

SECURING AMERICA'S CRITICAL MINERALS SUPPLY ACT

SEPTEMBER 11, 2025.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3617]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3617) to amend the Department of Energy Organization Act to secure the supply of critical energy resources, including critical minerals and other materials, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing America’s Critical Minerals Supply Act”.

SEC. 2. AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

“(d) As used in sections 102(20) and 203(a)(12), the term ‘critical energy resource’ means any energy resource—

“(1) that is essential to the energy sector and energy systems of the United States; and

“(2) the supply chain of which is vulnerable to disruption.”;

(2) in section 102, by adding at the end the following:

“(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.”; and

(3) in section 203(a), by adding at the end the following:

“(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

“(A) the development and use of energy technologies; and

“(B) the operation of energy systems.”.

SEC. 3. SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.

(a) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(1) conduct ongoing assessments of—

(A) energy resource criticality, based on the importance of critical energy resources to the development of energy technologies and the supply of energy;

(B) the critical energy resource supply chain of the United States;

(C) the vulnerability of such supply chain;

(D) the diversity of domestic critical energy resource supply chains in the United States, including the extent to which such diversity is sufficient to prevent monopolistic behavior, a single point of failure, or market manipulation;

(E) capacity constraints on the domestic production of critical energy resources, including any such constraint caused by a shortage of material or labor;

(F) Federal regulations affecting the domestic production or importation of critical energy resources;

(G) how the energy security of the United States is affected by the reliance of the United States on importation of critical energy resources; and

(H) how adversarial nations seek to exploit critical energy resource markets to undermine investment in the United States, which may include the extent to which adversarial nations employ anti-competitive practices, price manipulation, or human rights abuses in critical energy resource production and exportation;

(2) facilitate development of strategies to strengthen critical energy resource supply chains in the United States, including by—

(A) diversifying the sources of the supply of critical energy resources; and

(B) increasing domestic production, separation, and processing of critical energy resources;

(3) develop substitutes and alternatives to critical energy resources; and

(4) improve technology that reuses and recycles critical energy resources.

(b) REPORT.—Not later than two years after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the status of the assessments under subsection (a)(1), including a description of any regulation prescribed, guidance issued, or other action taken as a result of such an assessment.

(c) CRITICAL ENERGY RESOURCE DEFINED.—In this section, the term “critical energy resource” has the meaning given such term in section 2 of the Department of Energy Organization Act (42 U.S.C. 7101).

PURPOSE AND SUMMARY

H.R. 3617, the “Securing America’s Critical Mineral Supply Chains Act”, was introduced by Representative James on May 29, 2025, and referred to the Committee on Energy and Commerce on May 29, 2025. H.R. 3617 amends the Department of Energy (DOE) Organization Act to require the Secretary of Energy to conduct an ongoing assessment of the nation’s supply of critical energy resources, the vulnerability of critical energy resource supply chains, and the energy security considerations related to critical energy resources in the development of energy technologies. It would also direct the Secretary to strengthen critical energy resource supply chains by diversifying sourcing and increasing domestic production, refining, and processing of resources. Under this legislation, the term “critical energy resource” means any energy resource that is essential to the energy sector and energy systems of the United States and the supply chain of which is vulnerable to disruption.

BACKGROUND AND NEED FOR LEGISLATION

The United States maintains one of the most advanced and complex energy systems in the world. This includes an extensive system for producing and transporting oil, natural gas, and refined product; vast, complex electricity systems that produce and deliver uninterrupted power; and the supply chains of the energy resources and materials necessary for these energy systems and technologies to be built, maintained, operated. Our nation’s economy, security, and the health and safety of its citizens depend upon the reliable and uninterrupted supply of fuels and electricity, as well the secure supplies of energy resources and materials necessary for this to happen.

When the Department of Energy (DOE) was organized in 1977, energy security concerns revolved around oil supply shortages. As a result, energy security emergency functions in the Department of Energy Organization Act focused on distributing and allocating fuels in an emergency. Other functions focused on developing plans and programs for dealing with domestic energy production and import shortages and the provision of an adequate and reliable supply of energy at the lowest reasonable cost.

