

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. KING

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. REPORTS ON CRITICAL MINERAL AND RARE EARTH**  
7 **ELEMENT RESOURCES.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED NATION.—The term “covered na-  
10 tion” has the meaning given that term in section  
11 4872 of title 10, United States Code.

1           (2) CRITICAL MINERAL.—The term “critical  
2 mineral” has the meaning given that term in section  
3 7002(a) of the Energy Act of 2020 (30 U.S.C.  
4 1606(a)).

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

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

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

17                   (A) a United States citizen or an alien law-  
18 fully admitted for permanent residence to the  
19 United States; or

20                   (B) an entity organized under the laws of  
21 the United States or of any jurisdiction within  
22 the United States, including a foreign branch of  
23 such an entity.

24           (b) REPORTS ON CRITICAL MINERAL AND RARE  
25 EARTH ELEMENT RESOURCES.—

1           (1) IN GENERAL.—Not later than one year  
2 after the date of the enactment of this Act, and  
3 every 2 years thereafter, the Secretary of the Inte-  
4 rior, in consultation with the Secretary of Energy  
5 and the heads of other relevant Federal agencies,  
6 shall submit to Congress a report on all critical min-  
7 eral and rare earth element resources (including re-  
8 cyclable or recycled materials containing such re-  
9 sources) around the world that includes—

10                   (A) an assessment of—

11                           (i) which of such resources are under  
12 the control of a foreign entity of concern,  
13 including through ownership, contract, or  
14 economic or political influence;

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

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

1 (iv) in the case of such resources not  
2 undergoing commercial mining, the reasons  
3 for the lack of commercial mining;

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

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

10 (ii) an estimate of the total volume of  
11 mineral or elements that remain in the  
12 mine as of that date;

13 (iii)(I) an identification of the country  
14 and entity operating the mine; or

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

20 (iv) an identification of the ultimate  
21 beneficial owners of the mine and the per-  
22 centage of ownership held by each such  
23 owner;

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

1 (i) an estimate of the aggregate an-  
2 nual volume of output of the mines as of  
3 the date that is one year before the date  
4 of the report;

5 (ii) an estimate of the aggregate total  
6 volume of mineral or elements that remain  
7 in the mines as of that date;

8 (iii) an estimate of the aggregate total  
9 output of each mineral or element from the  
10 mine to which a foreign entity of concern  
11 has access;

12 (D)(i) a list of key foreign entities of con-  
13 cern involved in mining critical minerals and  
14 rare earth elements;

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

19 (iii) an assessment of the technical feasi-  
20 bility of entities listed under clauses (i) and (ii)  
21 mining and processing resources identified  
22 under subparagraph (A)(iii) using existing ad-  
23 vanced technology;

24 (E) an assessment, prepared in consulta-  
25 tion with the Secretary of State, of ways to col-

1           laborate with countries in which mines, mineral  
2           processing operations, or recycling operations  
3           (or any combination thereof) are located that  
4           are operated by other countries, or are operated  
5           by entities from other countries, to ensure on-  
6           going access by the United States and countries  
7           that are allies and partners of the United  
8           States to those mines and processing or recy-  
9           cling operations;

10           (F) a list, prepared in consultation with  
11           the Secretary of Commerce, identifying, to the  
12           maximum extent practicable, all cases in which  
13           entities were forced to divest stock in mining,  
14           processing, or recycling operations (or any com-  
15           bination thereof) for critical minerals and rare  
16           earth elements based on—

17                   (i) regulatory rulings of the govern-  
18                   ment of a covered nation;

19                   (ii) joint regulatory rulings of such a  
20                   government and the government of another  
21                   country; or

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

1 (G) a list of all cases in which the govern-  
2 ment of a covered nation purchased an entity  
3 that was forced to divest stock as described in  
4 subparagraph (F); and

5 (H) a list of all cases in which mining,  
6 processing, or recycling operations (or any com-  
7 bination thereof) for critical minerals and rare  
8 earth elements that were not subject to a ruling  
9 described in subparagraph (F) were taken over  
10 by—

11 (i) the government of a covered na-  
12 tion; or

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

15 (2) FORM OF REPORT.—Each report required  
16 by paragraph (1) shall be submitted in unclassified  
17 form, but may include a classified annex, if nec-  
18 essary.

19 (c) PROCESS FOR NOTIFYING UNITED STATES GOV-  
20 ERNMENT OF DIVESTMENT.—Not later than one year  
21 after the date of the enactment of this Act, the Secretary  
22 of the Interior, in consultation with the Secretary of State,  
23 shall establish a process under which—

24 (1) a United States person seeking to divest  
25 stock in mining, processing, or recycling operations

1 for critical minerals and rare earth elements in a  
2 foreign country may notify the Secretary of the in-  
3 tention of the person to divest such stock; and

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

7 (d) STRATEGY ON DEVELOPMENT OF ADVANCED  
8 MINING, REFINING, SEPARATION, PROCESSING, AND RE-  
9 CYCLING TECHNOLOGIES.—

10 (1) IN GENERAL.—Not later than one year  
11 after the date of the enactment of this Act, the Sec-  
12 retary of the Interior, in consultation with the Sec-  
13 retary of Energy and the heads of other relevant  
14 Federal agencies, shall develop—

15 (A) a strategy to collaborate with the gov-  
16 ernments of countries that are allies and part-  
17 ners of the United States to develop advanced  
18 mining, refining, separation, processing, and re-  
19 cycling technologies; and

20 (B) a method for sharing the intellectual  
21 property resulting from the development of such  
22 technologies with those countries to enable  
23 those countries to license such technologies and  
24 mine, refine, separate, process, and recycle the  
25 resources of such countries.



1           (2) REPORTS REQUIRED.—Not later than one  
2           year after the date of the enactment of this Act, and  
3           annually thereafter, the Secretary shall submit to  
4           Congress a report on the progress made in devel-  
5           oping the strategy and method described in para-  
6           graph (1).