

118TH CONGRESS  
2D SESSION

# S. 4712

To increase support by the United States Government for critical minerals projects outside the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. WARNER (for himself, Mr. RUBIO, Mr. HICKENLOOPER, Mr. CASSIDY, Mr. COONS, Mr. KING, Mr. TILLIS, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To increase support by the United States Government for critical minerals projects outside 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Global Strategy for Securing Critical Minerals Act of  
6 2024”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ENHANCING UNITED STATES DIPLOMATIC SUPPORT OF  
CRITICAL MATERIAL PROJECTS

- Sec. 101. Streamlining diplomatic efforts relating to critical materials.  
Sec. 102. Codifying the Partnership for Global Infrastructure and Investment.  
Sec. 103. Establishment of diplomatic tool to support United States private  
sector critical material projects abroad.

TITLE II—INCREASING FINANCIAL TOOLS TO SUPPORT  
ONSHORING OF CRITICAL MATERIALS

- Sec. 201. Support for critical materials projects by United States International  
Development Finance Corporation.  
Sec. 202. Authorization of support for critical material projects for which  
offtake is purchased by a United States entity.  
Sec. 203. Inclusion of critical materials in program on China and trans-  
formational exports.  
Sec. 204. Critical material metallurgy financing.

TITLE III—INCREASING SUPPORT FOR ALLIED PARTNERSHIPS  
FOR CRITICAL MATERIAL MAPPING, MINING, AND TECH-  
NOLOGY RESEARCH

- Sec. 301. Expanding collaboration with allies and partners on critical materials  
technologies and projects.  
Sec. 302. Expanding authorities for critical material projects to include allies  
and partners.

TITLE IV—PUBLIC-PRIVATE COLLABORATION ON CRITICAL  
MATERIALS

- Sec. 401. Enhancing public-private sharing on manipulative adversary practices  
in critical material projects.  
Sec. 402. Coordinating government financial tools for public-private collabora-  
tion on critical material investments.

TITLE V—COUNTERING THE PEOPLE’S REPUBLIC OF CHINA’S  
EFFORTS TO MANIPULATE CRITICAL MATERIAL MARKETS

- Sec. 501. Increased support for United States procurement of critical materials.  
Sec. 502. Report on imposition of duties on electromagnets, battery cells, elec-  
tric storage batteries, and photovoltaic cells imported from cer-  
tain countries.  
Sec. 503. Prohibition on provision of funds to foreign entities of concern.

TITLE VI—WORKFORCE DEVELOPMENT EFFORTS

- Sec. 601. Workforce development initiative.

**1 SEC. 2. DEFINITIONS.**

**2** In this Act:

1           (1) APPROPRIATE COMMITTEES OF CON-  
2           GRESS.—The term “appropriate committees of Con-  
3           gress” means—

4                   (A) the Select Committee on Intelligence,  
5                   the Committee on Energy and Natural Re-  
6                   sources, the Committee on Commerce, Science,  
7                   and Transportation, the Committee on Foreign  
8                   Relations, the Committee on Armed Services,  
9                   the Committee on Appropriations, the Com-  
10                  mittee on Banking, Housing, and Urban Af-  
11                  fairs, the Committee on Homeland Security and  
12                  Governmental Affairs, and the Committee on  
13                  Finance of the Senate; and

14                  (B) the Permanent Select Committee on  
15                  Intelligence, the Committee on Energy and  
16                  Commerce, the Committee on Foreign Affairs,  
17                  the Committee on Armed Services, the Com-  
18                  mittee on Science, Space, and Technology, the  
19                  Committee on Appropriations, the Committee  
20                  on Financial Services, the Committee on Home-  
21                  land Security, and the Committee on Ways and  
22                  Means of the House of Representatives.

23           (2) CRITICAL MATERIAL.—The term “critical  
24           material” means a strategic or critical material, in-  
25           cluding a rare earth element, that is necessary to

1 meet national defense or national security require-  
2 ments, including requirements relating to supply  
3 chain resiliency, or for the economic security of the  
4 United States.

5 (3) FOREIGN ENTITY.—

6 (A) IN GENERAL.—The term “foreign enti-  
7 ty” means—

8 (i) a government of a foreign country;

9 (ii) a foreign political party;

10 (iii) an individual who is not—

11 (I) a citizen or national of the  
12 United States;

13 (II) an alien lawfully admitted  
14 for permanent residence to the United  
15 States; or

16 (III) any other protected indi-  
17 vidual (as defined in section  
18 274B(a)(3) of the Immigration and  
19 Nationality Act (8 U.S.C.  
20 1324b(a)(3))); and

21 (iv) a partnership, association, cor-  
22 poration, organization, or other combina-  
23 tion of entities organized under the laws of  
24 or having its principal place of business in  
25 a foreign country.

1 (B) INCLUSIONS.—The term “foreign enti-  
2 ty” includes—

3 (i) any person owned by, controlled  
4 by, or subject to the jurisdiction or direc-  
5 tion of an entity described in subparagraph  
6 (A);

7 (ii) any person, wherever located, who  
8 acts as an agent, representative, or em-  
9 ployee of an entity described in subpara-  
10 graph (A);

11 (iii) any person who acts in any other  
12 capacity at the order, request, or under the  
13 influence, direction, or control, of—

14 (I) an entity described in sub-  
15 paragraph (A); or

16 (II) a person the activities of  
17 which are directly or indirectly super-  
18 vised, directed, controlled, financed, or  
19 subsidized in whole or in majority  
20 part by an entity described in sub-  
21 paragraph (A);

22 (iv) any person who directly or indi-  
23 rectly through any contract, arrangement,  
24 understanding, relationship, or otherwise,  
25 owns 25 percent or more of the equity in-

1           terests of an entity described in subpara-  
2           graph (A);

3           (v) any person with significant re-  
4           sponsibility to control, manage, or direct  
5           an entity described in subparagraph (A);

6           (vi) any person, wherever located, who  
7           is a citizen or resident of a country con-  
8           trolled by an entity described in subpara-  
9           graph (A); and

10          (vii) any corporation, partnership, as-  
11          sociation, or other organization organized  
12          under the laws of a country controlled by  
13          an entity described in subparagraph (A).

