spect 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 Repealed.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 Appendix to this title) pursuant to section 10 of that Act (former section 2030 of the 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 Appendix to this title) pursuant to section 12 of that Act (former section 2411 of the Appendix to this title). See, also, the Export Administration Act of 1979, which is classified to section 2401 of the Appendix to 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

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 2373 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.)

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.

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

Section 1 of Pub. L. 96–41 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 2093 of the Appendix to 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

Section 4 of Pub. L. 96–41 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 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.

§98a. Congressional findings and declaration of purpose

(a) The Congress finds that the natural resources of the United States in certain strategic and critical materials are deficient or insufficiently developed to supply the military, industrial, and essential civilian needs of the United States for national defense.

(b) It is the purpose of this subchapter to provide for the acquisition and retention of stocks of certain strategic and critical materials and to encourage the conservation and development of sources of such materials within the United States and thereby to decrease and to preclude, when possible, a dangerous and costly dependence by the United States upon foreign sources for supplies of such materials in times of national emergency.

(c) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.

(June 7, 1939, ch. 190, §2, as added Pub. L. 96–41, §2(a), July 30, 1979, 93 Stat. 319; amended Pub. L. 100–180, div. C, title II, §3202(b), Dec. 4, 1987, 101 Stat. 1245; Pub. L. 103–160, div. C, title XXXIII, §3311, Nov. 30, 1993, 107 Stat. 1961; Pub. L. 104–201, div. C, title XXXIII, §3311(b), Sept. 23, 1996, 110 Stat. 2857.)

PRIOR PROVISIONS

A prior section 98a, acts June 7, 1939, ch. 190, §2, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596; 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 determination of strategic and critical materials, the quantity and quality to be purchased, formation and functions of industry advisory committees, and the subsistence and traveling expenses of members of those committees, prior to repeal by section 2(a) of Pub. L. 96–41.

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

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–201 added subsec. (c) and struck out former subsec. (c) which read as follows: ''In providing for the National Defense Stockpile under this subchapter, Congress establishes the following principles:

''(1) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.

''(2) Before October 1, 1994, the quantities of materials stockpiled under this subchapter should be sufficient to sustain the United States for a period of not less than three years during a national emergency situation that would necessitate total mobilization of the economy of the United States for a sustained conventional global war of indefinite duration.

''(3) On and after October 1, 1994, the quantities of materials stockpiled under this subchapter should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense.''

1993—Subsec. (c)(2). Pub. L. 103–160, §3311(1), substituted ''Before October 1, 1994, the quantities'' for ''The quantities''.

Subsec. (c)(3). Pub. L. 103–160, §3311(2), added par. (3).

1987—Subsec. (c). Pub. L. 100–180 added subsec. (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 3311(c) of Pub. L. 104–201 provided that: ''The amendments made by this section [amending this section and section 98h–5 of this title] shall take effect on October 1, 1996.''

§98b. National Defense Stockpile

(a) Determination of materials; quantities

Subject to subsection (c) of this section, the President shall determine from time to time (1)