Over time, these functions in DOE’s organic statute have remained largely unchanged, but DOE’s responsibilities and authorities have evolved substantially beyond what was envisioned forty years ago. As energy technologies and delivery systems have advanced, including with the growing use of advanced solar, wind, and battery technologies, focus on the supply chains of these technologies and the materials—the minerals and metals and other components—making up or enabling the operations of these technologies has become more important. The need for updating the functions of DOE is necessary to provide a durable, Cabinet-level focus on critical energy resource supplies and to serve the broader missions of the Department to coordinate national energy policy that will help assure the reliable supply of energy for the public.

The urgency of supply chains for advanced and renewable energy systems is underscored by the materials intensive nature of these systems. For example, as outlined in Committee testimony during the 117th Congress, “the materials extracted from the earth to fabricate everything, including wind turbines, solar panels, and batteries (to store grid electricity or power electric vehicles) are typically out of sight, located at remote quarries, mine sites, and mineral processing facilities around the world. Those locations matter in terms of geopolitics and supply-chain risks.”¹

Add to this the sheer scale of critical materials needed for these “clean tech” energy technologies, and the importance of security supplies becomes clear. Projections on the mineral requirements for “green” energy all show massive increases in minerals and related processing. The mining of indium, used in fabricating electricity generating solar semiconductors, for example, will need to increase 8,000%. Cobalt for batteries will need to grow 300% to 800%. Lithium production will need to increase 2,000%. Some 14 metals essential for building clean-tech machines will require increased supplies of elements such as nickel, dysprosium, and tellurium of 200% to 600%.²

As recently as 1990, the United States was the world’s number-one producer of minerals. By 2018, the United States had fallen to 12th overall in global non-fuel minerals production.³ A 2022 DOE assessment of critical energy resource supply chain risks notes that China’s control of key materials in renewable energy is “across the board,” with China in control of “80% of rare earths production and refining that are key for components in technologies such as direct drive generators in wind turbines, and China also controls 61% of global lithium refining key for battery storage and electric vehicles. China also controls 100% of the processing of natural graphite used for battery anodes.”⁴

The severity of this overdependence on other countries for critical minerals was brought to the public’s attention by the report released during the Trump administration, which found the United States relies on imports for 31 of the 35 critical minerals necessary for the U.S. defense and economy.⁵ For 14 of the listed critical minerals, the United States relies completely on imports from other countries; having no U.S. production at all. (As indicated in the above DOE assessment, reviews under the Biden administration confirmed U.S. vulnerability.) Many of the minerals controlled by China are essential to the manufacturing of defense equipment and military weapons systems. Under both the Biden and Trump administrations, China has taken actions to limit exports of minerals

¹See testimony of Mark P. Mills before the Subcommittee on Environment and Climate Change hearing “*Back in Action: Restoring Federal Climate Leadership*,” February 9, 2021, Hearing Print Serial No. 117–4.

²*Ibid.*

³See testimony of Michelle Michot Foss before the Subcommittee on Environment and Climate Change hearing “*Building a 100 Percent Clean Economy: Opportunities for and Equitable, Low-Carbon Recovery*,” September 16, 2020, <https://docs.house.gov/meetings/IF/IF18/20200916/111008/HHRG-116-IF18-Wstate-MichotFossM-20200916-U1.pdf>.

⁴Department of Energy, *America’s Strategy to Secure the Supply Chain for a Robust Clean Energy Transition*, DOE (Feb. 24 2022), <https://www.energy.gov/policy/articles/americas-strategy-secure-supply-chain-robust-clean-energy-transition>.

⁵See testimony by the Honorable Mark W. Menezes before the Joint Energy, Climate, and Grid Security Subcommittee and Environment, Manufacturing, and Critical Materials Subcommittee Legislative Hearing, “*Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains*,” February 7, 2023.

such as antimony, gallium, and germanium.⁶ Furthermore, recent reports indicate many of the minerals produced by China occur in the Xinjiang Uyghur Autonomous Region where China has committed documented human rights abuses and forced labor practices. This region is home to 88% of the types of minerals available in China and 77 different critical mineral sector companies.⁷

Against this backdrop, while Congress has taken action to support research and development, incentives, and interagency planning, this is not enough, given the extent of current dependence on foreign supplies and increasing demand for minerals and materials heavy energy resources. As former DOE Deputy Secretary Mark Menezes has testified before the Committee in the 118th Congress: “we need to designate an agency with clear authority to address these issues and to serve as the experts in the interagency process for energy.”⁸

The Committee finds that H.R. 3167 would further enhance DOE’s existing responsibilities over ensuring secure and affordable delivery of energy, by providing durable authority to assess the vulnerability of the critical energy resource supply chain, and the criticality of energy resources, particularly minerals and materials necessary in the development of energy technologies and including the supply chains for renewable energy technologies. The Committee finds the provisions of H.R. 3167 that facilitate the development of strategies to diversify sources of supply, by increasing domestic production, separation, and processing of critical energy resources, and by pursuing the technological development of critical resource alternatives and of reuse and recycling is consistent with DOE’s energy security mission, and unique capabilities in the United States government.