14          (4) FOREIGN ENTITY OF CONCERN.—

15           (A) IN GENERAL.—The term “foreign enti-  
16           ty of concern” means any foreign entity that  
17           is—

18           (i) designated as a foreign terrorist  
19           organization by the Secretary of State  
20           under section 219 of the Immigration and  
21           Nationality Act (8 U.S.C. 1189);

22           (ii) included on the list of specially  
23           designated nationals and blocked persons  
24           maintained by the Office of Foreign Assets

1 Control of the Department of the Treas-  
2 ury;

3 (iii) owned by, controlled by, or sub-  
4 ject to the jurisdiction, direction, or other-  
5 wise under the undue influence of a gov-  
6 ernment of a covered nation (as defined in  
7 section 4872(d) of title 10, United States  
8 Code);

9 (iv) alleged by the Attorney General  
10 to have been involved in activities for  
11 which a conviction was obtained under—

12 (I) chapter 37 of title 18, United  
13 States Code (commonly known as the  
14 “Espionage Act”);

15 (II) section 951 or 1030 of title  
16 18, United States Code;

17 (III) chapter 90 of title 18,  
18 United States Code (commonly known  
19 as the “Economic Espionage Act of  
20 1996”);

21 (IV) the Arms Export Control  
22 Act (22 U.S.C. 2751 et seq.);

23 (V) section 224, 225, 226, 227,  
24 or 236 of the Atomic Energy Act of

1 1954 (42 U.S.C. 2274, 2275, 2276,  
2 2277, and 2284);

3 (VI) the Export Control Reform  
4 Act of 2018 (50 U.S.C. 4801 et seq.);  
5 or

6 (VII) the International Emer-  
7 gency Economic Powers Act (50  
8 U.S.C. 1701 et seq.); or

9 (v) determined by the Secretary, in  
10 consultation with the Secretary of Defense  
11 and the Director of National Intelligence,  
12 to be engaged in unauthorized conduct  
13 that is detrimental to the national security  
14 or foreign policy of the United States  
15 under this Act.

16 (B) EXCLUSION.—The term “foreign enti-  
17 ty of concern” does not include any entity with  
18 respect to which 1 or more foreign entities de-  
19 scribed in subparagraph (A) owns less than 10  
20 percent of the equity interest.

21 (5) INTELLIGENCE COMMUNITY.—The term  
22 “intelligence community” has the meaning given the  
23 term in section 3 of the National Security Act of  
24 1947 (50 U.S.C. 3003).



1           (6) METALLURGY.—The term “metallurgy”  
2 means the process of producing finished critical ma-  
3 terial products from critical materials.

4           (7) PERSON.—The term “person” includes an  
5 individual, partnership, association, corporation, or-  
6 ganization, or any other combination of individuals.

7           (8) UNITED STATES ENTITY.—The term  
8 “United States entity” means an entity organized  
9 under the laws of the United States or any jurisdic-  
10 tion within the United States.

11 **TITLE I—ENHANCING UNITED**  
12 **STATES DIPLOMATIC SUP-**  
13 **PORT OF CRITICAL MATERIAL**  
14 **PROJECTS**

15 **SEC. 101. STREAMLINING DIPLOMATIC EFFORTS RELATING**  
16 **TO CRITICAL MATERIALS.**

17           (a) IN GENERAL.—Not later than 90 days after the  
18 date of the enactment of this Act, the Secretary of State,  
19 in consultation with the heads of other relevant Federal  
20 agencies, shall submit to the appropriate committees of  
21 Congress a report outlining United States offices and posi-  
22 tions responsible for securing the supply chains of a di-  
23 verse set of critical materials.

24           (b) ELEMENTS.—The report required by subsection  
25 (a) shall—



1 **SEC. 103. ESTABLISHMENT OF DIPLOMATIC TOOL TO SUP-**  
2 **PORT UNITED STATES PRIVATE SECTOR**  
3 **CRITICAL MATERIAL PROJECTS ABROAD.**

4 The Secretary of State shall identify an appropriate  
5 official or office of the Department of State to establish  
6 a mechanism and process for certifying if critical material  
7 projects carried out by United States entities have the  
8 support of the United States Government, which—

9 (1) may include using the Blue Dot Network or  
10 another mechanism in existence as of the date of the  
11 enactment of this Act, as appropriate; and

12 (2) shall include a process for ensuring that  
13 United States entities can engage with United  
14 States embassies in foreign countries to utilize the  
15 mechanism and process to secure support for  
16 pursuing critical material projects in such countries.

