(7) Materials acquired by the Commodity Credit Corporation under paragraph (2) of section 1743(a) of title 7, and transferred to the stockpile under the third sentence of such section.

(8) Materials transferred to the stockpile by the President under paragraph (4) of section 1743(a) of title 7.

(9) Materials transferred to the stockpile under subsection (b) of this section.

(10) Materials transferred to the stockpile under subsection (c) of this section.

(b) Transfer and reimbursement

Notwithstanding any other provision of law, any material that (1) is under the control of any department or agency of the United States, (2) is determined by the head of such department or agency to be excess to its needs and responsibilities, and (3) is required for the stockpile shall be transferred to the stockpile. Any such transfer shall be made without reimbursement to such department or agency, but all costs required to effect such transfer shall be paid or reimbursed from funds appropriated to carry out this subchapter.

(c) Transfer and disposal

(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this subchapter uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.

(June 7, 1939, ch. 190, §4, as added Pub. L. 96–41, §2(a), July 30, 1979, 93 Stat. 320; amended Pub. L. 99–661, div. C, title II, §3207(a)(1), Nov. 14, 1986, 100 Stat. 4069; Pub. L. 104–106, div. C, title XXXIII, §3311, Feb. 10, 1996, 110 Stat. 630; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Z), June 18, 2008, 122 Stat. 1820, 1821.)

REFERENCES IN TEXT

Section 1704(b) of title 7, referred to in subsec. (a)(3), was amended generally by Pub. L. 101–624, title XV, §1512, Nov. 28, 1990, 104 Stat. 3635, and, as so amended, no longer contains provisions relating to a supplemental stockpile.

PRIOR PROVISIONS

A prior section 98c, acts June 7, 1939, ch. 190, §4, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 598; 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; Apr. 21, 1976, Pub. L. 94–273, §37, 90 Stat. 380, required reports to Congress, prior to repeal by section 2(a) of Pub. L. 96–41. See section 98h–2 of this title.

AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110–246 made technical amendment to reference in original act which appears in text as reference to section 1704(b) of title 7.

1996—Subsec. (a)(10). Pub. L. 104–106, §3311(b), added par. (10).

Subsec. (c). Pub. L. 104–106, §3311(a), added subsec. (c).

1986—Pub. L. 99–661 substituted ''on July 29, 1979'' for ''on the day before the date of the date of enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979'' in pars. (1) and (3), and ''after July 29, 1979'' for ''on or after the date of the enactment of the Strategic and Critical Materials Stock Piling Revision Act of 1979'' in par. (2).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

CLARIFICATION OF STOCKPILE STATUS OF CERTAIN MATERIALS

Pub. L. 102–484, div. C, title XXXIII, §3315, Oct. 23, 1992, 106 Stat. 2654, as amended by Pub. L. 103–337, div. A, title X, §1070(c)(4), Oct. 5, 1994, 108 Stat. 2858, provided that: ''All materials purchased under section 303 of the Defense Production Act of 1950 ([former] 50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are hereby transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the National Defense Stockpile Manager as provided in the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.) [50 U.S.C. 98 et seq.].''

§98d. Authority for stockpile operations

(a) Funds appropriated for acquisitions; proposed stockpile transactions; significant changes therein

(1) Except for acquisitions made under the authority of paragraph (3) or (4) of section 98e(a) of this title, no funds may be obligated or appropriated for acquisition of any material under this subchapter unless funds for such acquisition have been authorized by law. Funds appropriated for such acquisition (and for transportation and other incidental expenses related to such acquisition) shall remain available until expended, unless otherwise provided in appropriation Acts.

(2) If for any fiscal year the President proposes certain stockpile transactions in the annual materials plan submitted to Congress for that year under section 98h–2(b) of this title and after that plan is submitted the President proposes (or Congress requires) a significant change in any such transaction, or a significant transaction not included in such plan, no amount may be obligated or expended for such transaction during such year until the President has submitted a full statement of the proposed transaction to the appropriate committees of Congress and a period of 45 days has passed from the date of the receipt of such statement by such committees.

