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H. R. 1388

To reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare-earth-based magnet production industry and supply chain in the Defense Logistics Agency of the Department of Defense.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. COFFMAN of Colorado (for himself, Mr. PETERS, Mr. LATTA, Mrs. LUMMIS, and Mrs. MCMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare-earth-based magnet production industry and supply chain in the Defense Logistics Agency of the Department of Defense.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Rare Earths Supply Chain Technology and Resources
4 Transformation Act of 2011” or the “RESTART Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Actions to promote rare earth development.
- Sec. 4. Requirement to establish executive agents for rare earth related mat-
ters.
- Sec. 5. Rare earth materials loan guarantee program.
- Sec. 6. Establishment of a rare earth alloy and magnet program.
- Sec. 7. Rare earth materials program.
- Sec. 8. Amendments to National Materials and Minerals Policy, Research and
Development Act of 1980.
- Sec. 9. Definitions.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Significant quantities of rare earths are
10 used in the production of clean energy technologies,
11 including advanced automotive propulsion batteries,
12 electric motors, high-efficiency light bulbs, solar pan-
13 els, and wind turbines. These technologies are used
14 to advance the United States energy policy of reduc-
15 ing dependence on foreign oil and decreasing green-
16 house gas emissions through expansion of cleaner
17 sources of energy.

18 (2) Many modern defense technologies such as
19 radar and sonar systems, precision-guided weapons,
20 cruise missiles, and lasers cannot be built, as de-

1 signed and specified, without the use of rare earths
2 and materials produced from them.

3 (3) Rare earths also provide core functionality
4 to a variety of high technology applications in com-
5 puting, pollution abatement, power generation, water
6 treatment, oil refining, metal alloying, communica-
7 tions, health care, agriculture, and other sectors.

8 (4) Though at least 40 percent of the world's
9 rare earth reserves are located within the United
10 States and its ally nations, our country now depends
11 upon imports for nearly 100 percent of its rare earth
12 needs.

13 (5) Furthermore, the United States has limited
14 rare earth production, remains nearly entirely de-
15 pendent on overseas refineries for further elemental
16 and alloy processing, and does not currently main-
17 tain a “strategic reserve” of rare earth compounds,
18 metals, or alloys.

19 (6) By way of contrast, more than 97 percent
20 of all rare earths for world consumption is produced
21 in China. The ability—and willingness—of China to
22 export these rare earths is eroding due to its grow-
23 ing domestic demand, its enforcement of environ-
24 mental law on current producers, and its mandate to
25 consolidate the industry by decreasing its number of

1 mining permits. In fact, China has taken several
2 steps recently that have caused significant market
3 perturbations.

4 (7) For example, the Chinese Ministry of Indus-
5 try and Information Technology draft rare earths
6 plan for 2009 to 2015 proposed an immediate ban
7 on the export of dysprosium, terbium, thulium, lute-
8 tium, and yttrium, the so-called “heavy” rare earths,
9 and a restriction on the exports of all other, light,
10 rare earth metals to a level well below that sufficient
11 to satisfy the 2008 demand of Japan alone for such
12 metals.

13 (8) More recently, in July 2010, China de-
14 creased their export quota allocations on rare earth
15 oxides and metals by over 70 percent, causing price
16 increases of threefold to eightfold and causing sup-
17 ply shortages of some materials.

18 (9) In September 2010, the Chinese Govern-
19 ment reportedly restricted export of all rare earth
20 oxide and metal to Japan over a diplomatic incident.

21 (10) Most recently, in October 2010, the Chi-
22 nese Government reportedly restricted export of all
23 rare earth oxide and metal to the United States and
24 Europe, essentially cutting off the global community
25 from supplies of rare earth material.

1 (11) Given that Chinese dominance of the rare
2 earths market has adversely impacted the supply
3 stability and endangers the United States and its al-
4 lies' assured access to key materials, rare earths
5 should qualify as materials either strategic or critical
6 to national security. As such, there is an urgent
7 need to identify the current global market situation
8 regarding rare earth materials, the strategic value
9 placed on them by foreign nations including China,
10 and the Department of Defense's and domestic man-
11 ufacturing industry's supply-chain vulnerability re-
12 lated to rare earths and end items containing rare
13 earths such as neodymium iron boron and other spe-
14 cialty magnets, and rare earth "doped" lasers.

