

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1463

To allow the Secretary of the Interior to enter into memoranda of understanding for the purpose of scientific and technical cooperation in the mapping of critical minerals and rare earth elements, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. COONS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Finding Opportunities
5 for Resource Exploration Act” or the “Finding ORE Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the United States
8 should prioritize, to the greatest extent practicable, the
9 onshoring of critical mineral processing.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

1 (1) ALLIED FOREIGN COUNTRY.—The term “al-
2 lied foreign country” means a member country of
3 the North Atlantic Treaty Organization or a country
4 that has been designated as a major non-NATO ally
5 under section 517 of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2321k).

7 (2) CRITICAL MINERAL.—The term “critical
8 mineral” has the meaning given the term in section
9 7002(a) of the Energy Act of 2020 (30 U.S.C.
10 1606(a)).

11 (3) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given the term in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001).

15 (4) PARTNER FOREIGN COUNTRY.—The term
16 “partner foreign country” means a country that is
17 a source of a critical mineral or rare earth element.

18 (5) RARE EARTH ELEMENT.—The term “rare
19 earth element” means cerium, dysprosium, erbium,
20 europium, gadolinium, holmium, lanthanum, lute-
21 tium, neodymium, praseodymium, promethium, sa-
22 marium, scandium, terbium, thulium, ytterbium, or
23 yttrium.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the United States Geological Survey.

4 **SEC. 4. MEMORANDUM OF UNDERSTANDING WITH RE-**
5 **SPECT TO THE MAPPING OF CRITICAL MIN-**
6 **ERALS AND RARE EARTH ELEMENTS.**

7 (a) MEMORANDUM OF UNDERSTANDING.—The Sec-
8 retary may enter into a memorandum of understanding
9 with 1 or more heads of agencies of partner foreign coun-
10 tries with respect to scientific and technical cooperation
11 in the mapping of critical minerals and rare earth ele-
12 ments.

13 (b) OBJECTIVES.—In negotiating a memorandum of
14 understanding under subsection (a), the Secretary shall
15 seek to increase the security and resilience of international
16 supply chains for critical minerals and rare earth elements
17 by—

18 (1) committing to assisting the partner foreign
19 country through cooperative activities described in
20 subsection (c) that help the partner foreign country
21 map reserves of critical minerals and rare earth ele-
22 ments;

23 (2) ensuring that private companies
24 headquartered in the United States or an allied for-
25 eign country are offered the right of first refusal in

1 the further development of critical minerals and rare
2 earth elements in the partner foreign country;

3 (3) facilitating private-sector investment in the
4 exploration and development of critical minerals and
5 rare earth elements; and

6 (4) ensuring that mapping data created through
7 the cooperative activities described in subsection (c)
8 is protected against unauthorized access by, or dis-
9 closure to, governmental or private entities based in
10 countries that are not—

11 (A) a party to the memorandum of under-
12 standing; or

13 (B) an allied foreign country.

14 (c) COOPERATIVE ACTIVITIES.—The cooperative ac-
15 tivities referred to in subsection (b) include—

16 (1) acquisition, compilation, analysis, and inter-
17 pretation of geologic, geophysical, geochemical, and
18 spectroscopic remote sensing data;

19 (2) prospectivity mapping and mineral resource
20 assessment;

21 (3) analysis of geoscience data, including devel-
22 oping derivative map products that can help more
23 effectively evaluate the mineral resources of the
24 partner foreign country;

1 (4) scientific collaboration to enhance the un-
2 derstanding and management of the natural re-
3 sources of the partner foreign country to contribute
4 to the sustainable development of the mineral re-
5 sources sector of that partner foreign country;

6 (5) training and capacity building in each area
7 described in paragraphs (1) through (4);

8 (6) facilitation of education and specialized
9 training in geoscience and mineral resource manage-
10 ment at institutions of higher education;

11 (7) training in relevant international standards
12 for relevant officials of the government and private
13 companies of the partner foreign country; and

14 (8) cooperation among entities of the partner
15 foreign country that are a party to the memorandum
16 of understanding and entities in the United States,
17 including Federal departments and agencies, institu-
18 tions of higher education, research centers, and pri-
19 vate companies.

20 (d) NOTIFICATION AND REPORT TO CONGRESS.—

21 (1) DEFINITION OF APPROPRIATE COMMITTEES
22 OF CONGRESS.—In this subsection, the term “appro-
23 priate committees of Congress” means—

1 (A) the Committees on Energy and Nat-
2 ural Resources, Foreign Relations, and Appro-
3 priations of the Senate; and

4 (B) the Committees on Natural Resources,
5 Foreign Affairs, and Appropriations of the
6 House of Representatives.

7 (2) NOTIFICATION AND REPORT.—Not later
8 than 30 days before the Secretary intends to enter
9 into a memorandum of understanding under sub-
10 section (a), the Secretary shall—

11 (A) notify the appropriate committees of
12 Congress; and

13 (B) submit to the appropriate committees
14 of Congress a report detailing the implementing
15 partners, scope of the memorandum of under-
16 standing, activities to be undertaken, estimated
17 costs, and source of funding.

18 (e) CONCURRENCE OF THE SECRETARY OF STATE.—
19 The Secretary shall obtain the concurrence of the Sec-
20 retary of State in—

21 (1) prioritizing and selecting partner foreign
22 countries with which to enter into a memorandum of
23 understanding under subsection (a);

24 (2) negotiating a memorandum of under-
25 standing under subsection (a);

1 (3) implementing a memorandum of under-
2 standing entered into under subsection (a), including
3 through the use of funds made available to the Sec-
4 retary of State; and

5 (4) carrying out subsection (d).

6 (f) CONSULTATION WITH PRIVATE SECTOR.—The
7 Secretary shall consult with relevant private sector actors,
8 as the Secretary determines to be appropriate, in—

9 (1) prioritizing and selecting partner foreign
10 countries with which to enter into a memorandum of
11 understanding under subsection (a); and

12 (2) assessing how a memorandum of under-
13 standing can best facilitate private sector interest in
14 pursuing the further development of critical minerals
15 and rare earth elements in accordance with the ob-
16 jectives described in subsection (b).

17 **SEC. 5. SAVINGS CLAUSE.**

18 Nothing in this Act impedes or otherwise alters any
19 authority of the Director of the United States Geological
20 Survey provided by—

21 (1) the matter under the heading “GEOLOGI-
22 CAL SURVEY” of the first section of the Act of
23 March 3, 1879 (43 U.S.C. 31(a)); or

24 (2) the first section of Public Law 87–626 (43
25 U.S.C. 31(b)).