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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To modify the requirements applicable to certain locatable minerals, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LEGER FERNANDEZ introduced the following bill; which was referred to
the Committee on _____

A BILL

To modify the requirements applicable to certain locatable
minerals, 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.**

4 This Act may be cited as the “American Minerals
5 Royalty and Investment Act of 2026”.

6 **SEC. 2. LOCATABLE MINERAL ROYALTY.**

7 (a) IN GENERAL.—Except as provided in subsection

8 (b), the gross income from the sale or removal of locatable

1 minerals produced pursuant to a covered mining claim
2 shall be subject to a royalty at a rate that—

3 (1) subject to paragraphs (2) and (3), the Sec-
4 retary shall establish by regulation;

5 (2) except as provided in paragraph (3)(B),
6 shall be not less than 7 percent and not more than
7 10 percent of such gross income; and

8 (3) may—

9 (A) vary based on the locatable mineral so
10 produced; and

11 (B) not be reduced under subsection (c)—

12 (i) by more than 2 percent of such
13 gross income for each criterion described
14 in paragraph (1) of that subsection that is
15 met; or

16 (ii) to less than 6 percent of such
17 gross income.

18 (b) DELAYED ROYALTY EFFECTIVE DATE FOR CER-
19 TAIN GROSS INCOME.—If the production of a locatable
20 mineral described in subsection (a) is carried out pursuant
21 to a plan of operations or operations permit that was ap-
22 proved or issued, respectively, before the date of the enact-
23 ment of this Act, the gross income from the sale or re-
24 moval of such a locatable mineral—

1 (1) during the period beginning on the date of
2 the enactment of this Act and ending on the day be-
3 fore the date that is 5 years after the date of the
4 enactment of this Act, is not subject to a royalty
5 under subsection (a);

6 (2) during the period beginning on the date
7 that is 5 years after the date of the enactment of
8 this Act and ending on the day before the date that
9 is 10 years after the date of the enactment of this
10 Act, shall be subject to a royalty in accordance with
11 subsection (a) except that such royalty shall be ap-
12 plied as if the rate of the royalty is 50 percent of
13 the rate established by the Secretary under that sub-
14 section; and

15 (3) beginning on the date that is 10 years after
16 the date of the enactment of this Act, shall be sub-
17 ject to a royalty in accordance with subsection (a).

18 (c) ROYALTY RELIEF.—

19 (1) IN GENERAL.—Upon the receipt of an ap-
20 plication from the operator or claim holder of a cov-
21 ered mining claim, the Secretary may reduce the
22 rate of a royalty established pursuant to subsection
23 (a) for the gross income from the sale or removal of
24 locatable minerals produced pursuant to the covered
25 mining claim—

1 (A) if the operator and claim holder of the
2 covered mining claim is a domestic person; and

3 (B) all of the locatable minerals produced
4 pursuant to the covered mining claim are—

5 (i) exported to a country that is not
6 a covered nation;

7 (ii) processed or otherwise used do-
8 mestically; or

9 (iii) a combination thereof.

10 (2) EFFECTIVE DATE.—If under paragraph (1)
11 the Secretary reduces the rate of a royalty described
12 in that paragraph, such reduced rate shall take ef-
13 fect on the date that is 60 days after the date on
14 which the Secretary—

15 (A) publishes public notice of such reduced
16 rate; and

17 (B) submits to the Committee on Natural
18 Resources of the House of Representatives and
19 the Committee on Energy and Natural Re-
20 sources of the Senate notice and a statement of
21 the reasons for granting such reduced rate.

22 (3) LAYERING OF ROYALTY REDUCTIONS.—
23 Subject to subsection (a)(3)(B), the Secretary may
24 reduce the rate of a royalty described in paragraph

1 (1) for each criterion described in that paragraph
2 that is met.

3 (d) DEPOSIT.—Amounts received by the United
4 States as royalties pursuant to this section shall be depos-
5 ited into the Fund.

