

Securing American Critical Minerals Act, H.R. 5021
Section by Section
Representative Betty McCollum

Summary: To prohibit the sale or transfer of certain critical minerals to foreign entities of concern.

Sec. 1: Short Title: Securing American Critical Minerals Act of 2023

Sec. 2: Prohibition of Sale of Critical Minerals to Foreign Entities of Concern by Persons Conducting Certain Mineral Activities on Federal Land

(a) In General: Operators conducting covered mineral activities are prohibited from selling or transferring critical minerals to a foreign entity of concern.

(b) Authority to Deny Authorization: The Secretary of the Interior can decline to issue a new lease or renew a lease to a person if they are a foreign entity of concern, if they transfer critical minerals to a foreign entity of concern, if their reporting is inaccurate or incomplete, or if this authorization would negatively affect U.S. national security.

(c) Administrative, Civil, and Criminal Penalties: The Secretary of the Interior will write regulations detailing penalties if this act is violated.

(d) Reporting Requirement: Mining operators need to submit an annual report to the Secretary of the Interior, which will be made public, that identifies which minerals were extracted/produced/refined on federal land, who these minerals were sold to, and certifying that the transferee is not a foreign entity of concern.

(e) Administrative Fee: The Secretary of the Interior will create a fee structure to pay for this Act.

(f) Annual Report: The Secretary of the Interior will send Congress an annual report summarizing the received reports, as well as any authorizations denied or penalties imposed, for each covered mineral.

(g) Availability of Funds: The collected fees are available to pay for this act.

(h) Definitions: Terms are defined. For example, “covered mineral” refers to a critical mineral on the USGS list, and “foreign entity of concern” refers to the definition provided in the NDAA for FY 2021.