

119TH CONGRESS
2D SESSION

S. _____

To establish a Strategic Resilience Reserve of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a Strategic Resilience 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Securing Essential and Critical U.S. Resources and Ele-
6 ments Minerals Act of 2026” or the “SECURE Minerals
7 Act of 2026”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—ESTABLISHMENT AND BOARD OF GOVERNORS

Sec. 101. Establishment.

Sec. 102. Board of governors.

TITLE II—DUTIES AND AUTHORITIES OF THE RESERVE

Sec. 201. General authorities.

Sec. 202. Identification of eligible critical minerals and materials.

Sec. 203. Data collection.

Sec. 204. Critical mineral and material market risk and vulnerability assessment.

Sec. 205. Production standards.

Sec. 206. Financing and acquisition of critical minerals or materials.

Sec. 207. Sale of critical minerals or materials.

TITLE III—ADMINISTRATIVE PROVISIONS

Sec. 301. Corporate powers.

Sec. 302. Records and accounts.

TITLE IV—OVERSIGHT AND ACCOUNTABILITY

Sec. 401. Risk and audit committees.

Sec. 402. Annual audit and comptroller review.

Sec. 403. Reporting and transparency.

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) critical minerals and materials are essential
4 to the ongoing economic and national security of the
5 United States, playing a vital role in the manufac-
6 turing, transportation, medical, technology, defense,
7 and energy sectors;

8 (2) the global demand for critical minerals and
9 materials has been rapidly increasing due to ad-
10 vancements in technology, whether defense, dual-use,
11 or commercial, and the increasing adoption of re-
12 newable energy sources and next-generation auto-
13 motive systems, all of which rely heavily on critical

1 minerals and materials for the production of bat-
2 teries, solar panels, wind turbines, high-speed com-
3 puting, advanced magnetic systems, and other high-
4 tech applications;

5 (3) the People’s Republic of China—

6 (A) currently controls a significant portion
7 of the global supply chain for critical minerals
8 and materials through extensive mining, inte-
9 grated midstream operations, significant domes-
10 tic subsidies and incentives, and strategic in-
11 vestments in resource-rich countries, domi-
12 nating the global market infrastructure for crit-
13 ical minerals and materials and enhancing the
14 ability of the People’s Republic of China to ma-
15 nipulate pricing to the detriment of competi-
16 tors;

17 (B) centrally controls its dominant market
18 share across multiple critical mineral vertical
19 markets, preventing fair competition and hin-
20 dering the ability of United States firms and
21 firms in partner countries to innovate and scale
22 production;

23 (C) predatorily leverages its position as
24 sponsor or consumer, as applicable, over mining
25 projects globally, resulting in a dearth of feed-

1 stocks to the great detriment of downstream in-
2 dustries, regions, and countries, including the
3 United States;

4 (D) the integrated operations of which are
5 subservient to the Chinese state, is calibrated to
6 weaponize its influence over prices and volumes
7 in the contest for access to critical minerals and
8 materials, as well as the end-use components
9 and applications produced from critical min-
10 erals and materials; and

11 (E) acts to undercut efforts in the United
12 States and partner countries to develop alter-
13 native sources of supply;

14 (4) producers of critical minerals and materials
15 in the United States often face artificially low prices
16 set by supply chains controlled by the People's Re-
17 public of China, discouraging private investment in
18 domestic extraction and processing;

19 (5) the lack of transparent, competitive, and
20 market-driven pricing mechanisms for critical min-
21 erals and materials outside of the People's Republic
22 of China compounds market problems, creating sys-
23 temic risk and limiting the viability of an inde-
24 pendent supply chain for critical minerals and mate-
25 rials in the United States;

1 (6) the United States is heavily reliant on im-
2 ports for many of the most critical minerals and ma-
3 terials, including rare earth elements, making the
4 United States vulnerable to supply disruptions, geo-
5 political tensions, and economic manipulation by
6 countries that dominate the market, specifically the
7 People’s Republic of China;

8 (7) the vulnerabilities to the United States de-
9 fense industrial base posed by reliance on imports of
10 critical minerals and materials are significant, and
11 given the long lead times for investments in both
12 mining and processing of critical minerals, domestic
13 critical minerals production projects are particularly
14 susceptible to price shocks induced by the People’s
15 Republic of China, which can depress critical min-
16 eral prices for an extended period;

17 (8) increasing domestic primary feedstock pro-
18 duction, processing, conversion, recycling, reuse, and
19 repurposing to advanced materials and products, as
20 well as increasing alternative market supply in part-
21 ner countries, are imperative to reduce the impact of
22 market manipulation by foreign state actors, such as
23 the People’s Republic of China;

24 (9) the United States must ensure that a stable
25 and secure supply chain of essential resources is

1 available to our domestic innovation and manufac-
2 turing ecosystems;

3 (10) sustainable and responsible corporate be-
4 havior in the direct operations of companies and
5 across their global value chains is important to en-
6 suring a resilient domestic critical minerals supply;

7 (11) investments in domestic extraction and
8 processing infrastructure, as well as reuse,
9 repurposing, and recycling, are necessary to build a
10 resilient and diversified supply chain for critical min-
11 erals and materials, supporting the economic growth
12 and national security interests of the United States;
13 and

14 (12) government support to develop and ensure
15 the integrity of Western and partner country mar-
16 kets for critical minerals and materials as a counter-
17 measure against the anti-competitive tactics of the
18 People's Republic of China and the supply chain co-
19 collaborators of the People's Republic of China will
20 fill the most acute strategic gap, which cannot be
21 otherwise achieved by private industry participants
22 acting alone.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Agriculture, Nutri-
5 tion, and Forestry of the Senate;

6 (B) the Committee on Agriculture of the
7 House of Representatives;

8 (C) the Committee on Armed Services of
9 the Senate;

10 (D) the Committee on Armed Services of
11 the House of Representatives;

12 (E) the Committee on Banking, Housing,
13 and Urban Affairs of the Senate;

14 (F) the Committee on Financial Services
15 of the House of Representatives;

16 (G) the Committee on Commerce, Science,
17 and Transportation of the Senate;

18 (H) the Committee on Energy and Com-
19 merce of the House of Representatives;

20 (I) the Committee on Energy and Natural
21 Resources of the Senate;

22 (J) the Committee on Natural Resources
23 of the House of Representatives;

24 (K) the Committee on Foreign Relations of
25 the Senate; and

1 (L) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (2) AUTHORIZED INTERMEDIARY.—The term
4 “authorized intermediary” means an entity that—

5 (A) is a private entity;

6 (B) has expertise in more than 1 critical
7 mineral or material;

8 (C) has expertise in commodities trading,
9 market making, capital management, or fi-
10 nance;

11 (D) does not have any management influ-
12 enced by a foreign entity of concern or a citizen
13 of a covered country, including any entities af-
14 filiated with the private entity or the ownership
15 of the private entity;

16 (E) is not owned, controlled, directed, fi-
17 nanced, or otherwise influenced, directly or indi-
18 rectly, in whole or in any part greater than 25
19 percent, by a foreign entity of concern, a citizen
20 of a covered country, or the government of a
21 covered country; and

22 (F) has been approved to be an authorized
23 intermediary by the Board.

1 (3) BOARD.—The term “Board” means the
2 board of governors of the Reserve established by sec-
3 tion 102(a).

4 (4) CHAIRPERSON.—The term “Chairperson”
5 means the Chairperson of the Board.

6 (5) COVERED COUNTRY.—The term “covered
7 country” means a country that—

8 (A) is a covered nation (as defined in sec-
9 tion 4872(f) of title 10, United States Code); or

10 (B) the Secretary of Energy, in consulta-
11 tion with the Secretary of Defense, the Sec-
12 retary of State, and the Director of National
13 Intelligence, determines to be engaged in con-
14 duct that is detrimental to the national security
15 or foreign policy of the United States.

16 (6) CRITICAL MINERAL OR MATERIAL.—The
17 term “critical mineral or material” means mineral or
18 material included in the list of eligible critical min-
19 erals and materials established by the Reserve under
20 section 202(a).

21 (7) DEPENDENCE RATE.—The term “depend-
22 ence rate” means the percentage of domestic end-use
23 consumption of a critical mineral or material that is
24 supplied by production by a foreign entity of concern
25 or in a covered country, in aggregate.

