

XXXIII, § 3306, Nov. 18, 1997, 111 Stat. 2058; Pub. L. 106-65, div. A, title X, § 1067(13), Oct. 5, 1999, 113 Stat. 775; Pub. L. 113-66, div. A, title XIV, § 1411(a), Dec. 26, 2013, 127 Stat. 934; Pub. L. 117-81, div. A, title XIV, §§ 1411(1), 1412, Dec. 27, 2021, 135 Stat. 2018.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 98e, acts June 7, 1939, ch. 190, § 6, 53 Stat. 812; May 28, 1941, ch. 135, 55 Stat. 206; July 23, 1946, ch. 590, 60 Stat. 598; Ex. Ord. No. 9809, eff. Dec. 12, 1946, 11 F.R. 14281; Ex. Ord. No. 9841, eff. Apr. 23, 1947, 12 F.R. 2645; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381; 1953 Reorg. Plan No. 3, § 2(b), eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634; 1958 Reorg. Plan No. 1, § 2, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799; Oct. 21, 1968, Pub. L. 90-608, § 402, 82 Stat. 1194; Ex. Ord. No. 11725, § 3, eff. June 29, 1973, 38 F.R. 17175, related to transfer of surplus materials to stock piles, prior to repeal by section 2(a) of Pub. L. 96-41. See section 98c(b) of this title.

Provisions similar to those in this section were contained in former section 98b of this title prior to repeal by Pub. L. 96-41.

##### AMENDMENTS

2021—Subsec. (b)(2). Pub. L. 117-81, § 1411(1), inserted “to consult with producers and processors of such materials” before “to avoid”.

Subsec. (f). Pub. L. 117-81, § 1412, added subsec. (f).

2013—Subsec. (a)(5) to (7). Pub. L. 113-66 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

1999—Subsec. (d)(1). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1997—Subsec. (b). Pub. L. 105-85, in first sentence, substituted “strategic and critical materials from the stockpile shall be made in accordance with the next sentence” for “materials from the stockpile shall be made by formal advertising or competitive negotiation procedures”.

1996—Subsec. (d)(1). Pub. L. 104-201, § 3312(b), substituted “45 days” for “thirty days”.

Pub. L. 104-106, § 1502(e)(1)(A), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

Subsec. (d)(2). Pub. L. 104-201, § 3312(c), substituted “45 days” for “thirty days”.

Pub. L. 104-106, § 1502(e)(1)(B), substituted “such congressional committees” for “the Committees on Armed Services of the Senate and House of Representatives”.

1994—Subsec. (a)(4). Pub. L. 103-337 inserted “or technological obsolescence” after “deterioration”.

1991—Subsec. (a)(4). Pub. L. 102-190 inserted before semicolon “or better material”.

1990—Subsec. (a)(3). Pub. L. 101-510, § 3301(b)(1), substituted “upgrading, refining,” for “refining”, inserted “(notwithstanding any intermediate stockpile quantity established for such material)” after “stockpile”, and substituted “storage, subsequent disposition, and immediate use in a national emergency” for “storage and subsequent disposition”.

Subsec. (c)(1). Pub. L. 101-510, § 3301(b)(2), inserted “under subsection (a)(1)” after “the acquisition” and “under subsection (a)(5) or (a)(6)” after “the disposal”.

Subsec. (c)(2). Pub. L. 101-510, § 3301(b)(3), substituted “(the disposition of which is authorized by paragraph (3) to finance the upgrading, refining, or processing of a material in the stockpile, or is otherwise authorized by law)” for “, the disposition of which is authorized by law,” and “of upgrading, refining” for “of refining”.

Subsec. (c)(3), (4). Pub. L. 101-510, § 3301(a), added par. (3) and redesignated former par. (3) as (4).

1989—Subsec. (b). Pub. L. 101-189, § 3314(1), inserted “and” at end of par. (1), substituted a period for

“; and” at end of par. (2), and struck out par. (3) which read as follows: “disposal of such materials shall be made for domestic consumption.”

Subsec. (d)(1). Pub. L. 101-189, § 3314(2), substituted “paragraph (1) or (2)” for “paragraph (1), (2), or (3)”.

1986—Subsec. (a)(3). Pub. L. 99-661 substituted “a form more” for “the form most”.

1981—Subsec. (a)(6). Pub. L. 97-35 inserted reference to section 98d(b) of this title.

#### Statutory Notes and Related Subsidiaries

##### ACQUISITION OF DEPLETED URANIUM FOR NATIONAL DEFENSE STOCKPILE

Pub. L. 101-511, title VIII, § 8095, Nov. 5, 1990, 104 Stat. 1896, directed President, using funds available in National Defense Stockpile Transaction Fund, to acquire over a period of ten years from current domestic sources not less than thirty-six million pounds of depleted uranium to be held in National Defense Stockpile, prior to repeal by Pub. L. 102-172, title VIII, § 8027A, Nov. 26, 1991, 105 Stat. 1177.

#### Executive Documents

##### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to 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.

