

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 of the Strategic and Critical Materials Stock Piling Act which comprises this subchapter.

#### § 98f. Special Presidential disposal authority

(a) Materials in the stockpile may be released for use, sale, or other disposition—

(1) on the order of the President, at any time the President determines the release of such materials is required for purposes of the national defense;

(2) in time of war declared by the Congress or during a national emergency, on the order of any officer or employee of the United States designated by the President to have authority to issue disposal orders under this subsection, if such officer or employee determines that the release of such materials is required for purposes of the national defense; and

(3) on the order of the Under Secretary of Defense for Acquisition and Sustainment, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.

(b) Any order issued under subsection (a) shall be promptly reported by the President, or by the

officer or employee issuing such order, in writing, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(June 7, 1939, ch. 190, §7, as added Pub. L. 96-41, §2(a), July 30, 1979, 93 Stat. 322; amended Pub. L. 104-106, div. A, title XV, §1502(e)(2), Feb. 10, 1996, 110 Stat. 509; Pub. L. 106-65, div. A, title X, §1067(13), Oct. 5, 1999, 113 Stat. 775; Pub. L. 112-239, div. A, title XIV, §1413(a), Jan. 2, 2013, 126 Stat. 2048; Pub. L. 116-92, div. A, title IX, §902(90), Dec. 20, 2019, 133 Stat. 1554.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 98f, acts June 7, 1939, ch. 190, §7, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 599, related to investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc., prior to repeal by section 2(a) of Pub. L. 96-41.

Provisions similar to those in this section were contained in former section 98d of this title prior to repeal by Pub. L. 96-41.

##### AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

2013—Subsec. (a)(3). Pub. L. 112-239 added par. (3).

1999—Subsec. (b). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (b). Pub. L. 104-106 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”.

#### § 98g. Materials development and research

##### (a) Development, mining, preparation, treatment, and utilization of ores and other mineral substances

(1) The President shall make scientific, technologic, and economic investigations concerning the development, mining, preparation, treatment, and utilization of ores and other mineral substances that (A) are found in the United States, its territories or possessions, or in a reliable source<sup>1</sup> (B) are essential to the national defense, industrial, and essential civilian needs of the United States, and (C) are found in known domestic sources in inadequate quantities or grades.

(2) Such investigations shall be carried out in order to develop new sources of strategic and critical materials, develop substitutes, or conserve domestic sources and reliable sources of supply for such strategic and critical materials.

(3) Investigations under paragraph (1) may be carried out on public lands and, with the consent of the owner, on privately owned lands for the purpose of exploring and determining the extent and quality of deposits of such minerals, the most suitable methods of mining and beneficiating such minerals, and the cost at which the minerals or metals may be produced.

<sup>1</sup> So in original. Probably should be followed by a comma.

##### (b) Development of sources of supplies of agricultural materials; use of agricultural commodities for manufacture of materials

The President shall make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 98b(a) of this title to be a strategic and critical material or substitutes therefor.

##### (c) Development of sources of supply of other materials; development or use of alternative methods for refining or processing materials in stockpile

The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 98b(a) of this title to be strategic and critical materials; and

(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

##### (d) Grants and contracts to encourage conservation of strategic and critical materials

The President shall encourage the conservation of domestic sources of any material determined pursuant to section 98b(a) of this title to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

(1) substitutes for such material; or

(2) more efficient methods of production or use of such material.

(June 7, 1939, ch. 190, §8, as added Pub. L. 96-41, §2(a), July 30, 1979, 93 Stat. 322; amended Pub. L. 101-189, div. C, title XXXIII, §3311, Nov. 29, 1989, 103 Stat. 1686; Pub. L. 118-31, div. A, title XIV, §1411(e)(2)(B), Dec. 22, 2023, 137 Stat. 527.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 98g, act June 7, 1939, ch. 190, §8, as added July 23, 1946, ch. 590, 60 Stat. 600; amended 1953 Reorg. Plan No. 3, §2(b), eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634; 1958 Reorg. Plan No. 1, §2, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799; Oct. 21, 1968, Pub. L. 90-608, §402, 82 Stat. 1194; Ex. Ord. No. 11725, §3, eff. June 29, 1973, 38 F.R. 17175, authorized appropriations for procurement, transportation, maintenance, rotation, storage, and refining or processing of materials acquired under this subchapter, prior to repeal by section 2(a) of Pub. L. 96-41. See section 98d(c) of this title.

Provisions similar to those in this section were contained in former section 98f of this title prior to repeal by Pub. L. 96-41.

##### AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-31, §1411(e)(2)(B)(i), substituted “its territories or possessions, or in a reliable source” for “or in its territories or possessions.”.

Subsec. (a)(2). Pub. L. 118-31, §1411(e)(2)(B)(ii), substituted “in order to develop new sources of strategic and critical materials, develop substitutes, or conserve domestic sources and reliable sources of supply for such strategic and critical materials.” for “in order to—