1 (8) FOREIGN ENTITY OF CONCERN.—The term
2 “foreign entity of concern” means a foreign entity
3 that—

4 (A) meets the requirements described in
5 subparagraphs (A), (B), (D), or (E) of section
6 10638(3) of the Research and Development,
7 Competition, and Innovation Act (42 U.S.C.
8 19237(3)); or

9 (B)(i) is owned, controlled, directed, fi-
10 nanced, or otherwise influenced, directly or indi-
11 rectly, in whole or in any part greater than 25
12 percent, by the government of a foreign country
13 that is a covered country; or

14 (ii) is otherwise subject to the jurisdiction
15 or direction of a government of a covered coun-
16 try;

17 (9) PARTNER COUNTRY.—The term “partner
18 country” means—

19 (A) a member country of the North Atlan-
20 tic Treaty Organization;

21 (B) a country that has been designated as
22 a major non-NATO ally under section 517 of
23 the Foreign Assistance Act of 1961 (22 U.S.C.
24 2321k); or

1 (C) a foreign country, including any mar-
2 ket or any producer in a foreign country—

3 (i) with which the United States has
4 entered into a mutual defense treaty or
5 other mutual defense agreement, but not
6 including Venezuela;

7 (ii) that is recognized by the Secretary
8 of State and the Secretary of Defense as
9 a strategic partner due to an established
10 bilateral agreement that emphasizes mu-
11 tual interests in security, defense, and crit-
12 ical mineral supply chains, including coun-
13 tries designated under United States stra-
14 tegic frameworks and agreements;

15 (iii) with which the United States has
16 entered into a comprehensive economic and
17 trade agreement that includes provisions
18 for the collaboration on critical mineral re-
19 sources and to safeguard supply chains
20 critical to national security and economic
21 stability;

22 (iv) with which the United States Ge-
23 ological Survey has in effect a memo-
24 randum of understanding concerning sci-
25 entific and technical cooperation in earth

1 sciences, unless that country is a covered
2 country; or

3 (v) with which the Department of
4 State, the United States International De-
5 velopment Finance Corporation, the Ex-
6 port-Import Bank of the United States, or
7 the United States Trade and Development
8 Agency is working to advance an active
9 critical mineral project.

10 (10) PRODUCTION RATE.—The term “produc-
11 tion rate” means the percentage of domestic end-use
12 consumption of a critical mineral or material that is
13 supplied by domestic and partner country production
14 in aggregate.

15 (11) PURPOSES OF THE RESERVE.—The term
16 “purposes of the Reserve” means the purposes of
17 the Reserve described in section 101(b).

18 (12) RECYCLE.—The term “recycle” means an
19 action or process to convert a critical mineral or ma-
20 terial contained within a finished or semi-finished
21 product into a form suitable for repurposing or reuse
22 of the critical mineral or material.

23 (13) REPURPOSE.—The term “repurpose”
24 means any operation that results, in whole or in
25 part, in a critical mineral or material being used for

1 a different purpose or application than the purpose
2 or application for which the critical mineral or mate-
3 rial, or the product into which the critical mineral or
4 material is manufactured into, was originally in-
5 tended.

6 (14) RESERVE.—The term “Reserve” means
7 the Strategic Resilience Reserve Corporation of the
8 United States established by section 101(a)(1).

9 (15) REUSE.—The term “reuse” means the
10 complete or partial direct reuse of a critical mineral
11 or material for the original purposes for which the
12 critical mineral or material was intended.

13 (16) VICE-CHAIRPERSON.—The term “Vice-
14 chairperson” means the Vice-chairperson of the
15 Board.

16 **TITLE I—ESTABLISHMENT AND** 17 **BOARD OF GOVERNORS**

18 **SEC. 101. ESTABLISHMENT.**

19 (a) ENTITY FORMATION.—

20 (1) IN GENERAL.—There is established a wholly
21 owned government corporation, to be known as the
22 “Strategic Resilience Reserve Corporation of the
23 United States”.

1 (2) CONFORMING AMENDMENT.—Section
2 9101(3) of title 31, United States Code, is amended
3 by adding at the end the following:

4 “(Q) the Strategic Resilience Reserve Cor-
5 poration of the United States.”.

6 (b) PURPOSES.—The purposes of the Reserve are—

7 (1) to support a free, fair, and competitive mar-
8 ket for critical minerals and materials in which do-
9 mestic and partner country producers and processors
10 can compete and innovate;

11 (2) to support domestic and partner country
12 production, extraction, processing, refining, reuse,
13 repurposing, and recycling of, and capabilities and
14 infrastructure with respect to, critical minerals and
15 materials;

16 (3) to support and protect stable and economi-
17 cally sustainable prices of critical minerals and ma-
18 terials, including price levels consistent with com-
19 petitive market economies and reliable supply;

20 (4) to support responsible production of critical
21 minerals and materials with respect to standards for
22 transparency, environmental, and labor practices,
23 and to ensure a competitive market for producers
24 meeting those standards;

1 (5) to assist in maintaining balanced and ade-
2 quate supplies of critical minerals and materials to
3 the United States, as determined by the Board;

4 (6) to the maximum extent practicable, to en-
5 sure that, at each stage of the supply chain—

6 (A) the production rate of each critical
7 mineral or material is equal to or greater than
8 a percentage determined to be reasonable by
9 the Board, in coordination with appropriate
10 Federal agencies, but not less than 25 percent;
11 and

12 (B) the dependence rate for each critical
13 mineral or material is equal to or less than a
14 percentage determined to be reasonable by the
15 Board, in coordination with appropriate Federal
16 agencies, but not less than 75 percent;

17 (7) to prioritize—

18 (A) domestic projects and supply chains,
19 including processing capacity, for critical min-
20 erals and materials;

21 (B) projects that—

22 (i) recycle, reuse, or repurpose critical
23 minerals or materials; or

24 (ii) extract or produce critical min-
25 erals or materials from mine or industrial

1 waste, including mining tailings, industrial
2 waste, or non-conventional waste streams;
3 and

4 (C) projects for critical minerals or mate-
5 rials the dependence rate of which is 100 per-
6 cent; and

7 (8) to ensure the efficient use of government
8 funds to support critical mineral and material
9 projects and, to the maximum extent practicable, en-
10 sure fair returns to taxpayers and investments made
11 by the Reserve.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Reserve to carry out
14 the requirements of this Act \$2,500,000,000, to remain
15 available until expended.

16 **SEC. 102. BOARD OF GOVERNORS.**

17 (a) MEMBERSHIP.—

18 (1) APPOINTMENT.—

19 (A) IN GENERAL.—The Reserve shall have
20 a board of governors consisting of 7 voting
21 members appointed by the President, by and
22 with the advice and consent of the Senate.

23 (B) CHAIRPERSON AND VICE-CHAIR-
24 PERSON.—The President shall designate, by

1 and with the advice and consent of the Sen-
2 ate—

3 (i) 1 member of the Board to serve as
4 Chairperson, for a term of 4 years; and

5 (ii) 1 member of the Board to serve as
6 Vice-chairperson, for a term of 4 years,
7 and who shall serve as Chairperson in the
8 absence or vacancy of the Chairperson.

9 (C) INITIAL APPOINTMENT.—Not later
10 than 180 days after the date of enactment of
11 this Act, the President shall appoint each of the
12 7 members of the Board.

13 (D) REPRESENTATION.—The President
14 shall carry out this paragraph with due regard
15 for a fair representation of Tribal, labor, envi-
16 ronmental, industrial, and commercial interests.

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

20 (A) shall have significant demonstrated ex-
21 pertise in—

22 (i) the business of commodities pro-
23 duction, storage, or trade, or the financial
24 sector as it relates to critical minerals or
25 materials;

1 (ii) the financing, development, or op-
2 eration of projects related to the manufac-
3 turing and commercialization of critical
4 minerals or materials;

5 (iii) the demand for, and usage of,
6 critical minerals or materials, including fu-
7 ture demand or usage of critical minerals
8 or materials for national security and eco-
9 nomic purposes;

10 (iv) the recycling, repurposing, or
11 reuse of critical minerals; or

12 (v) other experience related to the
13 production and usage of critical minerals
14 and materials, including expertise in sus-
15 tainable and responsible production prac-
16 tices, in the fields of engineering, logistics,
17 law, academia, research, or policy; and

18 (B) may not—

19 (i) have a direct, or closely indirect, fi-
20 nancial interest in an entity directly in-
21 volved in the commodities industry or fi-
22 nancial sector as it relates to critical min-
23 erals or materials; or

1 (ii) have immediate family with a di-
2 rect financial interest in an entity directly
3 described in clause (i).

