

117TH CONGRESS
2D SESSION

H. R. 8315

To authorize certain actions to address domestic industrial base shortfalls,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2022

Ms. SLOTKIN (for herself and Mr. WALTZ) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize certain actions to address domestic industrial
base shortfalls, 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 “Homeland Acceleration
5 of Recovering Deposits and Renewing Onshore Critical
6 Keystones Act of 2022” or the “HARD ROCK Act of
7 2022”.

1 **SEC. 2. AUTHORITY TO ACQUIRE MATERIALS FOR NA-**
2 **TIONAL DEFENSE STOCKPILE TO ADDRESS**
3 **SHORTFALLS.**

4 (a) MODIFICATION OF ACQUISITION AUTHORITY.—
5 Section 5 of the Strategic and Critical Materials Stock Pil-
6 ing Act (50 U.S.C. 98d) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in the first sentence, by inserting
10 “under the authority of paragraph (3) or”
11 after “Except for acquisitions made”; and

12 (ii) in the second sentence, by striking
13 “for such acquisition” and inserting “for
14 any acquisition of materials under this
15 Act”;

16 (B) in paragraph (2), by striking “any
17 such transaction” and inserting “any trans-
18 action”; and

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

20 “(3) Using funds available in the National Defense
21 Stockpile Transaction Fund established under section 9,
22 the National Defense Stockpile Manager may acquire ma-
23 terials determined to be strategic and critical under sec-
24 tion 3(a) without regard to the requirement of the first
25 sentence of paragraph (1) if the Stockpile Manager deter-

1 mines there is a shortfall of such materials in the stock-
2 pile.”; and

3 (2) in subsection (c), by striking “to carry out
4 the purposes for which appropriated for a period of
5 two fiscal years, if so provided in appropriation
6 Acts” and inserting “until expended, unless other-
7 wise provided in appropriations Acts”.

8 (b) CLARIFICATION THAT STOCKPILE MAY NOT BE
9 USED FOR BUDGETARY PURPOSES.—Section 2(c) of the
10 Strategic and Critical Materials Stock Piling Act (50
11 U.S.C. 98(c)) is amended by striking “is not to be used”
12 and inserting “shall not be used”.

13 (c) ANNUAL BRIEFINGS.—Section 11 of the Strategic
14 and Critical Materials Stock Piling Act (50 U.S.C. 98h–
15 2) is amended by adding at the end the following:

16 “(c)(1) Not later than 30 days after submitting a re-
17 port required by subsection (a), the National Defense
18 Stockpile Manager shall brief the committees specified in
19 paragraph (2) on the state of the stockpile and the acqui-
20 sitions intended to be made within the next fiscal year.

21 “(2) The committees specified in this paragraph
22 are—

23 “(A) the Committee on Armed Services,
24 the Committee on Foreign Relations, the Com-
25 mittee on Energy and Natural Resources, the

Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

**SEC. 3. INCREASED THRESHOLD FOR ACTIONS TO REMEDY
CERTAIN DOMESTIC INDUSTRIAL BASE
SHORTFALLS.**

Section 303(a)(6) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “If the taking” and inserting the following:

“(i) IN GENERAL.—If the taking”;

(B) by striking “\$50,000,000” and inserting “the amount specified in clause (ii)”; and

(C) by adding at the end the following:

“(ii) AMOUNT SPECIFIED.—The amount specified in this clause is—

“(I) except as provided in subclause (II), \$50,000,000; and

1 “(II) in the case of a domestic
2 industrial base shortfall relating to an
3 industrial resource described in clause
4 (iii), \$350,000,000.

5 “(iii) INDUSTRIAL RESOURCES DE-
6 SCRIBED.—An industrial resource de-
7 scribed in this clause is any of the fol-
8 lowing:

9 “(I) A material determined to be
10 a strategic and critical material under
11 section 3(a) of the Strategic and Crit-
12 ical Materials Stock Piling Act (50
13 U.S.C. 98b(a)) with respect to which
14 the National Defense Stockpile has a
15 shortfall of more than \$100,000,000,
16 as demonstrated by the most recent
17 report required by section 11 of that
18 Act (50 U.S.C. 98h–2).

19 “(II) Any industrial resource nec-
20 essary for the production, separation,
21 or processing of a critical mineral (as
22 defined in section 7002(a) of the En-
23 ergy Act of 2020 (30 U.S.C.
24 1606(a))).”; and

1 (2) by amending subparagraph (C) to read as
2 follows:

3 “(C) LIMITATION.—If entering into an ob-
4 ligation under this section to correct an indus-
5 trial resource shortfall would cause the aggre-
6 gate outstanding amount of all such obligations
7 for such industrial resource shortfall to exceed
8 \$50,000,000, no such obligation may be entered
9 until the President provides a briefing to Con-
10 gress on the nature of the shortfall and the ac-
11 tion or actions necessary to mitigate the short-
12 fall.”.

13 **SEC. 4. REPORT ON MODIFICATIONS TO NATIONAL TECH-**
14 **NOLOGY AND INDUSTRIAL BASE.**

15 (a) IN GENERAL.—Not later than December 1, 2023,
16 the Secretary of Defense shall submit to the congressional
17 defense committees a report on the benefits and risks of
18 potential legislative proposals to increase the availability
19 of strategic and critical materials that are, as of the date
20 of the enactment of this Act, sourced primarily from the
21 People’s Republic of China or the Russian Federation.

22 (b) ELEMENTS.—The report required by subsection
23 (a) shall include an assessment of the following:

24 (1) The implications of modifying the term “do-
25 mestic source” for purposes of the Defense Produc-

tion Act of 1950 (50 U.S.C. 4501 et seq.) to “domestic and allied source” and including business concerns in Canada, the United Kingdom, and Australia in the definition of that term.

(2) The benefits of facilitating more effective integration of the national technology and industrial base with the technology and industrial bases of countries that are allies or partners of the United States with respect to technology transfer, socioeconomic procurement requirements, and export controls.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given that term in section 101(a) of title 10, United States Code.

(2) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The term “national technology and industrial base” has the meaning given that term in section 4801 of title 10, United States Code.

(3) STRATEGIC AND CRITICAL MATERIALS.—The term “strategic and critical materials” has the meaning given that term in section 12 of the Stra-

- 1 tegic and Critical Materials Stock Piling Act (50
- 2 U.S.C. 98h-3).

