

## What Lies Beneath - Critical Minerals, National Security, and Supply Chains

A non-CLE program presented by the ABA Section of International Law

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### WEBINAR

January 16, 2019 • 2:00 p.m. – 3:30 p.m.

Non-fuel minerals like cobalt, graphite, rare earth elements, and tungsten fuel modern life. From consumer electronics, to electric vehicles, to medical devices, to defense articles, these and other minerals are essential to modern manufacturing. But their sources are fairly concentrated, rendering much of the world dependent on relatively few countries and supply chain intermediaries.

Recognizing the strategic importance of critical minerals to the U.S. industrial base and America's continuing technological dominance, the Trump Administration has taken foundational legal and policy steps to reduce dependence on foreign sources of key minerals. In December 2017, the President issued an executive order that declared U.S. dependence on foreign source minerals a threat to "national security" and promulgated "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals." In May 2018, the Department of the Interior issued a list of 35 non-fuel mineral commodities deemed "critical" for their necessity and degree of foreign source dependency. In addition, the Trump Administration has stated plans to scrutinize corruption in Africa's extractives industries, which include, significantly, cobalt mining in the Democratic Republic of Congo, the world's largest cobalt producer where Chinese firms, and others, hold significant positions.

Now that the Trump Administration has declared a policy to reduce dependency on foreign sources of critical minerals, how will the Administration go about achieving its stated objective? What domestic and international consequences—including in the areas of national security, trade, and anti-corruption—might flow? Our multi-disciplinary and cross-practice panel will discuss the practical importance of "critical minerals," recent and potential U.S. legal and policy developments, and potential impacts on supply chains.

### SPEAKERS

#### [Dr. Roderick Eggert](#)

Chair in Mineral Economics, Colorado School of Mines, Deputy Director, the Critical Materials Institute



#### [Hdeel Abdelhady, Esq.](#)

Principal, MassPoint Legal and Strategy Advisory PLLC



#### [Jared Wessel, Esq.](#)

Counsel, Hogan Lovells



## SPEAKER BIOS

### [Dr. Roderick Eggert](#)

Dr. Eggert is the Viola Vestal Coulter Foundation Chair in Mineral Economics at Colorado School of Mines and Deputy Director of the [Critical Materials Institute](#), a Department of Energy-funded multi-institutional energy innovation hub engaged in innovation to assure supply chains for materials critical to clean energy technologies. A geochemist turned economist, Dr. Eggert has led and been involved in studies on the interplay between the non-fuel mineral commodities and the economy, including serving as chair of the National Academies of Science study committee that produced a 2008 report on *Minerals, Critical Minerals and the U.S. Economy*. In 2010, Dr. Eggert published *Critical Minerals and Emerging Technologies*, a paper that discussed the science and economics pertinent to minerals supply inputs in emerging technologies, as well as the role of the federal government in potentially remediating supply chain risks. That paper is just as relevant today as it was when published. In 2017, Dr. Eggert testified before the Senate Committee on Energy and Natural Resources, lending his views on U.S. import dependence and highlighting the role of domestic innovation through research and education.

### [Hdeel Abdelhady](#)

Hdeel Abdelhady is Principal at MassPoint Legal and Strategy Advisory PLLC, her boutique law and strategy practice focused largely select international transactions, regulatory compliance, and risk management matters for U.S. and foreign parties. In the commodities space, Hdeel has represented banks in hard and soft commodities financings involving Africa, the Middle East, Asia, Europe, and the United States, as well as on related matters such as best practices for managing collateral in transit and storage. She has developed, for food import-dependent parties, sustainable agricultural investment frameworks conceived to spread value and risk more equitably across supply chains and reduce legal and political risks associated with foreign farmland acquisitions. Hdeel works with U.S. and foreign parties to integrate laws and standards governing international business conduct, namely sanctions, anti-corruption, and anti-money laundering generally and where state-owned enterprises and politically exposed persons are involved. Early in her career, Hdeel represented U.S. companies in investor-state disputes involving high risk jurisdictions. She brings her understanding of how transactions fall apart to proactively manage emerging and frontier market risk from entry to exit.

### [Jared Wessel](#)

Jared Wessel is in private practice at Hogan Lovells, where he works on international trade matters including investigations under Section 232 of the Trade Expansion Act of 1962. Before then, he was an associate general counsel in the Office of the United States Trade Representative where he was a member of the National Science and Technology Council, Committee on Environment, Natural Resources, and Sustainability, Subcommittee on Critical and Strategic Mineral Supply Chains. He also was the lead lawyer for the United States at the World Trade Organization in the dispute involving Chinese export restrictions on rare earths, tungsten and molybdenum.

## SELECT REFERENCE MATERIALS

- [Critical Minerals and Emerging Technologies](#), Roderick Eggert, Issues in Science and Technology.
- [Testimony of Dr. Roderick Eggert](#), *Hearing to examine the United States' increasing dependence on foreign sources of minerals and opportunities to rebuild and improve the supply chain in the United States*, U.S. Senate Committee on Energy and Natural Resources.
- [Critical minerals may herald Section 232 investigations](#), Jared Wessel *et al.*, Hogan Lovells.
- [Critical Minerals: Where National Security, Trade and Environmental Laws Will Meet](#), Hdeel Abdelhady, MassPoint PLLC.
- [Canary in the Cobalt Mine: Glencore Corruption Probe May Not Be a One Off](#), Hdeel Abdelhady, MassPoint PLLC.
- [U.S. Law as Trade War Weapon](#), Hdeel Abdelhady, Law360.
- [Trade Wars: Restrictions on Foreign Access to U.S. Technology](#), Hdeel Abdelhady, Law360.
- [United States National Security Strategy in Africa Targets Chinese Dominance and Corruption](#), MassPoint PLLC.