17 **TITLE II—INCREASING FINAN-**  
18 **CIAL TOOLS TO SUPPORT**  
19 **ONSHORING OF CRITICAL MA-**  
20 **TERIALS**

21 **SEC. 201. SUPPORT FOR CRITICAL MATERIALS PROJECTS**  
22 **BY UNITED STATES INTERNATIONAL DEVEL-**  
23 **OPMENT FINANCE CORPORATION.**

24 Section 1412 of the Better Utilization of Investments  
25 Leading to Development Act of 2018 (22 U.S.C. 9612)  
26 is amended—

1 (1) in subsection (b)—

2 (A) by striking “The purpose” and insert-  
3 ing the following:

4 “(1) IN GENERAL.—The purpose”;

5 (B) by striking “shall be to” and inserting  
6 the following: “shall be—

7 “(A) to”;

8 (C) by striking “the United States.” and  
9 inserting the following: “the United States; and

10 “(B) to provide support under title II in  
11 high-income economy countries for projects in-  
12 volving development, processing, or recycling of  
13 critical materials if such support furthers the  
14 national security interests of the United  
15 States.”;

16 (D) by striking “In carrying out” and in-  
17 serting the following:

18 “(2) CONSIDERATION OF CERTAIN CRITERIA.—  
19 In carrying out”; and

20 (E) by adding at the end the following:

21 “(3) DEFINITIONS.—For the purposes of para-  
22 graph (1)(B):

23 “(A) CRITICAL MATERIAL.—The term  
24 ‘critical material’ has the meaning given that

1 term in section 2 of the Global Strategy for Se-  
 2 curing Critical Minerals Act of 2024.

3 “(B) HIGH-INCOME ECONOMY COUNTRY.—

4 The term ‘high-income economy country’ means  
 5 a country with a high-income economy, as de-  
 6 fined by the International Bank for Reconstruc-  
 7 tion and Development and the International  
 8 Development Association (collectively referred  
 9 to as the ‘World Bank’).”; and

10 (2) in subsection (c), by adding at the end the  
 11 following:

12 “(3) SUPPORT FOR FREELY ASSOCIATED  
 13 STATES.—Notwithstanding the income classification  
 14 of the country with which the geopolitical entity is  
 15 associated, the Corporation may provide support  
 16 under title II to a geopolitical entity that is included,  
 17 as of the date on which the support is provided, on  
 18 the list of dependencies and areas of special sov-  
 19 ereignty prepared by the Department of State.”.

20 **SEC. 202. AUTHORIZATION OF SUPPORT FOR CRITICAL MA-**  
 21 **TERIAL PROJECTS FOR WHICH OFFTAKE IS**  
 22 **PURCHASED BY A UNITED STATES ENTITY.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
 24 gress that—

1           (1) allies of the United States, such as Japan,  
2           South Korea, and European countries, provide fi-  
3           nancial support for the importation of commodities  
4           essential for national security; and

5           (2) given the locations of critical materials and  
6           the lack of existing mining, processing, refining, or  
7           recycling facilities for those materials, the United  
8           States must ensure that United States entities can  
9           compete for the offtake of critical materials in  
10          projects being carried out abroad, whether or not the  
11          project is operated by a United States entity.

12          (b) STRATEGY REQUIRED.—

13           (1) IN GENERAL.—The President of the Ex-  
14          port-Import Bank of the United States shall develop  
15          a strategy for the issuance of guaranties, insurance,  
16          or extensions of credit, or the participation in the  
17          extension of credit, in connection with a project car-  
18          ried out outside the United States if the offtake of  
19          the project is critical for a United States entity.

20           (2) OUTREACH.—In developing the strategy re-  
21          quired by paragraph (1), the President of the Bank  
22          shall conduct outreach to United States entities, in-  
23          cluding automotive companies, to ensure that the  
24          United States private sector can adequately compete  
25          to secure critical material supply chains abroad, in-

1 cluding in the production of batteries necessary for  
2 the electric grid, transportation, and weapons and  
3 other defenses in the United States.

4 **SEC. 203. INCLUSION OF CRITICAL MATERIALS IN PRO-**  
5 **GRAM ON CHINA AND TRANSFORMATIONAL**  
6 **EXPORTS.**

7 Section 2(l)(1)(B) of the Export-Import Bank Act of  
8 1945 (12 U.S.C. 635(l)(1)(B)) is amended—

9 (1) by redesignating clause (xi) as clause (xii);  
10 and

11 (2) by inserting after clause (x) the following:

12 “(xi) Critical materials (as defined in  
13 section 2 of the Global Strategy for Secur-  
14 ing Critical Minerals Act of 2024) and per-  
15 manent magnets.”.

16 **SEC. 204. CRITICAL MATERIAL METALLURGY FINANCING.**

17 (a) **FINANCIAL ASSISTANCE PROGRAM.—**

18 (1) **IN GENERAL.—**The Secretary of Energy  
19 shall establish in the Department of Energy a pro-  
20 gram to provide Federal financial assistance to cov-  
21 ered entities to incentivize investment in covered fa-  
22 cilities, subject to the availability of appropriations  
23 for that purpose.

24 (2) **PROCEDURE.—**

1           (A) IN GENERAL.—A covered entity seek-  
2           ing financial assistance under this subsection  
3           shall submit to the Secretary an application  
4           that describes the project for which the covered  
5           entity is seeking financial assistance.

6           (B) ELIGIBILITY.—In order for a covered  
7           entity to qualify for financial assistance under  
8           this subsection, the covered entity shall dem-  
9           onstrate to the Secretary, in the application  
10          submitted by the covered entity under subpara-  
11          graph (A), that—

12                   (i) the covered entity has a docu-  
13                   mented interest in—

14                           (I) constructing a covered facil-  
15                           ity; or

16                           (II) expanding or technologically  
17                           upgrading a facility owned by the cov-  
18                           ered entity to be a covered facility;  
19                           and

20                   (ii) with respect to the project for  
21                   which the covered entity is seeking finan-  
22                   cial assistance, the covered entity has—

23                           (I) been offered a covered incen-  
24                           tive;



1 (II) made commitments to work-  
2 er and community investment, includ-  
3 ing through—

4 (aa) training and education  
5 benefits paid by the covered enti-  
6 ty; and

7 (bb) programs to expand  
8 employment opportunity for eco-  
9 nomically disadvantaged individ-  
10 uals;

11 (III) secured commitments from  
12 regional educational and training enti-  
13 ties and institutions of higher edu-  
14 cation to provide workforce training,  
15 including programming for training  
16 and job placement of economically dis-  
17 advantaged individuals; and

18 (IV) an executable plan to sus-  
19 tain a covered facility without addi-  
20 tional Federal financial assistance  
21 under this subsection for facility sup-  
22 port.

