

AMENDMENT TO
RULES COMMITTEE PRINT 119–8
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the end of division E, add the following new title:

1 TITLE LII—REPORT ON CRIT-
2 ICAL MINERAL AND RARE
3 EARTH ELEMENT RESOURCES

4 SEC. 5201. REPORT ON CRITICAL MINERAL AND RARE
5 EARTH ELEMENT RESOURCES.

6 (a) DEFINITIONS.—In this section:

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

10 (2) CRITICAL MINERAL.—The term “critical
11 mineral” has the meaning given the 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 the term in section 40207(a) of the Infrastructure
17 Investment and Jobs Act (42 U.S.C. 18741(a)).

18 (4) RARE EARTH ELEMENTS.—The term “rare
19 earth elements” means cerium, dysprosium, erbium,

1 europium, gadolinium, holmium, lanthanum, lute-
2 tium, neodymium, praseodymium, promethium, sa-
3 marium, scandium, terbium, thulium, ytterbium, and
4 yttrium.

5 (5) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (6) UNITED STATES PERSON.—The term
8 “United States person” means—

9 (A) a United States citizen or an alien law-
10 fully admitted for permanent residence to the
11 United States; or

12 (B) an entity organized under the laws of
13 the United States or of any jurisdiction within
14 the United States, including a foreign branch of
15 such an entity.

16 (b) REPORT ON CRITICAL MINERAL AND RARE
17 EARTH ELEMENT RESOURCES.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary, in
20 consultation with the Secretary of Energy and the
21 heads of other relevant Federal agencies, shall sub-
22 mit to Congress a report on all critical mineral and
23 rare earth element resources (including recyclable or
24 recycled materials containing those resources)
25 around the world that includes—

1 (A) an assessment of—

2 (i) which of those resources are under
3 the control of a foreign entity of concern,
4 including through ownership, contract, or
5 economic or political influence;

6 (ii) which of those resources are
7 owned by, controlled by, or subject to the
8 jurisdiction or direction of the United
9 States or a country that is an ally or part-
10 ner of the United States;

11 (iii) which of those resources are not
12 owned by, controlled by, or subject to the
13 jurisdiction or direction of a foreign entity
14 of concern or a country described in clause
15 (ii); and

16 (iv) in the case of those resources not
17 undergoing commercial mining, the reasons
18 for the lack of commercial mining;

19 (B) for each mine from which significant
20 quantities of critical minerals or rare earth ele-
21 ments are being extracted, as of the date that
22 is 1 year before the date of the report—

23 (i) an estimate of the annual volume
24 of output of the mine as of that date;

1 (ii) an estimate of the total volume of
2 mineral or elements that remain in the
3 mine as of that date;

4 (iii)(I) an identification of the country
5 and entity operating the mine; or

6 (II) if the mine is operated by more
7 than 1 country or entity, an estimate of
8 the output of each mineral or element from
9 the mine to which each such country or en-
10 tity has access; and

11 (iv) an identification of the ultimate
12 beneficial owners of the mine and the per-
13 centage of ownership held by each such
14 owner;

15 (C) for each mine not described in sub-
16 paragraph (B), to the extent practicable—

17 (i) an estimate of the aggregate an-
18 nual volume of output of the mines as of
19 the date that is 1 year before the date of
20 the report;

21 (ii) an estimate of the aggregate total
22 volume of mineral or elements that remain
23 in the mines as of that date; and

24 (iii) an estimate of the aggregate total
25 output of each mineral or element from the

1 mine to which a foreign entity of concern
2 has access;

3 (D)(i) a list of key foreign entities of concern involved in mining critical minerals and
4 rare earth elements;
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6 (ii) a list of key entities in the United
7 States and countries that are allies or partners
8 of the United States involved in mining critical
9 minerals and rare earth elements; and

10 (iii) an assessment of the technical feasibility of entities listed under clauses (i) and (ii)
11 mining and processing resources identified
12 under subparagraph (A)(iii) using existing advanced technology;
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15 (E) an assessment, prepared in consultation with the Secretary of State, of ways to collaborate with countries in which mines, mineral
16 processing operations, or recycling operations
17 (or any combination thereof) are located that
18 are operated by other countries, or are operated
19 by entities from other countries, to ensure ongoing access by the United States and countries
20 that are allies and partners of the United
21 States to those mines and processing or recycling operations;
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1 (F) a list, prepared in consultation with
2 the Secretary of Commerce, identifying, to the
3 maximum extent practicable, based on publicly
4 available and government-sourced information,
5 strategically significant cases in which entities
6 were forced to divest stock in mining, proc-
7 essing, or recycling operations (or any combina-
8 tion thereof) for critical minerals and rare earth
9 elements based on—

10 (i) regulatory rulings of the govern-
11 ment of a covered nation;

12 (ii) joint regulatory rulings of the gov-
13 ernment of a covered nation and the gov-
14 ernment of another country; or

15 (iii) rulings of a relevant tribunal or
16 other entity authorized to render binding
17 decisions on divestiture;

18 (G) a list of strategically significant cases
19 in which the government of a covered nation
20 purchased an entity that was forced to divest
21 stock as described in subparagraph (F);

22 (H) a list of strategically significant cases
23 in which mining, processing, or recycling oper-
24 ations (or any combination thereof) for critical
25 minerals and rare earth elements that were not

1 subject to a ruling described in subparagraph
2 (F) were taken over by—

3 (i) the government of a covered na-
4 tion; or

5 (ii) an entity located in, or influenced
6 or controlled by, the government of a cov-
7 ered nation; and

8 (I) an assessment of any significant data
9 gaps or uncertainties in the information re-
10 quired under subparagraphs (F) through (H).

11 (2) FORM OF REPORT.—The report required by
12 paragraph (1) shall be submitted in unclassified
13 form, but may include a classified annex, if nec-
14 essary.