15 (12) The United States Government should fa-
16 cilitate the reintroduction of a globally competitive
17 non-Chinese rare earth industry with multiple
18 sources of mining, processing, alloying, and manu-
19 facturing.

20 (13) This self-sufficiency requires an uninter-
21 rupted supply of strategic materials critical to na-
22 tional security and innovative commercial product
23 development, including rare earths, to support the
24 clean energy and defense supply chains.

1 which shall report to the President through the Sec-
2 retary of the Interior.

3 (2) COMPOSITION.—The Task Force shall be
4 composed of the following:

5 (A) The Secretary of the Interior (or a
6 designee of such Secretary), who shall serve as
7 chair of the Task Force.

8 (B) The Secretary of Energy (or a des-
9 ignee of such Secretary).

10 (C) The Secretary of Agriculture (or a des-
11 ignee of such Secretary).

12 (D) The Secretary of Defense (or a des-
13 ignee of such Secretary).

14 (E) The Secretary of Commerce (or a des-
15 ignee of such Secretary).

16 (F) The Secretary of State (or a designee
17 of such Secretary).

18 (G) The Director of the Office of Manage-
19 ment and Budget (or a designee of the Direc-
20 tor).

21 (H) The Chairman of the Council on Envi-
22 ronmental Quality (or a designee of the Chair-
23 man).

24 (I) Such other members as the Secretary
25 of the Interior considers appropriate.

1 (d) DUTIES.—The Task Force shall—

2 (1) monitor and assist Federal agencies in expe-
3 diting the review and approval of permits or other
4 actions, as necessary, to accelerate the completion of
5 projects that will increase investment in, exploration
6 for, and development of domestic rare earths pursu-
7 ant to the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1701 et seq.), the Act of
9 June 4, 1897 (commonly known as the “Organic Act
10 of 1897” (16 U.S.C. 473–482, 551), the National
11 Forest Management Act of 1976 (16 U.S.C. 1600 et
12 seq.), and any other applicable statutory authorities
13 related to domestic mining operations;

14 (2) assist Federal agencies in reviewing laws
15 (including regulations) and policies that discourage
16 investment in, exploration for, and development of
17 domestic rare earths pursuant to Federal Land Pol-
18 icy and Management Act of 1976, the Act of June
19 4, 1897, the National Forest Management Act of
20 1976, and any other applicable statutory authorities
21 related to domestic mining operations; and

22 (3) take such other actions to otherwise in-
23 crease investment in, exploration for, and develop-
24 ment of domestic rare earths as the Task Force con-
25 siders appropriate.

1 (e) ANNUAL REPORTS.—At least once each year, the
2 Task Force shall submit to the President, the Committee
3 on Energy and Natural Resources of the Senate, the Com-
4 mittee on Energy and Commerce of the House of Rep-
5 resentatives, and the Committee on Natural Resources of
6 the House of Representatives a report setting forth the
7 following:

8 (1) A description of the results of the coordi-
9 nated and expedited review of permits or other ac-
10 tions to promote investment in, exploration for, and
11 development of domestic rare earths, and an identi-
12 fication of the procedures and actions that have
13 proven to be the most useful and appropriate in co-
14 ordinating and expediting the review of projects that
15 will increase investment in, exploration for, and de-
16 velopment of domestic rare earths.

17 (2) An identification of the substantive and pro-
18 cedural requirements of Federal, State, tribal, and
19 local laws (including regulations) and Executive or-
20 ders that are inconsistent with, duplicative of, or
21 structured so as to restrict effective implementation
22 of the projects described in paragraph (1).

23 (3) Such recommendations as the Task Force
24 considers appropriate to advance the policy set forth
25 in subsection (b).

1 (f) TERMINATION.—The Task Force shall terminate
2 10 years after the date of the enactment of this Act.

3 (g) JUDICIAL REVIEW.—

4 (1) IN GENERAL.—Nothing in this section shall
5 be construed to affect any judicial review of an agen-
6 cy action under any other provision of law.

