

118TH CONGRESS
2D SESSION

H. R. 10378

To establish the Critical Mineral Reserve of the United States, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2024

Mr. WITTMAN (for himself, Mr. GIMENEZ, and Mr. MOOLENAAR) introduced
the following bill; which was referred to the Committee on Natural Re-
sources, and in addition to the Committee on Foreign Affairs, for a pe-
riod to be subsequently determined by the Speaker, in each case for con-
sideration of such provisions as fall within the jurisdiction of the com-
mittee concerned

A BILL

To establish the Critical Mineral Reserve of the United
States, 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. SHORT TITLE.**

4 This Act may be cited as the “Securing Essential and
5 Critical U.S. Resources and Elements Minerals Act of
6 2024” or “SECURE Minerals Act of 2024”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Critical minerals and materials are essential
2 to the ongoing economic and national security of the
3 United States, playing a vital role in manufacturing,
4 transportation, medical, technology, defense, and en-
5 ergy sectors. The global demand for critical minerals
6 and materials has been rapidly increasing due to ad-
7 vancements in technology—whether defense, dual-
8 use, or commercial—and the increasing adoption of
9 renewable energy sources and next-generation
10 automotive systems, all of which rely heavily on
11 these minerals and materials for the production of
12 batteries, solar panels, wind turbines, high-speed
13 computing, advanced magnetic systems, and other
14 high-tech applications.

15 (2) The People’s Republic of China currently
16 controls a significant portion of the global supply
17 chain for critical minerals and materials, including
18 rare earth elements, through extensive mining, inte-
19 grated midstream operations, significant domestic
20 subsidies and incentives, and strategic investments
21 in resource-rich countries. The PRC centrally con-
22 trols its dominant market share across multiple crit-
23 ical mineral verticals. The PRC predatorily leverages
24 its position as sponsor or consumer, as applicable,
25 over mining projects globally, resulting in a dearth

1 of feedstocks to the great detriment of downstream
2 industries, regions, and countries, including the
3 United States. The PRC's integrated operations,
4 subservient to the Chinese state, are calibrated to
5 weaponize its influence over prices and volumes in
6 the contest for access to critical minerals and mate-
7 rials, as well as the end-use components and applica-
8 tions produced from these minerals and materials.
9 The PRC also acts to undercut efforts in the United
10 States and allied nations to develop alternative
11 sources of supply.

12 (3) The United States is heavily reliant on im-
13 ports for many of the most critical minerals and ma-
14 terials, including rare earth elements, making the
15 nation vulnerable to supply disruptions, geopolitical
16 tensions, and economic manipulation by countries
17 that dominate the market, specifically the PRC. The
18 vulnerabilities to the nation's defense industrial base
19 posed by this reliance cannot be overstated. Given
20 the long lead times in the mining sector as well as
21 the adjacent processing of critical minerals, domestic
22 critical minerals extraction projects are particularly
23 susceptible to China-induced price shocks which can
24 depress critical mineral prices for an extended pe-
25 riod.

1 (4) Increasing domestic primary feedstock pro-
2 duction, processing, conversion, recycling, reuse, and
3 repurposing to advanced materials and products, as
4 well as increasing alternative allied supply, is imper-
5 ative to reduce the impact of market manipulation
6 by foreign state actors, such as the PRC. The
7 United States must ensure that a stable and secure
8 supply chain of these essential resources is available
9 to our domestic innovation and manufacturing eco-
10 systems.

11 (5) Sustainable and responsible corporate be-
12 havior in companies' operations and across their
13 global value chains is important to ensuring a resil-
14 ient domestic minerals supply.

15 (6) Investments in domestic extraction proc-
16 essing infrastructure, as well as reuse, repurposing,
17 and recycling, are necessary to build a resilient and
18 diversified supply chain for critical minerals and ma-
19 terials, supporting the economic growth and national
20 security interests of the United States.

21 (7) Government support to develop and ensure
22 the integrity of Western and allied markets for these
23 critical minerals and materials as a countermeasure
24 against the anti-competitive tactics of the PRC and
25 their supply chain co-collaborators will fill the most

1 acute strategic gap which cannot be otherwise
2 achieved by private industry participants acting
3 alone. To this end, we recommend establishing the
4 “Critical Mineral Reserve of the United States”, also
5 referred to herein as the Reserve.

6 **SEC. 3. ESTABLISHMENT OF RESERVE.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—There is established a trust
9 with the name “Critical Mineral Reserve of the
10 United States”, which shall—

11 (A) not be an agency or establishment of
12 the United States Government;

13 (B) manage its assets in the manner set
14 forth in this Act; and

15 (C) be a trust domiciled in the District of
16 Columbia and, to the extent not inconsistent
17 with this Act, be subject to the laws of the Dis-
18 trict of Columbia applicable to such trusts.