COMMITTEE ACTION

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on 14 pieces of legislation, including H.R. 3617. The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;
- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

On June 5, 2025, the Subcommittee on Energy met in open markup session and forwarded H.R. 3617, without amendment, to

⁶Center for Strategic and International Studies, The Consequences of China’s New Rare Earths Export Restrictions, CSIS (Apr. 14, 2025), <https://www.csis.org/analysis/consequences-chinas-new-rare-earths-export-restrictions>.

⁷Global Rights Compliance, Risk at the Source: Critical Mineral Supply Chains and State-Imposed Forced Labour in the Uyghur Region, GRC (June 2025) <https://globalrightscpliance.org/wp-content/uploads/2025/06/GRC-critical-minerals.pdf>.

⁸*Ibid.*

the full Committee by a voice vote. On June 25, 2025, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3617, as amended, favorably reported to the House by a record vote of 23 yeas and 21 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 15**

BILL: H.R. 3617, Securing America's Critical Minerals Supply Act

AMENDMENT: Final Passage

DISPOSITION: Agreed to, as amended, by a roll call vote of 23 yeas and 21 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis				Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw				Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell			
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher				Mr. Soto			
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks				Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez			
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz				Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee				Ms. McClellan		X	
Mr. Langworthy							
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

06/25/2025

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY,
AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3617 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 3617, Securing America’s Critical Minerals Supply Act			
As ordered reported by the House Committee on Energy and Commerce on June 25, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 3617 would require the Department of Energy (DOE) to:

- Assess the supply chain and related issues for critical energy resources, including critical minerals and other materials;
- Develop strategies to strengthen the supply chain for those resources; and
- Report to the Congress on the status of those assessments.

Based on information from DOE, CBO expects that the department largely meets the bill's requirements. As a result, CBO estimates that implementing H.R. 3617 would have an insignificant cost, mostly for the report. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3617 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 3617:

On February 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3617. The title of the hearing was “Powering America’s Future: Unleashing American Energy.” The Subcommittee received testimony from:

- Amanda Eversole, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
- Brigham McCown, Senior Fellow and Director, Initiative on American Energy Security, The Hudson Institute;
- Gary Arnold, Business Manager, Denver Pipefitters Local 208 and;
- Tyler O’Connor, Partner, Crowell & Moring LLP.

On March 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3617. The title of the hearing was “Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity.” The Subcommittee received testimony from:

- Todd Brickhouse, CEO and General Manager, Basin Electric Power Cooperative;
- Asim Haque, Senior Vice President for Governmental and Member Services, PJM;
- Noel W. Black, Senior VP of Regulatory Affairs, Southern Company and;
- Tyler H. Norris, James B. Duke Fellow, Duke University.

On March 25, 2025, the Subcommittee on Energy held a hearing on H.R. 3617. The title of the hearing was “Keeping the Lights On: Examining the State of Regional Grid Reliability.” The Subcommittee received testimony from:

- Gordon van Welie, President and Chief Executive Officer, ISO New England;
- Richard J. Dewey, President and Chief Executive Officer, New York Independent System Operator;
- Manu Asthana, President and Chief Executive Officer, PJM Interconnection LLC;

- Jennifer Curran, Senior Vice President for Planning and Operations, Midcontinent ISO;
- Lanny Nickell, Chief Operating Officer, Southwest Power Pool;
- Elliot Mainzer, President and Chief Executive Officer, California Independent System Operator and;
- Pablo Vegas, President and Chief Executive Officer, Electric Reliability Council of Texas, Inc.

On April 9, 2025, the Committee on Energy and Commerce held a full committee hearing on H.R. 3617. The title of the hearing was “The Energy Needs for Advancing American Technological Leadership.” The Committee received testimony from:

- Eric Schmidt, Chair, Special Competitive Studies Project;
- Manish Bhatia, Executive Vice President of Global Operations, Micron Technology;
- Alexander Wang, Founder and Chief Executive Officer, Scale AI, and;
- David Turk, Distinguished Visiting Fellow, Center on Global Energy Policy, Columbia University.

