

119TH CONGRESS
1ST SESSION

S. 2839

To provide for the establishment of a Critical Minerals Security Alliance,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17 (legislative day, SEPTEMBER 16), 2025

Ms. CORTEZ MASTO (for herself and Mr. HAGERTY) introduced the following
bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the establishment of a Critical Minerals
Security Alliance, 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 “Restoring American
5 Mineral Security Act of 2025”.

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

7 It is the sense of Congress that—

8 (1) a reliable supply chain of critical minerals
9 is essential to meet the defense, manufacturing, and
10 energy needs of the United States;

1 (2) as of the date of the enactment of this Act,
2 the United States is heavily dependent on the Peo-
3 ple’s Republic of China for the production and proc-
4 essing of many key critical minerals;

5 (3) the Government of the People’s Republic of
6 China has displayed a willingness to weaponize its
7 dominance of critical mineral production and has in-
8 tentionally created overcapacity and sold products at
9 below-market rates in order to gain market share
10 and move up the value chain;

11 (4) the United States must use trade tools to
12 combat those non-market policies and practices, and
13 the use of trade tools is most effective when under-
14 taken in coordination with trading partners; and

15 (5) by building an alliance of trusted trading
16 partners, the United States can combat the over-
17 supply and market manipulation of the People’s Re-
18 public of China and promote the growth of a robust
19 domestic United States critical minerals industry.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Finance of the Sen-
2 ate; and

3 (B) the Committee on Ways and Means of
4 the House of Representatives.

5 (2) CRITICAL MINERAL.—The term “critical
6 mineral” means any mineral—

7 (A) on the list of critical minerals required
8 by paragraph (3) of section 7002(c) of the En-
9 ergy Act of 2020 (30 U.S.C. 1606(c)) on Janu-
10 ary 1, 2026; or

11 (B) added to that list after January 1,
12 2026.

13 (3) DERIVATIVE PRODUCT.—The term “deriva-
14 tive product”—

15 (A) means a good that incorporates a crit-
16 ical mineral; and

17 (B) includes—

18 (i) a semi-finished good, such as a
19 semiconductor wafer, anode, or cathode;
20 and

21 (ii) a final product, such as a perma-
22 nent magnet, motor, electric vehicle, bat-
23 tery, smartphone, microprocessor, radar
24 system, wind turbine or a component of a
25 wind turbine, or advanced optical device.

1 (4) FOREIGN COUNTRY OF CONCERN.—The
2 term “foreign country of concern”—

3 (A) has the meaning given that term in
4 section 9901 of the William M. (Mac) Thorn-
5 berry National Defense Authorization Act for
6 Fiscal Year 2021 (15 U.S.C. 4651); and

7 (B) includes Venezuela.

8 (5) FOREIGN ENTITY OF CONCERN.—The term
9 “foreign entity of concern” means an entity that is
10 organized under the laws of, or otherwise subject to
11 the jurisdiction of, a foreign country of concern.

12 (6) PROCESSED.—The term “processed”, with
13 respect to a critical mineral, means the mineral has
14 undergone the activities that occur after critical min-
15 eral ore is extracted from a mine up through its con-
16 version into a metal, metal powder, or a master
17 alloy.

18 (7) SELECT DERIVATIVE PRODUCT.—The term
19 “select derivative product” means a permanent mag-
20 net, a lithium-ion battery for an electrical vehicle, a
21 lithium-ion battery for a vehicle that is not an elec-
22 trical vehicle, or a part for a battery that is not a
23 lithium-ion battery.

1 (8) TRADE REPRESENTATIVE.—The term
2 “Trade Representative” means the United States
3 Trade Representative.

4 **SEC. 4. CRITICAL MINERALS SECURITY ALLIANCE.**

5 (a) AUTHORIZATION FOR NEGOTIATIONS.—

6 (1) IN GENERAL.—The Trade Representative
7 may enter into negotiations with countries to enter
8 into an alliance, to be known as the “Critical Min-
9 erals Security Alliance” (in this section referred to
10 as the “Alliance”), to establish a reliable supply
11 chain of critical minerals.