19 (2) PURPOSE.—The purposes of the Reserve
20 are—

21 (A) to support domestic and allied extrac-
22 tion, production, reuse, repurposing, and recy-
23 cling of and capabilities and infrastructure with
24 respect to critical minerals and materials;

1 (B) to stabilize, support, and protect sus-
2 tainable prices of critical minerals and mate-
3 rials;

4 (C) to assist in maintaining balanced and
5 adequate supplies of critical minerals and mate-
6 rials to the United States, as determined by the
7 Board;

8 (D) to sustain access to and the supply of
9 critical minerals and materials for the United
10 States and any allied country; and

11 (E) to facilitate the orderly distribution of
12 critical minerals and materials.

13 (3) ANNUAL INDEPENDENT AUDIT.—

14 (A) IN GENERAL.—Not later than 1 year
15 after the date of the enactment of this Act and
16 annually thereafter, an independent qualified
17 public accountant selected by the Board shall
18 audit the financial statements of the Reserve,
19 the results of which shall be made publicly
20 available.

21 (B) REQUIREMENTS.—Each independent
22 qualified public accountant selected by the
23 Board to perform an audit under subparagraph
24 (A) shall be—

1 (i) certified and licensed by a State
2 board of accountancy;

3 (ii) independent of the Reserve and
4 each authorized market maker in accord-
5 ance with section 210.2–01 of title 17,
6 Code of Federal Regulations; and

7 (iii) registered with the Public Com-
8 pany Accounting and Oversight Board.

9 (4) CIVIL ACTION.—

10 (A) IN GENERAL.—The Reserve may bring
11 a civil action in any court of competent jurisdic-
12 tion against any person that—

13 (i) fails to comply with any contrac-
14 tual obligation or agreement made with the
15 Reserve;

16 (ii) violates any provision of this Act;
17 or

18 (iii) engages in any practice or activ-
19 ity that unlawfully impairs or interferes
20 with the operations of the Reserve, includ-
21 ing fraud, misrepresentation, or breach of
22 contract.

23 (B) AWARD.—In a civil action under this
24 paragraph, the Reserve may seek—

1 (i) economic relief, including compen-
2 satory damages, restitution, interest, costs,
3 and reasonable attorney's fees;

4 (ii) temporary or permanent injunc-
5 tive relief, including specific performance;
6 and

7 (iii) such other equitable relief as a
8 court determines appropriate.

9 (C) STATUTE OF LIMITATIONS.—A civil ac-
10 tion under this paragraph may not be brought
11 later than 5 years after the date on which the
12 cause of action accrues.

13 (5) INITIAL CAPITALIZATION.—There is appro-
14 priated, out of any amounts in the Treasury not oth-
15 erwise appropriated, \$2,500,000,000 to the Reserve
16 for fiscal year 2025.

17 (b) MANDATE OF RESERVE.—

18 (1) IN GENERAL.—The Reserve shall, with re-
19 spect to each critical mineral and material—

20 (A) support domestic and allied produc-
21 tion, including sourcing from domestic and al-
22 lied reuse, repurposing, and recycling; and

23 (B) to the maximum extent practicable, en-
24 sure that—

1 (i) at each stage of the supply chain,
2 the production rate is equal to or greater
3 than 40 percent; and

4 (ii) at each stage of the supply chain,
5 the dependence rate is equal to or less
6 than 60 percent; and

7 (C) prioritize—

8 (i) domestic projects and supply
9 chains; and

10 (ii) projects where the dependence is
11 100 percent.

12 (2) DETERMINATION OF PRODUCTION RATES
13 AND DEPENDENCE RATES.—

14 (A) IN GENERAL.—The Board shall deter-
15 mine the production rate and dependence rate
16 with respect to each critical mineral and mate-
17 rial.

18 (B) USE OF DATA.—In determining the
19 production rate and dependence rate with re-
20 spect to each critical mineral and material
21 under subparagraph (A), the Board—

22 (i) shall use the proprietary dataset
23 developed under section 5(a)(1);

24 (ii) may use—

1 (I) the Mineral Commodity Sum-
2 maries published by the United States
3 Geological Service; and

4 (II) data from any other source
5 the Board determines to be of value
6 under similar circumstances, including
7 commercial data, whether such data is
8 public or proprietary in nature; and

9 (iii) may solicit private industry for
10 data and market information.

11 (3) ADJUSTMENT OF PRODUCTION RATE AND
12 DEPENDENCE RATE.—The Board may annually ad-
13 just the production rate and the dependence rate
14 with respect to each critical mineral and material, as
15 initially established under paragraph (2)(A), by not
16 more than 5 percent.

17 (c) REVIEW.—The Comptroller General of the United
18 States shall carry out a biennial review the Reserve, in-
19 cluding a review of—

20 (1) the most recent annual report submitted to
21 the Speaker of the House of Representatives and the
22 President of the Senate by the Reserve under section
23 7;

24 (2) the operations and functions of the Reserve
25 as managed by the Board; and

1 (3) the performance of the Board in fulfilling
2 the purposes and mandate of the Reserve.

