

TITLE II—AUTHORITY TO REQUISITION
AND CONDEMN

§ 2081. Repealed. Pub. L. 111-67, § 2(a)(2), Sept. 30, 2009, 123 Stat. 2007

Section, acts Sept. 8, 1950, ch. 932, title II, §201, 64 Stat. 799; July 31, 1951, ch. 275, title I, §102(b), 65 Stat. 132, related to requisition of property needed for national defense. Prior to repeal, section was omitted as terminated at close of June 30, 1953, by former section 2166(a) of this Appendix.

TITLE III—EXPANSION OF PRODUCTIVE
CAPACITY AND SUPPLY

CODIFICATION

Title III of the Defense Production Act of 1950 was originally enacted by act Sept. 8, 1950, ch. 932, title III, 64 Stat. 800, and amended by acts June 2, 1951, ch. 121, 65 Stat. 52; July 31, 1951, ch. 275, 65 Stat. 131; June 30, 1952, ch. 530, 66 Stat. 296; June 30, 1953, ch. 171, 67 Stat. 129; Aug. 9, 1955, ch. 655, 69 Stat. 580; June 29, 1956, ch. 474, 70 Stat. 408; Pub. L. 86-560, June 30, 1960, 74 Stat. 282; Pub. L. 88-343, June 30, 1964, 78 Stat. 235; Pub. L. 91-379, Aug. 15, 1970, 84 Stat. 796; Pub. L. 92-325, June 30, 1972, 86 Stat. 390; Pub. L. 93-155, Nov. 16, 1973, 87 Stat. 605; Pub. L. 93-426, Sept. 30, 1974, 88 Stat. 1166; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375; Pub. L. 96-41, July 30, 1979, 93 Stat. 319; Pub. L. 96-294, June 30, 1980, 94 Stat. 611; Pub. L. 98-265, Apr. 17, 1984, 98 Stat. 149; Pub. L. 99-441, Oct. 3, 1986, 100 Stat. 1117; Pub. L. 102-558, Oct. 28, 1992, 106 Stat. 4198; Pub. L. 107-47, Oct. 5, 2001, 115 Stat. 260; Pub. L. 107-314, Dec. 2, 2002, 116 Stat. 2458. Title III is shown here, however, as having been added by Pub. L. 111-67, § 7, Sept. 30, 2009, 123 Stat. 2010, without reference to the intervening amendments because of the extensive revision of title III by Pub. L. 111-67.

§ 2091. Presidential authorization for the national defense

(a) Expediting production and deliveries or services

(1) Authorized activities

To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense.

(2) Presidential determinations required

Except during a period of national emergency declared by Congress or the President, a loan guarantee may be entered into under this section only if the President determines that—

(A) the loan guarantee is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential for national defense purposes;

(B) without a loan guarantee, credit is not available to the loan applicant under reasonable terms or conditions sufficient to finance the activity;

(C) the loan guarantee is the most cost effective, expedient, and practical alternative for meeting the needs of the Federal Government;

(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed;

(E) the loan to be guaranteed bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan;

(F) the loan agreement for the loan to be guaranteed provides that no provision of the loan agreement may be amended or waived without the consent of the fiscal agent of the United States for the guarantee; and

(G) the loan applicant has provided or will provide—

(i) an assurance of repayment, as determined by the President; and

(ii) security—

(I) in the form of a performance bond, insurance, collateral, or other means acceptable to the fiscal agent of the United States; and

(II) in an amount equal to not less than 20 percent of the amount of the loan.

(3) Limitations on loans

Loans under this section may be—

(A) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

(i) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

(ii) establishes a limitation on the total loan principal that may be guaranteed; and

(B) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

(b) Fiscal agents of the United States

(1) In general

Any Federal agency or any Federal reserve bank, when designated by the President, is hereby authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section.

(2) Funds

All such funds as may be necessary to enable any fiscal agent described in paragraph (1) to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency.

(3) Limit on liability

No fiscal agent described in paragraph (1) shall have any responsibility or accountability, except as agent in taking any action pursuant to or under authority of this section.