4 (3) TERMS.—

5 (A) IN GENERAL.—Except as otherwise
6 provided in this section, each member of the
7 Board shall be appointed for a term of 14
8 years.

9 (B) INITIAL STAGGERED TERMS.—Of the
10 members first appointed to the Board—

11 (i) 1 member each shall be appointed
12 to a term expiring in calendar year 2028,
13 2030, 2032, 2034, 2036, 2038, and 2040,
14 respectively; and

15 (ii) each term shall expire on January
16 31 of the applicable calendar year.

17 (C) VACANCIES.—Not later than 180 days
18 after the date on which a vacancy occurs on the
19 Board before the expiration of the term for that
20 member, the President, by and with the advice
21 and consent of the Senate, shall appoint a new
22 member of the Board to fill the vacancy and
23 serve the remainder of that term.

24 (D) COMPLETION OF TERM.—

1 (i) IN GENERAL.—On expiration of a
2 term for a Board member, the applicable
3 Board member may continue to serve for 1
4 year or until a successor is appointed pur-
5 suant to this subsection, whichever is less.

6 (ii) CHAIRPERSON AND VICE-CHAIR-
7 PERSON.—An individual who is appointed
8 to serve a term as the Chairperson or Vice-
9 chairperson under paragraph (1)(B) shall,
10 after such term ends—

11 (I) serve as the Chairperson or
12 Vice-chairperson, respectively, until a
13 successor is appointed pursuant to
14 this subsection; and

15 (II) serve as a member of the
16 Board for the remainder of the term
17 of such individual in accordance with
18 this paragraph.

19 (4) COMPENSATION.—Each member of the
20 Board shall be compensated at a rate equal to the
21 annual rate of basic pay prescribed for level III of
22 the Executive Schedule under section 5314 of title
23 5, United States Code.

24 (5) CONFLICTS OF INTEREST.—

1 (A) IN GENERAL.—During the period be-
2 ginning on the date on which the term of a
3 member of the Board begins and ending on the
4 date that is 2 years after the date on which the
5 term of that member ends, the member may not
6 hold any direct, or closely indirect, financial in-
7 terest in, or hold any office, position, including
8 in an advisory or consultant position, or other
9 employment in or with, any entity receiving or
10 pursuing financial support from the Reserve.

11 (B) OPPORTUNITY TO CURE VIOLATION.—

12 (i) IN GENERAL.—If the Comptroller
13 General of the United States finds that an
14 individual described in subparagraph (A) is
15 in violation of that subparagraph, that in-
16 dividual shall cure the applicable violation
17 by not later than 30 days after the date on
18 which the violation is found.

19 (ii) REQUIREMENTS TO CURE.—To
20 cure a violation of subparagraph (A), as
21 required by clause (i), the applicable indi-
22 vidual shall, at a minimum—

23 (I) renounce any pecuniary gain
24 associated with the violation; and

1 (II) terminate each relationship
2 that is the subject of the violation.

3 (C) PENALTY FOR UNCURED VIOLATION.—

4 (i) REMOVAL.—If the Comptroller
5 General of the United States finds that an
6 individual described in subparagraph (A) is
7 in violation of that subparagraph and does
8 not cure the violation in accordance with
9 subparagraph (B) by the date described in
10 clause (i) of that subparagraph or, as ap-
11 plicable, by the date established by the
12 Board under subparagraph (D), that indi-
13 vidual shall be removed from the Board.

14 (ii) APPLICABILITY OF CRIMINAL LI-
15 ABILITY.—

16 (I) IN GENERAL.—A member of
17 the Board shall be considered to be an
18 officer or employee of the Executive
19 Branch for purposes of section 207(a)
20 of title 18, United States Code, and
21 shall be subject to paragraph (2) of
22 that section.

23 (II) REFERRAL.—If the Comp-
24 troller General of the United States
25 makes a finding described in clause (i)

1 with respect to an individual described
2 in that clause, the Comptroller Gen-
3 eral of the United States may refer
4 the matter to the Attorney General.

5 (D) EXTENSION OF CURE PERIOD.—The
6 Board—

7 (i) may extend the time period pro-
8 vided under subparagraph (B)(i) for an in-
9 dividual described in subparagraph (A) to
10 cure a violation of that subparagraph by
11 not more than 90 days; and

12 (ii) shall document the rationale be-
13 hind any extension granted under clause
14 (i).

15 (6) REMOVAL.—Except as provided in para-
16 graph 5(C)(i), a member of the Board, Chairperson,
17 and Vice-chairperson may not be removed from of-
18 fice except by—

19 (A) impeachment by Congress; or

20 (B) the action of the President for ineffi-
21 ciency, neglect of duty, malfeasance in office, or
22 incapacity to perform the applicable duties de-
23 scribed in this section.

24 (b) MEETINGS.—

1 (1) OPEN TO THE PUBLIC; NOTICE.—Except as
2 provided in paragraph (3), all meetings of the Board
3 shall be—

4 (A) open to the public; and

5 (B) preceded by reasonable public notice.

6 (2) FREQUENCY.—The Board shall meet—

7 (A) not later than 60 days after the date
8 on which all members of the Board are first ap-
9 pointed;

10 (B) not less frequently than quarterly after
11 the date described in subparagraph (A); and

12 (C) at the call of—

13 (i) the Chairperson; or

14 (ii) 4 or more members of the Board.

15 (3) CLOSED MEETINGS.—The Board, by major-
16 ity vote of the members, may close a meeting to the
17 public if, during the meeting, there is likely to be
18 disclosed proprietary or sensitive information regard-
19 ing a project under consideration for assistance
20 under this Act.

21 (4) MINUTES.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the minutes of each meeting
24 of the Board shall be made publicly available as
25 soon as practicable.

1 (B) CLOSED MEETING MINUTES.—The
2 minutes for a closed meeting shall be made
3 available—

4 (i) to the appropriate congressional
5 committees not later than 60 days after
6 the date of the closed meeting; and

7 (ii) to the public not later than 3
8 years after the date of the closed meeting,
9 with any necessary redactions to protect
10 information that remains proprietary or
11 sensitive at the time of publication.

12 (C) EXEMPTIONS FROM PUBLIC TRANS-
13 PARENCY REQUIREMENTS.—The closed meet-
14 ings and minutes under this subsection shall—

15 (i) be exempt from disclosure under—

16 (I) section 552 of title 5, United
17 States Code (commonly known as the
18 “Freedom of Information Act”), pur-
19 suant to subsection (b)(3) of that sec-
20 tion; and

21 (II) any provision of State, Trib-
22 al, or local freedom of information
23 law, open government law, open meet-
24 ings law, open records law, sunshine

1 law, or similar law requiring disclo-
2 sure of information or records; and
3 (ii) not be subject to section 552b of
4 title 5, United States Code (commonly re-
5 ferred to as the “Government in the Sun-
6 shine Act”).

7 (5) QUORUM.—5 members of the Board shall
8 constitute a quorum.

9 (6) VOTING.—

10 (A) IN GENERAL.—Each member of the
11 Board shall have an equal vote in all decisions
12 of the Board.

13 (B) DECISIONS.—Unless otherwise speci-
14 fied, decisions of the Board shall be made by
15 majority vote of the members constituting a
16 quorum.