6 **SEC. 3. HARDROCK MINERAL REINVESTMENT FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a separate account, to be
9 known as the “Hardrock Mineral Reinvestment Fund”.

10 (b) ADMINISTRATION.—

11 (1) IN GENERAL.—The Fund shall consist of
12 amounts deposited under section 2(d).

13 (2) AVAILABILITY OF AMOUNTS.—Amounts de-
14 scribed in paragraph (1) shall be available to the
15 Secretary for allocation in accordance with para-
16 graph (3) without further appropriation and until
17 expended.

18 (3) ALLOCATION OF AMOUNTS.—The Secretary
19 shall allocate amounts described in paragraph (1) in
20 accordance with the following:

21 (A) For the 20-year period beginning on
22 the date of the enactment of this Act—

23 (i) 25 percent to the States within the
24 boundaries of which the amounts were de-

1 rived, based on the proportion of such
2 amounts derived from each such State;

3 (ii) 25 percent to Indian Tribes in ac-
4 cordance with a formula developed by the
5 Secretary in consultation with Indian
6 Tribes;

7 (iii) not less than 25 percent to the
8 program established under section
9 40704(a) of the Infrastructure Investment
10 and Jobs Act (30 U.S.C. 1245(a)); and

11 (iv) not more than 25 percent to the
12 program established by the Secretary
13 under section 4.

14 (B) Beginning on the day after the date on
15 which the period described in subparagraph (A)
16 ends—

17 (i) 25 percent to the States within the
18 boundaries of which the amounts were de-
19 rived, based on the proportion of such
20 amounts derived from each such State;

21 (ii) 25 percent to Indian Tribes in ac-
22 cordance with a formula developed by the
23 Secretary in consultation with Indian
24 Tribes; and

1 (iii) 50 percent to the program estab-
2 lished under section 40704(a) of the Infra-
3 structure Investment and Jobs Act (30
4 U.S.C. 1245(a)).

5 (c) AUTHORIZED USES.—

6 (1) IN GENERAL.—Subject to paragraph (2)
7 and in accordance with all applicable Federal and
8 State laws, each State that receives amounts pursu-
9 ant to subsection (b) shall use at least 50 percent
10 of such amounts only for 1 or more of the following
11 purposes:

12 (A) Mitigation of damage to wildlife, nat-
13 ural resources, or cultural resources related to
14 mining activities.

15 (B) Implementation of a federally approved
16 comprehensive conservation management plan.

17 (C) Planning assistance and the adminis-
18 trative costs of complying with this section.

19 (2) LIMITATION.—A State that receives
20 amounts pursuant to subsection (b) may not use
21 more than 3 percent of such amounts for the pur-
22 pose described in paragraph (1)(C).

23 **SEC. 4. FINANCIAL ASSISTANCE PROGRAM.**

24 (a) FINANCIAL ASSISTANCE PROGRAM.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a program that, in accordance with the requirements
3 of this section, provides Federal financial assistance
4 to covered entities to incentivize investment in facili-
5 ties and equipment located in the United States for
6 the processing of critical minerals.

7 (2) PROCEDURE.—

8 (A) IN GENERAL.—A covered entity shall
9 submit to the Secretary an application that de-
10 scribes the project for which the covered entity
11 is seeking Federal financial assistance under
12 the program established under paragraph (1).