3 (d) IDENTIFICATION OF CRITICAL MINERALS AND
4 MATERIALS.—

5 (1) IN GENERAL.—The Reserve, in collabora-
6 tion with the heads of Federal agencies in accord-
7 ance with section 5(a)(7), shall establish a list of
8 critical minerals and materials informed by the fol-
9 lowing:

10 (A) The list of critical minerals published
11 by the United States Geological Survey pursu-
12 ant to section 7002(c) of the Energy Act of
13 2020 (30 U.S.C. 1606(c)).

14 (B) The list of critical materials published
15 by the Department of Energy pursuant to sec-
16 tion 7002(a) of the Energy Act of 2020 (30
17 U.S.C. 1606(a)).

18 (C) The materials of interest designated as
19 such by the Defense Logistics Agency.

20 (D) Each material with respect to which
21 the President has made a determination under
22 section 303(a)(5) of the Defense Production
23 Act of 1950 (50 U.S.C. 4533(a)(5)).

24 (E) Each material that is, or in the pre-
25 ceding 5 years was, a strategic or critical mate-

1 rial for the purposes of the Strategic and Crit-
2 ical Materials Stock Piling Act (50 U.S.C. 98
3 et seq.) pursuant to a determination by the
4 President under section 3(a) of such Act (50
5 U.S.C. 98b(a)).

6 (2) REQUIREMENTS.—A mineral or material
7 may only be included in the list of critical minerals
8 and materials established by the Reserve under
9 paragraph (1) if the mineral or material—

10 (A) is a non-fuel mineral or material;

11 (B) is essential to the economic and na-
12 tional security of the United States;

13 (C) has a high-risk supply chain; and

14 (D) is necessary—

15 (i) for the national defense and na-
16 tional security requirements;

17 (ii) for the energy infrastructure of
18 the United States, including—

19 (I) pipelines;

20 (II) refining capacity;

21 (III) electrical power generation
22 and transmission; and

23 (IV) renewable energy produc-
24 tion;

1 (iii) to support domestic manufac-
2 turing, agriculture, housing, telecommuni-
3 cations, healthcare, or transportation infra-
4 structure; or

5 (iv) for the economic security of, and
6 balance of trade in, the United States.

7 (3) EXCLUSIONS.—A mineral or material may
8 not be included in the list of critical minerals and
9 materials established by the Reserve under para-
10 graph (1) if the mineral or material is—

11 (A) oil, oil shale, natural gas, coal, or ura-
12 nium;

13 (B) water, ice, or snow; or

14 (C) a common variety of sand, gravel,
15 stone, pumice, cinders, or clay.

16 (4) ANNUAL UPDATE.—The Reserve shall pub-
17 lish and annually update the list of critical minerals
18 and materials established under paragraph (1).

19 (e) SUNSET.—The Reserve shall terminate on the
20 date that is 10 years after the date of the enactment of
21 this Act.

22 **SEC. 4. BOARD OF GOVERNORS OF RESERVE.**

23 (a) MEMBERSHIP.—

24 (1) APPOINTMENT.—

1 (A) IN GENERAL.—Except as provided in
2 paragraph (3)(D), the Board of Governors of
3 the Reserve shall be composed of 7 members
4 appointed by the President, by and with the ad-
5 vice and consent of the Senate.

6 (B) INITIAL APPOINTMENTS.—Not later
7 than 180 days after the date of the enactment
8 of this Act, the President shall appoint each of
9 the 7 members of the Board, including the
10 Chairman, and the Board shall elect a Vice-
11 Chairman from the members of the Board.

12 (2) QUALIFICATIONS.—To be eligible to be ap-
13 pointed as a member of the Board under paragraph
14 (1), an individual—

15 (A) shall have substantial experience,
16 training, and expertise in—

17 (i) the business and industry of a
18 mineral or material described in section
19 3(d)(1); and

20 (ii) the oversight, management, or ad-
21 ministration of financial instruments; and

22 (B) may not—

23 (i) have a direct or indirect financial
24 interest in an authorized market maker or
25 at-risk CMM; or

1 (ii) be closely related to someone with
2 a direct financial interest in an authorized
3 market maker or at-risk CMM.

4 (3) TERMS.—

5 (A) CHAIRMAN.—

6 (i) IN GENERAL.—An individual who
7 is appointed as the Chairman under para-
8 graph (1) shall serve for a single 5-year
9 term.

10 (ii) RESTRICTION.—An individual who
11 is appointed to serve a term as the Chair-
12 man of the Board under paragraph (1)
13 may not serve any additional term on the
14 Board after such term ends.

15 (B) VICE-CHAIRMAN.—

16 (i) IN GENERAL.—The Board shall
17 elect a Vice-Chairman from the members
18 of the Board who are not the Chairman for
19 a single 2-year term.

20 (ii) COMPLETION OF TERM.—An indi-
21 vidual who is appointed to serve a term as
22 the Vice-Chairman under clause (i) shall,
23 after such term ends, serve as a member of
24 the Board for the remainder of the term of

1 such individual in accordance with sub-
2 paragraph (C).

