

118TH CONGRESS
2D SESSION

S. 3631

To require reports on critical mineral and rare earth element resources around the world and a strategy for the development of advanced mining, refining, separation, and processing technologies.

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2024

Mr. CORNYN (for himself, Mr. WARNER, Mr. YOUNG, Mr. KING, Mr. LANKFORD, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require reports on critical mineral and rare earth element resources around the world and a strategy for the development of advanced mining, refining, separation, and processing technologies.

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 “Critical Minerals Secu-
5 rity Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED NATION.—The term “covered na-
2 tion” has the meaning given that term in section
3 4872 of title 10, United States Code.

4 (2) CRITICAL MINERAL.—The term “critical
5 mineral” has the meaning given that term in section
6 7002(a) of the Energy Act of 2020 (30 U.S.C.
7 1606(a)).

8 (3) FOREIGN ENTITY OF CONCERN.—The term
9 “foreign entity of concern” has the meaning given
10 that term in section 40207 of the Infrastructure In-
11 vestment and Jobs Act (42 U.S.C. 18741).

12 (4) RARE EARTH ELEMENTS.—The term “rare
13 earth elements” means cerium, dysprosium, erbium,
14 europium, gadolinium, holmium, lanthanum, lute-
15 tium, neodymium, praseodymium, promethium, sa-
16 marium, scandium, terbium, thulium, ytterbium, and
17 yttrium.

18 (5) UNITED STATES PERSON.—The term
19 “United States person” means—

20 (A) a United States citizen or an alien law-
21 fully admitted for permanent residence to the
22 United States; or

23 (B) an entity organized under the laws of
24 the United States or of any jurisdiction within

1 the United States, including a foreign branch of
2 such an entity.

3 **SEC. 3. REPORTS ON CRITICAL MINERAL AND RARE EARTH**
4 **ELEMENT RESOURCES.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, and every 2 years there-
7 after, the Secretary of the Interior, in consultation with
8 the heads of relevant Federal agencies, shall submit to
9 Congress a report on all critical mineral and rare earth
10 element resources around the world that includes—

11 (1) an assessment of—

12 (A) which of such resources are under the
13 control of a foreign entity of concern, including
14 through ownership, contract, or economic or po-
15 litical influence;

16 (B) which of such resources are owned by,
17 controlled by, or subject to the jurisdiction or
18 direction of the United States or a country that
19 is an ally or partner of the United States;

20 (C) which of such resources are not owned
21 by, controlled by, or subject to the jurisdiction
22 or direction of a foreign entity of concern or a
23 country described in subparagraph (B); and

1 (D) in the case of such resources not un-
2 dergoing commercial mining, the reasons for
3 the lack of commercial mining;

4 (2) for each mine from which significant quan-
5 tities of critical minerals or rare earth elements are
6 being extracted, as of the date that is one year be-
7 fore the date of the report—

8 (A) an estimate of the annual volume of
9 output of the mine as of that date;

10 (B) an estimate of the total volume of min-
11 eral or elements that remain in the mine as of
12 that date;

13 (C)(i) an identification of the country and
14 entity operating the mine; or

15 (ii) if the mine is operated by more than
16 one country or entity, an estimate of the output
17 of each mineral or element from the mine to
18 which each such country or entity has access;
19 and

20 (D) an identification of the ultimate bene-
21 ficial owners of the mine and the percentage of
22 ownership held by each such owner;

23 (3) for each mine not described in paragraph
24 (2), to the extent practicable—

1 (A) an estimate of the aggregate annual
2 volume of output of the mines as of the date
3 that is one year before the date of the report;

4 (B) an estimate of the aggregate total vol-
5 ume of mineral or elements that remain in the
6 mines as of that date;

7 (C) an estimate of the aggregate total out-
8 put of each mineral or element from the mine
9 to which a foreign entity of concern has access;

10 (4)(A) a list of key foreign entities of concern
11 involved in mining critical minerals and rare earth
12 elements;

13 (B) a list of key entities in the United States
14 and countries that are allies or partners of the
15 United States involved in mining critical minerals
16 and rare earth elements; and

17 (C) an assessment of the technical feasibility of
18 entities listed under subparagraphs (A) and (B)
19 mining and processing resources identified under
20 paragraph (1)(C) using existing advanced tech-
21 nology;

22 (5) an assessment, prepared in consultation
23 with the Secretary of State, of ways to collaborate
24 with countries in which mines or mineral processing
25 operations (or both) are located that are operated by

1 other countries, or are operated by entities from
2 other countries, to ensure ongoing access by the
3 United States and countries that are allies and part-
4 ners of the United States to those mines and proc-
5 essing operations;

6 (6) a list, prepared in consultation with the
7 Secretary of Commerce, identifying, to the maximum
8 extent practicable, all cases in which entities were
9 forced to divest stock in mining or processing oper-
10 ations for critical minerals and rare earth elements
11 based on—

12 (A) regulatory rulings of the government
13 of a covered nation;

14 (B) joint regulatory rulings of such a gov-
15 ernment and the government of another coun-
16 try; or

17 (C) rulings of a relevant tribunal or other
18 entity authorized to render binding decisions on
19 divestiture;

20 (7) a list of all cases in which the government
21 of a covered nation purchased an entity that was
22 forced to divest stock as described in paragraph (6);
23 and

24 (8) a list of all cases in which mining or proc-
25 essing operations (or both) for critical minerals and

1 rare earth elements that were not subject to a ruling
2 described in paragraph (6) were taken over by—

3 (A) the government of a covered nation; or

4 (B) an entity located in, or influenced or
5 controlled by, such a government.

6 (b) FORM OF REPORT.—Each report required by
7 subsection (a) shall be submitted in unclassified form, but
8 may include a classified annex if necessary.

9 **SEC. 4. PROCESS FOR NOTIFYING UNITED STATES GOVERN-**
10 **MENT OF DIVESTMENT.**

11 Not later than one year after the date of the enact-
12 ment of this Act, the Secretary of the Interior, in consulta-
13 tion with the Secretary of State, shall establish a process
14 under which—

15 (1) a United States person seeking to divest
16 stock in mining or mineral processing operations for
17 critical minerals and rare earth elements in a foreign
18 country may notify the Secretary of the intention of
19 the person to divest such stock; and

20 (2) the Secretary may provide assistance to the
21 person to find a purchaser that is not under the con-
22 trol of the government of a covered nation.

1 **SEC. 5. STRATEGY ON DEVELOPMENT OF ADVANCED MIN-**
2 **ING, REFINING, SEPARATION, AND PROC-**
3 **ESSING TECHNOLOGIES.**

4 (a) **IN GENERAL.**—Not later than one year after the
5 date of the enactment of this Act, the Secretary of the
6 Interior, in consultation with the heads of relevant Federal
7 agencies, shall develop—

8 (1) a strategy to collaborate with the govern-
9 ments of countries that are allies and partners of
10 the United States to develop advanced mining, refin-
11 ing, separation, and processing technologies; and

12 (2) a method for sharing the intellectual prop-
13 erty resulting from the development of such tech-
14 nologies with those countries to enable those coun-
15 tries to license such technologies and mine, refine,
16 separate, and process the resources of such coun-
17 tries.

18 (b) **REPORTS REQUIRED.**—Not later than one year
19 after the date of the enactment of this Act, and annually
20 thereafter, the Secretary shall submit to Congress a report
21 on the progress made in developing the strategy and meth-
22 od described in subsection (a).

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