13 (B) ELIGIBILITY.—To qualify for Federal
14 financial assistance under the program estab-
15 lished under paragraph (1), a covered entity
16 shall demonstrate to the Secretary, in the appli-
17 cation submitted by the covered entity under
18 subparagraph (A), that—

19 (i) the covered entity has—

20 (I) a documented interest in con-
21 structing, expanding, or modernizing
22 a facility or equipment described in
23 paragraph (1); and

24 (II) the ability to substantially fi-
25 nance, construct, expand, or mod-

1 ernize a facility or equipment de-
2 scribed in paragraph (1); and

3 (ii) with respect to the project de-
4 scribed in subparagraph (A), the covered
5 entity has—

6 (I) made commitments to worker
7 and community investment, including
8 through—

9 (aa) training and education
10 benefits paid by the covered enti-
11 ty; and

12 (bb) programs to expand
13 employment opportunities for
14 economically disadvantaged indi-
15 viduals; and

16 (II) secured commitments from
17 regional educational and training enti-
18 ties and institutions of higher edu-
19 cation to provide workforce training,
20 including programming for training
21 and job placement of economically dis-
22 advantaged individuals;

23 (III) the ability to obtain a bond,
24 surety, or other financial assurance
25 (other than Federal financial assist-

1 ance under this subsection) sufficient
2 to restore any lands and waters the
3 Secretary determines may be ad-
4 versely affected by activities carried
5 out pursuant to the project; and

6 (IV) the ability to sustain the fa-
7 cility or equipment described in para-
8 graph (1) that is the subject of the
9 project without being provided addi-
10 tional Federal financial assistance
11 under this subsection for facility sup-
12 port; and

13 (V) assessed potential effects on
14 the environment, including ground-
15 water, surface water, air quality, wild-
16 life, and cultural resources, and com-
17 mitted to avoiding, minimizing, and
18 mitigating negative effects by—

19 (aa) committing to under-
20 take all practical measures to
21 avoid and minimize such effects;

22 (bb) developing, in coordina-
23 tion with affected Indian Tribes
24 and communities, a mitigation
25 plan for unavoidable negative ef-

1 fects to offset such effects or
2 achieve, where possible, a net en-
3 vironmental benefit; and

4 (cc) committing to estab-
5 lishing, in coordination with af-
6 fected Indian Tribes and commu-
7 nities, a monitoring program to
8 ensure the effectiveness of the
9 mitigation plan described in item
10 (bb).

11 (C) CONSIDERATIONS FOR REVIEW.—With
12 respect to the review by the Secretary of an ap-
13 plication submitted by a covered entity under
14 subparagraph (A)—

15 (i) the Secretary may not approve the
16 application unless the Secretary—

17 (I) determines the covered entity
18 is not a foreign entity of concern or a
19 subsidiary of a foreign entity of con-
20 cern;

21 (II) confirms that the covered en-
22 tity has satisfied the eligibility criteria
23 under subparagraph (B);

24 (III) determines that the project
25 for which the application was sub-

1 mitted is in the interest of the United
2 States; and

3 (IV) if the Secretary intends to
4 provide to the covered entity Federal
5 financial assistance in excess of
6 \$10,000,000, not later than 15 days
7 before the date on which the Sec-
8 retary approves such application, noti-
9 fies the appropriate committees of
10 Congress; and

11 (ii) the Secretary may consider wheth-
12 er—

13 (I) the covered entity has pre-
14 viously received Federal financial as-
15 sistance under the program estab-
16 lished under paragraph (1); and

17 (II) when practicable, a covered
18 entity is or includes a small business.

19 (D) RECORDS.—

20 (i) IN GENERAL.—The Secretary may
21 request records and information from a
22 covered entity that submits an application
23 under subparagraph (A) to review the sta-
24 tus of a covered entity.

1 (ii) REQUIREMENT.—If the Secretary
2 requests records or information from a
3 covered entity under clause (i), the covered
4 entity shall provide to the Secretary such
5 records or information.

6 (3) AMOUNT.—

7 (A) IN GENERAL.—The Secretary shall de-
8 termine the appropriate amount and funding
9 type for Federal financial assistance provided to
10 a covered entity under this the program estab-
11 lished under paragraph (1).

12 (B) LARGER INVESTMENT.—The Secretary
13 may not provide more than \$50,000,000 of
14 Federal financial assistance to a covered entity
15 for a single project for which the covered entity
16 submits an application under paragraph (2).