23 (C) APPLICATION REVIEW.—

1 (i) IN GENERAL.—The Secretary may  
2 not approve an application submitted by a  
3 covered entity under subparagraph (A)—

4 (I) unless the Secretary—

5 (aa) confirms that the cov-  
6 ered entity has satisfied the eligi-  
7 bility criteria under subpara-  
8 graph (B);

9 (bb) determines that the  
10 project for which the covered en-  
11 tity is seeking financial assist-  
12 ance is in the interest of the  
13 United States; and

14 (cc) has notified the appro-  
15 priate committees of Congress  
16 not later than 15 days before  
17 making any commitment to pro-  
18 vide an award of financial assist-  
19 ance to any covered entity in an  
20 amount that exceeds  
21 \$10,000,000; or

22 (II) if the Secretary determines,  
23 in consultation with the Director of  
24 National Intelligence, that the covered  
25 entity is a foreign entity of concern.

1 (ii) CONSIDERATION.—In reviewing  
2 an application submitted by a covered enti-  
3 ty under subparagraph (A), the Secretary  
4 may consider whether—

5 (I) the covered entity has pre-  
6 viously received financial assistance  
7 under this subsection;

8 (II) the governmental entity of-  
9 fering the applicable covered incentive  
10 has benefitted from financial assist-  
11 ance previously provided under this  
12 subsection;

13 (III) the covered entity has dem-  
14 onstrated that the covered entity is re-  
15 sponsive to the national security needs  
16 or requirements established by the in-  
17 telligence community (or an agency  
18 thereof), the National Nuclear Secu-  
19 rity Administration, or the Depart-  
20 ment of Defense;

21 (IV) if practicable, a consortium  
22 that is considered a covered entity in-  
23 cludes a small business concern (as  
24 defined under section 3 of the Small  
25 Business Act (15 U.S.C. 632)), not-

1                   withstanding section 121.103 of title  
2                   13, Code of Federal Regulations (or  
3                   successor regulations); and

4                   (V) the covered entity intends to  
5                   produce finished products for use by  
6                   the Department of Defense, the de-  
7                   fense industry of the United States,  
8                   or critical energy infrastructure.

9                   (iii) PRIORITIZATION.—To the max-  
10                  imum extent practicable, the Secretary  
11                  shall prioritize awarding financial assist-  
12                  ance under this subsection to a covered en-  
13                  tity that intends to make finished products  
14                  available for use by the Department of De-  
15                  fense, the defense industry of the United  
16                  States, or critical energy infrastructure.

17                  (D) RECORDS.—

18                  (i) IN GENERAL.—The Secretary may  
19                  request records and information from a  
20                  covered entity that submitted an applica-  
21                  tion under subparagraph (A) to review the  
22                  status of a covered entity.

23                  (ii) REQUIREMENT.—As a condition  
24                  of receiving assistance under this sub-  
25                  section, a covered entity shall provide the

1 records and information requested by the  
2 Secretary under clause (i).

3 (3) AMOUNT.—

4 (A) IN GENERAL.—The Secretary shall de-  
5 termine the appropriate amount and funding  
6 type for each financial assistance award pro-  
7 vided to a covered entity under this subsection.

8 (B) COST-SHARING REQUIREMENT.—The  
9 total amount of financial assistance that may be  
10 guaranteed by the Secretary under this sub-  
11 section shall be not more than 100 percent of  
12 the private capital investment available to a  
13 covered entity for any individual project.

14 (C) MINIMUM INVESTMENT.—The total  
15 Federal investment in any individual project re-  
16 ceiving a financial assistance award under this  
17 subsection shall be not less than \$20,000,000.

18 (D) LARGER INVESTMENT.—The total  
19 Federal investment in any individual project re-  
20 ceiving a financial assistance award under this  
21 subsection shall not exceed \$500,000,000, un-  
22 less the Secretary, in consultation with the Sec-  
23 retary of Defense and the Director of National  
24 Intelligence, recommends to the President, and  
25 the President certifies and reports to the appro-

1           appropriate committees of Congress, that a larger in-  
2           vestment is necessary—

3                   (i) to significantly increase the pro-  
4                   portion of reliable domestic supply of fin-  
5                   ished critical material products relevant for  
6                   national security and economic competi-  
7                   tiveness that can be met through domestic  
8                   production; and

9                   (ii) to meet the needs of national se-  
10                  curity.

11           (4) USE OF FUNDS.—A covered entity that re-  
12           ceives a financial assistance award under this sub-  
13           section may only use the financial assistance award  
14           amounts—

15                   (A) to finance the construction of a cov-  
16                   ered facility (including equipment) or the ex-  
17                   pansion or technological upgrade of a facility  
18                   (including equipment) of the covered entity to  
19                   be a covered facility, as documented in the ap-  
20                   plication submitted by the covered entity under  
21                   paragraph (2)(A), as determined necessary by  
22                   the Secretary for purposes relating to the na-  
23                   tional security and economic competitiveness of  
24                   the United States;

1 (B) to support workforce development for  
2 a covered facility; and

3 (C) to support site development and tech-  
4 nological upgrade for a covered facility.

5 (5) CLAWBACK.—

6 (A) MAJOR AWARDS.—

7 (i) IN GENERAL.—For all financial as-  
8 sistance awards provided to covered enti-  
9 ties under this subsection, the Secretary  
10 shall, at the time of making the award, de-  
11 termine the target dates by which a cov-  
12 ered entity shall commence and complete  
13 the applicable project.