3 (iii) SUBSTITUTE.—The Vice-Chair-
4 man, subject to the supervision of the
5 Board, shall serve as Interim Chairman in
6 the absence of the Chairman.

7 (C) OTHER BOARD MEMBERS.—

8 (i) IN GENERAL.—Each member of
9 the Board who is not the Chairman shall
10 be appointed to a staggered single 6-year
11 term.

12 (ii) RESTRICTION.—An individual who
13 is appointed to serve a term as a member
14 of the Board may only serve an additional
15 term on the Board if the individual is ap-
16 pointed to serve as Chairman, regardless of
17 whether the individual completes the term
18 to which the individual is initially ap-
19 pointed.

20 (iii) TERM LENGTH CAP.—An indi-
21 vidual may not serve on the Board for
22 more than 6 years except in accordance
23 with subparagraph (E)(i).

24 (D) VACANCIES.—Not later than 6 months
25 after the date on which a vacancy occurs on the

1 Board, the President, by and with the advice
2 and consent of the Senate, shall appoint a new
3 member of the Board to fill such vacancy.

4 (E) COMPLETION OF TERM.—

5 (i) IN GENERAL.—Upon the expira-
6 tion of the term of a member of the Board,
7 such member shall continue to serve as a
8 member of the Board until the successor to
9 such member is appointed and is con-
10 firmed.

11 (ii) REPLACEMENT ORDER.—Succes-
12 sors to members of the Board shall be ap-
13 pointed and confirmed in the order in
14 which the members of the Board were ap-
15 pointed and confirmed.

16 (4) TRIBAL REPRESENTATION.—At least 1
17 member of the Board shall be a member of a Tribe.

18 (b) COMPENSATION.—

19 (1) IN GENERAL.—No individual who is a mem-
20 ber of the Board may engage in any business, voca-
21 tion, or employment other than that of serving as a
22 member of the Board while such individual is a
23 member of the Board.

24 (2) RATE OF PAY.—The rate of basic pay for—

1 (A) the Chairman shall be equal to the
2 rate of basic pay payable for level I of the Exec-
3 utive Schedule; and

4 (B) each member of the Board other than
5 the Chairman may be set and adjusted by the
6 Chairman.

7 (4) BENEFITS.—The Chairman may provide
8 additional compensation and benefits to employees of
9 the Board in the same manner as compensation and
10 benefits are provided under section 4802 of title 5,
11 United States Code.

12 (c) DUTIES.—The Board shall—

13 (1) manage the lending authority, contracts, op-
14 erations, due diligence, and duties of the Reserve;

15 (2) oversee all authorized market makers and
16 at-risk CMMs under this Act; and

17 (3) determine and prescribe the manner in
18 which—

19 (A) the obligations of the Reserve shall be
20 incurred; and

21 (B) the disbursements and expenses of the
22 Reserve shall be allowed and paid.

23 (d) MEETINGS.—

24 (1) IN GENERAL.—The Chairman of the Board,
25 the Vice-Chairman, acting as Interim Chairman in

1 the absence of the Chairman in accordance with sub-
2 section (a)(3)(B)(iii), or a Chairman pro tempore
3 elected by the members of the Board present at the
4 meeting, in the absence of the Chairman and the
5 Vice-Chairman, shall preside at each meeting of the
6 Board.

7 (2) QUORUM.—4 of the members of the Board
8 shall constitute a quorum.

9 (3) CLOSED MEETINGS.—The Board may close
10 any meeting, or portion thereof, that concerns mat-
11 ters or information that pertains to national secu-
12 rity.

13 (4) MINUTES.—Unless closed in accordance
14 with paragraph (3), the minutes of each meeting of
15 the Board shall be made publicly available.

16 (e) RESTRICTION ON EMPLOYMENT.—

17 (1) IN GENERAL.—During the period beginning
18 on the date on which the term of a member of the
19 Board begins and ending on the date that is 2 years
20 after the date on which the term of such member
21 ends, such member may not hold any ownership, of-
22 fice, position, including an advisory or consultant po-
23 sition, or other employment in or with an authorized
24 market maker or with respect to an at-risk CMM.

25 (2) OPPORTUNITY TO CURE VIOLATION.—

1 (A) IN GENERAL.—If the Comptroller Gen-
2 eral of the United States finds that an indi-
3 vidual described in paragraph (1) is in violation
4 of that paragraph, such individual shall cure
5 such violation not later than 30 days after the
6 date on which such violation is found.

7 (B) REQUIREMENTS TO CURE.—To cure a
8 violation of paragraph (1) as required under
9 subparagraph (A), an individual shall, at a min-
10 imum—

11 (i) renounce any pecuniary gain asso-
12 ciated with such violation; and

13 (ii) terminate each relationship that is
14 the subject of such violation.

