

Calendar No. 607118TH 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

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Critical Minerals Security Act of 2024”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COVERED NATION.**—The term “covered nation” has the meaning given that term in section 4872 of title 10, United States Code.

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

13 (3) **FOREIGN ENTITY OF CONCERN.**—The term “foreign entity of concern” has the meaning given that term in section 40207 of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741).

17 (4) **RARE EARTH ELEMENTS.**—The term “rare earth elements” means cerium, dysprosium, erbium, europium, gadolinium, holmium, lanthanum, lutetium, neodymium, praseodymium, promethium, samarium, scandium, terbium, thulium, ytterbium, and yttrium.

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

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

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

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

16 (1) an assessment of—

17 (A) which of such resources are under the
18 control of a foreign entity of concern, including
19 through ownership, contract, or economic or po-
20 litical influence;

21 (B) which of such resources are owned by,
22 controlled by, or subject to the jurisdiction or
23 direction of the United States or a country that
24 is an ally or partner of the United States;

1 (C) which of such resources are not owned
2 by, controlled by, or subject to the jurisdiction
3 or direction of a foreign entity of concern or a
4 country described in subparagraph (B); and

5 (D) in the case of such resources not un-
6 dergoing commercial mining, the reasons for
7 the lack of commercial mining;

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

12 (A) an estimate of the annual volume of
13 output of the mine as of that date;

14 (B) an estimate of the total volume of min-
15 eral or elements that remain in the mine as of
16 that date;

17 (C)(i) an identification of the country and
18 entity operating the mine; or

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

1 ~~(D)~~ an identification of the ultimate bene-
2 ficial owners of the mine and the percentage of
3 ownership held by each such owner;

4 ~~(3)~~ for each mine not described in paragraph
5 ~~(2)~~, to the extent practicable—

6 ~~(A)~~ an estimate of the aggregate annual
7 volume of output of the mines as of the date
8 that is one year before the date of the report;

9 ~~(B)~~ an estimate of the aggregate total vol-
10 ume of mineral or elements that remain in the
11 mines as of that date;

12 ~~(C)~~ an estimate of the aggregate total out-
13 put of each mineral or element from the mine
14 to which a foreign entity of concern has access;

15 ~~(4)(A)~~ a list of key foreign entities of concern
16 involved in mining critical minerals and rare earth
17 elements;

18 ~~(B)~~ a list of key entities in the United States
19 and countries that are allies or partners of the
20 United States involved in mining critical minerals
21 and rare earth elements; and

22 ~~(C)~~ an assessment of the technical feasibility of
23 entities listed under subparagraphs ~~(A)~~ and ~~(B)~~
24 mining and processing resources identified under

1 paragraph (1)(C) using existing advanced tech-
2 nology;

3 (5) an assessment, prepared in consultation
4 with the Secretary of State, of ways to collaborate
5 with countries in which mines or mineral processing
6 operations (or both) are located that are operated by
7 other countries, or are operated by entities from
8 other countries, to ensure ongoing access by the
9 United States and countries that are allies and part-
10 ners of the United States to those mines and proc-
11 essing operations;

12 (6) a list, prepared in consultation with the
13 Secretary of Commerce, identifying, to the maximum
14 extent practicable, all cases in which entities were
15 forced to divest stock in mining or processing oper-
16 ations for critical minerals and rare earth elements
17 based on—

18 (A) regulatory rulings of the government
19 of a covered nation;

20 (B) joint regulatory rulings of such a gov-
21 ernment and the government of another coun-
22 try; or

23 (C) rulings of a relevant tribunal or other
24 entity authorized to render binding decisions on
25 divestiture;

1 (7) a list of all cases in which the government
 2 of a covered nation purchased an entity that was
 3 forced to divest stock as described in paragraph (6);
 4 and

5 (8) a list of all cases in which mining or proe-
 6 cessing operations (or both) for critical minerals and
 7 rare earth elements that were not subject to a ruling
 8 described in paragraph (6) were taken over by—

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

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

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

15 **SEC. 4. PROCESS FOR NOTIFYING UNITED STATES GOVERN-**
 16 **MENT OF DIVESTMENT.**

17 Not later than one year after the date of the enact-
 18 ment of this Act, the Secretary of the Interior, in consulta-
 19 tion with the Secretary of State, shall establish a process
 20 under which—