14 (ii) PROGRESSIVE RECOVERY FOR  
15 DELAYS.—If the covered entity receiving a  
16 financial assistance award under this sub-  
17 section does not complete the applicable  
18 project by the applicable target date deter-  
19 mined under clause (i), the Secretary shall  
20 progressively recover up to the full amount  
21 of the award.

22 (iii) WAIVER.—In the case of projects  
23 that do not meet the applicable target date  
24 determined under clause (i), the Secretary  
25 may waive the requirement to recover the

1 financial award provided for the project  
2 under clause (ii) after making a formal de-  
3 termination that circumstances beyond the  
4 ability of the covered entity to foresee or  
5 control are responsible for the delay.

6 (iv) CONGRESSIONAL NOTIFICA-  
7 TION.—

8 (I) IN GENERAL.—Not later than  
9 15 days after making a determination  
10 to recover an award under clause (ii),  
11 the Secretary shall notify the appro-  
12 priate committees of Congress of the  
13 intent of the Secretary to recover the  
14 award.

15 (II) WAIVERS.—Not later than  
16 15 days after the date on which the  
17 Secretary provides a waiver under  
18 clause (iii), the Secretary shall notify  
19 the appropriate committees of Con-  
20 gress of the waiver.

21 (B) JOINT RESEARCH, TECHNOLOGY LI-  
22 CENSING, AND INTELLECTUAL PROPERTY RE-  
23 PORTING.—

24 (i) IN GENERAL.—Before entering  
25 into an agreement with a foreign entity to



1           conduct joint research or technology licens-  
2           ing, or to share intellectual property, a  
3           covered entity that has received a financial  
4           assistance award under this subsection—

5                   (I) shall notify the Secretary of  
6                   the intent to enter into such an agree-  
7                   ment; and

8                   (II) may only enter into such an  
9                   agreement if the Secretary determines  
10                  the foreign entity is not a foreign en-  
11                  tity of concern.

12                  (ii) DETERMINATION.—On receiving a  
13                  notification under clause (i), the Secretary,  
14                  in consultation with the Director of Na-  
15                  tional Intelligence, the Director of the Na-  
16                  tional Counterintelligence and Security  
17                  Center, and the Director of the Federal  
18                  Bureau of Investigation, shall make a de-  
19                  termination of whether the applicable for-  
20                  eign entity is a foreign entity of concern.

21                  (iii) TECHNOLOGY CLAWBACK.—The  
22                  Secretary shall recover the full amount of  
23                  a financial assistance award provided to a  
24                  covered entity under this subsection if,  
25                  during the applicable term of the award,

1 the covered entity knowingly engages in  
2 any joint research, technology licensing, in-  
3 tellectual property sharing effort, or joint  
4 venture with a foreign entity of concern  
5 that relates to a technology or product that  
6 raises national security concerns, as deter-  
7 mined by the Secretary, in consultation  
8 with the Director of National Intelligence,  
9 the Director of the National Counterintel-  
10 ligence and Security Center, and the Direc-  
11 tor of the Federal Bureau of Investigation,  
12 on the condition that the determination of  
13 the Secretary shall have been commu-  
14 nicated to the covered entity before the  
15 covered entity engaged in the joint re-  
16 search, technology licensing, or intellectual  
17 property sharing.

18 (6) CONDITION OF RECEIPT.—A covered entity  
19 to which the Secretary awards Federal financial as-  
20 sistance under this subsection shall enter into an  
21 agreement that specifies that, during the 5-year pe-  
22 riod immediately following the award of the Federal  
23 financial assistance, the covered entity will not make  
24 shareholder distributions in excess of profits.

1 (b) COORDINATION REQUIRED.—In carrying out the  
2 program established under subsection (a), the Secretary  
3 shall coordinate with the Secretary of State, the Secretary  
4 of Defense, the Secretary of Homeland Security, and the  
5 Director of National Intelligence.

6 (c) GAO REVIEWS.—The Comptroller General of the  
7 United States shall—

8 (1) not later than 2 years after the date of dis-  
9 bursement of the first financial award under the  
10 program established under subsection (a), and bien-  
11 nially thereafter for 10 years, conduct a review of  
12 the program, which shall include, at a minimum—

13 (A) a determination of the number of fi-  
14 nancial assistance awards provided under the  
15 program during the period covered by the re-  
16 view;

17 (B) an evaluation of how—

18 (i) the program is being carried out,  
19 including how recipients of financial assist-  
20 ance awards are being selected under the  
21 program; and

22 (ii) other Federal programs are lever-  
23 aged for manufacturing, research, and  
24 training to complement the financial assist-

1           ance awards provided under the program;  
2           and

3           (C) a description of the outcomes of  
4           projects supported by financial assistance  
5           awards provided under the program, including a  
6           description of—

7                   (i) covered facilities that were con-  
8                   structed or facilities that were expanded or  
9                   technologically upgraded to be covered fa-  
10                  cilities as a result of financial assistance  
11                  awards provided under the program;

12                  (ii) workforce training programs car-  
13                  ried out with financial assistance awards  
14                  provided under the program, including ef-  
15                  forts to hire individuals from disadvan-  
16                  taged populations; and

17                  (iii) the impact of projects receiving  
18                  financial assistance awards under the pro-  
19                  gram on the United States share of global  
20                  finished critical material product produc-  
21                  tion; and

22           (2) submit to the appropriate committees of  
23           Congress the results of each review conducted under  
24           paragraph (1).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sec-  
3 tion—

4 (1) \$750,000,000 for each of fiscal years 2025  
5 and 2026; and

6 (2) \$200,000,000 for each of fiscal years 2027  
7 through 2029.