On April 30, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 3617. The title of the hearing was “Assuring Abundant, Reliable American Energy to Power Innovation.” The Subcommittee received testimony from:

- Mike Goff, Acting Undersecretary of Energy, U.S. Department of Energy;
- David L. Morenoff, Acting General Counsel, Federal Energy Regulatory Commission;
- Terry Turpin, Director, Office of Energy Projects, Federal Energy Regulatory Commission;
- Jim Matheson, Chief Executive Officer, National Rural Electric Cooperative Association;
- Amy Andryszak, President and Chief Executive Officer, Interstate Natural Gas Association of America;
- Todd A. Snitchler, President and Chief Executive Officer, Electric Power Supply Association and;
- Kim Smaczniak, Partner, Roselle LLP.

On May 21, 2025, the Subcommittee on Oversight and Investigations held a hearing on H.R. 3617. The title of the hearing was “Examining Ways to Enhance Our Domestic Critical Mineral Supply Chains.” The Subcommittee received testimony from:

- Abigail Hunter, Executive Director, SAFE Center for Critical Minerals Strategy;
- Katie Sweeney, Executive Vice President & Chief Operating Officer, National Mining Association;
- Casey Hammond, Principal, Capitol Pillar LLC;
- Alexander Herrgott, President, Permitting Institute, and;
- David Howell, Director of Strategy, Battery Advocacy for Technology Transformation Coalition.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3617 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides the short title of “Securing America’s Critical Minerals Supply Act”.

Section 2. Amendment to the Department of Energy Organization Act

Section 2 amends the Department of Energy Organization Act to define critical energy resources as energy resources essential to the U.S. energy sector and energy systems, the supply chains of which are vulnerable to disruption, and by establishing that a purpose of the Department of Energy is to ensure there is an adequate and reliable supply of critical energy resources that are essential to U.S. energy security and by including new functions of the Department relating to securing critical energy resource supplies.

Section 3. Securing critical energy resource supply chains

Section 3 provides that, in carrying out the requirements of Department of Energy Organization Act, the Secretary, in consultation with appropriate agencies, States, and stakeholders, shall conduct ongoing assessments of the nation’s supply of critical energy resources, energy resource criticality based on importance to the development of energy technologies and energy supply, and to facilitate development of strategies to strengthen critical energy resource supply chains by diversifying sources and increasing domestic production, refining, and processing of resources, and that the Secretary develop substitutes and alternatives and improve technology that reuses or recycles critical energy resources.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

DEPARTMENT OF ENERGY ORGANIZATION ACT

* * * * *

DEFINITIONS

SEC. 2. (a) As used in this Act, unless otherwise provided or indicated by the context, the term the “Department” means the Department of Energy or any component thereof, including the Federal Energy Regulatory Commission.

(b) As used in this Act (1) reference to “function” includes reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and (2) reference to “perform”, when used in relation to functions, includes the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privileges.

(c) As used in this Act, “Federal lease” means an agreement which, for any consideration, including but not limited to, bonuses, rents, or royalties conferred and covenants to be observed, authorizes a person to explore for, or develop, or produce (or to do any or all of these) oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

(d) *As used in sections 102(20) and 203(a)(12), the term “critical energy resource” means any energy resource—*

(1) that is essential to the energy sector and energy systems of the United States; and

(2) the supply chain of which is vulnerable to disruption.

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

* * * * *

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Energy is in the public interest and will promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs. It is the purpose of this Act:

(1) To establish a Department of Energy in the executive branch.

(2) To achieve, through the Department, effective management of energy functions of the Federal Government, including consultation with the heads of other Federal departments and agencies in order to encourage them to establish and observe policies consistent with a coordinated energy policy, and to promote maximum possible energy conservation measures in connection with the activities within their respective jurisdictions.

(3) To provide for a mechanism through which a coordinated national energy policy can be formulated and implemented to deal with the short-, mid- and long-term energy problems of the Nation; and to develop plans and programs for dealing with domestic energy production and import shortages.

(4) To create and implement a comprehensive energy conservation strategy that will receive the highest priority in the national energy program.

