

in the position designated by the President under subsection (a) or during which the authority of the President under this subchapter (other than under sections 98f and 98h-4 of this title) has not been delegated to that position, no action may be taken under section 98e(a)(6) of this title."

1989—Subsec. (a). Pub. L. 101-189, §3313(b)(1), substituted "sections 98f and 98h-4" for "sections 98f, 98g, and 98h-4".

Subsec. (c). Pub. L. 101-189, §3313(b)(1), (2), substituted "sections 98f and 98h-4" for "sections 98f, 98g, and 98h-4" and inserted at end "The President may not delegate functions of the President under sections 98f and 98h-4 of this title." after "Executive order."

Subsec. (d). Pub. L. 101-189, §3313(b)(1), (3), substituted "sections 98f and 98h-4" for "sections 98f, 98g, and 98h-4" and "section 98e(a)(6)" for "section 98e(b) or 98e(d)".

1987—Pub. L. 100-180 amended section generally, revising and restating provisions of subsecs. (a) and (b) and adding subsecs. (c) and (d).

#### Statutory Notes and Related Subsidiaries

##### SAVINGS PROVISION

Pub. L. 100-180, div. C, title II, §3203(c), Dec. 4, 1987, 101 Stat. 1247, provided that: "Unless otherwise directed by the President under section 6A [renumbered §16] of the Strategic and Critical Materials Stock Piling Act [this section], as amended by subsection (a), the designation of a National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act [Dec. 4, 1987] shall remain in effect until the individual so designated ceases to hold the office held by the individual at the time of the designation."

##### DEADLINE FOR DESIGNATION OF MANAGER

Pub. L. 99-661, div. C, title II, §3202(b), Nov. 14, 1986, 100 Stat. 4067, directed President, not later than Feb. 15, 1987, to designate an official as National Defense Stockpile Manager, as required by this section.

#### Executive Documents

##### DESIGNATION OF NATIONAL DEFENSE STOCKPILE MANAGER; DELEGATION OF FUNCTIONS

The Secretary of Defense was designated National Defense Stockpile Manager and functions of the President under this section were delegated to the 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.

#### § 98i. Repealed. Pub. L. 85-861, § 36A, Sept. 2, 1958, 72 Stat. 1570

Section, act Aug. 3, 1956, ch. 939, title IV, §416, 70 Stat. 1018, related to contracts for storage, handling, and distribution of liquid fuels. See section 2922 of Title 10, Armed Forces.

Section was not enacted as part of the Strategic and Critical Materials Stock Piling Act which comprises this subchapter.

#### § 99. Transferred

##### Editorial Notes

##### CODIFICATION

Section, act July 2, 1940, ch. 508, §6, 54 Stat. 714, was transferred to section 701 of the former Appendix to this title and subsequently repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.

#### § 100. Nitrate plants

##### (a) Investigations; designation of sites; construction and operation of dams, locks, improvements to navigation, etc.

The President of the United States may make, or cause to be made, such investigation as in his

judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also authorized to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for national defense; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

##### (b) Lease, purchase, or acquisition of lands and rights of way; purchase or acquisition of materials, minerals, and processes

The President is authorized to lease, buy, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants and to take from any lands of the United States, or to buy or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

##### (c) Use of products of plants; disposal of surplus

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

##### (d) Employment of officers, agents, or agencies

The President is authorized to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

##### (e) Government construction and operation

The plant or plants provided for under this section shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

(Aug. 10, 1956, ch. 1041, §37, 70A Stat. 634.)

##### Editorial Notes

##### CODIFICATION

Section was not enacted as part of the Strategic and Critical Materials Stock Piling Act which comprises this subchapter.

**§ 100a. Omitted****Editorial Notes****CODIFICATION**

Section, which was from the Department of Defense Appropriation Act, 1983, Pub. L. 97-377, title I, § 101(c) [title VII, § 712], Dec. 21, 1982, 96 Stat. 1833, 1851, prohibited use of funds available to Department of Defense agencies for acquisition, construction, or operation of certain scrap-processing facilities, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Dec. 29, 1981, Pub. L. 97-114, title VII, § 712, 95 Stat. 1580.

Dec. 15, 1980, Pub. L. 96-527, title VII, § 713, 94 Stat. 3082.

Dec. 21, 1979, Pub. L. 96-154, title VII, § 713, 93 Stat. 1154.

Oct. 13, 1978, Pub. L. 95-457, title VIII, § 813, 92 Stat. 1246.

Sept. 21, 1977, Pub. L. 95-111, title VIII, § 812, 91 Stat. 901.

Sept. 22, 1976, Pub. L. 94-419, title VII, § 712, 90 Stat. 1293.

Feb. 9, 1976, Pub. L. 94-212, title VII, § 712, 90 Stat. 170.

Oct. 8, 1974, Pub. L. 93-437, title VIII, § 812, 88 Stat. 1226.

Jan. 2, 1974, Pub. L. 93-238, title VII, § 712, 87 Stat. 1040.

Oct. 26, 1972, Pub. L. 92-570, title VII, § 712, 86 Stat. 1198.

Dec. 18, 1971, Pub. L. 92-204, title VII, § 712, 85 Stat. 729.

Jan. 11, 1971, Pub. L. 91-668, title VIII, § 812, 84 Stat. 2032.