17 (4) USE OF FUNDS.—A covered entity that re-
18 ceives Federal financial assistance under the pro-
19 gram established under paragraph (1) may only use
20 the Federal financial assistance to—

21 (A) construct, expand, or modernize a fa-
22 cility or equipment described in paragraph (1),
23 as documented in the application submitted by
24 the covered entity under paragraph (2);

1 (B) support workforce development for a
2 facility described in paragraph (1);

3 (C) support site development or moderniza-
4 tion for such a facility, including implementing
5 measures to reduce or mitigate the negative en-
6 vironmental effects of such a facility; and

7 (D) pay costs the Secretary determines
8 reasonable related to the operating expenses for
9 a facility or equipment described in paragraph
10 (1), including operating expenses related to—

11 (i) specialized workforce;

12 (ii) essential materials; and

13 (iii) complex equipment maintenance.

14 (5) NEPA, ESA, AND NHPA COMPLIANCE.—

15 (A) NEPA.—

16 (i) IN GENERAL.—Notwithstanding
17 section 111(10)(B) of the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C.
19 4336e(10)(B)), Federal financial assist-
20 ance provided to a covered entity under the
21 program established under paragraph (1)
22 constitutes a major Federal action subject
23 to the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321 et seq.).

1 (ii) PUBLIC COMMENT.—Before com-
2 pleting an environmental assessment or en-
3 vironmental impact statement with respect
4 to providing Federal financial assistance
5 under such program, the Secretary shall
6 provide an opportunity for public comment
7 on a draft version of the environmental as-
8 sessment or environmental impact state-
9 ment.

10 (B) ESA.—The provision of Federal finan-
11 cial assistance to a covered entity under the
12 program established under paragraph (1) is an
13 agency action for purposes of section 7(a)(2) of
14 the Endangered Species Act of 1973 (16 U.S.C.
15 1536(a)(2)).

16 (C) NHPA.—The provision of Federal fi-
17 nancial assistance to a covered entity under the
18 program established under paragraph (1) is
19 considered an undertaking for purposes of divi-
20 sion A of subtitle III of title 54, United States
21 Code (formerly known as the “National His-
22 toric Preservation Act”).

23 (6) TRIBAL CONSULTATION.—

24 (A) IN GENERAL.—If a project for which a
25 covered entity is seeking Federal financial as-

1 sistance under the program established under
2 paragraph (1) may have a direct, indirect, or
3 cumulative effect on any item described in sub-
4 paragraph (B), the Secretary shall conduct
5 timely and meaningful consultation with each
6 Indian Tribe affected by such project in accord-
7 ance with the procedures of the Presidential
8 Memorandum of November 30, 2022 (87 Fed.
9 Reg. 74479, relating to uniform standards for
10 Tribal consultation) before providing Federal fi-
11 nancial assistance to such covered entity for
12 such project.

13 (B) ITEMS DESCRIBED.—Each of the fol-
14 lowing is an item described in this subpara-
15 graph:

16 (i) The land, including allotted, ceded,
17 or traditional land, or an interest in such
18 land, of an Indian Tribe or member of an
19 Indian Tribe.

20 (ii) Tribal land, cultural practices, re-
21 sources, or access to traditional areas of
22 cultural or religious importance.

23 (iii) Any part of any Federal land
24 that shares a border with Indian country;

1 (iv) The protected rights of an Indian
2 Tribe, whether or not such rights are enu-
3 merated in a treaty, including water, hunt-
4 ing, gathering, and fishing rights.

5 (v) The ability of an Indian Tribe to
6 govern or provide services to the members
7 of the Indian Tribe.

8 (vi) The relationship between the Fed-
9 eral Government and an Indian Tribe.

10 (vii) The trust responsibility of the
11 Federal Government to an Indian Tribe.