17 (c) POWERS AND DUTIES OF THE BOARD.—The
18 Board shall—

19 (1) not later than 180 days after the date on
20 which all members of the Board are appointed—

21 (A) develop and approve the bylaws of the
22 Reserve, including bylaws for the regulation of
23 the affairs and conduct of the business of the
24 Reserve, consistent with the purpose, goals, ob-
25 jectives, and policies of this Act;

1 (B) establish dollar-value thresholds, not to
2 exceed \$2,500,000, above which transactions
3 and loans made by the Reserve will require ap-
4 proval of the Board;

5 (C) establish committees required by this
6 Act composed solely of members of the Board,
7 as the Board determines to be appropriate;

8 (D) develop and approve a conflict-of-inter-
9 est policy for the Board and employees of the
10 Reserve, including—

11 (i) establishing compensation levels
12 for employees of the Reserve, not to exceed
13 \$150,000 initially (but which may be ad-
14 justed for inflation), above which employ-
15 ees of the Reserve shall be limited with re-
16 gard to future employment at and com-
17 pensation from entities receiving financial
18 support from the Reserve, for a period not
19 to exceed the date that is 2 years after the
20 date on which employment with the Re-
21 serve ends; and

22 (ii) establishing penalties for viola-
23 tions, including monetary penalties, that,
24 for violations of the limitations described

1 in clause (i), may be based on the higher
2 of—

3 (I) the current compensation of
4 the employee; and

5 (II) the total compensation from
6 entities receiving financial support
7 from the Reserve;

8 (E) approve or disapprove internal policies
9 that the Chairperson shall submit to the Board,
10 including—

11 (i) policies and procedures regarding
12 the approval of authorized intermediaries;

13 (ii) policies and procedures regarding
14 the project application and approval pro-
15 cess;

16 (iii) policies and procedures regarding
17 the acquisition and sale of critical minerals
18 and materials sufficient to ensure fair ac-
19 cess to transactions with the Reserve and
20 effective use of capital of the Reserve;

21 (iv) policies and procedures regarding
22 financing, acquisition, and sale to raise
23 global production standards for critical
24 minerals and materials that minimize envi-
25 ronmental damage, prevent forced labor

1 use, and ensure a more competitive market
2 for producers in countries with stronger
3 standards; and

4 (v) operational guidelines; and

5 (F) approve or disapprove a 1-year busi-
6 ness plan and budget for the Reserve;

7 (2) ensure that the Reserve is operated in a
8 manner that is consistent with this Act by—

9 (A) monitoring and assessing the effective-
10 ness of the Reserve in achieving the purposes of
11 the Reserve;

12 (B) reviewing and approving internal poli-
13 cies, annual business plans, annual budgets,
14 and long-term strategies submitted by the
15 Chairperson;

16 (C) reviewing and approving annual re-
17 ports submitted by the Chairperson;

18 (D) engaging 1 or more external auditors;

19 and

20 (E) reviewing and approving all changes to
21 the organization of the Reserve;

22 (3) appoint and fix, by a vote of not fewer than
23 5 of the 7 members of the Board, and without re-
24 gard to the provisions of chapter 51 and subchapter
25 III of chapter 53 of title 5, United States Code, the

1 compensation and adjustments to compensation of
2 all personnel of the Reserve, subject to the condition
3 that in appointing and fixing any compensation or
4 adjustments to compensation under this paragraph,
5 the Board shall—

6 (A) consult with, and seek to maintain
7 comparability with, other comparable Federal
8 personnel, as the Board may determine to be
9 appropriate;

10 (B) consult with the Office of Personnel
11 Management; and

12 (C) carry out those duties consistent with
13 merit principles, where applicable, as well as the
14 education, experience, level of responsibility, ge-
15 ographic differences, comparability to private
16 sector positions, and retention and recruitment
17 needs of the Reserve in determining compensa-
18 tion of personnel;

19 (4) approve by a vote of not fewer than 5 of the
20 7 members of the Board—

21 (A) any changes to the bylaws or internal
22 policies of the Reserve; and

23 (B) any equity investments and accom-
24 panying documentation made under section
25 206(b)(4);

1 (5) have the authority and responsibility—

2 (A) to oversee entering into and carrying
3 out contracts, leases, cooperative agreements, or
4 other transactions as are necessary to carry out
5 this Act;

6 (B) to approve of the acquisition, lease,
7 pledge, exchange, and disposal of real and per-
8 sonal property by the Reserve and otherwise ap-
9 prove the exercise by the Reserve of all of the
10 usual incidents of ownership of property, to the
11 extent that the exercise of those powers is ap-
12 propriate to and consistent with the purposes of
13 the Reserve;

14 (C) to determine the character of, and the
15 necessity for, the obligations and expenditures
16 of the Reserve, and the manner in which the
17 obligations and expenditures will be incurred,
18 allowed, and paid, subject to this Act and Fed-
19 eral law specifically applicable to wholly owned
20 government corporations;

21 (D) to execute or approve, in accordance
22 with applicable bylaws and regulations, appro-
23 priate financial instruments;

24 (E) to approve other forms of credit en-
25 hancement that the Reserve may provide to

1 projects, subject to the condition that the forms
2 of credit enhancements shall be consistent with
3 the purposes of this Act;

4 (F) to exercise all other lawful powers that
5 are necessary or appropriate to carry out, and
6 are consistent with, the purposes of the Re-
7 serve;

8 (G) to sue or be sued in the corporate ca-
9 pacity of the Reserve in any court of competent
10 jurisdiction;

11 (H) to indemnify and hold harmless the
12 members of the Board for any liabilities arising
13 out of the actions of the members acting in that
14 capacity, in accordance with, and subject to the
15 limitations under, this Act;

16 (I) to enter into binding commitments, as
17 specified in approved financial assistance pack-
18 ages; and

19 (J) to determine whether—

20 (i) to obtain a lien on the assets of an
21 entity that receives assistance under this
22 Act; and

23 (ii) to subordinate a lien under clause
24 (i) to any other lien securing project obli-
25 gations; and

1 (6) establish the risk and audit committees de-
2 scribed in section 401.

3 **TITLE II—DUTIES AND**
4 **AUTHORITIES OF THE RESERVE**

5 **SEC. 201. GENERAL AUTHORITIES.**

6 To the extent necessary to develop, operate, or main-
7 tain the Reserve, the Reserve may—

8 (1) issue rules, regulations, or orders;

9 (2) acquire by purchase land or interests in
10 land for the location of storage and related facilities;

11 (3) construct, purchase, lease, or otherwise ac-
12 quire storage and related facilities;

13 (4) use, lease, maintain, sell, or otherwise dis-
14 pose of land or interests in land, or of storage and
15 related facilities acquired under this Act, under such
16 terms and conditions as the Board considers nec-
17 essary or appropriate;

18 (5) acquire, subject to the requirements of this
19 Act, by purchase, exchange, or otherwise, critical
20 minerals or materials for storage;

21 (6) store critical minerals or materials in stor-
22 age facilities owned and controlled by the United
23 States or in storage facilities owned by authorized
24 intermediaries if the Reserve has sufficient contrac-
25 tual certainty of access to the critical minerals and

1 materials and those facilities are subject to audit by
2 the United States;

3 (7) execute contracts with private entities for
4 the storage of critical minerals and materials at
5 storage facilities owned by private entities if the Re-
6 serve has sufficient contractual certainty of access to
7 those critical minerals and materials and those fa-
8 cilities are subject to audit by the United States;

9 (8) partner with private sector, academia, and
10 Federal agencies to further the purposes of the Re-
11 serve, including to advance the development and
12 commercialization of responsible reuse and recycling
13 processes for critical minerals and materials; and

14 (9) execute any contracts necessary to develop,
15 operate, or maintain the Reserve.

16 **SEC. 202. IDENTIFICATION OF ELIGIBLE CRITICAL MIN-**
17 **ERALS AND MATERIALS.**

18 (a) **ELIGIBLE CRITICAL MINERALS AND MATERIALS**
19 **LIST.**—Subject to subsections (b), (c), and (d), the Re-
20 serve, in consultation with the heads of Federal depart-
21 ments and agencies described in section 203(6), shall es-
22 tablish, and thereafter maintain, a list of critical minerals
23 and materials eligible for financing or acquisition support
24 described in section 206.