15 (3) PENALTY FOR UNCURED VIOLATION.—If
16 the Comptroller General of the United States finds
17 that an individual described in paragraph (1) is in
18 violation of that paragraph and such individual does
19 not cure such violation in accordance with paragraph
20 (2) by the date described in subparagraph (A) of
21 that paragraph or, as applicable, established by the
22 Board under paragraph (4), such individual shall be
23 deemed to have violated section 207(a)(2) of title 18,
24 United States Code, and shall immediately be re-
25 moved from the Board.

1 (4) EXTENSION OF CURE PERIOD.—The Board
2 may extend the time provided under paragraph (2)
3 for an individual described in paragraph (1) to cure
4 a violation of that paragraph.

5 (f) PRINCIPAL OFFICE.—The principal office of the
6 Board shall be located in the District of Columbia.

7 **SEC. 5. DUTIES AND AUTHORITIES OF RESERVE.**

8 (a) IN GENERAL.—In carrying out the purposes and
9 mandate of the Reserve, the Reserve shall carry out the
10 following activities:

11 (1) Develop and maintain a proprietary dataset
12 sufficient to ensure the thorough analysis of global
13 critical minerals and materials markets.

14 (2) Collect and maintain sufficient datasets, in-
15 cluding data comprising global, domestic, and allied
16 markets and, to the extent possible, data derived
17 from individual critical mineral and material
18 projects, to inform and estimate—

19 (A) production, extraction, infrastructure,
20 repurposing, and recycling costs for critical
21 minerals and materials supply chains; and

22 (B) the forecast of supply and demand of
23 critical minerals and materials within domestic
24 and allied markets.

25 (3) Collect and maintain—

1 (A) actual transaction price data for crit-
2 ical minerals and materials in the global mar-
3 ket, including geographic data; and

4 (B) any other datasets necessary to effec-
5 tuate such purposes and mandate, including
6 datasets produced by or derivative of datasets
7 produced by the PRC.

8 (4) Using the most current data collected under
9 paragraphs (2) and (3)—

10 (A) identify market conditions that require
11 intervention according to such purposes and
12 mandate; and

13 (B) determine specific critical minerals and
14 materials that are at-risk CMMs.

15 (5) Provide loans to authorized market makers
16 in accordance with subsection (b).

17 (6) Maintain an operational team and organiza-
18 tion sufficient to fulfill such mandate.

19 (7) Consult with the heads of other Federal
20 agencies, including—

21 (A) the Department of Commerce;

22 (B) the Department of Defense;

23 (C) the Department of Energy;

24 (D) the Department of the Interior;

25 (E) the Department of State;

1 (F) the Department of the Treasury;
2 (G) the Department of Agriculture;
3 (H) the United States Geological Survey;
4 and
5 (I) the Export-Import Bank of the United
6 States.

7 (8) To the extent possible, mitigate the risk of
8 loss of capital to United States taxpayers.

9 (9) Seek to mobilize private capital that fur-
10 thers the purposes and mandate of the Reserve.

11 (10) Act as a partner to authorized market
12 makers, ensuring they can fulfill their role of at-
13 tracting private sector resources into the critical
14 minerals and materials market and carrying out the
15 purposes and mandate of the Reserve in the market-
16 place on an on-going basis.

17 (b) LOANS TO AUTHORIZED MARKET MAKERS.—

18 (1) LOAN PROGRAM AUTHORIZED.—The Re-
19 serve may make loans to authorized market makers
20 to enter into financing and purchasing agreements
21 with producers of at-risk CMMs under which such
22 an authorized market maker shall use the loan funds
23 to—

24 (A) provide to a producer of at-risk CMMs
25 an amount equal to or greater than, with re-

1 spect to the at-risk CMMs, the difference be-
2 tween the all-in sustaining cost and the pre-
3 vailing market price of the at-risk CMMs, on
4 the condition that the authorized market maker
5 will receive a mutually-agreed-to percent of the
6 profits when such at-risk CMMs are sold; or

7 (B) agree to purchase the at-risk CMMs
8 produced by the producer at an amount equal
9 to or greater than the all-in sustaining cost.

10 (2) LOAN CONDITIONS.—

11 (A) IN GENERAL.—In making loans under
12 the paragraph (1), the Reserve shall—

13 (i) for each such loan, specify the at-
14 risk CMMs for which the loan funds may
15 be used; and

16 (ii) in accordance with this Act, estab-
17 lish such terms and conditions as the Re-
18 serve determines appropriate.

19 (B) ADJUSTMENT OF LOAN TERMS.—The
20 Reserve and authorized market maker may ad-
21 just loan terms under a loan under paragraph
22 (1) if the Reserve and authorized market maker
23 agree to the adjustment.