21 (1) a United States person seeking to divest
 22 stock in mining or mineral processing operations for
 23 critical minerals and rare earth elements in a foreign
 24 country may notify the Secretary of the intention of
 25 the person to divest such stock; and

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

4 **SEC. 5. STRATEGY ON DEVELOPMENT OF ADVANCED MIN-**
5 **ING, REFINING, SEPARATION, AND PROC-**
6 **ESSING TECHNOLOGIES.**

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

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

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

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Critical Minerals Secu-*
 3 *urity Act of 2024”.*

4 **SEC. 2. REPORTS ON CRITICAL MINERAL AND RARE EARTH**
 5 **ELEMENT RESOURCES.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *COVERED NATION.—The term “covered na-*
 8 *tion” has the meaning given that term in section*
 9 *4872 of title 10, United States Code.*

10 (2) *CRITICAL MINERAL.—The term “critical*
 11 *mineral” has the meaning given that term in section*
 12 *7002(a) of the Energy Act of 2020 (30 U.S.C.*
 13 *1606(a)).*

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

18 (4) *RARE EARTH ELEMENTS.—The term “rare*
 19 *earth elements” means cerium, dysprosium, erbium,*
 20 *europium, gadolinium, holmium, lanthanum, lute-*
 21 *tium, neodymium, praseodymium, promethium, sa-*
 22 *marium, scandium, terbium, thulium, ytterbium, and*
 23 *yttrium.*

24 (5) *UNITED STATES PERSON.—The term “United*
 25 *States person” means—*

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

8 (b) *REPORTS ON CRITICAL MINERAL AND RARE*
9 *EARTH ELEMENT RESOURCES.—*

10 (1) *IN GENERAL.—*Not later than one year after
11 the date of the enactment of this Act, and every 2
12 years thereafter, the Secretary of the Interior, in con-
13 sultation with the Secretary of Energy and the heads
14 of other relevant Federal agencies, shall submit to
15 Congress a report on all critical mineral and rare
16 earth element resources (including recyclable or recy-
17 cled materials containing such resources) around the
18 world that includes—

19 (A) an assessment of—

20 (i) which of such resources are under
21 the control of a foreign entity of concern,
22 including through ownership, contract, or
23 economic or political influence;

24 (ii) which of such resources are owned
25 by, controlled by, or subject to the jurisdic-

1 *tion or direction of the United States or a*
2 *country that is an ally or partner of the*
3 *United States;*

4 *(iii) which of such resources are not*
5 *owned by, controlled by, or subject to the ju-*
6 *risdiction or direction of a foreign entity of*
7 *concern or a country described in clause*
8 *(ii); and*

9 *(iv) in the case of such resources not*
10 *undergoing commercial mining, the reasons*
11 *for the lack of commercial mining;*

12 *(B) for each mine from which significant*
13 *quantities of critical minerals or rare earth ele-*
14 *ments are being extracted, as of the date that is*
15 *one year before the date of the report—*

16 *(i) an estimate of the annual volume of*
17 *output of the mine as of that date;*

18 *(ii) an estimate of the total volume of*
19 *mineral or elements that remain in the*
20 *mine as of that date;*

21 *(iii)(I) an identification of the country*
22 *and entity operating the mine; or*

23 *(II) if the mine is operated by more*
24 *than one country or entity, an estimate of*
25 *the output of each mineral or element from*

1 *the mine to which each such country or en-*
2 *tity has access; and*

3 *(iv) an identification of the ultimate*
4 *beneficial owners of the mine and the per-*
5 *centage of ownership held by each such*
6 *owner;*

7 *(C) for each mine not described in subpara-*
8 *graph (B), to the extent practicable—*

9 *(i) an estimate of the aggregate annual*
10 *volume of output of the mines as of the date*
11 *that is one year before the date of the report;*

12 *(ii) an estimate of the aggregate total*
13 *volume of mineral or elements that remain*
14 *in the mines as of that date; and*

15 *(iii) an estimate of the aggregate total*
16 *output of each mineral or element from the*
17 *mine to which a foreign entity of concern*
18 *has access;*