7 (2) CONSTRUCTION.—This section—

8 (A) is intended to improve the internal
9 management of the Federal Government; and

10 (B) does not create any right or benefit,
11 substantive or procedural, enforceable at law or
12 equity by a party against the United States (in-
13 cluding an agency, instrumentality, officer, or
14 employee of the United States) or any other
15 person.

16 **SEC. 4. REQUIREMENT TO ESTABLISH EXECUTIVE AGENTS**
17 **FOR RARE EARTH RELATED MATTERS.**

18 No later than 30 days after the enactment of this
19 Act the Secretaries of Commerce, Defense, Energy, the
20 Interior, and State shall each appoint an Executive Agent,
21 at the Assistant Secretary level of each affected agency,
22 to serve as a representative on an interagency working
23 group for the purposes of reestablishing a competitive do-
24 mestic rare earth supply chain.

1 **SEC. 5. RARE EARTH MATERIALS LOAN GUARANTEE PRO-**
2 **GRAM.**

3 (a) AMENDMENT.—Title XVII of the Energy Policy
4 Act of 2005 (42 U.S.C. 16511 et seq.) is amended by add-
5 ing at the end the following new section:

6 **“SEC. 1706. TEMPORARY PROGRAM FOR RARE EARTH MA-**
7 **TERIALS REVITALIZATION.**

8 “(a) IN GENERAL.—The Secretary is authorized,
9 only to the extent provided in advance in a subsequent
10 appropriations act, to make guarantees under this title for
11 the commercial application of new or significantly im-
12 proved technologies (compared to technologies currently in
13 use in the United States at the time the guarantee is
14 issued) for the following categories of projects:

15 “(1) The separation and recovery of rare earth
16 materials from ores or other sources.

17 “(2) The preparation of rare earth materials in
18 oxide, metal, alloy, or other forms needed for na-
19 tional security, economic well-being, or industrial
20 production purposes.

21 “(3) The application of rare earth materials in
22 the production of improved—

23 “(A) magnets;

24 “(B) batteries;

25 “(C) refrigeration systems;

26 “(D) optical systems;

1 “(E) electronics; and

2 “(F) catalysis.

3 “(4) The application of rare earth materials in
4 other uses, as determined by the Secretary.

5 “(b) TIMELINESS.—The Secretary shall seek to mini-
6 mize delay in approving loan guarantee applications, con-
7 sistent with appropriate protection of taxpayer interests.

8 “(c) COOPERATION.—To the maximum extent prac-
9 ticable, the Secretary shall cooperate with appropriate pri-
10 vate sector participants to achieve a complete rare earth
11 materials production capability in the United States or
12 ally nations within 5 years after the date of enactment
13 of the Rare Earths Supply Chain Technology and Re-
14 sources Transformation Act of 2011.

15 “(d) LIMITATION.—The Secretary is authorized to
16 make a guarantee for a project under this section only
17 if the project, due to technical or financial uncertainty, is
18 not—

19 “(1) currently being undertaken by the private
20 sector; or

21 “(2) likely to be undertaken by the private sec-
22 tor.

23 “(e) SUNSET.—The authority to enter into guaran-
24 tees under this section shall expire on September 30,
25 2015.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents of the Energy Policy Act of 2005 is amended
3 by inserting after the item relating to section 1705 the
4 following new item:

“Sec. 1706. Temporary program for rare earth materials revitalization.”.

5 **SEC. 6. ESTABLISHMENT OF A RARE EARTH ALLOY AND**
6 **MAGNET PROGRAM.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) While the capability to produce rare earth
9 materials, including neodymium iron boron magnets
10 (in this subsection referred to as “neo magnets”), is
11 the backbone of the defense supply chain, the United
12 States lacks sufficient capability to produce such
13 materials.

14 (2) Sintered neo magnets are irreplaceable com-
15 ponents of critical military equipment, ranging from
16 precision guided munitions to stealth technology to
17 electric drive ship programs, and they allow systems
18 within aircraft, tanks and other vehicles, missile sys-
19 tems, and command and control centers to withstand
20 vibration, impact, and G-forces.

21 (3) Yet despite the essential nature of these
22 magnets to United States national security, the
23 United States is completely reliant on unreliable for-
24 eign sources that are subject to interruption and dis-

1 ruption, based on actions or events outside the con-
2 trol of the Federal Government.

