

fense for Acquisition and Sustainment (Under Secretary) is designated to have authority to release strategic and critical materials from the National Defense Stockpile.

SEC. 3. *Execution and Consultation.* In executing the authority conferred by this order, the Under Secretary may release strategic and critical materials from the National Defense Stockpile for use, sale, or other disposition only when required for use, manufacture, or production for purposes of national defense. No release is authorized for economic or budgetary purposes. Prior to ordering the release of strategic and critical materials from the National Defense Stockpile, the Under Secretary shall consult with the heads of relevant executive departments and agencies.

SEC. 4. *Authority.* (a) All previously issued orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except to the extent that they are inconsistent with this order or are subsequently amended or revoked under proper authority. Nothing in this order shall affect the validity or force of anything done under previous delegations or another assignment of authority under the Strategic and Critical Materials Stock Piling Act.

(b) Nothing in this order shall affect the authorities assigned under Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness) [50 U.S.C. 4553 note].

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 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 or a single point of failure 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.

(d) To the maximum extent practicable and to reduce the reliance of the National Defense Stockpile program on appropriated funds, the National Defense Stockpile Manager shall seek to achieve positive cash flows from the recovery of strategic and critical materials pursuant to section 98e(a)(5) of this title.

(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; Pub. L. 112-239, div. A, title XIV, § 1412, Jan. 2, 2013, 126 Stat. 2048; Pub. L. 118-31, div. A, title XIV, § 1411(a), Dec. 22, 2023, 137 Stat. 523.)

Editorial Notes

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

2023—Subsec. (d). Pub. L. 118-31 added subsec. (d).

2013—Subsec. (b). Pub. L. 112-239 inserted “or a single point of failure” after “foreign sources”.

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-201, div. C, title XXXIII, § 3311(c), Sept. 23, 1996, 110 Stat. 2857, 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), the President shall determine from time to time (1) which materials