25 (b) **REQUIREMENTS.**—

1 (1) ESTABLISHMENT.—A mineral or material
2 may only be included on the list of eligible critical
3 minerals and materials established under subsection
4 (a) if—

5 (A) the mineral or material is—

6 (i) included on the list of critical min-
7 erals published by the United States Geo-
8 logical Survey pursuant to section 7002(c)
9 of the Energy Act of 2020 (30 U.S.C.
10 1606(c));

11 (ii) included on the list of critical ma-
12 terials published by the Department of En-
13 ergy pursuant to section 7002(a) of the
14 Energy Act of 2020 (30 U.S.C. 1606(a));

15 or

16 (iii) a material of interest designated
17 by the Director of the Defense Logistics
18 Agency; and

19 (B) the Reserve determines that the min-
20 eral or material—

21 (i) is a non-fuel mineral or material;

22 (ii) has a vulnerable or highly con-
23 centrated supply chain; and

24 (iii) is necessary—

36

1 (I) for the national defense and
2 national security requirements of the
3 United States;

4 (II) for the energy infrastructure
5 of the United States, including—

6 (aa) pipelines;

7 (bb) refining capacity;

8 (cc) electrical power genera-
9 tion, storage, transmission, and
10 distribution;

11 (dd) renewable energy pro-
12 duction; and

13 (ee) energy storage

14 (III) to support domestic manu-
15 facturing, agriculture, housing, tele-
16 communications, health care, or trans-
17 portation and transportation infra-
18 structure; or

19 (IV) for the economic security of
20 the United States.

21 (2) MODIFICATIONS.—

22 (A) ADDITIONS.—After the list of eligible
23 critical minerals and materials is established
24 under paragraph (1), the Reserve may add a
25 mineral or material to the list of eligible critical

1 minerals and materials maintained under sub-
2 section (a) if, after the date that the most re-
3 cent list is published under subsection (e)(1)—

4 (i) the mineral or material—

5 (I) is included on the most re-
6 cently published list of critical min-
7 erals published by the United States
8 Geological Survey pursuant to section
9 7002(c) of the Energy Act of 2020
10 (30 U.S.C. 1606(c));

11 (II) is included on the most re-
12 cently published list of critical mate-
13 rials published by the Department of
14 Energy pursuant to section 7002(a) of
15 the Energy Act of 2020 (30 U.S.C.
16 1606(a)); or

17 (III) a material of interest des-
18 ignated by the Director of the Defense
19 Logistics Agency; and

20 (ii) the Reserve determines that the
21 mineral or material meets the requirements
22 described in paragraph (1)(B).

23 (B) REMOVALS.—After the list of eligible
24 critical minerals and materials is established
25 under paragraph (1), the Reserve shall remove

1 a mineral or material from the list of eligible
2 critical minerals and materials maintained
3 under subsection (a) if—

4 (i) the mineral or material, as of the
5 date on which the list is published under
6 subsection (e)(1)—

7 (I) has not been included on a
8 list of critical minerals published by
9 the United States Geological Survey
10 pursuant to section 7002(c) of the
11 Energy Act of 2020 (30 U.S.C.
12 1606(c)) for a period of at least 3
13 years;

14 (II) has not been included on a
15 list of critical materials published by
16 the Department of Energy pursuant
17 to section 7002(a) of the Energy Act
18 of 2020 (30 U.S.C. 1606(a)) for a pe-
19 riod of at least 3 years; or

20 (III) has not been designated as
21 a material of interest by the Director
22 of the Defense Logistics Agency for a
23 period of at least 3 years; or

1 (ii) the Reserve determines that the
2 mineral or material no longer meets the re-
3 quirements described in paragraph (1)(B).

4 (c) CONSIDERATIONS.—In establishing and maintain-
5 ing the list of eligible critical minerals and materials under
6 subsection (a), the Reserve shall consider—

7 (1) the results of any assessments conducted
8 under sections 204 and 205;

9 (2) the existing market infrastructure and fi-
10 nancial environment for a given critical mineral or
11 material, especially domestically or in partner coun-
12 tries;

13 (3) the substitutability of, and project demand
14 for, a given critical mineral or material; and

15 (4) other information the Reserve determines
16 necessary to achieve the purposes of the Reserve.

17 (d) EXCLUSIONS.—A mineral or material may not be
18 included on the list of eligible critical minerals and mate-
19 rials established and maintained under subsection (a) if
20 the mineral or material is—

21 (1) oil, oil shale, natural gas, coal, or uranium;

22 (2) water, ice, or snow; or

23 (3) a common variety, as determined by the
24 Board, of sand, gravel, stone, pumice, cinders, or
25 clay.

1 (e) UPDATE.—

2 (1) IN GENERAL.—The Reserve shall publish
3 and update not less frequently than annually the list
4 of eligible critical minerals and materials established
5 and maintained under subsection (a).

6 (2) REQUIREMENT.—In carrying out paragraph
7 (1), the Reserve shall separately publish a list of
8 minerals and materials—

9 (A) previously included on a list published
10 under paragraph (1) but were removed within
11 the previous 3 years; and

12 (B) not included in the list published
13 under paragraph (1) but with respect to which
14 the Reserve has an active position, contract, or
15 transaction.

16 **SEC. 203. DATA COLLECTION.**

17 There is established within the Reserve a division, to
18 be known as the “Division of Data Collection”, which, to
19 the extent practicable, shall—

20 (1) be led by a Director selected by the Board;

21 (2) develop and maintain a proprietary dataset
22 sufficient to ensure the thorough analysis of global
23 critical minerals and materials markets;

24 (3) collect and maintain sufficient datasets, in-
25 cluding data comprising global, domestic, and part-

1 ner country markets and, to the extent possible,
2 data derived from individual critical mineral and ma-
3 terial projects, to inform and estimate—

4 (A) production, extraction, infrastructure,
5 repurposing, and recycling costs for critical
6 minerals and materials supply chains;

7 (B) collection and recycling rates for crit-
8 ical minerals and materials in domestic and
9 partner country markets; and

10 (C) the forecast of supply and demand of
11 critical minerals and materials within domestic
12 and partner country markets;

13 (4) collect and maintain—

14 (A) actual transaction price data for crit-
15 ical minerals and materials in the global mar-
16 ket, including geographic data; and

17 (B) any other datasets necessary to effec-
18 tuate such purpose, including modeled trans-
19 action data and datasets produced by or deriva-
20 tive of datasets produced by the People's Re-
21 public of China;

22 (5) using the most current data collected under
23 paragraphs (3) and (4), support the activities de-
24 scribed in sections 204 and 206;

- 1 (6) consult with relevant heads of Federal de-
2 partments and agencies, including—
- 3 (A) the Secretary of Agriculture;
 - 4 (B) the Secretary of Commerce;
 - 5 (C) the Secretary of Defense;
 - 6 (D) the Secretary of Energy;
 - 7 (E) the Secretary of the Interior;
 - 8 (F) the Secretary of State;
 - 9 (G) the Secretary of the Treasury;
 - 10 (H) the Chief Executive Officer of the
11 United States International Development Fi-
12 nance Corporation;
 - 13 (I) the Director of the Central Intelligence
14 Agency;
 - 15 (J) the Director of the United States Geo-
16 logical Survey;
 - 17 (K) the President of the Export-Import
18 Bank of the United States; and
 - 19 (L) any other Federal department or agen-
20 cy head the Director determines necessary;
- 21 (7) establish mechanisms when establishing
22 loan terms, contracts, and agreements as described
23 in this Act to collect the necessary data required by
24 this section; and

1 (8) to the extent practicable, carry out the re-
2 responsibilities of this section using existing govern-
3 ment data and information.

4 **SEC. 204. CRITICAL MINERAL AND MATERIAL MARKET RISK**
5 **AND VULNERABILITY ASSESSMENT.**

6 (a) ESTABLISHMENT.—There is established within
7 the Reserve a division, to be known as the “Division of
8 Risk and Vulnerability Evaluation”, which shall—

9 (1) be led by a Director selected by the Board;

10 (2) develop or, to the extent practicable, use ex-
11 isting sophisticated models to evaluate threats and
12 risks in critical mineral and material markets across
13 United States industrial sectors, including defense,
14 energy, agriculture, transportation, health, and
15 emerging technology;

16 (3) maintain a comprehensive database of crit-
17 ical mineral and material price movements, supply
18 chain vulnerabilities, production and processing ca-
19 pacities, and consumption patterns;

20 (4) identify critical dependencies in critical min-
21 eral and material markets that could threaten na-
22 tional security or economic stability;

23 (5) assess the potential for geopolitical events,
24 natural disasters, technological disruptions, or mar-
25 ket failures to impact commodity markets;

1 (6) develop and implement methodologies for
2 modeling the impact of various critical mineral or
3 material shocks on the United States economy;

4 (7) assess vulnerabilities, including price spikes,
5 supply disruptions, transportation failures, export
6 controls, and financial market disturbances;

7 (8) model the cross-sectoral impacts of critical
8 mineral or material price or supply shocks, including
9 effects on inflation, employment, government fi-
10 nances, and consumer welfare;

11 (9) assess the specific impact of critical mineral
12 or material disruptions on infrastructure, national
13 security assets, and essential services; and

14 (10) to the extent practicable, carry out the re-
15 sponsibilities of this section using existing govern-
16 ment data and information.