(b) Disposal

Except for disposals made under the authority of paragraph (3), (4), or (5) of section 98e(a) of this title or under section 98f(a) of this title, no disposal may be made from the stockpile unless such disposal, including the quantity of the material to be disposed of, has been specifically authorized by law.

(c) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to provide for the

transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile. Funds appropriated for such purposes shall remain available to carry out the purposes for which appropriated for a period of two fiscal years, if so provided in appropriation Acts.

(June 7, 1939, ch. 190, § 5, as added Pub. L. 96–41, § 2(a), July 30, 1979, 93 Stat. 321; amended Pub. L. 97–35, title II, § 203(a), (b), Aug. 13, 1981, 95 Stat. 381, 382; Pub. L. 98–525, title IX, § 903, Oct. 19, 1984, 98 Stat. 2573; Pub. L. 99–661, div. C, title II, § 3207(a)(2), Nov. 14, 1986, 100 Stat. 4069; Pub. L. 100–180, div. C, title II, § 3206(a), Dec. 4, 1987, 101 Stat. 1247; Pub. L. 102–484, div. C, title XXXIII, § 3312, Oct. 23, 1992, 106 Stat. 2653; Pub. L. 103–160, div. C, title XXXIII, § 3312, Nov. 30, 1993, 107 Stat. 1962.)

PRIOR PROVISIONS

A prior section 98d, acts June 7, 1939, ch. 190, § 5, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 598, related to release of stock pile materials, prior to repeal by section 2(a) of Pub. L. 96–41. See section 98f of this title.

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

AMENDMENTS

1993—Subsec. (a)(2). Pub. L. 103–160 substituted ''and a period of 45 days has passed from the date of the receipt of such statement by such committees.'' for ''and a period of 30 days has passed from the date of the receipt of such statement by such committees. In computing any 30-day period for the purpose of the preceding sentence, there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.''

1992—Subsec. (b). Pub. L. 102–484 struck out ''(1)'' after ''the stockpile'' and '', or (2) if the disposal would result in there being an unobligated balance in the National Defense Stockpile Transaction Fund in excess of $100,000,000'' after ''authorized by law''.

1987—Subsec. (a)(2). Pub. L. 100–180 struck out ''or until each such committee, before the expiration of such period, notifies the President that it has no objection to the proposed transaction'' before period at end of first sentence.

1986—Subsec. (b). Pub. L. 99–661 substituted ''paragraph (3), (4), or (5)'' for ''paragraph (4) or (5)''.

1984—Subsec. (b)(2). Pub. L. 98–525, § 903(b), substituted ''$100,000,000'' for ''$250,000,000''.

Pub. L. 98–525, § 903(a), substituted ''an unobligated balance'' for ''a balance'' where first appearing and ''$250,000,000'' for ''$1,000,000,000 or, in the case of a disposal to be made after September 30, 1983, if the disposal would result in there being a balance in the fund in excess of $500,000,000''.

1981—Subsec. (a). Pub. L. 97–35, § 203(a), designated existing provisions as par. (1), inserted applicability to other incidental expenses, substituted ''until expended, unless otherwise'' for ''for a period of five fiscal years, if so'', and added par. (2).

Subsec. (b). Pub. L. 97–35, § 203(b), inserted designation for cl. (1) and added cl. (2).

EFFECTIVE DATE OF 1984 AMENDMENT

Section 903(b) of Pub. L. 98–525, as amended by Pub. L. 99–145, title XVI, § 1611(b), Nov. 8, 1985, 99 Stat. 776, provided in part that the amendment by section 903(b) of Pub. L. 98–525, is effective Oct. 1, 1987.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 203(f) of Pub. L. 97–35 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1981.''

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.