#### § 98e-1. Transferred

#### Editorial Notes

##### CODIFICATION

Section, act June 7, 1939, ch. 190, § 6A, as added Nov. 14, 1986, Pub. L. 99-661, div. C, title II, § 3202(a), 100 Stat. 4067; amended Dec. 4, 1987, Pub. L. 100-180, div. C, title II, § 3203(a), 101 Stat. 1246, which related to National Defense Stockpile Manager, was transferred to section 98h-7 of this title.

#### § 98f. Special Presidential disposal authority

(a) Materials in the stockpile may be released for use, sale, or other disposition—

(1) on the order of the President, at any time the President determines the release of such materials is required for purposes of the national defense;

(2) in time of war declared by the Congress or during a national emergency, on the order of any officer or employee of the United States designated by the President to have authority to issue disposal orders under this subsection, if such officer or employee determines that the release of such materials is required for purposes of the national defense; and

(3) on the order of the Under Secretary of Defense for Acquisition and Sustainment, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.

(b) Any order issued under subsection (a) shall be promptly reported by the President, or by the officer or employee issuing such order, in writing, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(June 7, 1939, ch. 190, § 7, as added Pub. L. 96-41, § 2(a), July 30, 1979, 93 Stat. 322; amended Pub. L.

104-106, div. A, title XV, §1502(e)(2), Feb. 10, 1996, 110 Stat. 509; Pub. L. 106-65, div. A, title X, §1067(13), Oct. 5, 1999, 113 Stat. 775; Pub. L. 112-239, div. A, title XIV, §1413(a), Jan. 2, 2013, 126 Stat. 2048; Pub. L. 116-92, div. A, title IX, §902(90), Dec. 20, 2019, 133 Stat. 1554.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 98f, acts June 7, 1939, ch. 190, §7, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 599, related to investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc., prior to repeal by section 2(a) of Pub. L. 96-41.

Provisions similar to those in this section were contained in former section 98d of this title prior to repeal by Pub. L. 96-41.

##### AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

2013—Subsec. (a)(3). Pub. L. 112-239 added par. (3).

1999—Subsec. (b). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (b). Pub. L. 104-106 substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

#### Executive Documents

##### DELEGATION OF FUNCTIONS

Authority of President to release strategic and critical materials from the National Defense Stockpile designated to Under Secretary of Defense for Acquisition and Sustainment only when required for use, manufacture, or production for purposes of national defense, see Ex. Ord. No. 14051, set out as a note under section 98 of this title.

### § 98g. Materials development and research

#### (a) Development, mining, preparation, treatment, and utilization of ores and other mineral substances

(1) The President shall make scientific, technologic, and economic investigations concerning the development, mining, preparation, treatment, and utilization of ores and other mineral substances that (A) are found in the United States, or in its territories or possessions, (B) are essential to the national defense, industrial, and essential civilian needs of the United States, and (C) are found in known domestic sources in inadequate quantities or grades.

(2) Such investigations shall be carried out in order to—

(A) determine and develop new domestic sources of supply of such ores and mineral substances;

(B) devise new methods for the treatment and utilization of lower grade reserves of such ores and mineral substances; and

(C) develop substitutes for such essential ores and mineral products.

(3) Investigations under paragraph (1) may be carried out on public lands and, with the consent of the owner, on privately owned lands for

the purpose of exploring and determining the extent and quality of deposits of such minerals, the most suitable methods of mining and beneficiating such minerals, and the cost at which the minerals or metals may be produced.

#### (b) Development of sources of supplies of agricultural materials; use of agricultural commodities for manufacture of materials

The President shall make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 98b(a) of this title to be a strategic and critical material or substitutes therefor.

#### (c) Development of sources of supply of other materials; development or use of alternative methods for refining or processing materials in stockpile

The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 98b(a) of this title to be strategic and critical materials; and

(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

#### (d) Grants and contracts to encourage conservation of strategic and critical materials

The President shall encourage the conservation of domestic sources of any material determined pursuant to section 98b(a) of this title to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

(1) substitutes for such material; or

(2) more efficient methods of production or use of such material.

(June 7, 1939, ch. 190, §8, as added Pub. L. 96-41, §2(a), July 30, 1979, 93 Stat. 322; amended Pub. L. 101-189, div. C, title XXXIII, §3311, Nov. 29, 1989, 103 Stat. 1686.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 98g, act June 7, 1939, ch. 190, §8, as added July 23, 1946, ch. 590, 60 Stat. 600; amended 1953 Reorg. Plan No. 3, §2(b), eff. June 12, 1953, 18 F.R. 3375, 67 Stat. 634; 1958 Reorg. Plan No. 1, §2, eff. July 1, 1958, 23 F.R. 4991, 72 Stat. 1799; Oct. 21, 1968, Pub. L. 90-608, §402, 82 Stat. 1194; Ex. Ord. No. 11725, §3, eff. June 29, 1973, 38 F.R. 17175, authorized appropriations for procurement, transportation, maintenance, rotation, storage, and refining or processing of materials acquired under this subchapter, prior to repeal by section 2(a) of Pub. L. 96-41. See section 98d(c) of this title.

Provisions similar to those in this section were contained in former section 98f of this title prior to repeal by Pub. L. 96-41.

##### AMENDMENTS

1989—Subsecs. (c), (d). Pub. L. 101-189 added subsecs. (c) and (d).