

tion, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

(Sept. 8, 1950, ch. 932, title I, § 103, 64 Stat. 799.)

TERMINATION DATE

Termination of section, see section 2166(a) of this Appendix.

**§ 2074. Limitation on actions without Congressional authorization**

**(a) Wage or price controls**

No provision of this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix] shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

**(b) Chemical or biological weapons**

No provision of title I of this Act [sections 2071 to 2078 of this Appendix] shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities, unless authorized by the President (or the President's designee who is serving in a position at level I of the Executive Schedule in accordance with section 5312 of title 5, United States Code) without further redelegation.

(Sept. 8, 1950, ch. 932, title I, § 104, as added Pub. L. 102-558, title I, § 112, Oct. 28, 1992, 106 Stat. 4202.)

PRIOR PROVISIONS

A prior section 2074, act Sept. 8, 1950, ch. 932, title I, § 104, as added July 31, 1951, ch. 275, title I, § 101(c), 65 Stat. 132; amended June 30, 1952, ch. 530, § 103, 66 Stat. 297, which related to limitations on imports of fats and oils, terminated at close of June 30, 1953, by terms of section 2166(a) of this Appendix.

EFFECTIVE DATE

Section deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as an Effective Date of 1992 Amendment note under section 2062 of this Appendix.

DELEGATION OF AUTHORITY

Authority of President under subsec. (b) of this section delegated to Secretary of Defense, without authority to redelegate, by section 204 of Ex. Ord. No. 13603, Mar. 16, 2012, 77 F.R. 16653, set out as a note under section 2153 of this Appendix.

**§ 2075. Presidential power to ration gasoline among classes of end-users unaffected**

Nothing in this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix] shall be construed to authorize the President to institute, without the approval of the Congress, a program for the rationing of gasoline among classes of end-users.

(Sept. 8, 1950, ch. 932, title I, § 105, as added Pub. L. 96-294, title I, § 103, June 30, 1980, 94 Stat. 617.)

EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 2062 of this Appendix.

TERMINATION DATE

Termination of section, see section 2166(a) of this Appendix.

**§ 2076. Designation of energy as a strategic and critical material**

For purposes of this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix], “energy” shall be designated as a “strategic and critical material” after the date of the enactment of this section [June 30, 1980]: *Provided*, That no provision of this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix] shall, by virtue of such designation<sup>1</sup> grant any new direct or indirect authority to the President for the mandatory allocation or pricing of any fuel or feedstock (including, but not limited to, crude oil, residual fuel oil, any refined petroleum product, natural gas, or coal) or electricity or any other form of energy.

(Sept. 8, 1950, ch. 932, title I, § 106, as added Pub. L. 96-294, title I, § 103, June 30, 1980, 94 Stat. 617; amended Pub. L. 111-67, § 5, Sept. 30, 2009, 123 Stat. 2009.)

AMENDMENTS

2009—Pub. L. 111-67 substituted “such designation” for “such designation—” and “energy.” for “energy; or”, struck out par. (1) designation before “grant any new direct or indirect authority to the President for”, and struck out par. (2), which read as follows: “grant any new direct or indirect authority to the President to engage in the production of energy in any manner whatsoever (such as oil and gas exploration and development, or any energy facility construction), except as expressly provided in sections 305 and 306 for synthetic fuel production.”

EFFECTIVE DATE

Section effective June 30, 1980, see section 107 of Pub. L. 96-294, set out as an Effective Date of 1980 Amendment note under section 2062 of this Appendix.

TERMINATION DATE

Termination of section, see section 2166(a) of this Appendix.

**§ 2077. Strengthening domestic capability**

**(a) In general**

Utilizing the authority of title III of this Act [sections 2091 to 2094 of this Appendix] or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, restore, and expand the productive capacities of domestic sources for critical components, critical technology items, materials, and industrial resources essential for the execution of the national security strategy of the United States.

**(b) Critical components and critical technology items**

**(1) Maintenance of reliable sources of supply**

The President shall take appropriate actions to assure that critical components, critical technology items, essential materials, and industrial resources are available from reliable sources when needed to meet defense requirements during peacetime, graduated mobilization, and national emergency.

**(2) Appropriate action**

For purposes of this subsection, appropriate action may include—

<sup>1</sup> So in original. Probably should be followed by a comma.

(A) restricting contract solicitations to reliable sources;

(B) restricting contract solicitations to domestic sources pursuant to—

(i) section 2304(b)(1)(B) or section 2304(c)(3) of title 10, United States Code;

(ii) section 303(b)(1)(B) or section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 [now 41 U.S.C. 3303(a)(1)(B), 3304(a)(3)]; or

(iii) other statutory authority;

(C) stockpiling critical components; and

(D) developing substitutes for a critical component or a critical technology item.

