

AMENDMENT TO RULES COMMITTEE PRINT 119-8
OFFERED BY MR. ROSE OF TENNESSEE

At the end of subtitle E of title VIII, insert the following new section:

1 **SEC. 8 ____ . PROHIBITION OF PROCUREMENT OF GALLIUM**
2 **OR GERMANIUM FROM NON-ALLIED FOREIGN**
3 **NATIONS AND DOMESTIC SOURCING NOTIFI-**
4 **CATIONS.**

5 (a) AMENDMENTS RELATED TO GALLIUM AND GER-
6 MANIUM.—

7 (1) DEFINITION OF COVERED MATERIALS.—

8 Section 4872(h)(1) of title 10, United States Code,
9 as redesignated and amended by this Act, is further
10 amended—

11 (A) in subparagraph (E), by striking “;
12 and” and inserting a semicolon;

13 (B) in subparagraph (F), as added by sec-
14 tion 865(a) of this Act, by striking the period
15 at the end and inserting a semicolon; and

16 (C) by adding at the end the following new
17 subparagraphs:

18 “(G) germanium; and

19 “(H) gallium.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on the date that
3 is one year after the date of the enactment of this
4 Act.

5 (b) AMENDMENTS RELATED TO SOURCING OF MATE-
6 RIALS.—

7 (1) IN GENERAL.—Section 4872 of title 10,
8 United States Code, as amended by this Act, is fur-
9 ther amended by adding at the end the following
10 new subsection:

11 “(i) NOTIFICATION.—

12 “(1) IN GENERAL.—Not later than 30 days
13 after the Secretary of Defense awards a contract,
14 grant, loan, or other transaction agreement to ad-
15 dress the production of strategic and critical mate-
16 rials that are covered materials or for integration in
17 a covered material, other than a contract or use of
18 other transaction authority solely for the acquisition
19 of strategic and critical materials by the Department
20 of Defense, the Secretary of Defense, acting through
21 the Under Secretary of Defense for Acquisition and
22 Sustainment, shall submit to the congressional de-
23 fense committees a notice if such award is for a
24 project that is—

25 “(A) located outside of the United States;

1 “(B) not anticipated to produce strategic
2 and critical materials primarily from materials
3 from domestic sources acquired from domestic
4 entities;

5 “(C) not anticipated to produce strategic
6 and critical materials using only domestic proc-
7 essing and refining capacity.

8 “(2) CONTENTS.—Each notice required under
9 paragraph (1) with respect to an award of a con-
10 tract, grant, loan, or other transaction agreement
11 shall include—

12 “(A) an identification of the capital ex-
13 penditures for which such award shall be used,
14 including where the work under such contract,
15 grant, loan, or other transaction agreement will
16 be performed;

17 “(B) a description of the anticipated loca-
18 tion and sources of processing and refining for
19 the production of strategic and critical mate-
20 rials pursuant to such award; and

21 “(C) for an award for a project for proc-
22 essing, refining, manufacturing, or recycling of
23 strategic and critical materials described in
24 paragraph (1), a description of the anticipated
25 sources of the materials from which such stra-

1 tegie and critical materials will be processed, re-
2 fined, manufactured, or recycled, as applicable,
3 including an identification of the specific geo-
4 graphic location of the source of such materials
5 and the entity from which such materials have
6 or will be acquired.

7 “(3) OTHER TRANSACTION AGREEMENT DE-
8 FINED.—In this subsection, ‘other transaction au-
9 thority agreement’ means an agreement for a trans-
10 action entered into pursuant to sections 4004, 4021,
11 or 4022 of this title.”

12 (2) RULE OF CONSTRUCTION.—For the pur-
13 poses of subsection (i) of section 4872 of title 10,
14 United States Code, as added by paragraph (1), dur-
15 ing the period beginning on the date of the enact-
16 ment of this Act and ending on the date on which
17 the amendments made by subsection (a)(1) take ef-
18 fect, the term “covered material” includes germa-
19 nium and gallium.

20 (3) PREFERENCE FOR DOMESTIC INTEGRATED
21 SOURCING.—Section 848(b) of the William M. (Mac)
22 Thornberry National Defense Authorization Act for
23 Fiscal Year 2021 (Public Law 116-283; 10 U.S.C.
24 4811 note), as amended by this Act, is further

1 amended by adding at the end the following new
2 paragraph:

3 “(4) PREFERENCE FOR DOMESTIC INTEGRATED
4 SOURCING OF CRITICAL MINERALS.—

5 “(A) IN GENERAL.—The Secretary of De-
6 fense shall, to the maximum extent practicable,
7 when awarding contracts, grants, loans, other
8 agreements, or any other Federal assistance
9 with respect to enhancing the supply chain for
10 of strategic and critical minerals, prioritize
11 making such awards to entities in the defense
12 industrial base that—

13 “(i) will mine and process the raw
14 materials from which the strategic and
15 critical minerals with respect to which such
16 award is made are produced; and

17 “(ii) as of the date of such award,
18 mine and process or, as a result of such
19 award, will mine and process minerals in
20 the United States.

21 “(B) APPLICABILITY.—The prioritization
22 under subparagraph (A) shall apply to con-
23 tracts, grants, loans, other agreements, and any
24 other Federal assistance described in such sub-
25 paragraph that are awarded—

1 “(i) using amounts from the Indus-
2 trial Base Fund established under section
3 4817 of title 10, United States Code;

4 “(ii) using the authorities under title
5 III of the Defense Production Act of 1950
6 (50 U.S.C. 4531 et seq.); or

7 “(iii) under the Strategic and Critical
8 Materials Stock Piling Act (50 U.S.C. 98
9 et seq.).”.