8 (e) DEFINITIONS.—In this section:

9 (1) COVERED ENTITY.—The term “covered en-  
10 tity” means a private entity, a consortium of private  
11 entities, or a consortium of public and private enti-  
12 ties, with a demonstrated ability to substantially fi-  
13 nance, construct, expand, or technologically upgrade  
14 a covered facility.

15 (2) COVERED FACILITY.—The term “covered  
16 facility” means a facility located in a State that car-  
17 ries out the metallurgy or recycling of critical mate-  
18 rials for the production of critical material products.

19 (3) COVERED INCENTIVE.—The term “covered  
20 incentive” means—

21 (A) an incentive offered by a Federal,  
22 State, local, or Tribal governmental entity to a  
23 covered entity for the purposes of—

1 (i) constructing within the jurisdiction  
2 of the governmental entity a covered facil-  
3 ity; or

4 (ii) expanding or technologically up-  
5 grading an existing facility within that ju-  
6 risdiction to be a covered facility; and

7 (B) a workforce-related incentive (includ-  
8 ing a grant agreement relating to workforce  
9 training or vocational education), any conces-  
10 sion with respect to real property, funding for  
11 research and development with respect to crit-  
12 ical materials and finished critical material  
13 products, and any other incentive determined  
14 appropriate by the Secretary, in consultation  
15 with the Secretary of State.

16 (4) FINISHED CRITICAL MATERIAL PRODUCT.—

17 The term “finished critical material product” means  
18 a product composed of significant quantities of crit-  
19 ical materials, including—

20 (A) metals;

21 (B) alloys; and

22 (C) permanent magnets.

23 (5) PRIVATE CAPITAL.—The term “private cap-  
24 ital” has the meaning given the term in section 103

1 of the Small Business Investment Act of 1958 (15  
2 U.S.C. 662).

3 (6) STATE.—The term “State” means—

4 (A) each of the several States of the  
5 United States;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) Guam;

9 (E) American Samoa;

10 (F) the Commonwealth of the Northern  
11 Mariana Islands;

12 (G) the Federated States of Micronesia;

13 (H) the Republic of the Marshall Islands;

14 (I) the Republic of Palau; and

15 (J) the United States Virgin Islands.

16 **TITLE III—INCREASING SUP-**  
17 **PORT FOR ALLIED PARTNER-**  
18 **SHIPS FOR CRITICAL MATE-**  
19 **RIAL MAPPING, MINING, AND**  
20 **TECHNOLOGY RESEARCH**

21 **SEC. 301. EXPANDING COLLABORATION WITH ALLIES AND**  
22 **PARTNERS ON CRITICAL MATERIALS TECH-**  
23 **NOLOGIES AND PROJECTS.**

24 (a) IN GENERAL.—The Secretary of the Interior shall  
25 increase collaboration and information sharing between

1 the geoscience organizations of Australia, Canada, South  
2 Korea, Japan, member countries of the North Atlantic  
3 Treaty Organization and non-NATO allies and partners,  
4 as the Secretary of the Interior determines to be appro-  
5 priate, and the United States to include knowledge sharing  
6 on critical materials processing and recycling techniques  
7 and equipment.

8 (b) APPLICATION.—Collaboration and information  
9 under subsection (a) shall extend to—

10 (1) the Earth Mapping Resources Initiative es-  
11 tablished by section 40201 of the Infrastructure In-  
12 vestment and Jobs Act (43 U.S.C. 311); and

13 (2) the National Cooperative Geologic Mapping  
14 Program under section 4 of the National Geologic  
15 Mapping Act of 1992 (43 U.S.C. 31e).

16 **SEC. 302. EXPANDING AUTHORITIES FOR CRITICAL MATE-**  
17 **RIAL PROJECTS TO INCLUDE ALLIES AND**  
18 **PARTNERS.**

19 (a) CRITICAL MINERALS MINING AND RECYCLING  
20 RESEARCH.—Section 40210 of the Infrastructure Invest-  
21 ment and Jobs Act (42 U.S.C. 18743) is amended—

22 (1) in subsection (b), by striking paragraph (1)  
23 and inserting the following:

24 “(1) IN GENERAL.—In order to support supply  
25 chain resiliency, the Secretary, in coordination with



1 the Director, and in collaboration with countries  
2 that are allies and partners of the United States, as  
3 the Secretary of State determines to be appropriate,  
4 shall issue awards, on a competitive basis, to eligible  
5 entities described in paragraph (2) to support basic  
6 research that will accelerate innovation to advance  
7 critical minerals mining, recycling, and reclamation  
8 strategies and technologies for the purposes of—

9 “(A) making better use of domestic re-  
10 sources; and

11 “(B) eliminating national reliance on min-  
12 erals and mineral materials that are subject to  
13 supply disruptions.”; and

14 (2) in subsection (c)(1), by inserting “, in col-  
15 laboration with allied and partner countries, as the  
16 Secretary of State determines to be appropriate,”  
17 after “National Science and Technology Council (re-  
18 ferred to in this subsection as the ‘Subcommittee’)”.

19 (b) USGS ENERGY AND MINERALS RESEARCH FA-  
20 CILITY.—Section 40204 of the Infrastructure Investment  
21 and Jobs Act (43 U.S.C. 50e) is amended—

22 (1) by redesignating subsection (f) as sub-  
23 section (g); and

24 (2) by inserting after subsection (e) the fol-  
25 lowing:

1       “(f) COLLABORATION.—The United States Geologi-  
 2 cal Survey may collaborate with Australia and Canada on  
 3 the energy and minerals research carried out at the facility  
 4 described in subsection (a).”.