3 (4) In addition, industry officials have noted
4 that it will take 3 to 5 years to develop a domestic
5 neo magnet manufacturing capability for the com-
6 mercial market.

7 (5) In light of these facts, there is a clear na-
8 tional security imperative to lay the groundwork im-
9 mediately for developing a supply chain in the
10 United States that allows for ready access to neo-
11 dymium iron boron magnet alloys, dysprosium iron
12 alloys, and sintered neodymium iron boron magnets.

13 (b) REQUIREMENT TO ESTABLISH AN INVENTORY.—

14 (1) ESTABLISHMENT.—In accordance with sec-
15 tion 15 of the Strategic and Critical Materials Stock
16 Piling Act (50 U.S.C. 98h–6), using funds from the
17 sale of excess materials in the National Defense
18 Stockpile, the President, acting through the Sec-
19 retary of Defense, shall establish a neodymium iron
20 boron magnet alloy and dysprosium iron alloy inven-
21 tory to be managed by the Administrator of the De-
22 fense Logistics Agency Strategic Materials.

23 (2) SUSTAINING THE INVENTORY.—In carrying
24 out paragraph (1), not later than one year after the

1 date of the enactment of this Act, the Secretary of
2 Defense shall—

3 (A) commence creating an inventory of do-
4 mestic or ally nation neodymium iron boron
5 magnet alloys and dysprosium iron alloys; and

6 (B) make such inventory accessible, includ-
7 ing by purchase, to producers of domestic neo-
8 dymium iron boron magnets, the Defense Lo-
9 gistics Agency of the Department of Defense, or
10 other entities requiring such material to sup-
11 port national defense requirements.

12 (3) AMOUNT OF MATERIALS.—

13 (A) Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of
15 Defense shall determine the amount of neodym-
16 ium iron boron magnet alloys and dysprosium
17 iron alloys required for the inventory estab-
18 lished under paragraph (1).

19 (B) In making the determination regarding
20 neodymium iron boron magnet alloys and dys-
21 prosium iron alloys under subparagraph (A),
22 the Secretary of Defense shall determine—

23 (i) the aggregate demand for such
24 magnets for national defense purposes; and

1 (ii) domestic and ally nation sources
2 considered by the Secretary to be reliable,
3 including an analysis of the viability of
4 such sources for the near-term production
5 of military-specific sintered neodymium
6 iron boron magnet alloys and magnets.

7 (C) If the Secretary of Defense cannot de-
8 termine the aggregate demand for neodymium
9 iron boron magnet alloys and dysprosium iron
10 alloys under subparagraph (B)(i), the Secretary
11 shall establish an inventory of not less than 200
12 metric tons of neodymium iron boron magnet
13 alloy and 50 metric tons of dysprosium iron
14 alloy.

15 (c) REQUIREMENT TO ENCOURAGE A DOMESTIC
16 MANUFACTURING CAPABILITY.—

17 (1) ENCOURAGEMENT.—In accordance with
18 section 15 of the Strategic and Critical Materials
19 Stock Piling Act (50 U.S.C. 98h–6), not later than
20 one year after the date of the enactment of this Act,
21 the President, acting through the Secretary of De-
22 fense, shall encourage the development of a domestic
23 neodymium iron boron magnet manufacturing capa-
24 bility by seeking to enter into long-term supply con-
25 tracts for the delivery of necessary grades of domes-

1 tic neodymium iron boron magnets to meet the de-
2 mand of the Department of Defense.

3 (2) REQUIREMENTS.—In carrying out para-
4 graph (1), the Secretary of Defense shall—

5 (A) identify one or more reliable producers,
6 potential producers, or past producers of sin-
7 tered neodymium iron boron magnets and seek
8 to enter into a long-term supply contract with
9 such producer of such magnets to support the
10 national defense needs of the United States;

11 (B) ensure that a sintered neodymium iron
12 boron magnet producer who is awarded any
13 such long-term contract establishes manufac-
14 turing capability for only military-use magnets
15 for sale to the National Defense Stockpile;

16 (C) include all appropriate language in any
17 such contract to indemnify the producers re-
18 garding intellectual property issues; and

19 (D) require the Administrator of the De-
20 fense Logistics Agency Strategic Materials to
21 make available such magnets for purchase by
22 Federal Government contractors until the date
23 on which the Secretary determines that an al-
24 ternate qualified domestic supplier of sintered
25 neodymium iron boron magnets exists.

