

118TH CONGRESS
2D SESSION

S. 5030

To establish a National Critical Minerals Council within the Executive Office of the President to develop and coordinate the implementation of a national critical mineral strategy for the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2024

Mr. HICKENLOOPER (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a National Critical Minerals Council within the Executive Office of the President to develop and coordinate the implementation of a national critical mineral strategy for 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Critical Min-
5 erals Council Act”.

6 **SEC. 2. NATIONAL CRITICAL MINERALS COUNCIL.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) COUNCIL.—The term “Council” means the
2 National Critical Minerals Council established by
3 subsection (b).

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

8 (3) MINING UNIVERSITY.—The term “mining
9 university” means an institution of higher education
10 with a mining, metallurgical, geological, or mineral
11 engineering program accredited by the Accreditation
12 Board for Engineering and Technology, Inc.

13 (4) SENIOR EXECUTIVE BRANCH OFFICIAL.—
14 The term “senior executive branch official” means
15 any officer or employee described in any of para-
16 graphs (3) through (8) of section 13103(f) of title
17 5, United States Code.

18 (b) ESTABLISHMENT.—There is established in the
19 Executive Office of the President a National Critical Min-
20 erals Council.

21 (c) OBJECTIVES.—The objectives of the Council are
22 to develop and coordinate the implementation of a national
23 critical mineral strategy for the United States—

24 (1) to reduce reliance on foreign adversaries for
25 mineral imports; and

1 (2) to reduce single points of failure in the min-
 2 eral supply chain of the United States.

3 (d) STAFF.—

4 (1) CHAIR.—The Council shall be chaired by
 5 the Vice President.

6 (2) MEMBERSHIP.—The Council shall comprise
 7 such heads of executive agencies (as defined in sec-
 8 tion 105 of title 5, United States Code) and senior
 9 executive branch officials as the President deter-
 10 mines to be appropriate.

11 (3) SUPPORT.—

12 (A) CHIEF MINERALS ADVISOR.—

13 (i) APPOINTMENT.—The President
 14 shall appoint a Chief Minerals Advisor.

15 (ii) DUTIES.—The Chief Minerals Ad-
 16 visor shall—

17 (I) carry out the day-to-day oper-
 18 ations of the Council;

19 (II) serve as the Executive Sec-
 20 retary of the Council; and

21 (III) report to the Vice Presi-
 22 dent.

23 (B) OTHER STAFF.—In addition to the
 24 Chief Minerals Advisor, the Council may employ

1 not more than 5 employees to carry out the du-
2 ties of the Council.

3 (e) DUTIES.—

4 (1) IN GENERAL.—In carrying out this section,
5 the Council shall—

6 (A) coordinate mining and mineral re-
7 search, development, deployment, and commer-
8 cialization funding priorities and opportunities
9 across all Federal agencies and develop a cen-
10 tral platform on which the opportunities may be
11 viewed and applications may be submitted;

12 (B) take actions to improve the visibility of
13 the United States as a preferred partner for
14 critical mineral projects and agreements in
15 comparison to foreign adversaries, including col-
16 laborating with non-United States entities and
17 governments from allied nations;

18 (C) coordinate with relevant Federal agen-
19 cies to consistently and proactively track invest-
20 ments in critical mineral and mining-related
21 projects around the world made by the People's
22 Republic of China and other foreign adver-
23 saries, as determined by the Chief Minerals Ad-
24 visor;

1 (D) work with experts described in para-
2 graph (3)(A)—

3 (i) to prioritize 5 critical minerals, as
4 determined by the Chief Minerals Advisor,
5 and identify the top challenges and nec-
6 essary interventions associated with secur-
7 ing stable supply chains for those
8 prioritized critical minerals; and

9 (ii) to expand the list of prioritized
10 critical minerals under clause (i) to include
11 additional critical minerals, as determined
12 by the Chief Minerals Advisor; and

13 (E) carry out other activities, as deter-
14 mined by the Chief Minerals Advisor, to fulfill
15 the objectives described in subsection (c).

16 (2) REPORT.—Not later than 1 year after the
17 Council identifies critical minerals for prioritization
18 under subparagraph (D) of paragraph (1), and every
19 year thereafter, the Chief Minerals Advisor shall
20 submit to the Committee on Energy and Natural
21 Resources and the Committee on Foreign Relations
22 of the Senate, and the Committee on Natural Re-
23 sources and the Committee on Foreign Affairs of the
24 House of Representatives, a report describing—

1 (A) the critical minerals selected for
2 prioritization under that subparagraph; and

3 (B) the top challenges and necessary inter-
4 ventions identified under that subparagraph.

5 (3) CONSULTATION.—In carrying out this sec-
6 tion, the Council may consult experts in mineral
7 supply chains, including—

8 (A) experts from—

9 (i) mining universities and other insti-
10 tutions of higher education, including—

11 (I) Tribal colleges;

12 (II) historically Black colleges
13 and universities; and

14 (III) community colleges;

15 (ii) National Laboratories;

16 (iii) relevant private industries;

17 (iv) Federal agencies; and

18 (v) non-Federal organizations; and

19 (B) individuals from—

20 (i) State and local governments; and

21 (ii) Indian Tribes (as defined in sec-
22 tion 4 of the Indian Self-Determination
23 and Education Assistance Act (25 U.S.C.
24 5304)).

1 (f) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the President shall submit to
3 Congress a report that describes—

4 (1) the composition and function of the Council;

5 (2) a national critical mineral strategy to
6 achieve the objectives described in subsection (c);
7 and

8 (3) an implementation plan that—

9 (A) describes how represented agencies in-
10 tend to carry out the national critical mineral
11 strategy; and

12 (B) includes clear benchmarks to evaluate
13 how the strategy and implementation plan are
14 fulfilling the objectives described in subsection
15 (c).

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