

stockpile shall be made in accordance with the next sentence” for “materials from the stockpile shall be made by formal advertising or competitive negotiation procedures”.

1996—Subsec. (d)(1). Pub. L. 104–201, § 3312(b), substituted “45 days” for “thirty days”.

Pub. L. 104–106, § 1502(e)(1)(A), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

Subsec. (d)(2). Pub. L. 104–201, § 3312(c), substituted “45 days” for “thirty days”.

Pub. L. 104–106, § 1502(e)(1)(B), substituted “such congressional committees” for “the Committees on Armed Services of the Senate and House of Representatives”.

1994—Subsec. (a)(4). Pub. L. 103–337 inserted “or technological obsolescence” after “deterioration”.

1991—Subsec. (a)(4). Pub. L. 102–190 inserted before semicolon “or better material”.

1990—Subsec. (a)(3). Pub. L. 101–510, § 3301(b)(1), substituted “upgrading, refining,” for “refining”, inserted “(notwithstanding any intermediate stockpile quantity established for such material)” after “stockpile”, and substituted “storage, subsequent disposition, and immediate use in a national emergency” for “storage and subsequent disposition”.

Subsec. (c)(1). Pub. L. 101–510, § 3301(b)(2), inserted “under subsection (a)(1)” after “the acquisition” and “under subsection (a)(5) or (a)(6)” after “the disposal”.

Subsec. (c)(2). Pub. L. 101–510, § 3301(b)(3), substituted “(the disposition of which is authorized by paragraph (3) to finance the upgrading, refining, or processing of a material in the stockpile, or is otherwise authorized by law)” for “, the disposition of which is authorized by law,” and “of upgrading, refining” for “of refining”.

Subsec. (c)(3), (4). Pub. L. 101–510, § 3301(a), added par. (3) and redesignated former par. (3) as (4).

1989—Subsec. (b). Pub. L. 101–189, § 3314(1), inserted “and” at end of par. (1), substituted a period for “; and” at end of par. (2), and struck out par. (3) which read as follows: “disposal of such materials shall be made for domestic consumption.”

Subsec. (d)(1). Pub. L. 101–189, § 3314(2), substituted “paragraph (1) or (2)” for “paragraph (1), (2), or (3)”.

1986—Subsec. (a)(3). Pub. L. 99–661 substituted “a form more” for “the form most”.

1981—Subsec. (a)(6). Pub. L. 97–35 inserted reference to section 98d(b) of this title.

Statutory Notes and Related Subsidiaries

ACQUISITION OF DEPLETED URANIUM FOR NATIONAL DEFENSE STOCKPILE

Pub. L. 101–511, title VIII, § 8095, Nov. 5, 1990, 104 Stat. 1896, directed President, using funds available in National Defense Stockpile Transaction Fund, to acquire over a period of ten years from current domestic sources not less than thirty-six million pounds of depleted uranium to be held in National Defense Stockpile, prior to repeal by Pub. L. 102–172, title VIII, § 8027A, Nov. 26, 1991, 105 Stat. 1177.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense by section 1 of Ex. Ord. No. 12636, Feb. 25, 1988, 53 F.R. 6114, set out under section 98 of this title.

§ 98e–1. Transferred

Editorial Notes

CODIFICATION

Section, act June 7, 1939, ch. 190, § 6A, as added Nov. 14, 1986, Pub. L. 99–661, div. C, title II, § 3202(a), 100 Stat.

4067; amended Dec. 4, 1987, Pub. L. 100–180, div. C, title II, § 3203(a), 101 Stat. 1246, which related to National Defense Stockpile Manager, was transferred to section 98h–7 of this title.

§ 98e–2. Multiyear procurement authority for domestically processed critical minerals

(a) Authority for multiyear procurement

Subject to section 3501 of title 10 and from amounts made available by discretionary appropriations Acts from the National Defense Stockpile Transaction Fund (as established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a))) after December 22, 2023, the Secretary of Defense may enter into one or more multiyear contracts for the procurement of critical minerals that are processed in the United States by domestic sources.

(b) Application of Strategic and Critical Materials Stock Piling Act

A multiyear contract entered into under this section shall be deemed to be an acquisition under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(c) Authority for advance procurement

The Secretary of Defense may enter into one or more contracts, beginning in fiscal year 2024, for advance procurement associated with the domestically processed critical minerals for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(d) Condition for out-year contract payments

A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2024 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(e) Definitions

In this section:

(1) The term “critical mineral” means a mineral determined to be a strategic and critical material under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).

(2) The term “processed” means the processing or recycling of a critical mineral or magnet, including the separation, reduction, metallization, alloying, milling, pressing, strip casting, and sintering of a critical mineral.

(3) The term “domestic source” has the meaning given that term in section 4552 of this title.

(Pub. L. 118–31, div. A, title I, § 152, Dec. 22, 2023, 137 Stat. 180.)

Editorial Notes

REFERENCES IN TEXT

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (b), is act June 7, 1939, ch. 190, as added Pub. L. 96–41, § 2(a), July 30, 1979, 93 Stat. 319, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2024, and not as part