(Sept. 8, 1950, ch. 932, title I, §107, as added Pub. L. 102-558, title I, §111, Oct. 28, 1992, 106 Stat. 4201; amended Pub. L. 111-67, §6, Sept. 30, 2009, 123 Stat. 2009.)

#### REFERENCES IN TEXT

Section 303(b)(1)(B) or section 303(c)(3) of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (b)(2)(B)(ii), means subsecs. (b)(1)(B) or (c)(3) of section 303 of act June 30, 1949, ch. 288, which were classified to section 253(b)(1)(B), (c)(3) of former Title 41, Public Contracts, and were repealed and restated as sections 3303(a)(1)(B) and 3304(a)(3), respectively, of Title 41, Public Contracts, by Pub. L. 111-350, §§3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-67, §6(1), inserted “restore,” after “modernize,” and “materials,” after “items.”

Subsec. (b). Pub. L. 111-67, §6(2)(A), (B), redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1). Prior to amendment, text of par. (1) read as follows:

“(A) IN GENERAL.—The President, acting through the Secretary of Defense, shall identify critical components and critical technology items for each item on the Critical Items List of the Commanders-in-Chief of the Unified and Specified Commands and other items within the inventory of weapon systems and defense equipment.

“(B) DEFINITION.—Any component identified as critical by a National Security Assessment conducted pursuant to section 113(i) of title 10, United States Code, or by a Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 shall be designated as a critical component for purposes of this Act, unless the President determines that the designation is unwarranted.”

Subsec. (b)(1). Pub. L. 111-67, §6(2)(C), substituted “, critical technology items, essential materials, and industrial resources” for “or critical technology items”.

#### EFFECTIVE DATE

Section deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as an Effective Date of 1992 Amendment note under section 2062 of this Appendix.

#### TERMINATION DATE

Termination of section, see section 2166(a) of this Appendix.

#### DELEGATION OF FUNCTIONS

Functions of the President under act Sept. 8, 1950 [section 2061 et seq. of this Appendix], relating to the production, conservation, use, control, distribution, and allocation of energy, delegated to the Secretary of Energy, see section 4 of Ex. Ord. No. 11790, eff. June 25, 1974, 39 F.R. 23185, set out as a note under section 761 of Title 15, Commerce and Trade.

For delegation of authority of President under subsecs. (a) and (b)(1) of this section, see sections 310 and 311 of Ex. Ord. No. 13603, Mar. 16, 2012, 77 F.R. 16655, set out as a note under section 2153 of this Appendix.

## § 2078. Modernization of small business suppliers

### (a) In general

In providing any assistance under this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix], the President shall accord a strong preference for small business concerns which are subcontractors or suppliers, and, to the maximum extent practicable, to such small business concerns located in areas of high unemployment or areas that have demonstrated a continuing pattern of economic decline, as identified by the Secretary of Labor.

### (b) Modernization of equipment

#### (1) In general

Funds authorized under title III [sections 2091 to 2094 of this Appendix] may be used to guarantee the purchase or lease of advance manufacturing equipment, and any related services with respect to any such equipment for purposes of this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix].

#### (2) Small business suppliers

In considering proposals for title III [sections 2091 to 2094 of this Appendix] projects under paragraph (1), the President shall provide a strong preference for proposals submitted by a small business supplier or subcontractor whose proposal—

(A) has the support of the department or agency which will provide the guarantee;

(B) reflects that the small business concern has made arrangements to obtain qualified outside assistance to support the effective utilization of the advanced manufacturing equipment being proposed for installation; and

(C) meets the requirements of section 301, 302, or 303 [section 2091, 2092, or 2093 of this Appendix].

(Sept. 8, 1950, ch. 932, title I, §108, as added Pub. L. 102-558, title I, §111, Oct. 28, 1992, 106 Stat. 4202.)

#### EFFECTIVE DATE

Section deemed to have become effective Mar. 1, 1992, see section 304 of Pub. L. 102-558, set out as an Effective Date of 1992 Amendment note under section 2062 of this Appendix.

#### TERMINATION DATE

Termination of section, see section 2166(a) of this Appendix.

#### DELEGATION OF FUNCTIONS

Functions of the President under act Sept. 8, 1950 [section 2061 et seq. of this Appendix], relating to the production, conservation, use, control, distribution, and allocation of energy, delegated to the Secretary of Energy, see section 4 of Ex. Ord. No. 11790, eff. June 25, 1974, 39 F.R. 23185, set out as a note under section 761 of Title 15, Commerce and Trade.