

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) 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; Pub. L. 114-328, div. A, title XIV, §1412(b), Dec. 23, 2016, 130 Stat. 2570.)

AMENDMENTS

2016—Subsec. (a)(3), (4). Pub. L. 114-328 added pars. (3) and (4).

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) 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; re-

numbered §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) 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.”

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.

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.

§ 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 the former Appendix to this title and subsequently repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

§ 100. Nitrate plants**(a) Investigations; designation of sites; construction and operation of dams, locks, improvements to navigation, etc.**

The President of the United States may make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also authorized to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for national defense; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

(b) Lease, purchase, or acquisition of lands and rights of way; purchase or acquisition of materials, minerals, and processes

The President is authorized to lease, buy, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to buy or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

(c) Use of products of plants; disposal of surplus

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

(d) Employment of officers, agents, or agencies

The President is authorized to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

(e) Government construction and operation

The plant or plants provided for under this section shall be constructed and operated solely

by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

(Aug. 10, 1956, ch. 1041, § 37, 70A Stat. 634.)

CODIFICATION

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

§ 100a. Omitted

CODIFICATION

Section, which was from the Department of Defense Appropriation Act, 1983, Pub. L. 97-377, title I, § 101(c) [title VII, § 712], Dec. 21, 1982, 96 Stat. 1833, 1851, prohibited use of funds available to Department of Defense agencies for acquisition, construction, or operation of certain scrap-processing facilities, and was not repealed in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

- Dec. 29, 1981, Pub. L. 97-114, title VII, § 712, 95 Stat. 1580.
- Dec. 15, 1980, Pub. L. 96-527, title VII, § 713, 94 Stat. 3082.
- Dec. 21, 1979, Pub. L. 96-154, title VII, § 713, 93 Stat. 1154.
- Oct. 13, 1978, Pub. L. 95-457, title VIII, § 813, 92 Stat. 1246.
- Sept. 21, 1977, Pub. L. 95-111, title VIII, § 812, 91 Stat. 901.
- Sept. 22, 1976, Pub. L. 94-419, title VII, § 712, 90 Stat. 1293.
- Feb. 9, 1976, Pub. L. 94-212, title VII, § 712, 90 Stat. 170.
- Oct. 8, 1974, Pub. L. 93-437, title VIII, § 812, 88 Stat. 1226.
- Jan. 2, 1974, Pub. L. 93-238, title VII, § 712, 87 Stat. 1040.
- Oct. 26, 1972, Pub. L. 92-570, title VII, § 712, 86 Stat. 1198.
- Dec. 18, 1971, Pub. L. 92-204, title VII, § 712, 85 Stat. 729.
- Jan. 11, 1971, Pub. L. 91-668, title VIII, § 812, 84 Stat. 2032.
- Dec. 29, 1969, Pub. L. 91-171, title VI, § 612, 83 Stat. 481.
- Oct. 17, 1968, Pub. L. 90-580, title V, § 511, 82 Stat. 1131.
- Sept. 29, 1967, Pub. L. 90-96, title VI, § 611, 81 Stat. 244.
- Oct. 15, 1966, Pub. L. 89-687, title VI, § 611, 80 Stat. 992.
- Sept. 29, 1965, Pub. L. 89-213, title VI, § 611, 79 Stat. 875.
- Aug. 19, 1964, Pub. L. 88-446, title V, § 511, 78 Stat. 476.
- Oct. 17, 1963, Pub. L. 88-149, title V, § 511, 77 Stat. 265.
- Aug. 9, 1962, Pub. L. 87-577, title V, § 511, 76 Stat. 329.
- Aug. 17, 1961, Pub. L. 87-144, title VI, § 611, 75 Stat. 377.
- July 7, 1960, Pub. L. 86-601, title V, § 511, 74 Stat. 351.
- Aug. 18, 1959, Pub. L. 86-166, title V, § 611, 73 Stat. 380.
- Aug. 22, 1958, Pub. L. 85-724, title VI, § 611, 72 Stat. 725.
- Aug. 2, 1957, Pub. L. 85-117, title VI, § 612, 71 Stat. 325.
- July 2, 1956, ch. 488, title VI, § 612, 70 Stat. 469.
- July 13, 1955, ch. 358, title VI, § 615, 69 Stat. 317.
- June 30, 1954, ch. 432, title VII, § 715, 68 Stat. 352.

CHAPTER 6—WILLFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL**§§ 101 to 106. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 101, acts Apr. 20, 1918, ch. 59, § 1, 40 Stat. 533; Nov. 30, 1940, ch. 926, 54 Stat. 1220; Dec. 24, 1942, ch. 824, 56 Stat. 1087; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, related to definition of war terms. See section 2151 of Title 18, Crimes and Criminal Procedure.

Section 102, act Apr. 20, 1918, ch. 59, § 2, 40 Stat. 534, related to destruction or injury of war material in time of war. See section 2153 of Title 18.