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

IN THE SENATE OF THE UNITED STATES

Mr. Wyden introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. CRITICAL MINERAL ENVIRONMENTAL PROC-
4 ESSING AND MINING CLEANUP PROGRAM.

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICAL MINERAL.—The term “critical mineral” has the meaning given the term in section 7 7002(a) of the Energy Act of 2020 (30 U.S.C. 8 1606(a)).
(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means an entity engaged in or intending to engage in—

(A) the mining or manufacturing of critical minerals or the reprocessing or recycling of mine tailings, smelter or refinery slags, or residues; or

(B) any other value-added, mining-related, manufacturing-related, or processing-related use of critical minerals undertaken within the United States.

(3) **ELIGIBLE MINERAL.**—The term “eligible mineral” means each of the minerals identified by the Secretary under subsection (b)(2)(A).

(4) **MANUFACTURE.**—The term “manufacture”, with respect to a mineral, means to process, refine, alloy, separate, smelt, concentrate, or beneficiate the mineral.

(5) **PROGRAM.**—The term “program” means the competitive grant program established under subsection (b)(1).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PROGRAM ESTABLISHMENT.**—
(1) IN GENERAL.—The Secretary shall establish a program to award competitive grants to eligible entities for the manufacturing of eligible minerals.

(2) DETERMINATION; IDENTIFICATION.—

(A) ELIGIBLE MINERALS.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the National Economic Council, shall identify as eligible minerals—

(i) the 10 critical minerals that are the most critical for manufacturing and energy independence; and

(ii) the 10 minerals that are the most critical to the United States to reduce energy dependence on mineral imports.

(B) SUITABLE LOCATIONS.—

(i) IN GENERAL.—The Secretary shall identify Federal and non-Federal land for which it is economically feasible and environmentally sound to mine the eligible minerals.

(ii) REQUIREMENT.—The Secretary shall establish for each suitable location identified under clause (i) a mitigation plan to combat environmental and health
risks posed by the mining and manufac-
turing of eligible minerals to—

(I) federally recognized Indian
Tribes;

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

(III) clean drinking water
sources.

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

(3) SELECTION.—

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

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

(i) have documented interests in con-
structing, expanding, or modernizing facili-
ties that carry out an activity or use described in subparagraph (A) or (B) of subsection (a)(2); and

(ii) demonstrate strong labor protections, including prevailing wage requirements.

(4) USE OF FUNDS.—A grant under the program may be used for the environmental assessment, processing, mitigation, and cleanup necessary to mine or manufacture eligible minerals on the Federal and non-Federal land identified under paragraph (2)(B)(i).

(5) ENVIRONMENTAL LAWS.—In carrying out activities using a grant under the program, an eligible entity shall comply with—

(A) all applicable environmental laws (including regulations); and

(B) any other environmental standards determined to be necessary by the Secretary.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $10,000,000 for each of fiscal years 2022 through 2027.