1 (d) TERMINATION.—The authority under subsection
2 (b) and the authority to enter into a long-term supply con-
3 tract under subsection (c) shall terminate on the earlier
4 of the following dates:

5 (1) The date on which the Secretary of Defense
6 determines that an alternate qualified domestic sup-
7 plier of neodymium iron boron magnet alloy and
8 dysprosium iron alloy exists.

9 (2) October 1, 2018.

10 **SEC. 7. RARE EARTH MATERIALS PROGRAM.**

11 (a) IN GENERAL.—There is established in the United
12 States Geological Survey a program of research, develop-
13 ment, demonstration, and commercial application to en-
14 sure the long-term, secure, and sustainable supply of rare
15 earth materials sufficient to satisfy the national security,
16 economic well-being, and industrial production needs of
17 the United States.

18 (b) PROGRAM ACTIVITIES.—The program described
19 in subsection (a) shall support activities to—

20 (1) better characterize and quantify virgin
21 stocks of rare earth materials using theoretical geo-
22 chemical research;

23 (2) explore, discover, and recover rare earth
24 materials using advanced science and technology;

1 (3) improve methods for the extraction, proc-
2 essing, use, recovery, and recycling of rare earth ma-
3 terials;

4 (4) improve the understanding of the perform-
5 ance, processing, and adaptability in engineering de-
6 signs of rare earth materials;

7 (5) identify and test alternative materials that
8 can be substituted for rare earth materials in par-
9 ticular applications;

10 (6) engineer and test applications that—

11 (A) use recycled rare earth materials;

12 (B) use alternative materials; or

13 (C) seek to minimize rare earth materials
14 content;

15 (7) collect, catalogue, archive, and disseminate
16 information on rare earth materials, including sci-
17 entific and technical data generated by the research
18 and development activities supported under this sec-
19 tion, and assist scientists and engineers in making
20 the fullest possible use of the data holdings; and

21 (8) facilitate information sharing and collabora-
22 tion among program participants and stakeholders.

23 (c) IMPROVED PROCESSES AND TECHNOLOGIES.—To
24 the maximum extent practicable, the Secretary of the Inte-
25 rior shall support new or significantly improved processes

1 and technologies as compared to those currently in use
2 in the rare earth materials industry.

3 (d) EXPANDING PARTICIPATION.—The Secretary of
4 the Interior shall encourage—

5 (1) multidisciplinary collaborations among pro-
6 gram participants; and

7 (2) extensive opportunities for students at insti-
8 tutions of higher education, including institutions
9 listed under section 371(a) of the Higher Education
10 Act of 1965 (20 U.S.C. 1067q(a)).

11 (e) CONSISTENCY.—The program shall be consistent
12 with the policies and programs in the National Materials
13 and Minerals Policy, Research and Development Act of
14 1980 (30 U.S.C. 1601 et seq.).

15 (f) INTERNATIONAL COLLABORATION.—In carrying
16 out the program, the Secretary of the Interior may col-
17 laborate, to the extent practicable, on activities of mutual
18 interest with the relevant agencies of foreign countries
19 with interests relating to rare earth materials.

20 (g) PLAN.—

21 (1) IN GENERAL.—Within 180 days after the
22 date of enactment of this Act and biennially there-
23 after, the Secretary of the Interior shall prepare and
24 submit to the appropriate congressional committees

1 a plan to carry out the program established under
2 subsection (a).

3 (2) SPECIFIC REQUIREMENTS.—The plan shall
4 include a description of—

5 (A) the research and development activities
6 to be carried out by the program during the
7 subsequent 2 years;

8 (B) the expected contributions of the pro-
9 gram to the creation of innovative methods and
10 technologies for the efficient and sustainable
11 provision of rare earth materials to the domes-
12 tic economy;

13 (C) how the program is promoting the
14 broadest possible participation by academic, in-
15 dustrial, and other contributors; and

16 (D) actions taken or proposed that reflect
17 recommendations from the assessment con-
18 ducted under subsection (h) or the Secretary's
19 rationale for not taking action pursuant to any
20 recommendation from such assessment for
21 plans submitted following the completion of the
22 assessment under such subsection.