1 (C) PREFERENTIAL TERMS FOR CERTAIN
2 LOANS.—In making loans under paragraph (1),
3 the Reserve—

4 (i) shall provide preferential loan
5 terms, which may include an interest rate
6 equal to the Federal funds rate, to author-
7 ized market makers that will use the loan
8 to enter into financing and purchasing
9 agreements with producers of at-risk
10 CMMs;

11 (ii) may—

12 (I) provide preferential loan
13 terms to authorized market makers
14 that will use the loan to enter into fi-
15 nancing and purchasing agreements
16 with producers of at-risk CMMs in al-
17 lied countries described in subpara-
18 graph (A), (B), or (C) of section 8(2),
19 in such manner as the Reserve deter-
20 mines appropriate; and

21 (II) consult in with the Federal
22 agencies specified in subsection (a)(7)
23 with respect to the loan terms de-
24 scribed in subclause (I); and

1 (iii) shall ensure that, under the terms
2 of such loans, authorized market makers
3 shall, to the maximum extent practicable,
4 give priority to United States suppliers of
5 critical minerals and preference to the
6 United States supply chain.

7 (3) PROPOSAL SOLICITATION.—To be eligible to
8 receive a loan under paragraph (1), an authorized
9 market maker shall submit to the Reserve an appli-
10 cation at such time, in such manner, and containing
11 such information as the Reserve may require, includ-
12 ing the proposed financing or purchasing agreements
13 described in such paragraph for which the loan will
14 be used.

15 (4) UNCURED DEFAULT.—

16 (A) IN GENERAL.—If an authorized mar-
17 ket maker fails to make a required repayment
18 on a loan under paragraph (1) for a 90-day pe-
19 riod, the Reserve—

20 (i) shall—

21 (I) recoup the amount of such
22 loan by taking possession of the crit-
23 ical mineral and material inventories
24 of the authorized market maker and
25 any other contractual rights of the au-

1 thorized market maker to receive crit-
2 ical minerals or materials from sup-
3 pliers; and

4 (II) revoke the license of the au-
5 thorized market maker under section
6 6; and

7 (ii) subject to subparagraph (B), may
8 appoint itself as conservator or receiver of
9 the authorized market maker.

10 (B) AUTHORITIES UNDER CONSERVATOR
11 OR RECEIVERSHIP.—If the Reserve appoints
12 itself a conservator or receiver of an authorized
13 market maker under subparagraph (A)(ii), the
14 Reserve shall have the same authorities with re-
15 spect to the authorized market maker that the
16 Federal Deposit Insurance Corporation has
17 with respect to an institution for which the Cor-
18 poration has appointed itself as conservator or
19 receiver under the Federal Deposit Insurance
20 Act.

21 (C) TREATMENT OF BANKRUPTCY.—An
22 authorized market maker for which the Reserve
23 has appointed itself a conservator or a receiver
24 may not be placed into bankruptcy under title
25 11, United States Code, during such con-

servatorship or receivership and any bankruptcy process under title 11, United States Code, that is in effect when such an appointment occurs shall be terminated.

(5) ALLIED CO-INVESTMENT.—

(A) IN GENERAL.—An allied country described in subparagraph (A), (B), or (C) of section 8(2) may, if approved by the Reserve, make capital contributions of at least \$100,000,000 to the Reserve for purposes of making loans under paragraph (1).

(B) MINIMUM AMOUNT.—The Reserve shall annually adjust the amount in subparagraph (A) by the percentage increase in the Consumer Price Index for all urban consumers published by the Department of Labor.

(C) TREATMENT OF CAPITAL CONTRIBUTIONS.—The Reserve—

(i) shall maintain separate accounts for the capital contributions of each allied country that provides such contributions under subparagraph (A);

(ii) shall not commingle the capital contributions of any allied country with

1 any other allied country or the funds of the
2 Reserve;

3 (iii) may return such capital contribu-
4 tions to the allied country at any time,
5 without obligation or penalty, or under
6 such other terms and conditions as agreed
7 to by the Reserve and the allied country;
8 and

9 (iv) may not guarantee the repayment
10 of such capital contributions to an allied
11 country.

12 (D) LOANS MADE WITH ALLIED CO-IN-
13 VESTMENT FUNDS.—Loans made under para-
14 graph (1) with capital contributions under sub-
15 paragraph (A) shall be made in the same man-
16 ner as loans made under paragraph (1) with
17 funds of the Reserve.

18 (E) INTERNATIONAL ADVISORY COUN-
19 CIL.—

20 (i) IN GENERAL.—The Reserve may
21 establish an International Advisory Council
22 of Allies comprised of—

23 (I) the Vice-Chairman of the
24 Board, who shall be the head of the
25 Council; and

1 (II) one representative from each
2 allied country that makes a capital
3 contribution under subparagraph (A).

4 (ii) CONSULTATION.—The Inter-
5 national Advisory Council shall, at the re-
6 quest of the Reserve, advise the Reserve on
7 loans made with capital contributions
8 under subparagraph (A).

9 (6) APPLICABILITY OF FEDERAL CREDIT RE-
10 FORM ACT OF 1990.—Loans made under paragraph
11 (1) shall be subject to the requirements of the Fed-
12 eral Credit Reform Act of 1990 (2 U.S.C. 661, et
13 seq.).

