(2) The Committee shall advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile that are proposed to be included in the annual materials plan submitted to Congress under section 98h–2(b) of this title, or in any revision of such plan, and shall submit to the manager the Committee's recommendations regarding those acquisitions and disposals.

(3) The annual materials plan or the revision of such plan, as the case may be, shall contain—

(A) the views of the Committee on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile;

(B) the recommendations submitted by the Committee under paragraph (2); and

(C) for each acquisition or disposal provided for in the plan or revision that is inconsistent with a recommendation of the Committee, a justification for the acquisition or disposal.

(4) In developing recommendations for the National Defense Stockpile Manager under paragraph (2), the Committee shall consult from time to time with representatives of producers, processors, and consumers of the types of materials stored in the stockpile.

(June 7, 1939, ch. 190, § 10, as added Pub. L. 96–41, § 2(a), July 30, 1979, 93 Stat. 323; amended Pub. L. 102–484, div. C, title XXXIII, § 3314, Oct. 23, 1992, 106 Stat. 2654.)

PRIOR PROVISIONS

A prior section 10 of act June 7, 1939, ch. 190, § 10, was renumbered section 13 and is classified to section 98h–4 of this title.

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

AMENDMENTS

1992—Subsec. (c). Pub. L. 102–484 added subsec. (c).

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

ADVISORY COMMITTEE REGARDING OPERATION AND MODERNIZATION OF STOCKPILE

Section 3306 of Pub. L. 102–484 provided that:

''(a) APPOINTMENT.—Not later than March 15, 1993, the President shall appoint an advisory committee under section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(a)) to make recommendations to the President concerning the operation and modernization of the National Defense Stockpile.

''(b) MEMBERSHIP.—The committee shall consist of members who have expertise regarding strategic and critical materials, including—

''(1) employees of Federal agencies (including the Department of Defense, the Department of State, the Department of Commerce, the Department of Energy, the Department of the Treasury, the Department of the Interior, and the Federal Emergency Management Agency);

''(2) representatives of mining, processing, and fabricating industries and consumers that would be affected by the acquisition of materials for the stockpile or the disposal of materials from the stockpile; and

''(3) other interested persons or representatives of interested organizations.''

§ 98h–2. Reports to Congress

(a) Not later than January 15 of each year, the President shall submit to the Congress an annual written report detailing operations under this subchapter. Each such report shall include—

(1) information with respect to foreign and domestic purchases of materials during the preceding fiscal year;

(2) information with respect to the acquisition and disposal of materials under this subchapter by barter, as provided for in section 98e(c) of this title, during such fiscal year;

(3) information with respect to the activities by the Stockpile Manager to encourage the conservation, substitution, and development of strategic and critical materials within the United States;

(4) information with respect to the research and development activities conducted under sections 98a and 98g of this title;

(5) a statement and explanation of the financial status of the National Defense Stockpile Transaction Fund and the anticipated appropriations to be made to the fund, and obligations to be made from the fund, during the current fiscal year; and

(6) such other pertinent information on the administration of this subchapter as will enable the Congress to evaluate the effectiveness of the program provided for under this subchapter and to determine the need for additional legislation.

(b)(1) Not later than February 15 of each year, the President shall submit to the appropriate committees of the Congress a report containing an annual materials plan for the operation of the stockpile during the next fiscal year and the succeeding four fiscal years.

(2) Each such report shall include details of all planned expenditures from the National Defense Stockpile Transaction Fund during such period (including expenditures to be made from appropriations from the general fund of the Treasury) and of anticipated receipts from proposed disposals of stockpile materials during such period. Each such report shall also contain details regarding the materials development and research projects to be conducted under section 98h(b)(2)(G) of this title during the fiscal years covered by the report. With respect to each development and research project, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used.

(3) Any proposed expenditure or disposal detailed in the annual materials plan for any such fiscal year, and any expenditure or disposal proposed in connection with any transaction submitted for such fiscal year to the appropriate committees of Congress pursuant to section 98d(a)(2) of this title, that is not obligated or executed in that fiscal year may not be obligated or executed until such proposed expenditure or disposal is resubmitted in a subsequent annual materials plan or is resubmitted to the appropriate committees of Congress in accordance with section 98d(a)(2) of this title, as appropriate.