PROHIBITION OF REDUCTIONS IN STOCKPILE GOALS

Pub. L. 99–145, title XVI, § 1612, Nov. 8, 1985, 99 Stat. 776, as amended by Pub. L. 99–661, div. C, title II, § 3201, Nov. 14, 1986, 100 Stat. 4067, prohibited action before Oct. 1, 1987, to implement or administer any change in a stockpile goal in effect on Oct. 1, 1984, that would result in a reduction in the quality or quantity of any strategic and critical material acquired for the National Defense Stockpile.

MATERIALS IN THE NATIONAL DEFENSE STOCKPILE

Provisions relating to certain materials in the National Defense Stockpile were contained in the following acts:

Pub. L. 110–181, div. A, title XIV, §§ 1413, 1414, Jan. 28, 2008, 122 Stat. 418, 419.

Pub. L. 109–163, div. C, title XXXIII, §§ 3303, 3304, Jan. 6, 2006, 119 Stat. 3546.

Pub. L. 108–375, div. C, title XXXIII, § 3303, Oct. 28, 2004, 118 Stat. 2193.

Pub. L. 107–107, div. C, title XXXIII, §§ 3301, 3303, 3306(a), Dec. 28, 2001, 115 Stat. 1388, 1389, 1391.

Pub. L. 106–398, § 1 [div. C, title XXXIII, § 3303], Oct. 30, 2000, 114 Stat. 1654, 1654A–483.

Pub. L. 106–65, div. C, title XXXIV, § 3402(a)–(e), Oct. 5, 1999, 113 Stat. 972, 973; Pub. L. 108–136, div. C, title XXXIII, § 3302, Nov. 24, 2003, 117 Stat. 1788; Pub. L. 109–163, div. C, title XXXIII, § 3302(b), Jan. 6, 2006, 119 Stat. 3546; Pub. L. 110–181, div. A, title XIV, § 1412(a), Jan. 28, 2008, 122 Stat. 418.

Pub. L. 106–31, title I, § 303, May 21, 1999, 113 Stat. 67.

Pub. L. 105–262, title VIII, § 8109, Oct. 17, 1998, 112 Stat. 2322.

Pub. L. 105–261, div. C, title XXXIII, §§ 3301, 3303, Oct. 17, 1998, 112 Stat. 2262, 2263; Pub. L. 106–65, div. C, title XXXIV, § 3403(a), Oct. 5, 1999, 113 Stat. 973; Pub. L. 106–398, § 1 [div. C, title XXXIII, § 3302], Oct. 30, 2000, 114 Stat. 1654, 1654A–483; Pub. L. 107–107, div. C, title XXXIII, § 3304(a), Dec. 28, 2001, 115 Stat. 1390; Pub. L. 108–375, div. C, title XXXIII, § 3302, Oct. 28, 2004, 118 Stat. 2193; Pub. L. 109–163, div. C, title XXXIII, § 3302(a), Jan. 6, 2006, 119 Stat. 3545; Pub. L. 109–364, div. C, title XXXIII, § 3302(a), Oct. 17, 2006, 120 Stat. 2513; Pub. L. 110–181, div. A, title XIV, § 1412(b), Jan. 28, 2008, 122 Stat. 418; Pub. L. 110–417, [div. A], title XIV, § 1412(a), Oct. 14, 2008, 122 Stat. 4648.

Pub. L. 105–85, div. A, title XXXIII, §§ 3301, 3303–3305, Nov. 18, 1997, 111 Stat. 2056, 2057; Pub. L. 106–65, div. C, title XXXIV, §§ 3402(f)(2), 3403(b), Oct. 5, 1999, 113 Stat. 973; Pub. L. 107–107, div. C, title XXXIII, §§ 3304(b), 3305, Dec. 28, 2001, 115 Stat. 1390; Pub. L. 109–364, div. C, title XXXIII, § 3302(b), Oct. 17, 2006, 120 Stat. 2513; Pub. L. 110–417, [div. A], title XIV, § 1412(b), Oct. 14, 2008, 122 Stat. 4648; Pub. L. 111–84, div. A, title XIV, § 1412, Oct. 28, 2009, 123 Stat. 2562.

