

struck out former subsec. (b) which related to national emergency planning assumptions set forth in reports required under this section.

1993—Subsec. (b). Pub. L. 103-160 struck out before period at end of first sentence “, based upon total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years” and inserted after first sentence “Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.”

1991—Pub. L. 102-190, § 3313(b)(2), substituted “Biennial” for “Annual” in section catchline.

Subsec. (a). Pub. L. 102-190, § 3313(b)(1), in introductory provisions, substituted “Not later than January 15 of every other year, the Secretary” for “The Secretary” and “a report” for “an annual report” and struck out “shall be submitted with the annual report submitted under section 98h-2(b) of this title and” before “shall include”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 3311(c) of Pub. L. 104-201, set out as a note under section 98a of this title.

#### INITIAL REPORT DUE DATE

Section 3313(b)(3) of Pub. L. 102-190 provided that: “The first report required by section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(a)), as amended by paragraph (1) shall be submitted not later than January 15, 1993.”

### § 98h-6. Development of domestic sources

#### (a) Purchase of materials of domestic origin; processing of materials in domestic facilities

Subject to subsection (c) of this section and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources for materials determined pursuant to section 98b(a) of this title to be strategic and critical materials—

(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

#### (b) Terms and conditions of contracts and commitments

A contract or commitment made under subsection (a) of this section may not exceed five years from the date of the contract or commitment. Such purchases and commitments to purchase may be made for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

#### (c) Proposed transactions included in annual materials plan; availability of funds

(1) Descriptions of proposed transactions under subsection (a) of this section shall be in-

cluded in the appropriate annual materials plan submitted to Congress under section 98h-2(b) of this title. Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 98d(a)(2) of this title.

(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent that funds in the National Defense Stockpile Transaction Fund are adequate to meet such obligations. Payments required to be as a result of obligations incurred under this section shall be made from amounts in the fund.

#### (d) Transportation and incidental expenses

The authority of the President under subsection (a) of this section includes the authority to pay—

(1) the expenses of transporting materials; and

(2) other incidental expenses related to carrying out such subsection.

#### (e) Reports

The President shall include in the reports required under section 98h-2(a) of this title information with respect to activities conducted under this section.

(June 7, 1939, ch. 190, § 15, as added Pub. L. 101-189, div. C, title XXXIII, § 3312(a), Nov. 29, 1989, 103 Stat. 1687.)

### § 98h-7. National Defense Stockpile Manager

#### (a) Appointment

The President shall designate a single Federal office to have responsibility for performing the functions of the President under this subchapter, other than under sections 98f and 98h-4 of this title. The office designated shall be one to which appointment is made by the President, by and with the advice and consent of the Senate.

#### (b) Title of designated officer

The individual holding the office designated by the President under subsection (a) of this section shall be known for purposes of functions under this subchapter as the “National Defense Stockpile Manager”.

#### (c) Delegation of functions

The President may delegate functions of the President under this subchapter (other than under sections 98f and 98h-4 of this title) only to the National Defense Stockpile Manager. Any such delegation made by the President shall remain in effect until specifically revoked by law or Executive order. The President may not delegate functions of the President under sections 98f and 98h-4 of this title.

(June 7, 1939, ch. 190, § 16, formerly § 6A, as added Pub. L. 99-661, div. C, title II, § 3202(a), Nov. 14, 1986, 100 Stat. 4067; amended Pub. L. 100-180, div. C, title II, § 3203(a), Dec. 4, 1987, 101 Stat. 1246; renumbered § 16 and amended Pub. L. 101-189, div. C, title XXXIII, § 3313, Nov. 29, 1989, 103 Stat. 1688; Pub. L. 102-190, div. C, title XXXIII, § 3314, Dec. 5, 1991, 105 Stat. 1585.)

#### CODIFICATION

Section was classified to section 98e-1 of this title prior to its renumbering by Pub. L. 101-189.