

Calendar No. 335

119TH CONGRESS
2D SESSION**S. 714****[Report No. 119–106]**

To amend the Energy Act of 2020 to include critical materials in the definition of critical mineral, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2025

Mr. LEE (for himself, Mr. KELLY, Mr. OSSOFF, Mr. CASSIDY, Mr. CURTIS, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

FEBRUARY 11, 2026

Reported by Mr. LEE, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Energy Act of 2020 to include critical materials in the definition of critical mineral, 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 Mineral Con-
5 sistency Act of 2025”.

1 **SEC. 2. CRITICAL MATERIALS INCLUDED AS CRITICAL MIN-**
 2 **ERALS.**

3 Section 7002 of the Energy Act of 2020 (30 U.S.C.
 4 1606) is amended—

5 (1) in subsection (a)(3)(A)—

6 (A) by striking the period at the end and
 7 inserting “; and”;

8 (B) by striking “means any mineral” and
 9 inserting the following: “means—

10 “(i) any mineral”; and

11 (C) by adding at the end the following:

12 “(ii) a critical material as determined
 13 by the Secretary of Energy under para-
 14 graph (2)(A).”; and

15 (2) in subsection (c)(5), by adding at the end
 16 the following:

17 “(C) INCLUSION OF CRITICAL MATE-
 18 RIALS.—Not later than 45 days after the date
 19 on which the Secretary of Energy determines a
 20 non-fuel mineral, element, substance, or mate-
 21 rial to be a critical material under subsection
 22 (a)(2)(A), the Secretary shall update the list of
 23 critical minerals published under paragraph (3)
 24 to include that critical material.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Critical Mineral Con-*
 3 *sistency Act of 2025”.*

4 **SEC. 2. CRITICAL MINERALS AND MATERIALS LIST.**

5 *Section 7002 of the Energy Act of 2020 (30 U.S.C.*
 6 *1606) is amended—*

7 *(1) in subsection (c)(4)(C), by inserting “min-*
 8 *erals or materials” after “critical”;*

9 *(2) by redesignating subsection (o) as subsection*
 10 *(p); and*

11 *(3) by inserting after subsection (n) the fol-*
 12 *lowing:*

13 *“(o) CRITICAL MINERALS AND MATERIALS LIST.—*

14 *“(1) IN GENERAL.—Not later than 45 days after*
 15 *the date of enactment of the Critical Mineral Consist-*
 16 *ency Act of 2025, the Secretary shall publish a Crit-*
 17 *ical Minerals and Materials List, which shall in-*
 18 *clude—*

19 *“(A) any critical mineral designated by the*
 20 *Secretary under subsection (c); and*

21 *“(B) any non-fuel mineral, element, sub-*
 22 *stance, or material that the Secretary of Energy*
 23 *has determined to be a critical material under*
 24 *subsection (a)(2) as of that date of enactment.*

1 “(2) *UPDATES.*—*The Secretary shall update the*
 2 *Critical Minerals and Materials List published under*
 3 *paragraph (1)—*

4 “(A) *not later than 45 days after the date*
 5 *on which the Secretary updates a critical min-*
 6 *eral designation under subsection (c); and*

7 “(B) *not later than 45 days after the date*
 8 *on which the Secretary of Energy updates a crit-*
 9 *ical material designation under subsection*
 10 *(a)(2).*

11 “(3) *PUBLICATION ALIGNMENT.*—*To the max-*
 12 *imum extent practicable, the Secretary and the Sec-*
 13 *retary of Energy shall coordinate when updates to the*
 14 *Critical Minerals and Materials List may be required*
 15 *under paragraph (2).*

16 “(4) *ADMINISTRATION.*—*For the purposes of ad-*
 17 *ministering programs involving critical minerals or*
 18 *critical materials, the Secretary, the Secretary of En-*
 19 *ergy, and the heads of other Federal departments and*
 20 *agencies where such department or agency has incor-*
 21 *porated by reference the definition of ‘critical min-*
 22 *eral’ or ‘critical material’ from this section, as appli-*
 23 *cable, shall use the most recently published version of*
 24 *the Critical Minerals and Materials List published*
 25 *under paragraph (1).”.*

Amend the title so as to read: “A bill to amend the Energy Act of 2020 to harmonize the lists of critical minerals and critical materials, and for other purposes.”.

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