Pub. L. 104–201, div. C, title XXXIII, §§ 3301, 3303, Sept. 23, 1996, 110 Stat. 2854, 2855; Pub. L. 106–65, div. C, title XXXIV, §§ 3402(f)(1), 3403(c), Oct. 5, 1999, 113 Stat. 973, 974; Pub. L. 107–107, div. C, title XXXIII, § 3304(c), Dec. 28, 2001, 115 Stat. 1390; Pub. L. 109–364, div. C, title XXXIII, § 3302(c), Oct. 17, 2006, 120 Stat. 2513.

Pub. L. 103–337, div. C, title XXXIII, § 3304, Oct. 5, 1994, 108 Stat. 3098.

Pub. L. 103–160, div. C, title XXXIII, §§ 3301, 3303(a), Nov. 30, 1993, 107 Stat. 1960, 1961.

Pub. L. 102–484, div. C, title XXXIII, §§ 3301–3303, Oct. 23, 1992, 106 Stat. 2649–2651; Pub. L. 103–160, div. C, title XXXIII, § 3303(b), Nov. 30, 1993, 107 Stat. 1961; Pub. L. 103–337, div. A, title X, § 1070(c)(3), div. C, title XXXIII, § 3303, Oct. 5, 1994, 108 Stat. 2858, 3098.

Pub. L. 102–190, div. C, title XXXIII, § 3301, Dec. 5, 1991, 105 Stat. 1583; Pub. L. 102–484, div. C, title XXXIII, § 3308, Oct. 23, 1992, 106 Stat. 2653.

Pub. L. 102–172, title VIII, §8094, Nov. 26, 1991, 105 Stat. 1196.

Pub. L. 101–189, div. C, title XXXIII, §§3301, 3302, Nov. 29, 1989, 103 Stat. 1685.

Pub. L. 100–456, div. A, title XV, §1501, Sept. 29, 1988, 102 Stat. 2085.

Pub. L. 99–661, div. C, title II, §§3204, 3205, Nov. 14, 1986, 100 Stat. 4068.

Pub. L. 99–591, §101(c) [title IX, §9110], (m) [title V, §519], Oct. 30, 1986, 100 Stat. 3341–82, 3341–120, 3341–308, 3341–326.

Pub. L. 99–500, §101(c) [title IX, §9110], (m) [title V, §519], Oct. 18, 1986, 100 Stat. 1783–82, 1783–120, 1783–308, 1783–326.

Pub. L. 98–525, title IX, §§901, 902, Oct. 19, 1984, 98 Stat. 2573.

Pub. L. 97–377, title I, §101(c) [title VII, §799B], Dec. 21, 1982, 96 Stat. 1866.

Pub. L. 97–114, title VII, §788, Dec. 29, 1981, 95 Stat. 1592.

Pub. L. 97–35, title II, §201, Aug. 13, 1981, 95 Stat. 380.

AUTHORIZATION OF APPROPRIATIONS

Section 202 of Pub. L. 97–35 provided that:

''(a) Effective on October 1, 1981, there is authorized to be appropriated the sum of $535,000,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)).

''(b) Any acquisition using funds appropriated under the authorization of subsection (a) shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).''

DISPOSAL OF GOVERNMENT-OWNED TIN SMELTER AT TEXAS CITY, TEXAS

Act June 22, 1956, ch. 426, 70 Stat. 329, directed Federal Facilities Corporation immediately to sell or lease Government-owned tin smelter at Texas City, Texas, and waste acid plant and other assets of Government's tin program, prescribed corporate powers of Corporation in regard to sale or lease, established a Tin Advisory Committee to consult with Corporation, established periods for receipt and negotiation of purchase proposals, and provided that if no contract for sale or lease was effected prior to Jan. 31, 1957, then smelter and other assets be reported as excess property for transfer and disposal in accordance with provisions of Federal Property and Administrative Services Act of 1949.

MAINTENANCE OF DOMESTIC TIN-SMELTING INDUSTRY; TRANSFER OF FUNCTIONS, ETC.

