

placing of orders for ships or war materials, except for the taking authority vested in the President by these acts, are hereby delegated to:

(1) the Secretary of Agriculture with respect to all food resources;

(2) the Secretary of Energy with respect to all forms of energy;

(3) the Secretary of Transportation with respect to all forms of civil transportation; and

(4) the Secretary of Commerce with respect to all other products and materials, including construction materials.

(b) The authorities delegated in paragraph (a) of this section may be exercised only after the President has made the statutorily required determination.

SEC. 104. Implementation. (a) The authorities delegated under sections 102 and 103 of this order shall include the power to redelegate such authorities, and the power of successive redelegation of such authorities, to departments and agencies, officers, and employees of the Government. The authorities delegated in this order may be implemented by regulations promulgated and administered by the Secretaries of Agriculture, Defense, Energy, Transportation, Homeland Security, and Commerce, and the Director of the Federal Emergency Management Agency, as appropriate.

(b) All departments and agencies delegated authority under this order are hereby directed to amend their rules and regulations as necessary to reflect the new authorities delegated herein that are to be relied upon to carry out their functions. To the extent authorized by law, including 50 U.S.C. App. 486 [468] [now 50 U.S.C. 3816], 10 U.S.C. 4501 and 9501 [former sections 4501 and 9501 of Title 10], and 50 U.S.C. 82, all rules and regulations issued under the Defense Production Act of 1950, as amended, with respect to the placing of priority orders for articles, products, ships, and materials, including war materials, shall be deemed, where appropriate, to implement the authorities delegated by sections 102 and 103 of this order, and shall remain in effect until amended or revoked by the respective Secretary. All orders, regulations, and other forms of administrative actions purported to have been issued, taken, or continued in effect pursuant to the Defense Production Act of 1950, as amended, shall, until amended or revoked by the respective Secretaries or the Director of the Federal Emergency Management Agency, as appropriate, remain in full force and effect, to the extent supported by any law or any authority delegated to the respective Secretary or the Director pursuant to this order.

(c) Upon the request of the Secretary of Defense with respect to particular articles, products, or materials that are determined to be needed to meet national security requirements, any other official receiving a delegation of authority under this Executive order to place orders or to enforce precedence of such orders, shall exercise such authority within 10 calendar days of the receipt of the request; provided, that if the head of any department or agency having delegated responsibilities hereunder disagrees with a request of the Secretary of Defense, such department or agency head shall, within 10 calendar days from the receipt of the request, refer the issue to the Assistant to the President for National Security Affairs, who shall ensure expeditious resolution of the issue.

(d) Proposed department and agency regulations and procedures to implement the delegated authority under this order, and any new determinations made under sections 102(b)(1) or (2), shall be coordinated by the Secretary of Homeland Security with all appropriate departments and agencies.

SEC. 105. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

§§ 83 to 85. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 83, act May 29, 1928, ch. 853, § 1, 45 Stat. 928, related to ammunition for use of Army and Navy, storage and dispersal, control by a joint board of officers. See section 172 of Title 10, Armed Forces.

Section 84, act Mar. 3, 1875, ch. 133, § 1, 18 Stat. 455, related to expenditure at armories for perfection of patentable inventions.

Section 85, act Mar. 3, 1921, ch. 128, § 6, 41 Stat. 1352, authorized Secretary of War to proceed with installation of guns and howitzers.

§§ 86 to 88. Omitted

CODIFICATION

Sections 86 to 88, act Feb. 15, 1936, ch. 74, §§1-3, 49 Stat. 1140, related to conservation of domestic sources of tin, and were superseded by the Export Control Act of 1949 (former sections 2021 to 2032 of the former Appendix to this title) pursuant to section 10 of that Act (former section 2030 of the former Appendix to this title). The act of Feb. 15, 1936 was subsequently superseded by the Export Administration Act of 1969 (former sections 2401 to 2413 of the former Appendix to this title) pursuant to section 12 of that Act (former section 2411 of the former Appendix to this title). See, also, the Export Control Reform Act of 2018, which is classified principally to chapter 58 (§ 4801 et seq.) of this title.