12 (2) CONSULTATIONS.—While conducting nego-
13 tiations under paragraph (1), the Trade Representa-
14 tive shall consult with the Secretary of Commerce,
15 the Secretary of the Treasury, and the Secretary of
16 State.

17 (b) ELIGIBILITY CRITERIA.—A country is eligible to
18 enter into the Alliance if the government of the country
19 agrees—

20 (1) to increase the rates of duty the country
21 charges for mined and processed critical minerals
22 and select derivative products sourced from foreign
23 countries of concern and foreign entities of concern
24 to rates that are not less than the rates of duty for
25 mined and processed critical minerals and select de-

1 rivative products, respectively, sourced from the Peo-
2 ple's Republic of China imposed by the United
3 States pursuant to section 301 of the Trade Act of
4 1974 (19 U.S.C. 2411) and in effect on January 1,
5 2026;

6 (2) to meet and participate in regular meetings
7 of the Alliance;

8 (3) to continually review the capacity of the
9 country to extract and process critical minerals and
10 share the results of those reviews with other coun-
11 tries that are members of the Alliance;

12 (4) to eliminate duties on imports of mined and
13 processed critical minerals and select derivative
14 products from countries that are members of the Al-
15 liance (other than antidumping and countervailing
16 duties imposed under title VII of the Tariff Act of
17 1930 (19 U.S.C. 1671 et seq.)); and

18 (5) to take actions that are complementary to
19 the actions of the United States to address unfair
20 trade policies of a country that is not a member of
21 the Alliance, including actions—

22 (A) to address the potential illicit shipment
23 of critical minerals and derivative products, spe-
24 cifically transshipment that is intended to cir-
25 cumvent duties, evade customs enforcement, or

1 obfuscate the origin of products produced in
2 whole or in part with forced labor;

3 (B) to establish or maintain robust invest-
4 ment screening mechanisms, including for
5 screening investments in entities that produce
6 critical minerals and derivative products; and

7 (C) to ensure effective trade remedies
8 against imports of critical minerals and deriva-
9 tive products sourced from foreign countries of
10 concern or foreign entities of concern.

11 (c) ENGAGEMENT; IMPLEMENTATION.—The Trade
12 Representative—

13 (1) shall engage with countries that are trading
14 partners of the United States and encourage those
15 countries to take the measures necessary to comply
16 with the eligibility criteria described in subsection
17 (b); and

18 (2) may allow such a country—

19 (A) to phase in, over a period of not more
20 than 5 years, the increases in the rates of duty
21 described in subsection (b)(1); or

22 (B) instead of increases to such rates, to
23 adopt measures comparable to, or greater in ef-
24 fect than, the trade remedies available under
25 title III of the Trade Act of 1974 (19 U.S.C.

1 2411 et seq.), such as prohibitions or quotas on
 2 the importation into the country of mined and
 3 processed critical minerals and select derivative
 4 products sourced from foreign countries of con-
 5 cern and foreign entities of concern.

6 (d) CERTIFICATIONS OF ELIGIBILITY.—

7 (1) IN GENERAL.—If the Trade Representative
 8 determines that a country complies with the eligi-
 9 bility criteria described in subsection (b), the Trade
 10 Representative shall certify to the appropriate con-
 11 gressional committees that the country is eligible for
 12 admittance into the Alliance.

13 (2) NOTICE.—The submission of a certification
 14 under paragraph (1) with respect to a country shall
 15 be considered notice of the intention of the Trade
 16 Representative to enter into an agreement providing
 17 for the admittance of the country in the Alliance for
 18 purposes of subsection (i).

19 (e) NEGOTIATING OBJECTIVES.—In conducting nego-
 20 tiations under subsection (a) for an agreement to establish
 21 the Alliance, the Trade Representative shall include in the
 22 agreement provisions to establish a reliable supply chain
 23 for—

- 1 (1) not less than 90 percent of the critical min-
2 erals on the list required by section 7002(c)(1) of
3 the Energy Act of 2020 (30 U.S.C. 1606(c)(1)); and
4 (2) 100 percent of select derivative products.