23 (3) CONSULTATION.—In preparing each plan
24 under paragraph (1), the Secretary of the Interior
25 shall consult with appropriate representatives of in-

1 industry, institutions of higher education, Department
2 of Energy national laboratories, professional and
3 technical societies, and other entities, as determined
4 by the Secretary.

5 **SEC. 8. AMENDMENTS TO NATIONAL MATERIALS AND MIN-**
6 **ERALS POLICY, RESEARCH AND DEVELOP-**
7 **MENT ACT OF 1980.**

8 (a) PROGRAM PLAN.—Section 5 of the National Ma-
9 terials and Minerals Policy, Research and Development
10 Act of 1980 (30 U.S.C. 1604) is amended—

11 (1) by striking “date of enactment of this Act”
12 each place it appears and inserting “date of enact-
13 ment of the Rare Earths Supply Chain Technology
14 and Resources Transformation Act of 2011”;

15 (2) in subsection (b), by striking “Federal Co-
16 ordinating Council for Science, Engineering, and
17 Technology” and inserting “National Science and
18 Technology Council,”;

19 (3) in subsection (c)—

20 (A) by striking “the Federal Emergency”
21 and all that follows through “Agency, and”;

22 (B) by striking “appropriate shall” and in-
23 serting “appropriate, shall”;

24 (C) by striking paragraph (1);

1 (D) in paragraph (2), by striking “in the
2 case” and all that follows through “sub-
3 section,”;

4 (E) by redesignating paragraph (2) as
5 paragraph (1); and

6 (F) by striking paragraph (3) and insert-
7 ing the following:

8 “(2) assess the adequacy, accessibility, and sta-
9 bility of the supply of materials necessary to main-
10 tain national security, economic well-being, and in-
11 dustrial production.”;

12 (4) by striking subsections (d) and (e); and

13 (5) by redesignating subsection (f) as sub-
14 section (d).

15 (b) POLICY.—Section 3 of such Act (30 U.S.C. 1602)
16 is amended—

17 (1) by striking “The Congress declares that it”
18 and inserting “It”; and

19 (2) by striking “The Congress further declares
20 that implementation” and inserting “Implementa-
21 tion”.

22 (c) IMPLEMENTATION.—Section 4 of such Act (30
23 U.S.C. 1603) is amended—

1 (1) by striking “For the purpose” and all that
2 follows through “declares that the” and inserting
3 “The”; and

4 (2) by striking “departments and agencies,”
5 and inserting “departments and agencies to imple-
6 ment the policies set forth in section 3”.

7 **SEC. 9. DEFINITIONS.**

8 In this Act:

9 (1) ALLOY.—The terms “alloy” means a partial
10 or complete solid solution of one or more elements
11 in a metallic matrix.

12 (2) ALLOYING.—The term “alloying” means the
13 melting of metal to create a metallic matrix.

14 (3) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the Committee on Natural Re-
17 sources of the House of Representatives and the
18 Committee Energy and Natural Resources of the
19 Senate.

20 (4) PROCESS.—The term “process”, in the case
21 of a rare earth oxide, means the conversion of the
22 oxide into usable rare earth metals and specialty al-
23 loys and powders for domestic magnet and other
24 manufacturing.

1 (5) RARE EARTH.—The term “rare earth”
2 means any of the following chemical elements in any
3 of their physical forms or chemical combinations:

- 4 (A) Scandium.
- 5 (B) Yttrium.
- 6 (C) Lanthanum.
- 7 (D) Cerium.
- 8 (E) Praseodymium.
- 9 (F) Neodymium.
- 10 (G) Promethium.
- 11 (H) Samarium.
- 12 (I) Europium.
- 13 (J) Gadolinium.
- 14 (K) Terbium.
- 15 (L) Dysprosium.
- 16 (M) Holmium.
- 17 (N) Erbium.
- 18 (O) Thulium.
- 19 (P) Ytterbium.
- 20 (Q) Lutetium.

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