14 **SEC. 6. AUTHORIZED MARKET MAKERS.**

15 (a) IN GENERAL.—Authorized market makers shall
16 act on critical minerals and materials purchase directives
17 issued by the Reserve and provide critical minerals and
18 materials market data and insights back to the Reserve.

19 (b) LICENSING OF AUTHORIZED MARKET MAK-
20 ERS.—

21 (1) IN GENERAL.—The Board shall license au-
22 thorized market makers in accordance with this sec-
23 tion.

24 (2) INITIAL LICENSING.—Not later than 270
25 days after the date of the enactment of this Act, the

1 Board shall license not fewer than 5 authorized mar-
2 ket makers, of which at least 2 shall be small busi-
3 nesses.

4 (3) MAXIMUM NUMBER OF LICENSED AUTHOR-
5 IZED MARKET MAKERS.—There may not be more
6 than 5 authorized market makers at a given time.

7 (4) SMALL BUSINESS REQUIREMENT.—Not less
8 than 2 of the first 4 authorized market makers li-
9 censed under this section shall be small businesses
10 with appropriate experience trading and operating in
11 critical mineral and material markets.

12 (5) DURATION OF LICENSE.—

13 (A) IN GENERAL.—Except as provided for
14 in subparagraph (C), an authorized market
15 maker licensed under this section shall be li-
16 censed for 5 years.

17 (B) RENEWAL.—An authorized market
18 maker may submit to the Board an application
19 for renewal of the license of the authorized
20 market maker.

21 (C) RESCISSION.—The Board shall have
22 sole authority to revoke the license of an au-
23 thorized market maker if the Board determines
24 that the authorized market maker—

1 (i) is not eligible to be licensed as an
2 authorized market maker under subsection
3 (c); or

4 (ii) is not in compliance with this Act.

5 (c) ELIGIBILITY; APPLICATION.—To be eligible to be
6 licensed as an authorized market maker under this sec-
7 tion, an entity shall—

8 (1) be a private company that is a domestically
9 domiciled corporation;

10 (2) submit to the Board an application in such
11 form, at such time, and containing such information
12 as the Board determines appropriate;

13 (3) have demonstrated experience and expertise
14 amongst the ownership and active leadership of such
15 private company sufficient to accomplish the author-
16 ized market maker role, including—

17 (A) commitment to the national security of
18 the United States;

19 (B) expertise with respect to more than 1
20 critical mineral or material;

21 (C) expertise with respect to capital man-
22 agement, commodities trading, or finance; and

23 (D) commitment to due diligence; and

24 (4) not have any ownership or management in-
25 fluenced by a foreign entity of concern or a citizen

1 of a foreign entity of concern, including any entities
2 affiliated with the private company or the ownership
3 of the private company.

4 (d) CLARIFICATION OF RECEIPT OF FEDERAL
5 FUNDS.—Whether an authorized market maker receives
6 Federal funds pursuant to another provision of law shall
7 not be used to determine whether the authorized market
8 maker is eligible to receive funds from the Reserve.

9 **SEC. 7. REPORT.**

10 (a) IN GENERAL.—The Board shall annually submit
11 to the President, the Comptroller General of the United
12 States, the Director of the United States Office of Man-
13 agement and Budget, the Speaker of the House of Rep-
14 resentatives and the President of the Senate, and the
15 Speaker of the House of Representatives and the Presi-
16 dent of the Senate shall distribute to Congress, a report
17 regarding the operations of the Reserve during the pre-
18 ceding year.

19 (b) CONTENTS.—Each report required under sub-
20 section (a)—

21 (1) shall include—

22 (A) information regarding the administra-
23 tion of the functions of the Board, including
24 recommendations the Board determines appro-
25 priate;

1 (B) the assessment of the Board of the ex-
 2 tent to which compliance with the requirements
 3 of this Act has been achieved;

4 (C) any changes to the maximum number
 5 of licensed authorized market makers under
 6 section 6(b)(3) that the Board recommends;
 7 and

8 (D) a summary of the loans made by the
 9 Board to authorized market makers during the
 10 preceding year; and

11 (2) may not be made publicly available.

12 **SEC. 8. DEFINITIONS.**

13 In this Act:

14 (1) ALL-IN SUSTAINING COST.—The term “all-
 15 in sustaining cost” means the cost to keep a pro-
 16 ducer of a critical mineral or material in business,
 17 expressed in terms of the cost per unit of payable
 18 production that can be readily compared to the rel-
 19 evant commodity price.

