

SECURE Minerals Act Section-by-Section

Section 1: Short title, Table of Contents

Establishes the bill title as the “Securing Essential and Critical U.S. Resources and Elements Minerals Act of 2026” or the “SECURE Minerals Act of 2026” and lists the Table of Contents.

Section 2: Findings

Details Congress’ findings around the critical minerals and materials (CMM) supply chain and its importance for economic growth and national security, the People’s Republic of China’s efforts to control that supply chain, and the importance of increasing domestic and partner country production to both economic and national security.

Section 3: Definitions

Defines the terms “Appropriate Congressional Committees”, “authorized intermediary”, “Board”, “Chairperson”, “covered country”, “critical mineral or material”, “dependence rate”, “foreign entity of concern”, “partner country”, “production rate”, “purposes of the Reserve”, “recycle”, “repurpose”, “Reserve”, “reuse”, and “Vice-chairperson”

Title I – Establishment and Board of Governors

Section 101: Establishment and Purposes

Establishes the Strategic Resilience Reserve Corporation (“the Reserve”) as a government corporation.

Specifies the Purposes of the Reserve:

1. Supporting free, fair and competitive markets for critical minerals and materials (CMM).
2. Supporting domestic and partner country production, processing, reuse, recycling, and infrastructure relating to CMM.
3. Supporting stable and sustainable prices for CMM.
4. Supporting responsible production of CMM with standards around transparency, labor, and environmental practices, and ensuring a competitive market for producers meeting those standards.
5. Assisting in maintaining sufficient supplies of CMM to the U.S.
6. Ensuring sufficient domestic and partner country production of CMM and reducing reliance on covered countries or entities of concerns.
7. Prioritizing domestic projects, projects CMM are only produced in covered countries, and projects that recycle, reuse, or repurpose CMM, as well as those producing CMM from mine waste or tailings.
8. Ensuring efficient use of government funds to support CMM projects.

Authorizes \$2.5 billion to be appropriated to the Reserve for this Act.

Section 102: Board of Governors

Subsection (a) establishes the Reserve’s Board of Governors. The Board will consist of 7 Senate-confirmed voting members serving staggered 14-year terms (one expiring every two years), led by a Chair and Vice-Chair who serve 4-year terms and are also Senate-confirmed. Board

members must bring expertise in critical minerals and materials, including production, use, recycling, or financing. Board members must not have a financial interest in any entity directly involved in CMM while on the Board and for two years after. Board members can only be removed by impeachment by Congress or for cause.

Subsection (b) specifies that the Board shall meet at least quarterly, that those meetings shall be open to the public unless the meeting must be closed to ensure proprietary or sensitive information is not disclosed, that minutes from the meetings must be made public (minutes from closed meetings must be disclosed to Congress within 60 days and made public within 3 years).

Subsection (c) sets out the powers and duties of the Board, including that the Board:

- Develop bylaws, operational procedures and an annual business plan, establish committees, and develop policies and procedures on:
 - conflicts of interest
 - the selection of authorized intermediaries and projects
 - the acquisition and sale of critical minerals and materials
- Oversee operations of the Reserve to ensure it is effective in achieving its Purposes
- This subsection also lists the powers of the Board, including the ability to enter into contracts, execute or approve transactions and financial institutions, and other actions necessary for the Reserve.

Title II – Duties and Authorities of the Reserve

Section 201: General authorities

Details the general authorities of the Reserve, including acquisition and leasing of land and storage facilities for CMM, acquiring and storing CMM in both its own facilities and contracted storage, executing contracts, and partnering with private sector and academic entities.

Section 202: Identification of eligible critical minerals and materials

Subsection (a) gives the Reserve the authority to establish and maintain a CMM list, through consultation with relevant federal agencies, as long as the CMM meet the requirements and considerations outlined in subsections (b) and (c).

Subsection (b) establishes the requirements for the CMM list, including that the CMM is listed on already developed critical minerals lists established by the United States Geological Survey (USGS), the Department of Energy (DOE), and the Defense Logistics Agency (DLA). The CMM must be removed from the Reserve's list if it has not shown up on the USGS, DOE, or DLA lists for 3 years. The CMM also must have a vulnerable supply chain and be necessary for:

- National security,
- Energy infrastructure of the United States,
- To support key domestic industries, including health care, transportation, housing, or
- For the economic security of the United States.

Subsection (c) requires the Reserve to consider the substitutability, demand, and existing market infrastructure in tandem with the Reserve's risk and vulnerability assessments of a CMM when establishing the list.