5 (f) ENTRY INTO FORCE.—An agreement for the ad-
6 mittance of a country into the Alliance may enter into
7 force if—

- 8 (1) a joint resolution of approval is enacted into
9 law under subsection (i) after the submission of a
10 certification that the country is eligible for admit-
11 tance into the Alliance under subsection (d); or

- 12 (2) a period of 90 days has elapsed after the
13 submission of a certification that the country is eli-
14 gible for admittance into the Alliance under sub-
15 section (d) and a joint resolution of disapproval is
16 not enacted into law under subsection (i) during that
17 90-day period.

18 (g) DUTY-FREE TREATMENT AFTER ENTRY INTO
19 FORCE.—Upon the entry into force of an agreement pro-
20 viding for the admittance of a country into the Alliance,
21 mined and processed critical minerals and select derivative
22 products imported from the country shall—

- 23 (1) enter the United States free of duty; and
24 (2) be exempt from any duties imposed under
25 section 301 of the Trade Act of 1974 (19 U.S.C.

1 2411) or section 232 of the Trade Expansion Act of
 2 1962 (19 U.S.C. 1862) on or after the date of entry
 3 into force of the agreement.

4 (h) MODIFICATIONS TO AGREEMENTS.—A modifica-
 5 tion to an agreement providing for the admittance of a
 6 country into the Alliance shall take effect if—

7 (1) the Trade Representative submits to the ap-
 8 propriate congressional committees notice of the in-
 9 tention of the Trade Representative to agree to the
 10 modification; and

11 (2)(A) a joint resolution of approval is enacted
 12 into law under subsection (h) after the submission of
 13 that notice; or

14 (B) a period of 90 days has elapsed after the
 15 submission of that notice and a joint resolution of
 16 disapproval is not enacted into law under subsection
 17 (h) during that 90-day period.

18 (i) JOINT RESOLUTIONS.—

19 (1) DEFINITIONS.—In this subsection:

20 (A) COVERED ACTION.—The term “cov-
 21 ered action” means—

22 (i) the entry into an agreement pro-
 23 viding for the admittance of a country into
 24 the Alliance; or

1 (ii) a modification to such an agree-
2 ment.

3 (B) COVERED JOINT RESOLUTION.—The
4 term “covered joint resolution” means a joint
5 resolution of approval or a joint resolution of
6 disapproval.

7 (C) JOINT RESOLUTION OF APPROVAL.—
8 The term “joint resolution of approval” means
9 a joint resolution the sole matter after the re-
10 solving clause of which is the following: “That
11 Congress approves the covered action relating
12 to _____, notice of which was submitted to
13 Congress on _____ under section 4 of the Re-
14 storing American Mineral Security Act of
15 2025.”, with the first blank space being filled
16 with a brief description of the covered action
17 and the second blank space being filled with the
18 appropriate date.

19 (D) JOINT RESOLUTION OF DIS-
20 APPROVAL.—The term “joint resolution of dis-
21 approval” means a joint resolution the sole
22 matter after the resolving clause of which is the
23 following: “That Congress does not approve the
24 covered action relating to _____, notice of
25 which was submitted to Congress on _____

1 under section 4 of the Restoring American Min-
2 eral Security Act of 2025.”, with the first blank
3 space being filled with a brief description of the
4 covered action and the second blank space being
5 filled with the appropriate date.

6 (2) INTRODUCTION.—A covered joint resolution
7 may be introduced in the Senate or the House of
8 Representatives by any Member of the Senate or the
9 House, respectively.

10 (3) CONSIDERATION.—The provisions of sub-
11 sections (b) through (f) of section 152 of the Trade
12 Act of 1974 (19 U.S.C. 2192) shall apply to a cov-
13 ered joint resolution to the same extent and in the
14 same manner as such subsections apply to resolu-
15 tions described in such section 152.

16 (4) RULES OF SENATE AND HOUSE OF REP-
17 RESENTATIVES.—This subsection is enacted by Con-
18 gress—

19 (A) as an exercise of the rulemaking power
20 of the Senate and the House of Representa-
21 tives, respectively, and as such is deemed a part
22 of the rules of each House, respectively, but ap-
23 plicable only with respect to the procedure to be
24 followed in that House in the case of a joint
25 resolution under this subsection, and supersedes

1 other rules only to the extent that it is incon-
2 sistent with such rules; and

3 (B) with full recognition of the constitu-
4 tional right of either House to change the rules
5 (so far as relating to the procedure of that
6 House) at any time, in the same manner, and
7 to the same extent as in the case of any other
8 rule of that House.

