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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 Granholm:

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 and the bipartisan Infrastructure Investment and Jobs Act. 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, your agency has not met those deadlines.

Within the Department of Energy we have not received several items that are now overdue. Specifically, Congress still awaits your Department's:

1. Report evaluating the status of extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts, including acid mine drainage;
2. Plan for the critical material recycling, innovation, efficiency, and alternatives program of research, development, demonstration, and commercialization established in the Energy Act;
3. Establishment of the Critical Minerals Consortium;¹
4. Studies on the cradle to grave environmental impact of electric vehicles and the impact of forced labor in China on the electric vehicle supply chain.²

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 Energy 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.

¹ For 1,2, and 3: Sections 7001(b), 7002(g)(5), and 7002(g)8), respectively, of the Energy Act of 2020

² Sections 40435 and 40436 of the Infrastructure Investment and Jobs Act

Sincerely,



Lisa Murkowski
United States Senator



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