Subsection (d) excludes fuel minerals and common earth materials from being on the list.

Subsection (e) instructs the Reserve to annually update the list and separately publish a list that has CMM that were previously included but removed from the past three lists, and CMM that were not included but are relevant to the Reserve's activities (via contracts or transactions).

Section 203: Data collection

Establishes the Division of Data Collection within the Reserve that is led by a Board-appointed Director who will consult with the heads of relevant federal agencies, using existing data as much as possible, to collect and maintain:

- A proprietary dataset to sufficiently analyze global CMM markets.
- Sufficient datasets that include domestic, global, and partner country market dynamics to inform CMM costs throughout the value chain, recycling rates for CMM, and supply/demand forecasts of CMM for domestic and partner countries.
- Transaction and geographic price data for CMM in the global market.
- Estimates of CMM transactions involving the People's Republic of China.

The collected data should inform the Reserve's market risk and vulnerability assessments and help determine which CMM receives financing and acquisition support. The Division should determine what mechanisms are required for loan terms, contracts, and agreements so that the Reserve can collect the necessary data.

Section 204: Critical mineral and material market risk and vulnerability assessment

Subsection (a) establishes the Division of Risk and Vulnerability Evaluation within the Reserve, led by a Board-appointed Director, using existing data as much as possible to:

- Develop and use models that evaluate the threats and risks to CMM markets across sectors, including defense, energy, agriculture, transportation, health, and emerging technology.
- Develop databases to track CMM price movements, supply chain vulnerabilities, production capacity, and consumption patterns.
- Identify key dependencies in CMM markets and assess the disruptions that can pose threats to infrastructure, essential services, national and economic security
- Assess global factors that threaten CMM markets, like geopolitical events, natural disasters, technological disruptions, or market failures.
- Establish and implement methodologies that model the impact of CMM shocks (price shocks, supply disruptions, market interference, export controls) on the United States economy and model the domestic cross-sectoral impact (inflation, employment, consumer welfare, etc.).

Subsection (b) requires the Reserve to submit to Congressional committees and relevant federal agencies a biennial risk and vulnerability assessment for CMM. The assessment should be unclassified, but may include a classified annex, and must include:

- Specific threats to stable supply and reasonable prices;
- Current market conditions; transportation bottlenecks; financial vulnerabilities;

- Substitute solutions or technological alternatives; and
- Specific recommendations for risk mitigation.

Section 205: Production standards

Establishes a Division of Production Standards within the Reserve to evaluate and assess labor and environmental standards and practices globally and annually publish a report detailing how CMM projects measure up to domestic environmental and labor standards, providing transparency on production practices globally.

Section 206: Financing and acquisition of critical minerals or materials

Subsection (a) gives the Reserve the authority to use financing and acquisition tools to achieve the purposes of the Reserve in Sec. 101 for CMM. The Reserve should leverage existing federal investments by specific federal departments (Export-Import Bank, DOE's Title XVII authorities, International Development Finance Corporation, and applicable Department of Defense offices) as much as possible, and requires the Reserve to consider:

- The environmental and labor standards of foreign countries
- The ability to use limited resources to maximize the impact of the reserve
- The diversification across CMM
- The non-Reserve investments and market conditions of a specific CMM
- The management, financial condition, and ability of a producer or counterparty to fulfill its contractual obligations

Subsection (b) identifies the financing and acquisition tools that the Reserve can use:

- Loans to authorized intermediaries that prioritize domestic CMM supply chains and suppliers, with loan terms established by the Reserve in consultation with other federal agencies. If the authorized intermediary fails to repay the loan, the Reserve can recoup the amount from CMM inventories, revoke the intermediary's participation in the Reserve, appoint a conservator for the intermediary, obtain a lien, or adjust the loan terms.
- Acquisitions through solicitation and direct contracting with private counterparties, by physically cleared financial instruments (future contracts) or options contracts directly or through intermediaries like financial exchanges.
- Non-recourse lending to projects that are secured by a portion of the expected project production.
- Other transaction agreements, including financing and acquisition transactions like contracts for differences, advance or milestone payments, advanced market commitments, or equity investments (which should be used as a last resort).

Subsection (c) authorizes the Reserve to approve contributions from partner countries who wish to invest in the Reserve and specifies the process. The minimum capital contribution of \$100 million is adjusted annually for inflation, rounded to the nearest \$1 million. The Reserve must maintain separate accounts for each partner country's contribution without commingling funds, may return contributions at any time without penalty (or under agreed terms), and may not guarantee repayment of capital contributions or accept partner country contributions made with funds from a foreign entity of concern.