19 *(D)(i) a list of key foreign entities of con-*
20 *cern involved in mining critical minerals and*
21 *rare earth elements;*

22 *(ii) a list of key entities in the United*
23 *States and countries that are allies or partners*
24 *of the United States involved in mining critical*
25 *minerals and rare earth elements; and*

1 (iii) an assessment of the technical feasi-
2 bility of entities listed under clauses (i) and (ii)
3 mining and processing resources identified under
4 subparagraph (A)(iii) using existing advanced
5 technology;

6 (E) an assessment, prepared in consultation
7 with the Secretary of State, of ways to collabo-
8 rate with countries in which mines, mineral
9 processing operations, or recycling operations (or
10 any combination thereof) are located that are op-
11 erated by other countries, or are operated by en-
12 tities from other countries, to ensure ongoing ac-
13 cess by the United States and countries that are
14 allies and partners of the United States to those
15 mines and processing or recycling operations;

16 (F) a list, prepared in consultation with the
17 Secretary of Commerce, identifying, to the max-
18 imum extent practicable, all cases in which enti-
19 ties were forced to divest stock in mining, proc-
20 essing, or recycling operations (or any combina-
21 tion thereof) for critical minerals and rare earth
22 elements based on—

23 (i) regulatory rulings of the govern-
24 ment of a covered nation;

1 (ii) joint regulatory rulings of such a
2 government and the government of another
3 country; or

4 (iii) rulings of a relevant tribunal or
5 other entity authorized to render binding
6 decisions on divestiture;

7 (G) a list of all cases in which the govern-
8 ment of a covered nation purchased an entity
9 that was forced to divest stock as described in
10 subparagraph (F); and

11 (H) a list of all cases in which mining,
12 processing, or recycling operations (or any com-
13 bination thereof) for critical minerals and rare
14 earth elements that were not subject to a ruling
15 described in subparagraph (F) were taken over
16 by—

17 (i) the government of a covered nation;

18 or

19 (ii) an entity located in, or influenced
20 or controlled by, such a government.

21 (2) *FORM OF REPORT.*—Each report required by
22 paragraph (1) shall be submitted in unclassified form,
23 but may include a classified annex, if necessary.

24 (c) *PROCESS FOR NOTIFYING UNITED STATES GOV-*
25 *ERNMENT OF DIVESTMENT.*—Not later than one year after

1 *the date of the enactment of this Act, the Secretary of the*
2 *Interior, in consultation with the Secretary of State, shall*
3 *establish a process under which—*

4 (1) *a United States person seeking to divest stock*
5 *in mining, processing, or recycling operations for*
6 *critical minerals and rare earth elements in a foreign*
7 *country may notify the Secretary of the intention of*
8 *the person to divest such stock; and*

9 (2) *the Secretary may provide assistance to the*
10 *person to find a purchaser that is not under the con-*
11 *trol of the government of a covered nation.*

12 (d) *STRATEGY ON DEVELOPMENT OF ADVANCED MIN-*
13 *ING, REFINING, SEPARATION, PROCESSING, AND RECYCLING*
14 *TECHNOLOGIES.—*

15 (1) *IN GENERAL.—Not later than one year after*
16 *the date of the enactment of this Act, the Secretary of*
17 *the Interior, in consultation with the Secretary of En-*
18 *ergy and the heads of other relevant Federal agencies,*
19 *shall develop—*

20 (A) *a strategy to collaborate with the gov-*
21 *ernments of countries that are allies and part-*
22 *ners of the United States to develop advanced*
23 *mining, refining, separation, processing, and re-*
24 *cycling technologies; and*

1 *(B) a method for sharing the intellectual*
2 *property resulting from the development of such*
3 *technologies with those countries to enable those*
4 *countries to license such technologies and mine,*
5 *refine, separate, process, and recycle the re-*
6 *sources of such countries.*

7 *(2) REPORTS REQUIRED.—Not later than one*
8 *year after the date of the enactment of this Act, and*
9 *annually thereafter, the Secretary shall submit to*
10 *Congress a report on the progress made in developing*
11 *the strategy and method described in paragraph (1).*

Calendar No. 607

118TH CONGRESS
2^D SESSION

S. 3631

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.

NOVEMBER 21, 2024

Reported with an amendment