

117TH CONGRESS  
2D SESSION

# H. R. 8904

To require the Secretary of Defense to develop a strategy for further collaborating with allies and partners of the United States regarding access to strategic and critical minerals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2022

Ms. SLOTKIN introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of Defense to develop a strategy for further collaborating with allies and partners of the United States regarding access to strategic and critical minerals, 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,*

3 **SECTION 1. STRATEGY ON FURTHER COLLABORATING**  
4 **WITH ALLIES AND PARTNERS FOR ACCESS TO**  
5 **STRATEGIC AND CRITICAL MINERALS.**

6 (a) FEASIBILITY BRIEFING.—Not later than 90 days  
7 after the date of the enactment of this Act, the Under

1 Secretary of Defense for Acquisition and Sustainment  
2 shall brief the appropriate congressional committees on  
3 the feasibility of expanding the cooperation of the Depart-  
4 ment of Defense with the allies and partners of the United  
5 States regarding critical minerals, including shared access  
6 to sources of such minerals, facilities for processing such  
7 minerals, and stockpiles of such minerals.

8 (b) COLLABORATION STRATEGY.—

9 (1) IN GENERAL.—Not later than 270 days  
10 after the date of the enactment of this Act, in line  
11 with section 3(b)(iii) of Executive Order 14017 (86  
12 Fed. Reg. 11849; relating to America’s supply  
13 chain), the Secretary of Defense shall submit to the  
14 appropriate congressional committees a strategy for  
15 expanding the collaboration of the Department of  
16 Defense with the allies and partners of the United  
17 States to strengthen the supply chains for critical  
18 minerals and address the risks to such supply  
19 chains.

20 (2) ELEMENTS.—The strategy required by  
21 paragraph (1) shall—

22 (A) identify key allies and partners of the  
23 United States with which the Department of  
24 Defense may seek to enter into bilateral and  
25 multilateral agreements on access to critical

minerals to strengthen defense industrial supply chains;

(B) prioritize strategic and critical minerals that are essential for national defense and of which such allies and partners maintain large stocks;

(C) assess opportunities for regional and multilateral agreements regarding access to strategic and critical minerals, including prioritizing mining, processing, and refining of strategic and critical minerals for national defense purposes;

(D) review the authorities under which the Department of Defense may enter into strategic and critical mineral sharing agreements; and

(E) provide recommendations for adjustments to existing authorities to facilitate strategic and critical mineral sharing agreements with such allies and partners.

(3) COLLABORATION AGREEMENT REQUIREMENTS.—The agreements described in subparagraphs (A) and (C) of paragraph (2) shall—

(A) identify the terms of potential bilateral and multilateral agreements, including processes for information sharing during peacetime

1           and mechanisms for expediting the sharing of  
2           strategic and critical minerals during crisis and  
3           conflict scenarios; and

4                 (B) in a crisis or conflict scenario,  
5           prioritize the access of the domestic defense in-  
6           dustrial base to strategic and critical materials.

7         (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
8         tion may be construed as authorizing the Secretary of De-  
9         fense to transfer or otherwise dispose of any strategic and  
10        critical mineral contained in the National Defense Stock-  
11        pile that is necessary for the defense industrial base.

12        (d) DEFINITIONS.—In this Act:

13               (1) APPROPRIATE CONGRESSIONAL COMMIT-  
14        TEES.—The term “appropriate congressional com-  
15        mittees” means the Committees on Armed Services  
16        of the Senate and the House of Representatives.

17               (2) STRATEGIC AND CRITICAL MINERALS.—The  
18        term “strategic and critical minerals” means any  
19        mineral, element, substance, or material designated  
20        as critical by the Secretary of the Interior under sec-  
21        tion 7002(c) of the Energy Act of 2020 (30 U.S.C.  
22        1606(c)).

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