Dec. 29, 1969, Pub. L. 91-171, title VI, § 612, 83 Stat. 481.

Oct. 17, 1968, Pub. L. 90-580, title V, § 511, 82 Stat. 1131.

Sept. 29, 1967, Pub. L. 90-96, title VI, § 611, 81 Stat. 244.

Oct. 15, 1966, Pub. L. 89-687, title VI, § 611, 80 Stat. 992.

Sept. 29, 1965, Pub. L. 89-213, title VI, § 611, 79 Stat. 875.

Aug. 19, 1964, Pub. L. 88-446, title V, § 511, 78 Stat. 476.

Oct. 17, 1963, Pub. L. 88-149, title V, § 511, 77 Stat. 265.

Aug. 9, 1962, Pub. L. 87-577, title V, § 511, 76 Stat. 329.

Aug. 17, 1961, Pub. L. 87-144, title VI, § 611, 75 Stat. 377.

July 7, 1960, Pub. L. 86-601, title V, § 511, 74 Stat. 351.

Aug. 18, 1959, Pub. L. 86-166, title V, § 611, 73 Stat. 380.

Aug. 22, 1958, Pub. L. 85-724, title VI, § 611, 72 Stat. 725.

Aug. 2, 1957, Pub. L. 85-117, title VI, § 612, 71 Stat. 325.

July 2, 1956, ch. 488, title VI, § 612, 70 Stat. 469.

July 13, 1955, ch. 358, title VI, § 615, 69 Stat. 317.

June 30, 1954, ch. 432, title VII, § 715, 68 Stat. 352.

**CHAPTER 6—WILLFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL****§§ 101 to 106. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 101, acts Apr. 20, 1918, ch. 59, § 1, 40 Stat. 533; Nov. 30, 1940, ch. 926, 54 Stat. 1220; Dec. 24, 1942, ch. 824, 56 Stat. 1087; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, related to definition of war terms. See section 2151 of Title 18, Crimes and Criminal Procedure.

Section 102, act Apr. 20, 1918, ch. 59, § 2, 40 Stat. 534, related to destruction or injury of war material in time of war. See section 2153 of Title 18.

Section 103, act Apr. 20, 1918, ch. 59, § 3, 40 Stat. 534, related to making or causing to be made defective war material. See section 2154 of Title 18.

Section 104, act Apr. 20, 1918, ch. 59, § 4, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220; amended Aug. 21, 1941, ch. 388, 55 Stat. 655, related to definition of national-defense terms. See section 2151 of Title 18.

Section 105, act Apr. 20, 1918, ch. 59, § 5, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to destruction or

injury of national-defense materials. See section 2155 of Title 18.

Section 106, act Apr. 20, 1918, ch. 59, § 6, as added Nov. 30, 1940, ch. 926, 54 Stat. 1220, related to making or causing to be made defective national-defense material. See section 2156 of Title 18.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF REPEAL**

Repeal of sections 101 to 106 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

**CHAPTER 7—INTERFERENCE WITH HOMING PIGEONS OWNED BY UNITED STATES****§§ 111 to 113. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 111, act Apr. 19, 1918, ch. 58, § 1, 40 Stat. 533, related to prohibited acts affecting homing pigeons owned by United States. See section 45 of Title 18, Crimes and Criminal Procedure.

Section 112, act Apr. 19, 1918, ch. 58, § 2, 40 Stat. 533, related to possession of pigeons as evidence of violation of law. See section 45 of Title 18.

Section 113, act Apr. 19, 1918, ch. 58, § 3, 40 Stat. 533, related to punishment. See section 45 of Title 18.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF REPEAL**

Repeal of sections 111 to 113 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

**CHAPTER 8—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED****§§ 121 to 144. Repealed. Pub. L. 91-452, title XI, § 1106(a), Oct. 15, 1970, 84 Stat. 960**

Section 121, acts Oct. 6, 1917, ch. 83, § 1, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, defined “explosive”, “explosives”, “ingredients”, “person”, and “Director”. See section 841 of Title 18, Crimes and Criminal Procedure.

Section 122, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, related to unauthorized manufacture, distribution, possession, acquisition, etc., of explosives or ingredients. See section 842 of Title 18.

Section 123, acts Oct. 6, 1917, ch. 83, § 3, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864; Nov. 24, 1942, ch. 641, 56 Stat. 1022; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1405, 72 Stat. 808; Oct. 15, 1966, Pub. L. 89-670, § 8(f), 80 Stat. 943, excepted from provisions of this chapter purchase or possession of ingredients when purchased or held in small quantities and not used or intended to be used in manufacture of explosives, explosives or ingredients in transit in conformity with applicable law, explosives manufactured under authority of the United States for armed forces or the F.B.I., and arsenals, etc., owned by, or operated by or on behalf of, the United States. See section 845 of Title 18.

Section 124, acts Oct. 6, 1917, ch. 83, § 4, 40 Stat. 386; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864, authorized a superintendent, foreman, or other duly authorized employee at a mine, quarry, or other work, when licensed, to sell or issue to any employee under him such amount of explosives or ingredients required by that employee in performance of his duties. See section 843 of Title 18.

Section 125, acts Oct. 6, 1917, ch. 83, § 2, 40 Stat. 385; Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863, related to applicability of prohibitory provisions of this chapter.