

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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.

## 2

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

## 22

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 proc-  
15 ess;

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 sponsibilities 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.