12 (7) CLAWBACK.—

13 (A) PROJECT DATES.—If the Secretary
14 provides to a covered entity under the program
15 established under paragraph (1) Federal finan-
16 cial assistance for a project for which the cov-
17 ered entity submitted an application under
18 paragraph (2), the Secretary shall—

19 (i) establish dates by which the
20 project shall commence and be completed;
21 and

22 (ii) include compliance with such
23 dates as a condition of such provision of
24 Federal financial assistance.

1 (B) PROGRESSIVE RECOVERY FOR
2 DELAYS.—

3 (i) IN GENERAL.—If the Secretary
4 provides to a covered entity under the pro-
5 gram established under paragraph (1)
6 Federal financial assistance for a project
7 for which the covered entity submitted an
8 application under paragraph (2) and the
9 project does not commence and complete
10 by the dates described in subparagraph (A)
11 established for such project, the Secretary
12 shall progressively recover up to the full
13 amount of such Federal financial assist-
14 ance.

15 (ii) WAIVER.—The Secretary may
16 waive the application of clause (i) with re-
17 spect to a project described in that clause
18 if the Secretary makes a formal determina-
19 tion that circumstances beyond the ability
20 of the covered entity to foresee or control
21 are responsible for the project not com-
22 mencing and completing by the dates de-
23 scribed in subparagraph (A) established for
24 such project.

1 (C) TECHNOLOGY CLAWBACK.—The Sec-
2 retary shall recover the full amount of Federal
3 financial assistance provided to a covered entity
4 under the program established under paragraph
5 (1) if, during the applicable term with respect
6 to the Federal financial assistance and the
7 project for which the covered entity received the
8 Federal financial assistance, the covered entity
9 knowingly engages in any joint research or
10 technology licensing effort—

11 (i) with a foreign entity of concern or
12 a subsidiary of a foreign entity of concern;
13 and

14 (ii) that relates to a technology or
15 product that raises national security con-
16 cerns, as determined by the Secretary and
17 communicated to the covered entity before
18 engaging in such joint research or tech-
19 nology licensing.

20 (D) ENVIRONMENTAL CLAWBACK.—The
21 Secretary shall progressively recover up to the
22 full amount of Federal financial assistance pro-
23 vided to a covered entity under the program es-
24 tablished under paragraph (1) if, during the ap-
25 plicable term with respect to the Federal finan-

1 cial assistance and the project for which the
2 covered entity received the Federal financial as-
3 sistance, the covered entity remains out of com-
4 pliance for more than 30 days with any—

5 (i) environmental mitigation or moni-
6 toring requirement applicable to the
7 project for which the covered entity re-
8 ceived Federal financial assistance; or

9 (ii) requirement of the—

10 (I) Solid Waste Disposal Act (42
11 U.S.C. 6901 et seq.);

12 (II) Federal Water Pollution
13 Control Act (33 U.S.C. 1251 et seq.);

14 (III) Toxic Substances Control
15 Act (15 U.S.C. 2601 et seq.);

16 (IV) Safe Drinking Water Act
17 (42 U.S.C. 300f et seq.);

18 (V) Clean Air Act (42 U.S.C.
19 7401 et seq.); or

20 (VI) Endangered Species Act of
21 1973 (16 U.S.C. 1531 et seq.).

22 (E) CONGRESSIONAL NOTIFICATION.—The
23 Secretary shall notify the appropriate commit-
24 tees of Congress—

1 (i) each time the Secretary recovers
2 amounts under subparagraph (B), (C), or
3 (D); and

4 (ii) of each waiver provided under
5 subparagraph (B)(ii) not later than 15
6 days after the date on which such a waiver
7 is provided.

8 (b) COORDINATION REQUIRED.—In carrying out the
9 program established under subsection (a), the Secretary
10 shall coordinate with the Secretary of Defense, the Sec-
11 retary of Energy, the Secretary of Commerce, and the
12 Chief of the Forest Service.