Act June 28, 1947, ch. 159, 61 Stat. 190, as amended June 29, 1948, ch. 722, 62 Stat. 1101; June 30, 1949, ch. 284, 63 Stat. 350; Aug. 21, 1950, ch. 766, 64 Stat. 468; July 30, 1953, ch. 282, title I, §103, 67 Stat. 230; June 22, 1956, ch. 426, §5(a), 70 Stat. 329, declared tin to be a highly strategic and critical material in short supply, directed that it was in the public interest that Congress make a thorough investigation on the advisability of the maintenance of a permanent tin-smelting industry and study the availability of adequate tin supplies, provided that the powers, functions, duties, and authority of the United States exercised by the Reconstruction Finance Corporation to buy, sell, and transport tin, and tin ore and concentrates, to improve, develop, maintain, and operate by lease or otherwise the Government-owned tin smelter at Texas City, Texas, to finance research in tin smelting and processing, and to do all other things necessary to the accomplishment of the foregoing continue in effect until Jan. 31, 1957, or until such earlier time as the Congress shall otherwise provide, and be exercised and performed by such officer, agency, or instrumentality of the United States as the President may designate, authorized diversification of tin-recovery facilities in the United States, and required the Reconstruction Finance Corporation to report to Congress on its activities not later than Dec. 31, 1947, and at the end of each six months thereafter.

FEDERAL FACILITIES CORPORATION; ABOLITION AND DISSOLUTION OF RECONSTRUCTION FINANCE CORPORATION AND FEDERAL FACILITIES CORPORATION

Ex. Ord. No. 10539, eff. June 22, 1954, 19 F.R. 3827, designated the Federal Facilities Corporation to perform and exercise the functions formerly performed and exercised by the Reconstruction Finance Corporation under act June 28, 1947, set out as a note above. The Reconstruction Finance Corporation, which was created by the Reconstruction Finance Corporation Act, act Jan. 22, 1932, ch. 8, 47 Stat. 5, was subsequently abolished by section 6(a) of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees. The Federal Facilities Corporation was, in turn, dissolved by Pub. L. 87–190, §6, Aug. 30, 1961, 75 Stat. 419, effective Sept. 30, 1961, set out as a note under sections 1921 to 1929 of the Appendix to this title.

DISPOSAL OF GOVERNMENT-OWNED TIN SMELTER AT TEXAS CITY, TEXAS; CANCELLATION OF OBLIGATIONS

Cancellation of obligation of General Services Administration to Federal Facilities Corporation existing by virtue of section 5(b) of act June 22, 1956, set out as a note above, see section 4(b) of Pub. L. 87–190, Aug. 30, 1961, 75 Stat. 418, set out as a note under sections 1921 to 1929 of the Appendix to this title.

§98e. Stockpile management

(a) Presidential powers

The President shall—

(1) acquire the materials determined under section 98b(a) of this title to be strategic and critical materials;

(2) provide for the proper storage, security, and maintenance of materials in the stockpile;

(3) provide for the upgrading, refining, or processing of any material in the stockpile (notwithstanding any intermediate stockpile quantity established for such material) when necessary to convert such material into a form more suitable for storage, subsequent disposition, and immediate use in a national emergency;

(4) provide for the rotation of any material in the stockpile when necessary to prevent deterioration or technological obsolescence of such material by replacement of such material with an equivalent quantity of substantially the same material or better material;

(5) subject to the notification required by subsection (d)(2) of this section, provide for the timely disposal of materials in the stockpile that (A) are excess to stockpile requirements, and (B) may cause a loss to the Government if allowed to deteriorate; and

(6) subject to the provisions of section 98d(b) of this title, dispose of materials in the stockpile the disposal of which is specifically authorized by law.

(b) Federal procurement practices

Except as provided in subsections (c) and (d) of this section, acquisition of strategic and critical materials under this subchapter shall be made in accordance with established Federal procurement practices, and, except as provided in subsections (c) and (d) of this section and in section 98f(a) of this title, disposal of strategic and critical materials from the stockpile shall be made in accordance with the next sentence. To the maximum extent feasible—