5       (c) RARE EARTH DEMONSTRATION FACILITY.—Sec-  
 6 tion 7001(c)(1) of the Energy Act of 2020 (42 U.S.C.  
 7 13344(c)(1)) is amended inserting “and in coordination  
 8 with academic communities in countries that are allies and  
 9 partners of the United States, as the Secretary determines  
 10 to be appropriate,” after “academic partner,”.

11 **TITLE IV—PUBLIC-PRIVATE COL-**  
 12 **LABORATION ON CRITICAL**  
 13 **MATERIALS**

14 **SEC. 401. ENHANCING PUBLIC-PRIVATE SHARING ON MA-**  
 15 **NIPULATIVE ADVERSARY PRACTICES IN**  
 16 **CRITICAL MATERIAL PROJECTS.**

17       (a) STRATEGY REQUIRED.—Not later than 90 days  
 18 after the date of the enactment of this Act, the Director  
 19 of National Intelligence shall, in consultation with the  
 20 heads of such other Federal agencies as the Director con-  
 21 siders appropriate, develop a strategy to improve the shar-  
 22 ing between the Federal Government and private entities  
 23 of information to mitigate the threat that illicit activities  
 24 and tactics of foreign adversaries pose to United States  
 25 entities involved in projects outside the United States re-

1 lating to energy generation and storage, including with re-  
2 spect to critical materials inputs for those projects.

3 (b) ELEMENTS.—The strategy required by subsection  
4 (a) shall address—

5 (1) how best to assemble and transmit informa-  
6 tion to United States entities—

7 (A) to protect against illicit tactics and ac-  
8 tivities of foreign adversaries relating to critical  
9 material projects outside the United States, in-  
10 cluding efforts by foreign adversaries to under-  
11 mine those projects;

12 (B) to mitigate the risk that the involve-  
13 ment of governments of foreign adversaries in  
14 the ownership and control of entities engaging  
15 in deceptive or illicit activities pose to the inter-  
16 ests of the United States; and

17 (C) to inform on economic espionage and  
18 other threats from foreign adversaries to the  
19 rights of owners of intellectual property, includ-  
20 ing owners of patents, trademarks, copyrights,  
21 trade secrets, and other sensitive information,  
22 with respect to such property; and

23 (2) how best to receive information from United  
24 States entities with respect to threats to United  
25 States interests relating to critical materials, includ-

1       ing disinformation campaigns abroad or other sus-  
2       picious malicious activity.

3       (c) IMPLEMENTATION PLAN REQUIRED.—Not later  
4 than 30 days after the date on which the Director com-  
5 pletes developing the strategy required by subsection (a),  
6 the Director shall submit to the congressional intelligence  
7 committees (as defined in section 3 of the National Secu-  
8 rity Act of 1947 (50 U.S.C. 3003)), or provide such com-  
9 mittees a briefing on, a plan for implementing the strat-  
10 egy.

11 **SEC. 402. COORDINATING GOVERNMENT FINANCIAL TOOLS**  
12                   **FOR PUBLIC-PRIVATE COLLABORATION ON**  
13                   **CRITICAL MATERIAL INVESTMENTS.**

14       (a) IN GENERAL.—Not later than 90 days after the  
15 date of the enactment of this Act, the Secretary of State  
16 shall, in coordination with the Chief Executive Officer of  
17 the United States International Development Finance  
18 Corporation, the President of the Export-Import Bank of  
19 the United States, and the Secretary of Energy, establish  
20 a mechanism to share information with the private sector  
21 on government financing tools available for investment in  
22 projects outside the United States relating to critical ma-  
23 terials.

24       (b) ELEMENTS.—The mechanism developed under  
25 subsection (a) shall include—

1           (1) a single point person or office to lead the  
2 effort to share information as described in that sub-  
3 section;

4           (2) a publicly accessible website that details the  
5 tools each relevant Federal agency has available to  
6 support private sector investment in projects de-  
7 scribed in that subsection, including for each such  
8 tool at each such agency—

9                   (A) the criteria required to receive support  
10 pursuant to the relevant agency tool;

11                   (B) a point of contact to coordinate and  
12 advice on applying for that support;

13                   (C) how applications can be submitted;

14                   (D) the amount of funding available; and

15                   (E) a list of projects carried out with that  
16 support;

17           (3) policies to ensure that, in cases in which  
18 due diligence and project vetting requirements are  
19 similar across Federal agencies, an application filed  
20 by an entity, if permitted by the entity, is shared  
21 across relevant agencies to avoid unnecessary dupli-  
22 cation;

23           (4) coordination of regular meetings of the rel-  
24 evant Federal agencies—

1 (A) to coordinate projects and processes;  
2 and

3 (B) to identify gaps in tools needed to sup-  
4 port private sector investment in projects de-  
5 scribed in subsection (a), including in coordina-  
6 tion with the Minerals Investment Network for  
7 Vital Energy Security and Transition  
8 (MINVEST); and

9 (5) a way for private sector entities to regularly  
10 engage with the relevant Federal agencies to identify  
11 potential gaps in United States support and tools for  
12 private industry attempting to invest in, operate, or  
13 secure critical material projects outside the United  
14 States.

15 (c) REPORT REQUIRED.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of the enactment of this Act, the Sec-  
18 retary of State shall submit to the appropriate com-  
19 mittees of Congress a report on the plan required by  
20 subsection (a), including each elements required  
21 under subsection (b).

22 (2) FORM.—The report required by paragraph  
23 (1) shall be submitted in unclassified form, but may  
24 include a classified annex.