13 (c) GAO REVIEWS.—The Comptroller General of the
14 United States shall—

15 (1) not later than 2 years after the date of the
16 first disbursement of Federal financial assistance
17 under the program established under subsection (a),
18 and biennially thereafter for 10 years, conduct a re-
19 view of the program, which shall include, at a min-
20 imum—

21 (A) a determination of the number of in-
22 stances in which Federal financial assistance
23 was provided under the program during the pe-
24 riod covered by the review;

25 (B) an evaluation of how—

1 (i) the program is being carried out,
2 including how recipients of Federal finan-
3 cial assistance are being selected under the
4 program; and

5 (ii) other Federal programs are lever-
6 aged for manufacturing, research, and
7 training to complement the Federal finan-
8 cial assistance provided under the pro-
9 gram;

10 (C) a description of the outcomes of each
11 project supported by Federal financial assist-
12 ance provided under the program, including a
13 description of—

14 (i) facilities and equipment described
15 in subsection (a)(1) that were constructed,
16 expanded, or modernized as a result of
17 Federal financial assistance provided under
18 the program;

19 (ii) research and development carried
20 out with Federal financial assistance pro-
21 vided under the program; and

22 (iii) workforce training programs car-
23 ried out with Federal financial assistance
24 provided under the program, including ef-

1 forts to hire individuals from disadvan-
2 tagged populations; and

3 (D) a description of any effect of the pro-
4 gram on the environment, including any poten-
5 tial environmental effect of a project for which
6 a covered entity receives Federal financial as-
7 sistance under the program on Indian Tribes
8 and communities located near such project; and
9 (2) submit to the appropriate committees of
10 Congress the results of each review conducted under
11 paragraph (1).

12 **SEC. 5. RESTRICTIONS ON FOREIGN ENTITIES OF CON-**
13 **CERN.**

14 (a) RESTRICTION ON LOCATION AND ISSUANCE OF
15 LEASES.—A foreign entity of concern and an entity that
16 is a subsidiary of a foreign entity of concern may not—

17 (1) locate a mining claim, millsite, or tunnel
18 site under the general mining laws;

19 (2) be issued a lease under the Mineral Leasing
20 Act (30 U.S.C. 181 et seq.) or the Mineral Leasing
21 Act for Acquired Lands (30 U.S.C. 351 et seq.) for
22 hardrock minerals; or

23 (3) be an operator of a covered mining claim or
24 a lease described in paragraph (2).

1 (b) RESTRICTION ON SALE OR TRANSFER.—A min-
2 ing claim, millsite, or tunnel site located under the general
3 mining laws or lease issued pursuant to the mineral leas-
4 ing laws for hardrock minerals may not be sold or other-
5 wise transferred to—

6 (1) a foreign entity of concern; or

7 (2) an entity that is a subsidiary of a foreign
8 entity of concern.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Energy and Natural
15 Resources, the Committee on Commerce,
16 Science, and Transportation, the Committee on
17 Foreign Relations, the Committee on Armed
18 Services, the Committee on Appropriations, the
19 Committee on Banking, Housing, and Urban
20 Affairs, and the Committee on Finance of the
21 Senate; and

22 (B) the Committee on Energy and Com-
23 merce, the Committee on Foreign Affairs, the
24 Committee on Armed Services, the Committee
25 on Science, Space, and Technology, the Com-

1 mittee on Appropriations, the Committee on Fi-
2 nancial Services, and the Committee on Ways
3 and Means of the House of Representatives.

4 (2) BENEFICIATION.—The term “beneficiation”
5 means—

6 (A) the crushing and grinding of locatable
7 mineral ore; and

8 (B) any process that is employed to free a
9 mineral from other constituents, including phys-
10 ical and chemical separation techniques.

11 (3) CASUAL USE.—

12 (A) IN GENERAL.—The term “casual use”
13 means a mineral activity that ordinarily results
14 in no or negligible disturbance of Federal land
15 or Federal resources.

16 (B) INCLUSIONS.—The term “casual use”
17 includes the collection of a geochemical, rock,
18 soil, or mineral specimen using a hand tool,
19 hand panning, or nonmotorized sluicing.

