

AMENDMENT TO H.R. 8038

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

Add, at the end, the following (and conform the table of contents accordingly):

1 DIVISION Q—CRITICAL MIN-
2 ERALS SECURITY ACT OF 2024

3 SECTION 1. SHORT TITLE.

4 This division may be cited as the “Critical Minerals
5 Security Act of 2024”.

6 SEC. 2. DEFINITIONS.

7 In this division:

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

11 (2) CRITICAL MINERAL.—The term “critical
12 mineral” has the meaning given that term in section
13 7002(a) of the Energy Act of 2020 (30 U.S.C.
14 1606(a)).

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

1 (4) RARE EARTH ELEMENTS.—The term “rare
2 earth elements” means cerium, dysprosium, erbium,
3 europium, gadolinium, holmium, lanthanum, lute-
4 tium, neodymium, praseodymium, promethium, sa-
5 marium, scandium, terbium, thulium, ytterbium, and
6 yttrium.

7 (5) 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 **SEC. 3. REPORTS ON CRITICAL MINERAL AND RARE EARTH**
17 **ELEMENT RESOURCES.**

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

24 (1) an assessment of—

1 (A) which of such resources are under the
2 control of a foreign entity of concern, including
3 through ownership, contract, or economic or po-
4 litical influence;

5 (B) which of such resources are owned by,
6 controlled by, or subject to the jurisdiction or
7 direction of the United States or a country that
8 is an ally or partner of the United States;

9 (C) which of such resources are not owned
10 by, controlled by, or subject to the jurisdiction
11 or direction of a foreign entity of concern or a
12 country described in subparagraph (B); and

13 (D) in the case of such resources not un-
14 dergoing commercial mining, the reasons for
15 the lack of commercial mining;

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

20 (A) an estimate of the annual volume of
21 output of the mine as of that date;

22 (B) an estimate of the total volume of min-
23 eral or elements that remain in the mine as of
24 that date;

1 (C)(i) an identification of the country and
2 entity operating the mine; or

3 (ii) if the mine is operated by more than
4 one country or entity, an estimate of the output
5 of each mineral or element from the mine to
6 which each such country or entity has access;
7 and

8 (D) an identification of the ultimate bene-
9 ficial owners of the mine and the percentage of
10 ownership held by each such owner;

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

13 (A) an estimate of the aggregate annual
14 volume of output of the mines as of the date
15 that is one year before the date of the report;

16 (B) an estimate of the aggregate total vol-
17 ume of mineral or elements that remain in the
18 mines as of that date;

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

22 (4)(A) a list of key foreign entities of concern
23 involved in mining critical minerals and rare earth
24 elements;

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

5 (C) an assessment of the technical feasibility of
6 entities listed under subparagraphs (A) and (B)
7 mining and processing resources identified under
8 paragraph (1)(C) using existing advanced tech-
9 nology;

10 (5) an assessment, prepared in consultation
11 with the Secretary of State, of ways to collaborate
12 with countries in which mines or mineral processing
13 operations (or both) are located that are operated by
14 other countries, or are operated by entities from
15 other countries, to ensure ongoing access by the
16 United States and countries that are allies and part-
17 ners of the United States to those mines and proc-
18 essing operations;

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

1 (A) regulatory rulings of the government
2 of a covered nation;

3 (B) joint regulatory rulings of such a gov-
4 ernment and the government of another coun-
5 try; or

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

9 (7) a list of all cases in which the government
10 of a covered nation purchased an entity that was
11 forced to divest stock as described in paragraph (6);
12 and

13 (8) a list of all cases in which mining or proc-
14 essing operations (or both) for critical minerals and
15 rare earth elements that were not subject to a ruling
16 described in paragraph (6) were taken over by—

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

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

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

1 **SEC. 4. PROCESS FOR NOTIFYING UNITED STATES GOVERN-**
2 **MENT OF DIVESTMENT.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Secretary of the Interior, in consulta-
5 tion with the Secretary of State, shall establish a process
6 under which—

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

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

15 **SEC. 5. STRATEGY ON DEVELOPMENT OF ADVANCED MIN-**
16 **ING, REFINING, SEPARATION, AND PROC-**
17 **ESSING TECHNOLOGIES.**

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

22 (1) a strategy to collaborate with the govern-
23 ments of countries that are allies and partners of
24 the United States to develop advanced mining, refin-
25 ing, separation, and processing technologies; and

1 (2) a method for sharing the intellectual prop-
2 erty resulting from the development of such tech-
3 nologies with those countries to enable those coun-
4 tries to license such technologies and mine, refine,
5 separate, and process the resources of such coun-
6 tries.

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