(5) To carry out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program, including—

(A) assessing the requirements for energy research and development;

(B) developing priorities necessary to meet those requirements;

(C) undertaking programs for the optimal development of the various forms of energy production and conservation; and

(D) disseminating information resulting from such programs, including disseminating information on the commercial feasibility and use of energy from fossil, nuclear, solar, geothermal, and other energy technologies.

(6) To place major emphasis on the development and commercial use of solar, geothermal, recycling and other technologies utilizing renewable energy resources.

(7) To continue and improve the effectiveness and objectivity of a central energy data collection and analysis program within the Department.

(8) To facilitate establishment of an effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of a national energy supply reserve.

(9) To promote the interests of consumers through the provision of an adequate and reliable supply of energy at the lowest reasonable cost.

(10) To establish and implement through the Department, in coordination with the Secretaries of State, Treasury, and Defense, policies regarding international energy issues that have a direct impact on research, development, utilization, supply, and conservation of energy in the United States and to undertake activities involving the integration of domestic and foreign policy relating to energy, including provision of independent technical advice to the President on international negotiations involving energy resources, energy technologies, or nuclear weapons issues, except that the Secretary of State shall continue to exercise primary authority for the conduct of foreign policy relating to energy and nuclear nonproliferation, pursuant to policy guidelines established by the President.

(11) To provide for the cooperation of Federal, State, and local governments in the development and implementation of national energy policies and programs.

(12) To foster and assure competition among parties engaged in the supply of energy and fuels.

(13) To assure incorporation of national environmental protection goals in the formulation and implementation of energy programs, and to advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety.

(14) To assure, to the maximum extent practicable, that the productive capacity of private enterprise shall be utilized in the

development and achievement of the policies and purposes of this Act.

(15) To provide for, encourage, and assist public participation in the development and enforcement of national energy programs.

(16) To create an awareness of, and responsibility for, the fuel and energy needs of rural and urban residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generation, conservation, and research and development.

(17) To foster insofar as possible the continued good health of the Nation's small business firms, public utility districts, municipal utilities, and private cooperatives involved in energy production, transportation, research, development, demonstration, marketing, and merchandising.

(18) To provide for the administration of the functions of the Energy Research and Development Administration related to nuclear weapons and national security which are transferred to the Department by this Act.

(19) To ensure that the Department can continue current support of mathematics, science, and engineering education programs by using the personnel, facilities, equipment, and resources of its laboratories and by working with State and local education agencies, institutions of higher education, and business and industry. The Department's involvement in mathematics, science, and engineering education should be consistent with its main mission and should be coordinated with all Federal efforts in mathematics, science, and engineering education, especially with the Department of Education and the National Science Foundation (which have the primary Federal responsibility for mathematics, science, and engineering education).

(20) *To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.*

* * * * *

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

* * * * *

ASSISTANT SECRETARIES

SEC. 203. (a) There shall be in the Department 8 Assistant Secretaries, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and who shall perform, in accordance with applicable law, such of the functions transferred or delegated to, or vested in, the Secretary as he shall prescribe in accordance with the provisions of this Act. The functions which the Secretary shall assign to the Assistant Secretaries include, but are not limited to, the following:

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, including fuel supply, electric power supply, enriched ura-

nium production, energy technology programs, and the management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the responsibility for policy and management of research and development for all aspects of—

- (A) solar energy resources;
- (B) geothermal energy resources;
- (C) recycling energy resources;
- (D) the fuel cycle for fossil energy resources; and
- (E) the fuel cycle for nuclear energy resources.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International programs and international policy functions, including those functions which assist in carrying out the international energy purposes described in section 102 of this Act.

(6) Intergovernmental policies and relations including responsibilities for assuring that national energy policies are reflective of and responsible to the needs of State and local governments, and for assuring that other components of the Department coordinate their activities with State and local governments, where appropriate, and develop intergovernmental communications with State and local governments.

(7) Competition and consumer affairs, including responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy policymaking processes, and assisting the Secretary in the formulation and analysis of policies, rules, and regulations relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that nothing in this paragraph shall alter or effect title to such waste;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement the authority described in this paragraph, except that nothing in this section shall be construed as granting to the Department regulatory functions presently within the Nuclear Regulatory Commission, or any additional functions than those already conferred by law.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major research and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs, and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power.

(11) Public and congressional relations functions, including responsibilities for providing a continuing liaison between the Department and the Congress and the Department and the public.

(12) *Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—*

(A) the development and use of energy technologies; and

(B) the operation of energy systems.