(June 7, 1939, ch. 190, §11, as added Pub. L. 96–41, §2(a), July 30, 1979, 93 Stat. 324; amended Pub. L. 97–35, title II, §203(e), Aug. 13, 1981, 95 Stat. 382; Pub. L. 99–661, div. C, title II, §3207(a)(3), Nov. 14, 1986, 100 Stat. 4069; Pub. L. 100–180, div. C, title II, §3205, Dec. 4, 1987, 101 Stat. 1247; Pub. L. 100–456, div. A, title XV, §1503, Sept. 29, 1988, 102 Stat. 2086; Pub. L. 101–189, div. C, title XXXIII, §3315, Nov. 29, 1989, 103 Stat. 1688; Pub. L. 102–190, div. C, title XXXIII, §§3311(b), 3313(a), Dec. 5, 1991, 105 Stat. 1584; Pub. L. 103–35, title II, §204(d), May 31, 1993, 107 Stat. 103.)

PRIOR PROVISIONS

A prior section 11 of act June 7, 1939, ch. 190, formerly §10, as added July 23, 1946, ch. 590, 60 Stat. 596; renumbered §11, Pub. L. 92–156, title V, §503(1), Nov. 17, 1971, 85 Stat. 427, was set out as a Short Title note under section 98 of this title, prior to repeal by section 2(b)(2) of Pub. L. 96–41.

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

AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103–35 substituted ''fiscal year'' for ''six-month period''.

1991—Subsec. (a). Pub. L. 102–190, §3313(a)(1), substituted ''Not later than January 15 of each year, the President'' for ''The President'' and ''an annual'' for ''every six months a''.

Subsec. (a)(1). Pub. L. 102–190, §3313(a)(2), which directed the substitution of ''fiscal year'' for ''6-month period'', could not be executed because the words ''6-month period'' did not appear in text.

Subsec. (a)(2). Pub. L. 102–190, §3313(a)(3), substituted ''fiscal year'' for ''period''.

Subsec. (a)(5). Pub. L. 102–190, §3313(a)(4), substituted ''current fiscal year'' for ''next fiscal year''.

Subsec. (b)(1). Pub. L. 102–190, §3311(b)(1), designated first sentence of subsec. (b) relating to submission of report as par. (1).

Subsec. (b)(2). Pub. L. 102–190, §3311(b), designated second sentence of subsec. (b) relating to contents of report as par. (2) and inserted at end ''Each such report shall also contain details regarding the materials development and research projects to be conducted under section 98h(b)(2)(G) of this title during the fiscal years covered by the report. With respect to each development and research project, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used.''

Subsec. (b)(3). Pub. L. 102–190, §3311(b)(1), designated third sentence of subsec. (b) relating to resubmission of proposed expenditures and disposals not obligated or executed as par. (3).

1989—Subsec. (a)(5). Pub. L. 101–189 substituted ''made to the fund, and obligations to be made from the fund,'' for ''made from the fund''.

1988—Subsec. (a)(3) to (6). Pub. L. 100–456, §1503(a), added pars. (3) and (4) and redesignated former pars. (3) and (4) as (5) and (6), respectively.

Subsec. (b). Pub. L. 100–456, §1503(b), substituted ''the next fiscal year'' for ''such fiscal year'' and ''all planned expenditures from the National Defense Stockpile Transaction Fund'' for ''planned expenditures for acquisition of strategic and critical materials'' and inserted at end ''Any proposed expenditure or disposal detailed in the annual materials plan for any such fiscal year, and any expenditure or disposal proposed in connection with any transaction submitted for such fiscal year to the appropriate committees of Congress pursuant to section 98d(a)(2) of this title, that is not obligated or executed in that fiscal year may not be obligated or executed until such proposed expenditure or disposal is resubmitted in a subsequent annual materials plan or is resubmitted to the appropriate committees of Congress in accordance with section 98d(a)(2) of this title, as appropriate.''

1987—Subsec. (b). Pub. L. 100–180 substituted ''Not later than February 15 of each year, the President'' for ''The President'' and struck out ''each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31 for the next fiscal year,'' after ''Congress''.

1986—Subsec. (b). Pub. L. 99–661 substituted ''each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31 for the next fiscal year,'' for each year with the Budget submitted to Congress pursuant to section 201a of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), for the next fiscal year''.

1981—Pub. L. 97–35 designated existing provisions as subsec. (a) and added subsec. (b).

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.

§98h–3. Definitions

For the purposes of this subchapter:

(1) The term ''strategic and critical materials'' means materials that (A) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national emergency, and (B) are not found or produced in the United States in sufficient quantities to meet such need.

(2) The term ''national emergency'' means a general declaration of emergency with respect to the national defense made by the President or by the Congress.

(June 7, 1939, ch. 190, §12, as added Pub. L. 96–41, §2(a), July 30, 1979, 93 Stat. 324.)