



- I. Administration Priorities
 - a. The purpose of this [memorandum](#) is to ensure “*a robust, resilient, sustainable and environmentally responsible domestic industrial base to meet the requirements of the clean energy economy*” as essential to national security as demand for critical materials skyrockets due to global clean energy transition efforts.
 - b. The United States must secure a reliable and sustainable critical materials supply chain through environmental responsible mining and processing as well as recycling, reuse and recovery of used materials for alternative use and second life applications.
- II. Presidential Determination
 - a. Pursuant to Section [303\(a\)\(5\)](#) of the Defense Production Act of 1950—
 - i. Sustainable and responsible methods of critical material extraction and processing to produce large-capacity batteries for the transportation and energy storage sectors is essential to the national defense posture
 - ii. Without the invocation of DPA Title III, the US critical materials industry cannot scale up production capabilities needed to meet demand in a timely manner
 - iii. Purchases and other actions under DPA Title III are the most efficient and practical method for meeting this demand
 - iv. The Secretary of Defense shall support efforts to improve domestic mining practices, value-added processing, mine waste reclamation, and beneficiation within the industry for the purpose of critical materials modernization and productivity.
 - v. The Secretary of Defense shall consult with the Secretaries of Interior, Agriculture, Energy, and other relevant heads as appropriate
 - b. ***The requirements of Section 303(a)(1)-(a)(6) of the Defense Production Act are hereby waived*** to include strategic and critical materials for the production of large-capacity batteries for the automotive and energy storage industries. Failure to do so would result in a critical technology item shortfall.
- III. Annual Report to the President and the Congress by the Secretary of Defense
 - a. An annual survey of the domestic industrial base for critical battery materials shall be conducted, in appropriate collaboration with other agency heads, to determine the need for continued inclusion of these materials under DPA Title III.
- IV. Limitations
 - a. This determination may not be used to supersede environmental health and safety requirements for mines or other industrial facilities
- V. General Provisions
 - a. This determination may not be used to impair or negatively affect:
 - i. The authority by law to an executive department, agency or head thereof
 - ii. The functions of the Office of Management and Budget relating to proposals
 - b. This determination shall be implemented consistent with applicable law and is subject to the availability of federal appropriations