

118TH CONGRESS
1ST SESSION

S. 2965

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

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

1 risks posed by the mining and manufac-
2 turing of eligible minerals to—

3 (I) federally recognized Indian
4 Tribes;

5 (II) communities at risk of pollu-
6 tion from mining activities; and

7 (III) clean drinking water
8 sources.

9 (C) NO DUPLICATION OF EFFORTS.—To
10 the maximum extent practicable, in carrying
11 out subparagraphs (A) and (B), the Secretary
12 shall use existing analyses of the Department of
13 the Interior, including the United States Geo-
14 logical Survey.

15 (3) SELECTION.—

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

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

24 (i) have documented interests in con-
25 structing, expanding, or modernizing facili-

1 ties that carry out an activity or use de-
2 scribed in subparagraph (A) or (B) of sub-
3 section (a)(2); and

4 (ii) demonstrate strong labor protec-
5 tions, including prevailing wage require-
6 ments.

7 (4) USE OF FUNDS.—A grant under the pro-
8 gram may be used for the environmental assessment,
9 processing, mitigation, and cleanup necessary to
10 mine or manufacture eligible minerals on the Fed-
11 eral and non-Federal land identified under para-
12 graph (2)(B)(i).

13 (5) ENVIRONMENTAL LAWS.—In carrying out
14 activities using a grant under the program, an eligi-
15 ble entity shall comply with—

16 (A) all applicable environmental laws (in-
17 cluding regulations); and

18 (B) any other environmental standards de-
19 termined to be necessary by the Secretary.

20 (6) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to carry out
22 the program \$10,000,000 for each of fiscal years
23 2024 through 2029.

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