

(1) The length and intensity of the assumed military conflict.

(2) The military force structure to be mobilized.

(3) The losses anticipated from enemy action.

(4) The military, industrial, and essential civilian requirements to support the national emergency.

(5) The availability of supplies of strategic and critical materials from foreign sources during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.

(6) The domestic production of strategic and critical materials during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.

(7) Civilian austerity measures required during the mobilization period and military conflict.

(c) Period within which to replace or replenish materials

The stockpile requirements shall be based on those strategic and critical materials necessary for the United States to replenish or replace, within three years of the end of the military conflict scenario required under subsection (b) of this section, all munitions, combat support items, and weapons systems that would be required after such a military conflict.

(d) Effect of alternative mobilization periods

The Secretary shall also include in each report under this section an examination of the effect that alternative mobilization periods under the military conflict scenario required under subsection (b) of this section, as well as a range of other military conflict scenarios addressing potentially more serious threats to national security, would have on the Secretary's recommendations under subsection (a)(1) of this section with respect to stockpile requirements.

(e) Plans of President

The President shall submit with each report under this section a statement of the plans of the President for meeting the recommendations of the Secretary set forth in the report.

(June 7, 1939, ch. 190, §14, as added Pub. L. 100-180, div. C, title II, §3202(c), Dec. 4, 1987, 101 Stat. 1246; amended Pub. L. 102-190, div. C, title XXXIII, §3313(b)(1), (2), Dec. 5, 1991, 105 Stat. 1585; Pub. L. 103-160, div. C, title XXXIII, §3314, Nov. 30, 1993, 107 Stat. 1962; Pub. L. 104-201, div. C, title XXXIII, §3313(a), Sept. 23, 1996, 110 Stat. 2856.)

AMENDMENTS

1996—Subsecs. (b) to (e). Pub. L. 104-201 added subsecs. (b) to (d), redesignated former subsec. (c) as (e), and 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

Pub. L. 102-190, div. C, title XXXIII, §3313(b)(3), Dec. 5, 1991, 105 Stat. 1585, 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 and appropriate conservation 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 included 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; amended Pub. L. 113-66, div. A, title XIV, §1411(c), Dec. 26, 2013, 127 Stat. 934.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66 inserted “and appropriate conservation” after “development” in introductory provisions.

§ 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(a)(1) 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(a)(1) 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(a)(1) 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; Pub. L. 112-239, div. A, title XIV, §1413(b), Jan. 2, 2013, 126 Stat. 2049.)

CODIFICATION

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

AMENDMENTS

2013—Pub. L. 112-239 substituted “sections 98f(a)(1) and 98h-4” for “sections 98f and 98h-4” wherever appearing.

1991—Subsec. (d). Pub. L. 102-190 struck out subsec. (d) which read as follows: “During any period during which there is no officer appointed by the President, by and with the advice and consent of the Senate, serving in the position designated by the President under subsection (a) of this section or during which the authority of the President under this subchapter (other than under sections 98f and 98h-4 of this title) has not been delegated to that position, no action may be taken under section 98e(a)(6) of this title.”

1989—Subsec. (a). Pub. L. 101-189, §3313(b)(1), substituted “sections 98f and 98h-4” for “sections 98f, 98g, and 98h-4”.

Subsec. (c). Pub. L. 101-189, §3313(b)(1), (2), substituted “sections 98f and 98h-4” for “sections 98f, 98g, and 98h-4” and inserted at end “The President may not delegate functions of the President under sections 98f and 98h-4 of this title.” after “Executive order.”

Subsec. (d). Pub. L. 101-189, §3313(b)(1), (3), substituted “sections 98f and 98h-4” for “sections 98f, 98g, and 98h-4” and “section 98e(a)(6)” for “section 98e(b) or 98e(d)”.

1987—Pub. L. 100-180 amended section generally, revising and restating provisions of subssecs. (a) and (b) and adding subssecs. (c) and (d).

SAVINGS PROVISION

Pub. L. 100-180, div. C, title II, §3203(c), Dec. 4, 1987, 101 Stat. 1247, provided that: “Unless otherwise directed by the President under section 6A [renumbered §16] of the Strategic and Critical Materials Stock Piling Act [this section], as amended by subsection (a), the designation of a National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act [Dec. 4, 1987] shall remain in effect until the individual so designated ceases to hold the office held by the individual at the time of the designation.”

DESIGNATION OF NATIONAL DEFENSE STOCKPILE MANAGER; DELEGATION OF FUNCTIONS

The Secretary of Defense was designated National Defense Stockpile Manager and functions of the President under this section were delegated to the 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.

DEADLINE FOR DESIGNATION OF MANAGER

Pub. L. 99-661, div. C, title II, §3202(b), Nov. 14, 1986, 100 Stat. 4067, directed President, not later than Feb. 15, 1987, to designate an official as National Defense Stockpile Manager, as required by this section.

§ 98i. Repealed. Pub. L. 85-861, §36A, Sept. 2, 1958, 72 Stat. 1570

Section, act Aug. 3, 1956, ch. 939, title IV, §416, 70 Stat. 1018, related to contracts for storage, handling, and distribution of liquid fuels. See section 2922 of Title 10, Armed Forces.

Section was not enacted as part of the Strategic and Critical Materials Stock Piling Act which comprises this subchapter.

§ 99. Transferred

CODIFICATION

Section, act July 2, 1940, ch. 508, §6, 54 Stat. 714, was transferred to section 701 of Appendix to this title and subsequently repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.