20 (2) ALLIED.—The term “allied”, with respect
 21 to the markets or producers of a country, means the
 22 market or any producer of—

23 (A) a country with which the United
 24 States has entered into a mutual defense treaty
 25 or other mutual defense agreement;

1 (B) a country that is recognized by the
2 Secretary of State and the Secretary of Defense
3 as a strategic partner due to an established bi-
4 lateral agreement that emphasizes mutual inter-
5 ests in security, defense, and critical mineral
6 supply chains, including countries designated
7 under United States strategic frameworks and
8 agreements;

9 (C) a country with which the United
10 States has entered into a comprehensive eco-
11 nomic and trade agreement that includes provi-
12 sions for the collaboration on critical mineral
13 resources and to safeguard supply chains crit-
14 ical to national security and economic stability;

15 (D) a country with which the United
16 States Geologic Survey has a memorandum of
17 understanding concerning scientific and tech-
18 nical cooperation in earth sciences; or

19 (E) a country with which the United
20 States Department of State is working to ad-
21 vance a critical mineral project under a part-
22 nership for global infrastructure and invest-
23 ment.

24 (3) AT-RISK CMM.—The term “at-risk CMM”
25 means a critical mineral or material that requires,

1 according to the purposes and mandate of the Re-
2 serve, support within domestic and allied markets.

3 (4) AUTHORIZED MARKET MAKER.—The term
4 “authorized market maker” means an entity that is
5 licensed by the Reserve under section 6 to fulfill the
6 purposes and mandate of the Reserve in the market-
7 place.

8 (5) BOARD.—The term “Board” means the
9 Board of Governors of the Reserve.

10 (6) CHAIRMAN.—The term “Chairman” means
11 the Chairman of the Board.

12 (7) COVERED NATION.—The term “covered na-
13 tion” has the meaning given the term in section
14 2533c(d) of title 10, United States Code.

15 (8) CRITICAL MINERAL AND MATERIAL; CRIT-
16 ICAL MINERAL OR MATERIAL.—The terms “critical
17 mineral and material” and “critical mineral or mate-
18 rial” mean a mineral and material or mineral or ma-
19 terial, as applicable, included in the list of critical
20 minerals and materials established by the Reserve
21 under section 3(d).

22 (9) DEPENDENCE RATE.—The term “depend-
23 ence rate” means the portion of domestic end-use
24 consumption of a critical mineral or material that is

1 supplied by production by a foreign entity of con-
2 cern, in aggregate.

3 (10) DUE DILIGENCE.—The term “due dili-
4 gence” means the degree of attention, continuous di-
5 rected effort, and timeliness as may reasonably be
6 expected from, and is ordinarily exercised by, a per-
7 son during a regulatory review period.

8 (11) FOREIGN ENTITY OF CONCERN.—The
9 term “foreign entity of concern” has the meaning
10 given the term in section 40207(a)(5) of the Infra-
11 structure Investment and Jobs Act (42 U.S.C.
12 18741(a)(5)), except that subparagraph (C) of such
13 section shall be applied for purposes of this para-
14 graph as if it read as follows:

15 “(C)(i) owned, controlled, directed, fi-
16 nanced, or otherwise influenced, directly or indi-
17 rectly, in whole or in any part greater than 25
18 percent, by the government of a foreign country
19 that is a covered nation (as defined in section
20 2533c of title 10, United States Code); or

21 “(ii) otherwise subject to the jurisdiction
22 or direction of a government of a foreign coun-
23 try that is a covered nation.”.

24 (12) PRC.—The term “PRC” means the Peo-
25 ple’s Republic of China.

1 (13) PRODUCTION RATE.—The term “produc-
2 tion rate” means the portion of domestic end-use
3 consumption of a critical mineral or material that is
4 supplied by domestic and allied production, in aggre-
5 gate.

6 (14) PURPOSES AND MANDATE OF THE RE-
7 SERVE.—The term “purposes and mandate of the
8 Reserve” means the purposes of the Reserve de-
9 scribed in section 3(a)(2) and the mandate of the
10 Reserve described in section 3(b)(1).

11 (15) RECYCLING.—The term “recycling” means
12 an action or process to convert a critical mineral or
13 material contained within a finished or semi-finished
14 product into a form suitable for repurposing or reuse
15 of such critical mineral or material.

16 (16) REPURPOSING.—The term “repurposing”
17 means any operation that results, in whole or in
18 part, in a critical mineral or material being used for
19 a different purpose or application than the one for
20 which the critical mineral or material, or the product
21 the critical mineral or material is manufactured into,
22 was originally intended.

23 (17) RESERVE.—The term “Reserve” means
24 the Critical Mineral Reserve of the United States es-
25 tablished by section 3(a).

1 (18) REUSE.—The term “reuse” means the
2 complete or partial direct reuse of a critical mineral
3 or material for the original purpose for which it was
4 intended.

5 (19) SMALL BUSINESS.—The term “small busi-
6 ness” has the meaning given the term “small busi-
7 ness concern” under section 3 of the Small Business
8 Act (15 U.S.C. 632).

9 (20) TRIBE.—The term “Tribe” has the mean-
10 ing given the term “Indian Tribe” in section 4(e) of
11 the Indian Self-Determination and Education Assist-
12 ance Act (25 U.S.C. 5304(e)).

13 (21) VICE-CHAIRMAN.—The term “Vice-Chair-
14 man” means the Vice-Chairman of the Board.

