

118TH CONGRESS
2D SESSION

H. R. 9917

To modify procurement requirements relating to rare earth elements and strategic and critical materials by contractors of the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2024

Mr. FINSTAD (for himself, Mr. BERGMAN, and Mr. VEASEY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To modify procurement requirements relating to rare earth elements and strategic and critical materials by contractors of the Department of Defense, 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. MODIFICATION TO PROCUREMENT REQUIRE-**
4 **MENTS RELATING TO RARE EARTH ELE-**
5 **MENTS AND STRATEGIC AND CRITICAL MATE-**
6 **RIALS.**

7 (a) IN GENERAL.—Section 857 of the James M.
8 Inhofe National Defense Authorization Act for Fiscal Year

1 2023 (Public Law 117–263; 136 Stat. 2727; 10 U.S.C.
2 4811 note) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1)(A)—

5 (i) by striking “permanent magnet”
6 and inserting “permanent magnet, or an
7 advanced battery or advanced battery com-
8 ponent (as those terms are defined, respec-
9 tively, in section 40207(a) of the Infra-
10 structure Investment and Jobs Act (42
11 U.S.C. 18741(a))),”; and

12 (ii) by striking “of the magnet” and
13 inserting “of the magnet, the advanced
14 battery, or the advanced battery compo-
15 nent (as applicable)”; and

16 (B) in paragraph (2), by amending to read
17 as follows:

18 “(2) ELEMENTS.—A disclosure under para-
19 graph (1) with respect to a system described in that
20 paragraph shall include—

21 “(A) if the system includes a permanent
22 magnet, an identification of the country or
23 countries in which—

1 “(i) any rare earth elements and stra-
2 tegic and critical materials used in the
3 magnet were mined;

4 “(ii) such elements and materials were
5 refined into oxides;

6 “(iii) such elements and materials
7 were made into metals and alloys; and

8 “(iv) the magnet was sintered or
9 bonded and magnetized; and

10 “(B) if the system includes an advanced
11 battery or an advanced battery component, an
12 identification of the country or countries in
13 which—

14 “(i) any strategic and critical mate-
15 rials that are covered minerals used in the
16 battery or component were refined, proc-
17 essed, or reprocessed;

18 “(ii) any strategic and critical mate-
19 rials that are covered minerals and that
20 were manufactured into the battery or
21 component; and

22 “(iii) the battery cell, module, and
23 pack of the battery or component were
24 manufactured and assembled.”; and

1 (2) by amending subsection (d) to read as fol-
2 lows:

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘strategic and critical materials’
5 means materials designated as strategic and critical
6 under section 3(a) of the Strategic and Critical Ma-
7 terials Stock Piling Act (50 U.S.C. 98b(a)).

8 “(2) The term ‘covered minerals’ means lith-
9 ium, nickel, cobalt, manganese, and graphite.”.

10 (b) TECHNICAL AMENDMENTS.—Subsection (a) of
11 such section 857 is further amended—

12 (1) in paragraph (3), by striking “provides the
13 system” and inserting “provides the system as de-
14 scribed in paragraph (1)”; and

15 (2) in paragraph (4)(C), by striking “a senior
16 acquisition executive” and inserting “a service acqui-
17 sition executive”.

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