

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the end of subtitle C of title XVII, add the following new section:

1 **SEC. 17___ . REPORTS ON CRITICAL MINERAL AND RARE**
2 **EARTH ELEMENT RESOURCES AND STRAT-**
3 **EGY ON MINING, REFINING, SEPARATION,**
4 **AND PROCESSING TECHNOLOGIES.**

5 (a) REPORTS ON CRITICAL MINERAL AND RARE
6 EARTH ELEMENT RESOURCES.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, and
9 every 2 years thereafter, the Secretary of the Inte-
10 rior, in consultation with the heads of relevant Fed-
11 eral agencies, shall submit to Congress a report on
12 all critical mineral and rare earth element resources
13 around the world that includes—

14 (A) an assessment of—

15 (i) which of such resources are under
16 the control of a foreign entity of concern,
17 including through ownership, contract, or
18 economic or political influence;

1 (ii) which of such resources are owned
2 by, controlled by, or subject to the jurisdic-
3 tion or direction of the United States or a
4 country that is an ally or partner of the
5 United States;

6 (iii) which of such resources are not
7 owned by, controlled by, or subject to the
8 jurisdiction or direction of a foreign entity
9 of concern or a country described in clause
10 (ii); and

11 (iv) in the case of such resources not
12 undergoing commercial mining, the reasons
13 for the lack of commercial mining;

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

18 (i) an estimate of the annual volume
19 of output of the mine as of that date;

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

23 (iii)(I) an identification of the country
24 and entity operating the mine; or

1 (II) if the mine is operated by more
2 than one country or entity, an estimate of
3 the output of each mineral or element from
4 the mine to which each such country or en-
5 tity has access; and

6 (iv) an identification of the ultimate
7 beneficial owners of the mine and the per-
8 centage of ownership held by each such
9 owner;

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

12 (i) an estimate of the aggregate an-
13 nual volume of output of the mines as of
14 the date that is one year before the date
15 of the report;

16 (ii) an estimate of the aggregate total
17 volume of mineral or elements that remain
18 in the mines as of that date; and

19 (iii) an estimate of the aggregate total
20 output of each mineral or element from the
21 mine to which a foreign entity of concern
22 has access;

23 (D)(i) a list of key foreign entities of con-
24 cern involved in mining critical minerals and
25 rare earth elements;

1 (ii) a list of key entities in the United
2 States and countries that are allies or partners
3 of the United States involved in mining critical
4 minerals and rare earth elements; and

5 (iii) an assessment of the technical feasi-
6 bility of entities listed under clauses (i) and (ii)
7 mining and processing resources identified
8 under subparagraph (A)(iii) using existing ad-
9 vanced technology;

10 (E) an assessment, prepared in consulta-
11 tion with the Secretary of State, of ways to col-
12 laborate with countries in which mines or min-
13 eral processing operations (or both) are located
14 that are operated by other countries, or are op-
15 erated by entities from other countries, to en-
16 sure ongoing access by the United States and
17 countries that are allies and partners of the
18 United States to those mines and processing
19 operations;

20 (F) a list, prepared in consultation with
21 the Secretary of Commerce, identifying, to the
22 maximum extent practicable, all cases in which
23 entities were forced to divest stock in mining or
24 processing operations for critical minerals and
25 rare earth elements based on—

1 (i) regulatory rulings of the govern-
2 ment of a covered nation;

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

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

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

13 (H) a list of all cases in which mining or
14 processing operations (or both) for critical min-
15 erals and rare earth elements that were not
16 subject to a ruling described in subparagraph
17 (F) were taken over by—

18 (i) the government of a covered na-
19 tion; or

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

22 (2) FORM OF REPORT.—Each report required
23 by paragraph (1) shall be submitted in unclassified
24 form, but may include a classified annex if nec-
25 essary.

1 (b) PROCESS FOR NOTIFYING UNITED STATES GOV-
2 ERNMENT OF DIVESTMENT.—Not later than one year
3 after the date of the enactment of this Act, the Secretary
4 of the Interior, in consultation with the Secretary of State,
5 shall establish a process under which—

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

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

14 (c) STRATEGY ON DEVELOPMENT OF ADVANCED
15 MINING, REFINING, SEPARATION, AND PROCESSING
16 TECHNOLOGIES.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of the Interior, in consultation with the heads
20 of relevant Federal agencies, shall develop—

21 (A) a strategy to collaborate with the gov-
22 ernments of countries that are allies and part-
23 ners of the United States to develop advanced
24 mining, refining, separation, and processing
25 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
4 those countries to license such technologies and
5 mine, refine, separate, and process 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 devel-
11 oping the strategy and method described in para-
12 graph (1).

13 (d) DEFINITIONS.—In this section:

14 (1) The term “covered nation” has the meaning
15 given that term in section 4872 of title 10, United
16 States Code.

17 (2) The term “critical mineral” has the mean-
18 ing given that term in section 7002(a) of the Energy
19 Act of 2020 (30 U.S.C. 1606(a)).

20 (3) The term “foreign entity of concern” has
21 the meaning given that term in section 40207 of the
22 Infrastructure Investment and Jobs Act (42 U.S.C.
23 18741).

24 (4) The term “rare earth elements” means ce-
25 rium, dysprosium, erbium, europium, gadolinium,

1 holmium, lanthanum, lutetium, neodymium, praseo-
2 dymium, promethium, samarium, scandium, ter-
3 bium, thulium, ytterbium, and yttrium.

4 (5) The term “United States person” means—

5 (A) a United States citizen or an alien law-
6 fully admitted for permanent residence to the
7 United States; or

8 (B) an entity organized under the laws of
9 the United States or of any jurisdiction within
10 the United States, including a foreign branch of
11 such an entity.

