the greatest ex-
3 tent practicable;

4 (3) evaluate the utility and desirability of using
5 authorities provided by the Defense Production Act
6 of 1950 (50 U.S.C. 4501 et seq.) to expand supply
7 chains and processing capacity for critical minerals
8 in the United States;

9 (4) evaluate the utility and desirability of ex-
10 panding authorities provided by the Defense Produc-
11 tion Act of 1950 to be used to expand supply chains
12 and processing capacity for critical minerals by
13 countries that are allies or partners of the United
14 States;

15 (5) evaluate the utility and desirability of
16 leveraging the process for acquiring shortfall mate-
17 rials for the National Defense Stockpile under the
18 Strategic and Critical Materials Stock Piling Act (50
19 U.S.C. 98 et seq.) to expand supply chains and proc-
20 essing capacity for critical minerals in the United
21 States and in countries that are allies or partners of
22 the United States;

23 (6) identify areas of potential engagement and
24 partnership with the governments of countries that
25 are allies or partners of the United States to jointly

1 reduce dependence on critical minerals mined or
2 processed in or by covered countries;

3 (7) identify and recommend other policy
4 changes that may be needed to achieve critical min-
5 eral supply chain independence from covered coun-
6 tries for the Department;

7 (8) identify and recommend measures to
8 streamline authorities and policies with respect to
9 critical minerals and supply chains for critical min-
10 erals; and

11 (9) prioritize the recommendations made in the
12 strategy to achieve critical mineral supply chain
13 independence from covered countries for the Depart-
14 ment, taking into consideration economic costs and
15 varying degrees of vulnerability posed to the national
16 security of the United States by reliance on different
17 types of critical minerals.

18 (c) FORM OF STRATEGY.—The strategy required by
19 subsection (a) shall be submitted in classified form but
20 shall include an unclassified summary.

21 (d) DEFINITIONS.—In this section:

22 (1) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—The term “appropriate committees of Con-
24 gress” means—

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

3 (B) the Committee on Armed Services of
4 the House of Representatives.

5 (2) COVERED COUNTRY.—The term “covered
6 country” means—

7 (A) a covered nation, as defined in section
8 4872, title 10, United States Code; and

9 (B) any other country determined by the
10 Secretary of Defense to be a geostrategic com-
11 petitor or adversary of the United States for
12 purposes of this Act.

13 (3) CRITICAL MINERAL.—The term “critical
14 mineral” means a critical mineral (as defined in sec-
15 tion 7002(a) of the Energy Act of 2020 (30 U.S.C.
16 1606(a))) that the Secretary of Defense determines
17 to be important to the national security of the
18 United States for purposes of this Act.

19 (4) SHORTFALL MATERIAL.—The term “short-
20 fall material” means materials determined to be in
21 shortfall in the most recent report on stockpile re-
22 quirements submitted to Congress under subsection
23 (a) of section 14 of the Strategic and Critical Mate-
24 rials Stock Piling Act (50 U.S.C. 98h–5) and in-

- 1 cluded in the most recent briefing required by sub-
- 2 section (f) of that section.

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