20 (C) EXCLUSIONS.—The term “casual use”
21 does not include—

22 (i) the use of—

23 (I) mechanized earth-moving
24 equipment, suction dredging, or any
25 explosive;

1 (II) a motor vehicle in an area
2 closed to motor vehicles; or

3 (III) any toxic or hazardous ma-
4 terial; or

5 (ii) the construction of roads or drill
6 pads.

7 (4) CLAIM HOLDER.—The term “claim holder”
8 means a person that holds a covered mining claim.

9 (5) CONTROL.—The term “control” means hav-
10 ing the ability to determine the manner in which a
11 person conducts a mineral activity.

12 (6) COVERED ENTITY.—The term “covered en-
13 tity” means a domestic person that is—

14 (A) a private entity;

15 (B) a consortium of private entities; or

16 (C) a consortium of public and private en-
17 tities.

18 (7) COVERED MINING CLAIM.—The term “cov-
19 ered mining claim” means a mining claim, millsite,
20 or tunnel site that is located under and maintained
21 in compliance with the general mining laws.

22 (8) COVERED NATION.—The term “covered na-
23 tion” has the meaning given the term in section
24 4872(f) of title 10, United States Code.

1 (9) CRITICAL MINERAL.—The term “critical
2 mineral”—

3 (A) has the meaning given the term in sec-
4 tion 7002(a) of the Energy Act of 2020 (16
5 U.S.C. 1606(a)); and

6 (B) does not include metallurgical coal or
7 uranium.

8 (10) EXPLORATION.—

9 (A) IN GENERAL.—The term “exploration”
10 means the creation of a surface disturbance
11 (other than through casual use) to evaluate the
12 type, extent, quantity, or quality of minerals
13 present.

14 (B) INCLUSIONS.—The term “exploration”
15 includes sampling, drilling, or developing sur-
16 face or underground workings to evaluate
17 locatable mineral values.

18 (C) EXCLUSIONS.—The term “explo-
19 ration” does not include the extraction of min-
20 erals for commercial use or sale.

21 (11) DOMESTIC PERSON.—The term “domestic
22 person” means—

23 (A) an individual who is a citizen or na-
24 tional of the United States; and

1 (B) a partnership, association, corporation,
2 organization, or other combination of persons
3 that is—

4 (i) organized under the laws of the
5 United States or any jurisdiction within
6 the United States; and

7 (ii) not a foreign person.

8 (12) FEDERAL LAND.—The term “Federal
9 land” means any land or interest in land that is—

10 (A) owned by the United States; and

11 (B) open to the location of mining claims,
12 millsites, or tunnel sites under the general min-
13 ing laws.

14 (13) FOREIGN-CONTROLLED ENTITY.—The
15 term “foreign-controlled entity”—

16 (A) means an entity with respect to which
17 any foreign person, directly or indirectly,
18 through any contract, arrangement, under-
19 standing, relationship, intermediary, or other-
20 wise—

21 (i) owns or controls 25 percent or
22 more of the voting interest;

23 (ii) holds the power to appoint a ma-
24 jority of the governing body, if any; or

1 (iii) possesses substantial control to
2 direct or determine important business or
3 legal matters of; and

4 (B) does not include an entity with respect
5 to which subparagraph (A) does not apply and
6 any foreign person has only a passive and non-
7 controlling investment interest.

8 (14) FOREIGN ENTITY OF CONCERN.—

9 (A) IN GENERAL.—The term “foreign enti-
10 ty of concern” has the meaning given the term
11 in section 40207(a) of the Infrastructure In-
12 vestment and Jobs Act (42 U.S.C. 18741(a)).