Section 86, act Feb. 15, 1936, ch. 74, § 1, 49 Stat. 1140, related to conservation of domestic resources of tin.

Section 87, act Feb. 15, 1936, ch. 74, § 2, 49 Stat. 1140, related to prohibition of exportation except on license.

Section 88, act Feb. 15, 1936, ch. 74, § 3, 49 Stat. 1140, related to penalties for violations of sections 86 and 87 of this title.

SUBCHAPTER II—EDUCATION AND EXPERIMENTATION IN DEVELOPMENT OF MUNITIONS AND MATERIALS FOR NATIONAL DEFENSE

§§ 91 to 94. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 91, act June 16, 1938, ch. 458, § 1, 52 Stat. 707, authorized Secretary of War to place educational orders for munitions of special or technical design.

Section 92, act June 16, 1938, ch. 458, § 2, 52 Stat. 708, related to production equipment.

Section 93, act June 16, 1938, ch. 458, § 3, 52 Stat. 708, placed certain limitations on number of orders.

Section 94, acts June 16, 1938, ch. 458, § 4, 52 Stat. 708; Apr. 3, 1939, ch. 35, § 13, 53 Stat. 560, related to availability of appropriations for purposes of sections 91 to 94 of this title.

§ 95. Omitted

Editorial Notes

CODIFICATION

Section, act June 30, 1938, ch. 852, 52 Stat. 1255, authorized an appropriation of \$2,000,000 to remain until expended for purpose of rotary-wing and other aircraft research, development, procurement, experimentation, and operation for service testing.

§ 96. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act July 15, 1939, ch. 283, 53 Stat. 1042, related to purchase by Secretary of War of equipment for experimental and test purposes. See section 4023 of Title 10, Armed Forces.

SUBCHAPTER III—ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

§ 98. Short title

This subchapter may be cited as the “Strategic and Critical Materials Stock Piling Act”.

(June 7, 1939, ch. 190, §1, as added Pub. L. 96-41, §2(a), July 30, 1979, 93 Stat. 319.)

Editorial Notes

PRIOR PROVISIONS

A prior section 98, acts June 7, 1939, ch. 190, §1, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596, related to declaration of Congressional policy in enacting this subchapter, prior to repeal by section 2(a) of Pub. L. 96-41.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-180, div. C, title II, §3201, Dec. 4, 1987, 101 Stat. 1245, provided that: “This title [enacting section 98h-5 of this title, amending sections 98a, 98b, 98d, 98e-1, 98h, 98h-2, and 98h-4 of this title, enacting provisions set out as a note under section 98e-1 of this title, and repealing provisions set out as a note under this section] may be cited as the ‘National Defense Stockpile Amendments of 1987’.”

SHORT TITLE OF 1979 AMENDMENT

Pub. L. 96-41, §1, July 30, 1979, 93 Stat. 319, provided: “That this Act [enacting this section and sections 98a to 98h-3 of this title, redesignating former section 98h-1 of this title as 98h-4 of this title, amending section 4533 of this title, sections 1743 and 1745 of Title 7, Agriculture, section 741b of Title 15, Commerce and Trade, and section 485 of former Title 40, Public Buildings, Property, and Works, enacting a provision set out as a note under this section, and repealing a provision set out as a note under this section] may be cited as the ‘Strategic and Critical Materials Stock Piling Revision Act of 1979’.”

SHORT TITLE

Act June 7, 1939, ch. 190, §11, formerly §10, as added by act July 23, 1946, ch. 590, 60 Stat. 596; renumbered §11, Pub. L. 92-156, title V, §503(1), Nov. 17, 1971, 85 Stat. 427, provided that this Act, which enacted this subchapter, be cited as the “Strategic and Critical Materials Stock Piling Act”, prior to repeal by Pub. L. 96-41, §2(b)(2), July 30, 1979, 93 Stat. 324.