17 (b) MANDATORY RISK ASSESSMENT.—

18 (1) IN GENERAL.—The Reserve shall conduct
19 and submit to the appropriate congressional commit-
20 tees, the President, and the heads of Federal depart-
21 ments and agencies listed in section 203(6) a bien-
22 nial comprehensive risk and vulnerability assessment
23 for critical minerals and materials, which shall in-
24 clude—

1 (A) identification of specific threats to sta-
2 ble supply and prices;

3 (B) an analysis of current market condi-
4 tions, including geographic and ownership con-
5 centration of suppliers, transportation bottle-
6 necks, and financial vulnerabilities;

7 (C) an evaluation of substitution possibili-
8 ties and technological alternatives; and

9 (D) recommendations for risk mitigation
10 strategies.

11 (2) FORM OF ASSESSMENT.—

12 (A) IN GENERAL.—Each assessment re-
13 quired by paragraph (1)—

14 (i) shall be submitted in unclassified
15 form; but

16 (ii) may include a classified annex.

17 (B) REQUIREMENT.—Any assessments re-
18 quired by paragraph (1) that include a classi-
19 fied annex shall include an unclassified sum-
20 mary.

21 **SEC. 205. PRODUCTION STANDARDS.**

22 There is established within the Reserve a division, to
23 be known as the “Division of Production Standards”,
24 which shall—

25 (1) be led by a Director selected by the Board;

1 (2) develop methodologies for evaluating rel-
2 ative risk in global environmental and labor stand-
3 ards and practices for the production, extraction,
4 processing, reuse, repurposing, and recycling of crit-
5 ical minerals and materials, including transparency,
6 traceability, and forced labor risk, which may in-
7 clude incorporating existing research;

8 (3) conduct periodic risk-based assessments of
9 environmental and labor standards and practices for
10 the production, extraction, processing, reuse,
11 repurposing, and recycling of critical minerals and
12 materials in foreign countries producing critical min-
13 erals and materials, and, to the extent practicable,
14 significant production projects; and

15 (4) publish an annual report summarizing the
16 methodologies used and describing the results of the
17 most recent assessments conducted under paragraph
18 (3) for each foreign country and significant produc-
19 tion project, and, to the extent practicable, mitiga-
20 tion measures used in transactions and loans made
21 by the Reserve, without identifying proprietary or
22 sensitive commercial information.

23 **SEC. 206. FINANCING AND ACQUISITION OF CRITICAL MIN-**
24 **ERALS OR MATERIALS.**

25 (a) **AUTHORITY.—**

1 (1) IN GENERAL.—The Reserve may deploy fi-
2 nancing and acquisition tools as described in sub-
3 section (b) to achieve the purposes of the Reserve,
4 subject to the condition that the Reserve may not
5 deploy such tools to benefit a foreign entity of con-
6 cern.

7 (2) CONSIDERATIONS.—In carrying out this
8 section, the Reserve shall consider—

9 (A) the results of the assessments de-
10 scribed in section 205(3);

11 (B) the ability of the Reserve to efficiently
12 achieve the purposes of the Reserve with limited
13 resources;

14 (C) diversification across critical minerals
15 and materials;

16 (D) non-Reserve investments and market
17 developments regarding a specific critical min-
18 eral or material;

19 (E) with respect to deploying financing
20 and acquisition tools with a specific producer or
21 processor, the management, financial condition,
22 and ability of the producer to fulfill any con-
23 tractual obligations; and

1 (F) other factors the Reserve determines
2 valuable to achieving the purposes of the Re-
3 serve over an extended period of time.

4 (3) FEDERAL GOVERNMENT INVESTMENTS.—

5 The Reserve shall, to the maximum extent prac-
6 ticable in carrying out this section, consult, coordi-
7 nate, and leverage existing Federal Government in-
8 vestments, including by—

9 (A) the Export-Import Bank of the United
10 States;

11 (B) the United States International Devel-
12 opment Finance Corporation;

13 (C) the Department of Energy, pursuant
14 to title XVII of the Energy Policy Act of 2005
15 (42 U.S.C. 16511 et seq.);

16 (D) the Office of Strategic Capital of the
17 Department of Defense; and

18 (E) applicable execution offices of the De-
19 partment of Defense for contract actions car-
20 ried out under title III of the Defense Produc-
21 tion Act of 1950 (50 U.S.C. 4531 et seq.).

22 (b) MEANS OF SUPPORT.—The financing and acqui-
23 sition tools referred to in subsection (a) include the fol-
24 lowing:

1 (1) LOANS TO AUTHORIZED INTER-
2 MEDIARIES.—

3 (A) LOAN PROGRAM AUTHORIZED.—The
4 Reserve may make loans to authorized inter-
5 mediaries who may use those funds to enter
6 into financing and purchasing agreements with
7 producers and processors of critical minerals or
8 materials.

9 (B) LOAN CONDITIONS.—

10 (i) IN GENERAL.—In making loans
11 under subparagraph (A), the Reserve shall
12 establish such terms and conditions as the
13 Reserve determines appropriate to achieve
14 the purposes of the Reserve.

15 (ii) ADJUSTMENT OF LOAN TERMS.—
16 The Reserve and an authorized inter-
17 mediary may adjust loan terms under a
18 loan issued under subparagraph (A) if the
19 Reserve and that authorized intermediary
20 agree to the adjustment.

21 (iii) PREFERENTIAL TERMS FOR CER-
22 TAIN LOANS.—In making loans under sub-
23 paragraph (A), the Reserve—

24 (I) may provide preferential loan
25 terms—

1 (aa) which may include an
2 interest rate equal to the Federal
3 funds rate, to an authorized
4 intermediary that will use the
5 loan to enter into financing and
6 purchasing agreements with pro-
7 ducers or processors of critical
8 minerals or materials; and

9 (bb) to authorized inter-
10 mediaries that will use the loan
11 to enter into financing and pur-
12 chasing agreements with pro-
13 ducers or processors of critical
14 minerals or materials in partner
15 countries, in such manner as the
16 Reserve determines appropriate;
17 and

18 (II) shall—

19 (aa) consult with the heads
20 of Federal departments and
21 agencies described in section
22 203(5) with respect to the loan
23 terms described in subclause
24 (I)(aa); and

1 (bb) ensure that, under the
2 terms of such loans, authorized
3 intermediaries shall, to the max-
4 imum extent practicable, give pri-
5 ority to United States suppliers
6 of critical minerals and materials
7 and preference to the United
8 States supply chain.

9 (C) PROPOSAL SOLICITATION.—To be eli-
10 gible to receive a loan under subparagraph (A),
11 an authorized intermediary shall submit to the
12 Reserve an application at such time, in such
13 manner, and containing such information as the
14 Reserve may require, including the proposed fi-
15 nancing or purchasing agreements described in
16 that subparagraph.

17 (D) UNCURED DEFAULT.—

18 (i) IN GENERAL.—If an authorized
19 intermediary fails to make a required re-
20 payment on a loan under subparagraph
21 (A) for a 90-day period, the Reserve
22 may—

23 (I) recoup the amount of that
24 loan by taking possession of the crit-
25 ical mineral and material inventories

1 of the authorized intermediary and
2 any other contractual rights of the au-
3 thorized intermediary to receive crit-
4 ical minerals or materials from sup-
5 pliers;

6 (II) revoke the participation with
7 the Reserve of the authorized inter-
8 mediary;

9 (III) subject to clause (ii), ap-
10 point itself as conservator or receiver
11 of the authorized intermediary;

12 (IV) obtain a lien on the assets
13 of the intermediary pursuant to sec-
14 tion 102(c)(5)(J); and

15 (V) adjust the loan terms pursu-
16 ant to subparagraph (B)(ii).

17 (ii) **AUTHORITIES UNDER CONSER-**
18 **VATOR OR RECEIVERSHIP.**—If the Reserve
19 appoints itself a conservator or receiver of
20 an authorized intermediary under clause
21 (i)(II), the Reserve shall have the same au-
22 thorities with respect to the authorized
23 intermediary that the Federal Deposit In-
24 surance Corporation has with respect to an
25 institution for which the Federal Deposit

1 Insurance Corporation has appointed itself
2 as conservator or receiver under the Fed-
3 eral Deposit Insurance Act (12 U.S.C.
4 1811 et seq.).