13 (B) CLARIFICATION.—A foreign entity of
14 concern is subject to the jurisdiction or direc-
15 tion of a government of a foreign country that
16 is a covered nation within the meaning of sec-
17 tion 40207(a)(5)(C) of the Infrastructure In-
18 vestment and Jobs Act (42 U.S.C.
19 18741(a)(5)(C)) if the foreign entity of concern
20 is more than 10 percent owned, directed, con-
21 trolled, or financed, directly or indirectly, indi-
22 vidually or in aggregate, by any individual that
23 is a citizen, national, or permanent resident, or
24 is an entity subject to the jurisdiction of the
25 government, of a covered nation.

1 (15) FOREIGN PERSON.—The term “foreign
2 person” means—

3 (A) an individual who is not a citizen or
4 national of the United States;

5 (B) the government of a foreign country
6 and any agency or instrumentality of such gov-
7 ernment;

8 (C) an entity organized under the laws of
9 or having its principal place of business in a
10 foreign country; and

11 (D) a foreign-controlled entity.

12 (16) FUND.—The term “Fund” means the
13 Hardrock Mineral Reinvestment Fund established by
14 section 3(a).

15 (17) INDIAN COUNTRY.—The term “Indian
16 country” has the meaning given the term in section
17 1151 of title 18, United States Code.

18 (18) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given the term in section 4 of the
20 Indian Self-Determination and Education Assistance
21 Act (25 U.S.C. 5304).

22 (19) INSTITUTION OF HIGHER EDUCATION.—
23 The term “institution of higher education” has the
24 meaning given the term in section 101 of the Higher
25 Education Act of 1965 (20 U.S.C. 1001).

1 (20) LOCATABLE MINERAL.—

2 (A) IN GENERAL.—The term “locatable
3 mineral” means any mineral—

4 (i) the legal and beneficial title to
5 which remains in the United States; and

6 (ii) that is not subject to disposition
7 under—

8 (I) the Mineral Leasing Act (30
9 U.S.C. 181 et seq.);

10 (II) the Geothermal Steam Act of
11 1970 (30 U.S.C. 1001 et seq.);

12 (III) the Act of July 31, 1947
13 (commonly known as the “Materials
14 Act of 1947”) (30 U.S.C. 601 et
15 seq.); or

16 (IV) the Mineral Leasing Act for
17 Acquired Lands (30 U.S.C. 351 et
18 seq.).

19 (B) EXCLUSIONS.—The term “locatable
20 mineral” does not include any mineral that is—

21 (i) subject to a restriction against
22 alienation imposed by the United States;
23 and

1 (ii) held in trust by the United States
2 for, or owned by, any Indian Tribe or
3 member of an Indian Tribe.

4 (21) MINERAL ACTIVITY.—The term “mineral
5 activity” means any activity carried out on a covered
6 mining claim, or Federal land used in conjunction
7 with the activity, for, relating to, or incidental to ex-
8 ploration, mining, or beneficiation for, or processing
9 or reclamation of, any locatable mineral.

10 (22) OPERATOR.—The term “operator”
11 means—

12 (A) any person proposing, or authorized by
13 a permit, to conduct a mineral activity; and

14 (B) any agent of a person described in
15 subparagraph (A).

16 (23) PERSON.—The term “person” means—

17 (A) an individual, Indian Tribe, partner-
18 ship, association, society, joint venture, joint
19 stock company, firm, company, corporation, co-
20 operative, trust, consortium, or other organiza-
21 tion; and

22 (B) any instrumentality of a State or local
23 government, including any publicly owned util-
24 ity or publicly owned corporation of a State or
25 local government.

1 (24) PROCESSING.—The term “processing”
2 means processes downstream of beneficiation used to
3 prepare locatable mineral ore into a final marketable
4 product.

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

7 (26) SMALL BUSINESS.—The term “small busi-
8 ness” has the meaning given the term “small busi-
9 ness concern” in section 3 of the Small Business Act
10 (15 U.S.C. 632), notwithstanding section 121.103 of
11 title 13, Code of Federal Regulations (as in effect on
12 the date of the enactment of this Act).