1 **TITLE V—COUNTERING THE**  
2 **PEOPLE’S REPUBLIC OF CHI-**  
3 **NA’S EFFORTS TO MANIPU-**  
4 **LATE CRITICAL MATERIAL**  
5 **MARKETS**

6 **SEC. 501. INCREASED SUPPORT FOR UNITED STATES PRO-**  
7 **CUREMENT OF CRITICAL MATERIALS.**

8 (a) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days  
10 after the date of the enactment of this Act, the  
11 President shall submit to the appropriate commit-  
12 tees of Congress a report setting forth a plan of ac-  
13 tion for use of authorities, including a proposal for  
14 new or expanded authorities, to establish or enhance  
15 responsible domestic production and procurement ca-  
16 pabilities, including through recycling, for critical  
17 materials and related materials.

18 (2) ELEMENTS.—The report required by para-  
19 graph (1) shall—

20 (A) include an identification of defense-  
21 critical end products that are reliant on rare  
22 earth elements and other critical materials for  
23 which domestic industrial capabilities are insuf-  
24 ficient;

25 (B) detail how the plan of action—

1 (i) aligns with existing Federal critical  
2 materials strategies and recommendations,  
3 including those developed pursuant to ap-  
4 plicable Executive orders and statutes, to  
5 produce a holistic response to address crit-  
6 ical material supply chain risks; and

7 (ii) coordinates Federal authorities  
8 and interagency efforts to implement such  
9 strategies and recommendations, including  
10 by identifying implementation challenges  
11 and authorities or resources needed to  
12 complete implementation and reduce  
13 United States critical materials supply  
14 chain vulnerability; and

15 (C) include recommendations to minimize  
16 adverse environmental and social impacts from  
17 the activities described in paragraph (1).

18 (b) DOMESTIC DEFINED.—In this section, the term  
19 “domestic”, with respect to production capabilities or pro-  
20 curement capabilities for critical materials and related ma-  
21 terials, means—

22 (1) the production of such materials in a coun-  
23 try specified in the definition of “domestic source”  
24 in section 702 of the Defense Production Act of  
25 1950 (50 U.S.C. 4552); or



1           (2) the procurement of such materials from a  
2           business concern described in that definition.

3 **SEC. 502. REPORT ON IMPOSITION OF DUTIES ON**  
4           **ELECTROMAGNETS, BATTERY CELLS, ELEC-**  
5           **TRIC STORAGE BATTERIES, AND PHOTO-**  
6           **VOLTAIC CELLS IMPORTED FROM CERTAIN**  
7           **COUNTRIES.**

8           (a) **REPORT REQUIRED.**—Not later than 90 days  
9           after the date of the enactment of this Act, the Secretary  
10          of the Treasury shall submit to the appropriate commit-  
11          tees of Congress a report assessing the imposition of a  
12          duty on each article described in subsection (b).

13          (b) **ARTICLES DESCRIBED.**—An article described in  
14          this subsection is an article classified under any of the  
15          following headings or subheadings of the Harmonized Tar-  
16          iff Schedule of the United States:

17               (1) 8505.

18               (2) 8506.

19               (3) 8507.

20               (4) 8541.42.00.

21               (5) 8541.43.00.

22          (c) **RECOMMENDATIONS.**—The report required by  
23          subsection (a) shall include recommendations for—

24               (1) appropriate ranges for the rate of duty to  
25          be applied to an article described in subsection (b)

1 that was produced or manufactured, or underwent  
2 final assembly, in a country other than—

3 (A) an ally described in section 3(b)(2) of  
4 the Arms Export Control Act (22 U.S.C.  
5 2753(b)(2));

6 (B) a country designated by the President  
7 as a major non-NATO ally under section 517 of  
8 the Foreign Assistance Act of 1961 (22 U.S.C.  
9 2321k);

10 (C) Mexico, if the United States-Mexico-  
11 Canada Agreement, or a successor agreement,  
12 is in effect;

13 (D) Costa Rica, El Salvador, Guatemala,  
14 Honduras, and the Dominican Republic, if the  
15 Dominican Republic-Central America Free  
16 Trade Agreement, or a successor agreement, is  
17 in effect;

18 (E) Chile, if the United States-Chile Free  
19 Trade Agreement, or a successor agreement, is  
20 in effect; and

21 (F) India, for a period of 10 years begin-  
22 ning on the date of the enactment of this Act;  
23 and

24 (2) the appropriate rate of duty to be applied  
25 to an article described in subsection (b) that was

1 produced or manufactured, or underwent final as-  
2 sembly, in the People’s Republic of China.

3 (d) **ADDITIONAL ELEMENTS.**—The assessment re-  
4 quired by subsection (a) shall include—

5 (1) a plan for implementing duties on articles  
6 described in subsection (b) at the rates rec-  
7 ommended under subsection (c); and

8 (2) an assessment of the risks and benefits of  
9 increasing the rates of duty on such articles over a  
10 period of time.

11 **SEC. 503. PROHIBITION ON PROVISION OF FUNDS TO FOR-**  
12 **EIGN ENTITIES OF CONCERN.**

13 None of the funds authorized to be appropriated to  
14 carry out this Act may be provided to a foreign entity of  
15 concern.

16 **TITLE VI—WORKFORCE**  
17 **DEVELOPMENT EFFORTS**

18 **SEC. 601. WORKFORCE DEVELOPMENT INITIATIVE.**

19 As soon as practicable, after the date of the enact-  
20 ment of this Act, the Secretary of State shall establish  
21 an initiative under which the Secretary works with the  
22 Secretary of Labor, the Director of the National Science  
23 Foundation, the Critical Minerals Subcommittee of the  
24 National Science and Technology Council, the private sec-  
25 tor, institutions of higher education, and workforce train-

1 ing entities to incentivize and expand participation in  
2 graduate, undergraduate, and vocational programs, and to  
3 develop workforce training programs and apprenticeships,  
4 relating to advanced critical material mining, separation,  
5 processing, recycling, metallurgy, and advanced equipment  
6 maintenance capabilities.

○