9 (j) REVIEWS BY UNITED STATES.—

10 (1) IN GENERAL.—Not later than 5 years after
11 the entry into force of the first agreement providing
12 for the admittance of a country into the Alliance,
13 and every 5 years thereafter while the Alliance re-
14 mains in effect, the Trade Representative, in con-
15 sultation with the heads of relevant Federal agen-
16 cies, shall—

17 (A) review the capacity of the United
18 States to extract and process critical minerals
19 to determine whether it is appropriate to termi-
20 nate or modify the Alliance; and

21 (B) if commercially significant quantities
22 of a critical mineral are produced in the United
23 States, consider seeking the removal of that
24 critical mineral from the products covered by
25 the Alliance.

1 (2) FIRST REVIEW.—As part of the first review
2 conducted under paragraph (1), the Trade Rep-
3 resentative shall assess the feasibility and advis-
4 ability of—

5 (A) expanding the scope of products cov-
6 ered by the Alliance to include derivative prod-
7 ucts; or

8 (B) otherwise expanding or restricting the
9 scope of products covered by the Alliance.

10 (3) REVIEW OF DUTY RATES.—As part of each
11 review conducted under paragraph (1), the Trade
12 Representative shall assess whether countries that
13 are members of the Alliance should adjust the rates
14 of duty imposed on mined and processed critical
15 minerals that are sourced from foreign countries of
16 concern or foreign entities of concern.

17 (k) ANNUAL REPORTS.—Not later than one year
18 after the date of the enactment of this Act, and annually
19 thereafter, the Trade Representative shall submit to the
20 appropriate congressional committees a report that in-
21 cludes—

22 (1) a description of engagement with countries
23 that are trading partners under subsection (c);

24 (2) with respect to each such country that the
25 Trade Representative determines does not meet the

1 eligibility criteria under subsection (b), a detailed de-
2 scription of the deficiencies of the government of the
3 country in complying with the criteria; and

4 (3) the information provided by countries that
5 are members of the Alliance with respect to their ca-
6 pacity to extract and process critical minerals.

7 **SEC. 5. INCREASE IN DUTIES ON IMPORTS OF MINED AND**
8 **PROCESSED CRITICAL MINERALS AND SE-**
9 **LECT DERIVATIVE PRODUCTS FROM FOR-**
10 **EIGN COUNTRIES AND ENTITIES OF CON-**
11 **CERN.**

12 Upon the entry into force of the first agreement pro-
13 viding for the admittance of a country into the Alliance
14 under section 4, mined and processed critical minerals and
15 select derivative products imported into the United States
16 and sourced from a foreign country of concern or foreign
17 entity of concern shall be subject to the rate of duty in
18 effect on January 1, 2026, and applicable to such products
19 sourced from the People’s Republic of China pursuant to
20 section 301 of the Trade Act of 1974 (19 U.S.C. 2411).

1 **SEC. 6. TRUST FUND TO SUPPORT UNITED STATES CRIT-**
2 **ICAL MINERAL MINING AND PROCESSING**
3 **PROJECTS.**

4 (a) ESTABLISHMENT OF TRUST FUND.—There is es-
5 tablished in the Treasury of the United States a trust
6 fund, consisting of—

7 (1) amounts transferred to the trust fund under
8 subsection (b); and

9 (2) any amounts that may be credited to the
10 trust fund under subsection (c).

11 (b) TRANSFER OF AMOUNTS.—

12 (1) IN GENERAL.—For the first fiscal year in
13 which a country has been admitted to the Critical
14 Minerals Security Alliance under section 4 and each
15 fiscal year thereafter during which the Alliance re-
16 mains in effect, the Secretary of the Treasury shall
17 transfer to the trust fund established under sub-
18 section (a), from the general fund of the Treasury,
19 an amount equivalent to the amount received into
20 the general fund during that fiscal year and attrib-
21 utable to duties collected on mined and processed
22 critical minerals imported into the United States.

23 (2) FREQUENCY OF TRANSFERS.—The Sec-
24 retary shall transfer amounts required by paragraph
25 (1) to the trust fund established under subsection
26 (a) not less frequently than quarterly.

