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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

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May 16, 2022

Dear Secretary Austin:

As authors of the Energy Act of 2020, we write to express our concern regarding the implementation of overdue critical mineral provisions of that law. We request that you provide us with an immediate update on when we can expect compliance with these provisions and urge you to prioritize critical mineral efforts within your Department.

Congress acted to provide substantial new authorities and federal assistance to boost domestic mineral supplies through the Energy Act of 2020, as well as the Infrastructure Investment and Jobs Act. Due to the severity of the challenge, and the need for a robust and rapid Federal effort, many of these mineral provisions contained deadlines. Unfortunately, those deadlines have not been met.

We are disappointed that we have not received your report on the steps needed to meet national security needs for critical materials, including an assessment of the Defense Production Act and the Strategic Critical Materials Stockpiling Act items that were due no later than December 27, 2021.¹

We remain committed to maintaining and strengthening our nation's leadership and rebuilding our productive capacity in key sectors and value-chains. To do so, the Department of Defense must prioritize these initiatives and ensure crucial deadlines are met. Without this effort we will remain vulnerable due to our lack of domestic production and processing of critical minerals, including rare earth elements.

While we appreciate the President's focus on this issue, including the recent invocation of the Defense Production Act, a whole-of-government approach is required to meet this challenge. Timely implementation of the provisions of the Energy Act are crucial to ensuring that America's critical mineral supply chains are strong, responsibly produced, and ethically sourced.

We look forward to timely response and your cooperation in this matter.

Sincerely,



Lisa Murkowski
United States Senator



Joe Manchin, III
Chairman
United States Senate Committee on
Energy and Natural Resources

¹ Required under the National Materials and Minerals, Policy, Research and Development Act of 1980, as amended by Section 7002(m) the Energy Act of 2020 (30 USC 1604)