Subsection (d) establishes the International Advisory Council of Partners with the Board's Vice-chairperson as head of the council. The Council would be composed of one representative from each partner country that makes a capital contribution and shall consult with the Reserve on how to use the investment to finance and acquire projects. The Council is exempt from the Federal Advisory Committee Act.

Section 207: Sale of critical minerals or materials

Subsection (a) gives the Reserve the authority to sell CMM that are stored in the Reserve to further the purposes of the Reserve.

Subsection (b) outlines the necessary conditions for the Reserve to sell CMM. The Reserve can sell CMM in the Reserve if the Board determines that a supply shortage threatens price stability in the value chain or economic and national security.

Subsection (c) establishes guidelines for non-CMM that the Reserve can sell. The Reserve can sell minerals that are no longer on the Reserve's list of CMM, and the Board determines the following:

- The CMM is unlikely to be re-added to the list;
- The CMM is available in sufficient supply, or is no longer necessary for national or economic security;
- A supply shortage of the CMM is necessary for price stability or national and economic security; or
- The sale of the CMM is necessary to support the purposes of the Reserve.

If the CMM is no longer on the list and does not have substantial market value, the Board can transfer the CMM to federal agencies, national labs, state governments, or institutions of higher education for research purposes.

Subsection (d) establishes how the Reserve can carry out the sale of CMM:

- Through solicitation and direct contracting with private parties
- Through physically cleared financial instruments like futures contracts
- Through options contracts or authorized intermediaries
- Through other transaction agreements as determined by the Board

Subsection (e) prohibits the Reserve from selling any CMM to a foreign entity of concern.

Title III – Administrative Provisions

Section 301: Corporate powers

Subsection (a) establishes the general corporate powers of the Reserve, including:

- To use or alter a seal that includes an identifiable symbol of the United States;
- To make or perform any leases, contracts, grants, or other agreements;
- To acquire or dispose of any property or interest in such property, and to sell direct investments of the Reserve; and
- Other necessary powers to carry out the purposes of the Reserve.

Subsection (b) gives the Reserve the authority and discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired under the powers of this Act.

Section 302: Records and accounts

Authorizes the Board to maintain and keep the records and accounts of the Board as it deems necessary by rule. Allows the Board to audit and inspect the operations of storage facilities that can or do hold CMM, and to access and inspect both those records and the facilities themselves at reasonable times.

Title IV – Oversight and Accountability

Section 401: Risk and audit committees

Subsection (a) requires the Reserve to establish the risk and audit committees within 1 year of enactment.

Subsection (b) outlines the duties and responsibilities of each committee. The risk committee is responsible for formulating risk management policies, reviewing guidance on the global risk management operations, developing policies for risk monitoring, enterprise risk management, and the management of regulatory, operational, responsible production, and financial risk. It is also responsible for developing the Reserve's risk profile, monitoring participants to ensure they are not foreign entities of concern, and establishing a process to remove any participant that becomes more than 25% owned or influenced by a foreign entity of concern. The audit committee is responsible for the financial integrity of the Reserve. It should oversee the financial reporting, accounting, and regulatory requirements related to the Reserve's finances and perform internal auditing of the Reserve.

Section 402: Annual audit and comptroller review

Requires the Reserve's financial statements to be audited annually by an independent public accountant who is certified by a State board of accountancy, registered with the Public Company Accounting and Oversight Board, and completely independent from the Reserve.

Requires the Comptroller General of the United States to conduct a biennial review of the operations of the Reserve and the Boards' performance in fulfilling the purpose of the Reserve.

Section 403: Reporting and transparency

Subsection (a) requires the Board to submit to Congress and the appropriate executive departments an annual report that describes the operations of the Reserve including information on the functions of the Board and their recommendations, an assessment of the Board in fulfilling the purposes of the Reserve, a summary of the transactions and loans made by the Reserve to authorized intermediaries, and information regarding vulnerabilities, risks, and audits.

Subsection (b) requires the Chair of the Board to testify before the Senate Energy and Natural Resources Committee and the House Natural Resources Committee after the report is submitted.

Subsection (c) requires a database on all the financial transactions of the Reserve that is user-

friendly, publicly available, and includes a description of the type of support that was provided. A subset of the database may not be made publicly available if the Board determines it would be harmful for national security; in that case, the Reserve shall make the database available to the appropriate congressional committees and make the information publicly available 3 years after the transaction.