5 (iii) TREATMENT OF BANKRUPTCY.—

6 An authorized intermediary for which the
7 Reserve has appointed itself a conservator
8 or a receiver under clause (i)(II) may not
9 be placed into bankruptcy under title 11,
10 United States Code, during that con-
11 servatorship or receivership, and any bank-
12 ruptcy process under title 11, United
13 States Code, that is in effect when the ap-
14 pointment occurs shall be terminated.

15 (2) ACQUISITIONS.—

16 (A) Acquisition through solicitation and di-
17 rect contracting with private counterparties.

18 (B) Acquisition through physically cleared
19 financial instruments, such as futures contracts
20 through intermediaries, including financial ex-
21 changes.

22 (C) Acquisition through options contracts
23 directly or through intermediaries, including fi-
24 nancial exchanges.

1 (3) NON-RECOURSE LENDING.—Non-recourse
2 lending to projects secured by a portion of the ex-
3 pected production of the project.

4 (4) OTHER TRANSACTIONS.—Other financing
5 and acquisition transactions, including contract for
6 differences, advance or milestone payments, ad-
7 vanced market commitments, and minority, non-con-
8 trolling equity investment, as determined by the
9 Board as necessary to fulfill the purposes of the Re-
10 serve, except that equity investment shall only be
11 used with—

12 (A) a written justification describing how
13 other financing and acquisition tools in this sec-
14 tion are not sufficient; and

15 (B) a written explanation of the intended
16 exit strategy for the equity investment.

17 (c) PARTNER CO-INVESTMENT.—

18 (1) IN GENERAL.—A partner country may, if
19 approved by the Reserve, make capital contributions
20 of at least \$100,000,000 to the Reserve for purposes
21 of financing or acquisition under subsection (b).

22 (2) MINIMUM AMOUNT.—The Reserve shall an-
23 nually adjust the amount in paragraph (1) by the
24 percentage increase in the Personal Consumption
25 Expenditures Price Index of the Bureau of Eco-

1 nomic Analysis of the Department of Commerce,
2 rounded to the nearest \$1,000,000.

3 (3) TREATMENT OF CAPITAL CONTRIBU-
4 TIONS.—The Reserve—

5 (A) shall maintain separate accounts for
6 the capital contributions of each partner coun-
7 try that provides such contributions under
8 paragraph (1);

9 (B) shall not commingle the capital con-
10 tributions of any partner country with any
11 other partner country or the funds of the Re-
12 serve;

13 (C) may return such capital contributions
14 to the partner country at any time, without ob-
15 ligation or penalty, or under such other terms
16 and conditions as agreed to by the Reserve and
17 that partner country; and

18 (D) may not guarantee the repayment of
19 such capital contributions to a partner country.

20 (4) LOANS MADE WITH PARTNER CO-INVEST-
21 MENT FUNDS.—Financing and acquisitions made
22 under subsection (b) with capital contributions
23 under paragraph (1) shall be made in the same
24 manner as financing and acquisitions made under
25 subsection (b) with funds of the Reserve.

1 (5) RESTRICTION.—The Reserve may not ap-
2 prove a partner country under paragraph (1) unless
3 the partner country certifies that the capital con-
4 tributions being made are coming from funds of the
5 partner country and not from funds of a foreign en-
6 tity of concern or a covered country.

7 (d) INTERNATIONAL ADVISORY COUNCIL OF PART-
8 NERS.—

9 (1) IN GENERAL.—The Reserve may establish
10 an International Advisory Council of Partners com-
11 prising—

12 (A) the Vice-chairperson, who shall be the
13 head of the council; and

14 (B) 1 representative from each partner
15 country that makes a capital contribution under
16 subsection (c)(1).

17 (2) CONSULTATION.—The International Advi-
18 sory Council of Partners shall, at the request of the
19 Reserve, advise the Reserve on financing and acqui-
20 sitions made with capital contributions under sub-
21 section (c)(1).

22 (3) APPLICABILITY OF FACA.—Chapter 10 of
23 title 5, United States Code (commonly known as the
24 “Federal Advisory Committee Act”), shall not apply
25 to the International Advisory Council of Partners.

1 **SEC. 207. SALE OF CRITICAL MINERALS OR MATERIALS.**

2 (a) SALE.—The Reserve may sell critical minerals or
3 materials stored in the Reserve in accordance with the
4 purposes of the Reserve and this section.

5 (b) SALE OF CRITICAL MINERALS OR MATERIALS.—

6 The Reserve may sell a critical mineral or material stored
7 in the Reserve if the Board determines that—

8 (1) a supply shortage or potential supply short-
9 age of that critical mineral or material threatens—

10 (A) the national or economic security of
11 the United States; or

12 (B) price stability in the value chain of
13 that critical mineral or material; or

14 (2) the sale is otherwise necessary to support
15 the purposes of the Reserve.

16 (c) SALE OF NON-CRITICAL MINERALS OR MATE-
17 RIALS.—

18 (1) IN GENERAL.—The Reserve may sell a min-
19 eral or material stored in the Reserve that, as of the
20 date of sale, is no longer included on the list of crit-
21 ical minerals and materials established by the Re-
22 serve under section 202(a) if the Board determines
23 that—

24 (A) the mineral or material is unlikely to
25 be imminently re-added to the list of critical

1 minerals and materials established by the Re-
2 serve under section 202(a);

3 (B) the mineral or material is available in
4 sufficient supply or is no longer necessary in
5 large quantities for economic or national secu-
6 rity purposes;

7 (C) a supply shortage or potential supply
8 shortage of that mineral or material threat-
9 ens—

10 (i) the national or economic security
11 of the United States; or

12 (ii) price stability in the value chain of
13 that mineral or material; or

14 (D) the sale is otherwise necessary to sup-
15 port the purposes of the Reserve.

16 (2) USE FOR RESEARCH PURPOSES.—If the
17 Board determines that a mineral or material stored
18 in the Reserve that is no longer included on the list
19 of critical minerals and materials established by the
20 Reserve under section 202(a) does not have a sub-
21 stantial market value, the Board may enter into a
22 contract for the transfer and use for research pur-
23 poses of that mineral or material with—

24 (A) Federal departments and agencies;

25 (B) State governments;

1 (C) National Laboratories (as defined in
2 section 2 of the Energy Policy Act of 2005 (42
3 U.S.C. 15801)); and

4 (D) institutions of higher education (as de-
5 fined in section 101(a) of the Higher Education
6 Act of 1965 (20 U.S.C. 1001(a))).

7 (d) MEANS OF SALE.—The Reserve may carry out
8 a sale described in subsections (b) and (c) through—

9 (1) solicitation and direct contracting with pri-
10 vate parties;

11 (2) physically-cleared financial instruments,
12 such as futures contracts through authorized inter-
13 mediaries;

14 (3) options contracts directly or through au-
15 thorized intermediaries; and

16 (4) other transactions, including public auc-
17 tions, as determined necessary by the Board to sup-
18 port the purposes of the Reserve.

19 (e) FOREIGN ENTITIES OF CONCERN.—The Reserve
20 may not carry out a sale described in subsections (b) and
21 (c) to a foreign entity of concern.

