

119TH CONGRESS
2D SESSION

S. _____

To amend the Internal Revenue Code of 1986 to adjust the percentage depletion rate for certain rare earths, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to adjust the percentage depletion rate for certain rare earths, 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 “Critical Minerals In-
5 vestment Tax Modernization Act of 2026”.

6 **SEC. 2. ADJUSTMENT OF PERCENTAGE DEPLETION RATE**
7 **FOR CERTAIN RARE EARTHS.**

8 (a) 22 PERCENT DEPLETION RATE.—Section
9 613(b)(1)(B) of the Internal Revenue Code of 1986 is
10 amended by inserting “rare earths (in this subparagraph

1 defined as the 15 lanthanide elements), scandium,” before
2 “tantalum”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply to taxable years beginning after
5 the date of the enactment of this Act.