

117TH CONGRESS
2D SESSION

S. 3783

To establish a critical mineral environmental processing and mining cleanup program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 7), 2022

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a critical mineral environmental processing and mining cleanup program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CRITICAL MINERAL ENVIRONMENTAL PROC-**
4 **ESSING AND MINING CLEANUP PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICAL MINERAL.—The term “critical
7 mineral” has the meaning given the term in section
8 7002(a) of the Energy Act of 2020 (30 U.S.C.
9 1606(a)).

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means an entity engaged in or intending to en-
3 gage in—

4 (A) the mining or manufacturing of critical
5 minerals or the reprocessing or recycling of
6 mine tailings, smelter or refinery slags, or resi-
7 dues; or

8 (B) any other value-added, mining-related,
9 manufacturing-related, or processing-related use
10 of critical minerals undertaken within the
11 United States.

12 (3) ELIGIBLE MINERAL.—The term “eligible
13 mineral” means each of the minerals identified by
14 the Secretary under subsection (b)(2)(A).

15 (4) MANUFACTURE.—The term “manufacture”,
16 with respect to a mineral, means to process, refine,
17 alloy, separate, smelt, concentrate, or beneficiate the
18 mineral.

19 (5) PROGRAM.—The term “program” means
20 the competitive grant program established under
21 subsection (b)(1).

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

24 (b) PROGRAM ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a program to award competitive grants to eligible
3 entities for the manufacturing of eligible minerals.

4 (2) DETERMINATION; IDENTIFICATION.—

5 (A) ELIGIBLE MINERALS.—Not later than
6 1 year after the date of enactment of this Act,
7 the Secretary, in coordination with the National
8 Economic Council, shall identify as eligible min-
9 erals—

10 (i) the 10 critical minerals that are
11 the most critical for manufacturing and
12 energy independence; and

13 (ii) the 10 minerals that are the most
14 critical to the United States to reduce en-
15 ergy dependence on mineral imports.

16 (B) SUITABLE LOCATIONS.—

17 (i) IN GENERAL.—The Secretary shall
18 identify Federal and non-Federal land for
19 which it is economically feasible and envi-
20 ronmentally sound to mine the eligible
21 minerals.

22 (ii) REQUIREMENT.—The Secretary
23 shall establish for each suitable location
24 identified under clause (i) a mitigation
25 plan to combat environmental and health

risks posed by the mining and manufacturing of eligible minerals to—

(I) federally recognized Indian Tribes;

(II) communities at risk of pollution from mining activities; and

(III) clean drinking water sources.

(C) NO DUPLICATION OF EFFORTS.—To the maximum extent practicable, in carrying out subparagraphs (A) and (B), the Secretary shall use existing analyses of the Department of the Interior, including the United States Geological Survey.

(3) SELECTION.—

(A) APPLICATIONS.—An eligible entity seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) SELECTION CRITERIA.—In awarding grants under the program, the Secretary shall only award grants to eligible entities that—

(i) have documented interests in constructing, expanding, or modernizing facili-

ties that carry out an activity or use described in subparagraph (A) or (B) of subsection (a)(2); and

(ii) demonstrate strong labor protections, including prevailing wage requirements.

(4) USE OF FUNDS.—A grant under the program may be used for the environmental assessment, processing, mitigation, and cleanup necessary to mine or manufacture eligible minerals on the Federal and non-Federal land identified under paragraph (2)(B)(i).

(5) ENVIRONMENTAL LAWS.—In carrying out activities using a grant under the program, an eligible entity shall comply with—

(A) all applicable environmental laws (including regulations); and

(B) any other environmental standards determined to be necessary by the Secretary.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$10,000,000 for each of fiscal years 2022 through 2027.

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