NEW BUDGET AUTHORITY

Pub. L. 96-41, §4, July 30, 1979, 93 Stat. 320, provided that: “Any provision authorizing the enactment of new budget authority contained in the amendments made by this Act [see Short Title of 1979 Amendment note above] shall be effective on October 1, 1979.”

Executive Documents

EXECUTIVE ORDER NO. 12155

Ex. Ord. No. 12155, Sept. 10, 1979, 44 F.R. 53071, as amended by Ex. Ord. No. 12417, May 2, 1983, 48 F.R. 20035, which related to delegation of functions vested in President by Strategic and Critical Materials Stock Piling Act, as amended [50 U.S.C. 98 et seq.], to various Federal agencies and officials, was revoked by Pub. L. 100-180, div. C, title II, §3203(b), Dec. 4, 1987, 101 Stat. 1247, effective 30 days after Dec. 4, 1987.

EX. ORD. NO. 12626. NATIONAL DEFENSE STOCKPILE MANAGER

Ex. Ord. No. 12626, Feb. 25, 1988, 53 F.R. 6114, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), as amended, section 3203 of the National Defense Authorization Act for Fiscal Year 1988 (Public Law 100-180) [amending section 98e-1 of this title and enacting a provision set out as a note under section 98e-1 of this title], and section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is designated National Defense Stockpile Manager. The functions vested in the President by the Strategic and Critical Materials Stock Piling Act [50 U.S.C. 98 et seq.], except the functions vested in the President by sections 7, 8, and 13 of the Act [50 U.S.C. 98f, 98g, 98h-4], are delegated to the Secretary of Defense. The functions vested in the President by section 8(a) of the Act [50 U.S.C. 98g(a)] are delegated to the Secretary of the Interior. The functions vested in the President by section 8(b) of the Act [50 U.S.C. 98g(b)] are delegated to the Secretary of Agriculture.

SEC. 2. The functions vested in the President by section 4(h) of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b(h)), are delegated to the Secretary of Defense.

SEC. 3. The functions vested in the President by section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f)) [now 40 U.S.C. 574(d)], are delegated to the Secretary of Defense.

SEC. 4. In executing the functions delegated to him by this Order, the Secretary of Defense may delegate such functions as he may deem appropriate, subject to his direction. The Secretary shall consult with the heads of affected agencies in performing the functions delegated to him by this Order.

RONALD REAGAN.

EX. ORD. NO. 14051. DESIGNATION TO EXERCISE AUTHORITY OVER THE NATIONAL DEFENSE STOCKPILE

Ex. Ord. No. 14051, Oct. 31, 2021, 86 F.R. 60747, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98 et seq.), section 1413 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) [amending sections 98f and 98h-7 of this title], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Policy and Purpose.* The United States needs resilient, diverse, and secure supply chains to ensure our economic prosperity, national security, and national competitiveness. In Executive Order 14017 of February 24, 2021 (America’s Supply Chains) [86 F.R. 11849], I directed a comprehensive review of America’s supply chains to ensure that they are resilient in the face of a range of risks. One critical component of safeguarding supply chain resilience and industrial base health is ensuring that both the Federal Government and the private sector maintain adequate quantities of supplies, equipment, or raw materials on hand to create a buffer against potential shortages and import dependencies. Some of the Federal Government’s key tools to maintain adequate quantities of supplies to guard against such shortages and dependencies are the United States national stockpiles, including the National Defense Stockpile. By strengthening the National Defense Stockpile, the Federal Government will both ensure that it is keeping adequate quantities of goods on hand and provide a model for the private sector, while recognizing that private sector stockpiles and reserves can differ from government ones. This order confers authority related to the release of strategic and critical materials from the National Defense Stockpile to improve Federal Government efforts around stockpiling for national defense purposes.

SEC. 2. *Designation.* In accordance with section 98f of title 50, United States Code, the Under Secretary of De-