1 (c) INVESTMENT OF AMOUNTS.—

2 (1) INVESTMENT OF AMOUNTS.—The Secretary
3 shall invest such portion of the trust fund estab-
4 lished under subsection (a) as is not required to
5 meet current withdrawals in interest-bearing obliga-
6 tions of the United States or in obligations guaran-
7 teed as to both principal and interest by the United
8 States.

9 (2) INTEREST AND PROCEEDS.—The interest
10 on, and the proceeds from the sale or redemption of,
11 any obligations held in the trust fund established
12 under subsection (a) shall be credited to and form
13 a part of the trust fund.

14 (d) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

15 (1) IN GENERAL.—Amounts in the trust fund
16 established under subsection (a) shall be available,
17 without further appropriation, as follows:

18 (A) 60 percent of such amounts shall be
19 available to the Loan Programs Office of the
20 Department of Energy for activities to support
21 projects relating to—

22 (i) mining or processing critical min-
23 erals; or

24 (ii) manufacturing of select derivative
25 products.

1 (B) 20 percent of such amounts shall be
2 available to the Department of Defense for ac-
3 tivities to support projects relating to—

4 (i) mining or processing critical min-
5 erals; or

6 (ii) manufacturing of select derivative
7 products.

8 (C) 20 percent of such amounts shall be
9 available to the United States International De-
10 velopment Finance Corporation to support
11 international critical mineral projects in coun-
12 tries that are members of the Alliance.

13 (2) RULE OF CONSTRUCTION.—Nothing in this
14 subsection precludes a person from seeking support
15 for a project under both subparagraphs (A) and (B)
16 of paragraph (1).

17 (e) EXCEPTION FROM CERTAIN LIMITATION UNDER
18 BUILD ACT OF 2018.—

19 (1) IN GENERAL.—For purposes of providing
20 support for projects under subsection (d)(2)—

21 (A) the United States International Devel-
22 opment Finance Corporation may provide sup-
23 port for projects in countries with upper-mid-
24 dle-income economies or high-income economies

1 (as those terms are defined by the World
2 Bank);

3 (B) the restriction under section
4 1412(c)(2) of the Better Utilization of Invest-
5 ments Leading to Development Act of 2018 (22
6 U.S.C. 9612(c)(2)) shall not apply; and

7 (C) the Corporation shall restrict the pro-
8 vision of such support in a country described in
9 subparagraph (A) unless the President certifies
10 to the appropriate committees of Congress
11 that—

12 (i) such support furthers the national
13 economic or foreign policy interests of the
14 United States;

15 (ii) such support is—

16 (I) designed to produce signifi-
17 cant developmental outcomes or pro-
18 vide developmental benefits to the
19 poorest population of that country; or

20 (II) necessary to preempt or
21 counter efforts by a strategic compet-
22 itor of the United States to secure
23 significant political or economic lever-
24 age or acquire national security-sen-
25 sitive technologies or infrastructure in

1 a country that is an ally or partner of
 2 the United States; and

3 (iii)(I) a United States entity is par-
 4 ticipating in the project for which the sup-
 5 port is provided; or

6 (II) not less than 50 percent of the
 7 critical minerals produced by the project
 8 will be offered for sale to the Department
 9 of Defense and United States entities be-
 10 fore being offered for sale to other entities.

11 (2) DEFINITIONS.—In this subsection:

12 (A) APPROPRIATE COMMITTEES OF CON-
 13 GRESS.—The term “appropriate committees of
 14 Congress” means—

15 (i) the Committee on Foreign Rela-
 16 tions and the Committee on Finance of the
 17 Senate; and

18 (ii) the Committee on Foreign Affairs
 19 and the Committee on Ways and Means of
 20 the House of Representatives.

21 (B) LESS DEVELOPED COUNTRY.—The
 22 term “less developed country” has the meaning
 23 given that term in section 1402 of the Better
 24 Utilization of Investments Leading to Develop-
 25 ment Act of 2018 (22 U.S.C. 9601).

1 (C) UNITED STATES ENTITY.—The term
2 “United States entity” means an entity orga-
3 nized under the laws of the United States or
4 any jurisdiction within the United States.

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