22 **TITLE III—ADMINISTRATIVE** 23 **PROVISIONS**

24 **SEC. 301. CORPORATE POWERS.**

25 (a) IN GENERAL.—The Reserve—

1 (1) may adopt, alter, and use a seal, which may
2 include an identifiable symbol of the United States;

3 (2) notwithstanding division C of subtitle I of
4 title 41, United States Code, may make and perform
5 with any person contracts, including no-cost con-
6 tracts (as defined by the Reserve), grants, and other
7 agreements, that are necessary for carrying out the
8 functions of the Reserve;

9 (3) may lease, purchase, or otherwise acquire,
10 improve, and use real property that is necessary to
11 carry out the functions of the Reserve;

12 (4) may use the United States mails in the
13 same manner and on the same conditions as the Ex-
14 ecutive departments (as defined in section 101 of
15 title 5, United States Code);

16 (5) may contract with individuals for personal
17 services, who shall not be considered Federal em-
18 ployees for any provision of law administered by the
19 Director of the Office of Personnel Management;

20 (6) may hire or obtain passenger motor vehi-
21 cles;

22 (7) may acquire, hold, or dispose of, on such
23 terms and conditions as the Reserve may determine,
24 any property (real, personal, or mixed), tangible or
25 intangible, or any interest in such property;

1 (8) may lease office space for the use of the Re-
2 serve;

3 (9) may indemnify directors, officers, employ-
4 ees, and agents of the Reserve for liabilities and ex-
5 penses incurred in connection with their activities on
6 behalf of the Reserve;

7 (10) notwithstanding any other provision of
8 law, may represent itself or contract for representa-
9 tion in any legal or arbitral proceeding;

10 (11) may exercise any priority of the Federal
11 Government in collecting debts from bankrupt, insol-
12 vent, or decedents' estates;

13 (12) may collect, notwithstanding section
14 3711(g)(1) of title 31, United States Code, or com-
15 promise any obligations assigned to or held by the
16 Reserve, including any legal or equitable rights ac-
17 cruing to the Reserve;

18 (13) may sell direct investments of the Reserve
19 to private investors on such terms and conditions as
20 the Reserve may determine; and

21 (14) shall have such other powers as may be
22 necessary and incident to carrying out the functions
23 of the Reserve.

24 (b) TREATMENT OF PROPERTY.—Notwithstanding
25 any other provision of law relating to the acquisition, han-

1 dling, or disposal of property by the United States, the
2 Reserve shall have the right in its discretion to complete,
3 recondition, reconstruct, renovate, repair, maintain, oper-
4 ate, or sell any property acquired by the Reserve pursuant
5 to this Act.

6 **SEC. 302. RECORDS AND ACCOUNTS.**

7 (a) PREPARATION AND MAINTENANCE.—The Board
8 may require any person to prepare and maintain such
9 records or accounts as the Board, by rule, determines nec-
10 essary to carry out this Act.

11 (b) AUDIT OF OPERATIONS OF STORAGE FACILI-
12 TIES.—The Board may audit the operations of any stor-
13 age facility in which any critical mineral or material ac-
14 quired is stored or required to be stored pursuant to this
15 Act.

16 (c) ACCESS TO AND INSPECTION OF RECORDS OR AC-
17 COUNTS AND STORAGE FACILITIES.—The Board may re-
18 quire access to, and has the right to inspect and examine,
19 at reasonable times—

20 (1) any records or accounts required to be pre-
21 pared or maintained pursuant to subsection (a); and

22 (2) any storage facilities subject to audit by the
23 United States pursuant to this Act.

1 **TITLE IV—OVERSIGHT AND**
2 **ACCOUNTABILITY**

3 **SEC. 401. RISK AND AUDIT COMMITTEES.**

4 (a) ESTABLISHMENT.—Not later than 1 year after
5 the date of enactment of this Act, the Reserve shall estab-
6 lish—

7 (1) a risk committee; and

8 (2) an audit committee.

9 (b) DUTIES AND RESPONSIBILITIES.—

10 (1) RISK COMMITTEE.—Subject to the direction
11 of the Board, the risk committee established under
12 subsection (a)(1) shall be responsible for—

13 (A) formulating risk management policies
14 of the operations of the Reserve;

15 (B) reviewing and providing guidance on
16 the operation of the global risk management
17 framework of the Reserve;

18 (C) developing policies for enterprise risk
19 management, risk monitoring, and the manage-
20 ment of strategic, reputational, regulatory,
21 operational, developmental, responsible produc-
22 tion, and financial risks;

23 (D) developing the risk profile of the Re-
24 serve, including a risk management and compli-

1 ance framework and governance structure to
2 support such a framework;

3 (E) monitoring Reserve participants to en-
4 sure existing participants do not become foreign
5 entities of concern; and

6 (F) developing and using a mechanism to
7 remove participants if more than 25 percent of
8 that participant is owned, controlled, directed,
9 financed, or otherwise influenced, directly or in-
10 directly, in whole or in part by the government
11 of a foreign entity of concern.

12 (2) AUDIT COMMITTEE.—Subject to the direc-
13 tion of the Board, the audit committee established
14 under subsection (a)(2) shall be responsible for—

15 (A) the integrity of—

16 (i) the financial reporting of the Re-
17 serve;

18 (ii) systems of internal controls relat-
19 ing to finance and accounting of the Re-
20 serve; and

21 (iii) the financial statements of the
22 Reserve;

23 (B) the performance of the internal audit
24 function of the Reserve; and

1 (C) the compliance of the Reserve with
2 legal and regulatory requirements relating to
3 the finances of the Reserve.

4 **SEC. 402. ANNUAL AUDIT AND COMPTROLLER REVIEW.**

5 (a) ANNUAL INDEPENDENT AUDIT.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, and annually
8 thereafter, an independent qualified public account-
9 ant selected by the Board shall audit the financial
10 statements of the Reserve, the results of which shall
11 be made publicly available.

12 (2) REQUIREMENTS.—An independent qualified
13 public accountant selected under paragraph (1) shall
14 be—

15 (A) certified and licensed by a State board
16 of accountancy;

17 (B) independent of the Reserve and each
18 authorized intermediary within the meaning of
19 section 210.2–01 of title 17, Code of Federal
20 Regulations (or a successor regulation); and

21 (C) registered with the Public Company
22 Accounting and Oversight Board.

23 (b) REVIEW.—The Comptroller General of the United
24 States shall conduct a biennial review of the Reserve, to
25 include—

1 (1) reviewing the most recent annual report
2 submitted pursuant to section 403(a);

3 (2) the operations and functions of the Reserve
4 as managed by the Board; and

5 (3) the performance of the Board in fulfilling
6 the purposes of the Reserve.

7 **SEC. 403. REPORTING AND TRANSPARENCY.**

8 (a) ANNUAL REPORT.—

9 (1) IN GENERAL.—The Board shall submit to
10 the President, the Comptroller General of the United
11 States, the Director of the Office of Management
12 and Budget, and the appropriate congressional com-
13 mittees, an annual report describing the operations
14 of the Reserve during the preceding calendar year.

15 (2) CONTENTS.—Each report required under
16 paragraph (1) shall include—

17 (A) information regarding the administra-
18 tion of the functions of the Board, including
19 recommendations the Board determines appro-
20 priate;

21 (B) the assessment of the Board of the ex-
22 tent to which compliance with the requirements
23 of this Act and the purposes of the Reserve
24 have been achieved;

1 (C) a summary of transactions and loans
2 made by the Reserve during the preceding cal-
3 endar year, to include how well those trans-
4 actions and loans have helped achieve the pur-
5 poses of the Reserve; and

6 (D) information regarding vulnerabilities,
7 risks, and audits.

8 (b) TESTIMONY.—The Chairperson shall appear be-
9 fore the Committee on Energy and Natural Resources of
10 the Senate and the Committee on Natural Resources of
11 the House of Representatives not later than 30 calendar
12 days after the date that a report required under subsection
13 (a) is submitted.

14 (c) DATABASE.—

15 (1) IN GENERAL.—The Reserve shall maintain
16 a database with detailed information on all trans-
17 actions undertaken pursuant to section 206.

18 (2) REQUIREMENTS.—The database maintained
19 under paragraph (1) shall—

20 (A) be user-friendly;

21 (B) subject to paragraph (3), be publicly
22 available; and

23 (C) to the extent practicable, include a de-
24 scription of the support provided for each

1 project, including the information contained in
2 the report required under subsection (a).

3 (3) LIMIT ON PUBLIC AVAILABILITY.—

4 (A) IN GENERAL.—An identified subset of
5 the database maintained under paragraph (1)
6 shall not be made publicly available if the
7 Board determines doing so would be harmful to
8 the national security of the United States.

9 (B) ACCESSIBILITY.—If the Board makes
10 a determination under subparagraph (A) that
11 public availability of the identified subset of the
12 database maintained under paragraph (1)
13 would be harmful to the national security of the
14 United States, the Reserve shall—

15 (i) make the identified subset of the
16 database accessible to the appropriate con-
17 gressional committees; and

18 (ii) not later than 3 years after a
19 transaction undertaken pursuant to section
20 206 occurs, make the information about
21 that transaction publicly available.