(b) At the time the name of any individual is submitted for confirmation to the position of Assistant Secretary, the President shall identify with particularity the function or functions described in subsection (a) (or any portion thereof) for which such individual will be responsible.

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MINORITY VIEWS

H.R. 3617, the “Securing America’s Critical Minerals Supply Act,” amends the Department of Energy Organization Act to assert the Department of Energy’s (DOE) role in securing critical energy resource supply chains. The bill directs DOE to conduct ongoing assessments and facilitate the development of strategies to strengthen critical energy resource supply chains.

While the majority claims H.R. 3617 targets and supports the development of critical minerals, including those needed for the development of clean and renewable energy resources, H.R. 3617 uses the term “critical energy resource” instead of “critical minerals” or “critical materials.” The bill defines “critical energy resource” to mean “any energy resource that is essential to the energy sector and energy systems of the United States.” This definition is not restricted to critical minerals and could be interpreted to include a range of resources, including those that are carbon-emitting or that support the fossil-fuel industry. The bill also does not specify or prioritize the securing of supply chains related to clean or renewable energy, even though the majority claims the bill will support these industries. Without a clear prioritization of clean energy supply chains, H.R. 3617 risks devoting additional DOE resources to supporting carbon-emitting industries. Additionally, there is ambiguity surrounding the definition of “critical energy resource” in H.R. 3617, and how it will interact with existing DOE efforts in the critical minerals and critical materials space. For example, the Department of Energy maintains a list of critical materials using the definition established in the Energy Act of 2020.¹ The Trump Administration already showed an openness to adding fossil fuels to the critical materials list when Energy Secretary Chris Wright added metallurgical coal to the list.² H.R. 3617 does not attempt to reconcile any of the tensions or differences in definitions with existing directives, and additional specificity would be needed.

The Biden Administration, through the Bipartisan Infrastructure Law and the Inflation Reduction Act, took steps to develop and onshore clean energy supply chains. For example, the Bipartisan Infrastructure Law included \$3 billion for Battery Materials Processing Grants and \$3 billion for Battery Manufacturing and Recycling Grants.³ Additionally, the Inflation Reduction Act established a series of incentives that prioritize clean energy technologies with specific critical minerals and manufacturing requirements, includ-

¹Department of Energy, *Critical Minerals and Materials Program* (<https://www.energy.gov/critical-minerals-materials>) (accessed Mar. 21, 2023).

²Department of Energy, *Energy Department Designates Coal Used in Steelmaking as a Critical Material, Strengthening U.S. Energy and Manufacturing Security* (Mar. 23, 2025) (<https://www.energy.gov/articles/energy-department-designates-coal-used-steelmaking-critical-material-strengthening-us>).

³The White House, *A Guidebook to the Bipartisan Infrastructure Law for State, Local, Tribal, and Territorial Governments, and Other Partners* (May 2022).

ing domestic content requirements.⁴ As a result of these investments, DOE already plays an important role in securing clean energy supply chains.

We are also concerned that this bill gives the Trump Administration open-ended authorities to increase the domestic production of critical materials without any proper definitions or substantive guardrails. The bill tasks the Secretary of Energy with facilitating the “development of strategies to strengthen critical energy resource supply chains in the United States, including by . . . increasing domestic production.” Given the Trump Administration’s blatant disregard for environmental standards, we are concerned that vague, additional authorities to increase domestic production will be abused.

We acknowledge that additional work is needed to meet increasing demand for clean energy, and, it is encouraging to read the Majority views which acknowledge the growth of clean energy—an industry that they have otherwise tried to undermine at every turn. However, rather than focusing this bill and DOE’s efforts on critical minerals needed for the clean energy transition, H.R. 3617 obscures the application of this language to potentially include fossil fuel industries.

We support DOE’s ongoing role in developing and securing critical mineral supply chains needed for clean energy, but are concerned that this bill is too vague. Additionally, we acknowledge the urgent need to onshore and secure critical minerals for the clean energy transition. However, this bill is not the best approach. We question the assertions made in the majority’s report, which state that this bill will help the clean energy transition.

While a narrow interpretation of this bill will help the clean energy transition, we oppose this legislation as drafted due to the ambiguity of the term “critical energy resource.”

FRANK PALLONE, Jr.,
Ranking Member.



⁴The White House, *Building a Clean Energy Economy: A Guidebook to the Inflation Reduction Act’s Investments in Clean Energy and Climate Action* (January 2023).