

company and aimed at obtaining commercial secrets.

(Pub. L. 103-359, title VIII, § 809, Oct. 14, 1994, 108 Stat. 3454; Pub. L. 107-306, title VIII, § 811(b)(5)(A), Nov. 27, 2002, 116 Stat. 2423; Pub. L. 111-259, title III, § 347(h), Oct. 7, 2010, 124 Stat. 2699; Pub. L. 112-87, title III, § 311(c), Jan. 3, 2012, 125 Stat. 1886.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 103-359, Oct. 14, 1994, 108 Stat. 3423, known as the Intelligence Authorization Act for Fiscal Year 1995. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 809 of Pub. L. 103-359. Subsec. (d) of section 809 of Pub. L. 103-359 amended section 2170 of this Appendix.

Section was enacted as part of the Counterintelligence and Security Enhancements Act of 1994 and also as part of the Intelligence Authorization Act for Fiscal Year 1995, and not as part of the Defense Production Act of 1950 which comprises sections 2061 to 2170, 2171, and 2172 of this Appendix.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-87, § 311(c)(1), struck out subsec. (b) which related to biennial reports on the threat to United States industry of foreign industrial espionage.

Subsec. (c). Pub. L. 112-87, § 311(c)(2), substituted “report referred to in subsection (a)” for “reports referred to in subsections (a) and (b)”.

2010—Subsec. (b). Pub. L. 111-259 substituted “Biennial report” for “Annual update” in heading, added par. (1), redesignated par. (3) as (2), and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “Not later than April 14 each year, the President shall submit to the congressional leadership a report updating the information referred to in subsection (a)(1)(D).”

2002—Subsec. (b). Pub. L. 107-306 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Not later than one year after the date referred to in paragraph (2) of subsection (a), and on the expiration of each year thereafter, the President shall submit to Congress a report updating the information referred to in paragraph (1)(D) of that subsection.”

§ 2171. Defense Production Act Committee

(a) Committee established

There is established the Defense Production Act Committee (in this section referred to as the “Committee”), which shall advise the President on the effective use of the authority under this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix] by the departments, agencies, and independent establishments of the Federal Government to which the President has delegated authority under this Act.

(b) Membership

(1) In general

The members of the Committee shall be—

(A) the head of each Federal agency to which the President has delegated authority under this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix]; and

(B) the Chairperson of the Council of Economic Advisors.

(2) Chairperson

The President shall designate 1 member of the Committee as the Chairperson of the Committee.

(c) Executive Director

(1) In general

The President shall appoint an Executive Director of the Defense Production Act Committee (in this section referred to as the “Executive Director”), who shall—

(A) be responsible to the Chairperson of the Committee; and

(B) carry out such activities relating to the Committee as the Chairperson may determine.

(2) Appointment

The appointment by the President shall not be subject to the advice and consent of the Senate.

(3) Compensation

For pay periods beginning on or after the date on which each Chairperson is appointed, funds for the pay of the Executive Director shall be paid from appropriations to the salaries and expenses account of the department or agency of the Chairperson of the Committee. The Executive Director shall be compensated at a rate of pay equivalent to that of a Deputy Assistant Secretary (or a comparable position) of the Federal agency of the Chairperson of the Committee.

(d) Report

Not later than the end of the first quarter of each calendar year, the Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report signed by each member of the Committee that contains—

(1) a review of the authority under this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix] of each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act;

(2) recommendations for the effective use of the authority described in paragraph (1) in a manner consistent with the statement of policy under section 2(b) [section 2062(b) of this Appendix];

(3) recommendations for legislation, regulations, executive orders, or other action by the Federal Government necessary to improve the use of the authority described in paragraph (1); and

(4) recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to all aspects of the authority described in paragraph (1).

(e) Federal Advisory Committee Act

The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(Sept. 8, 1950, ch. 932, title VII, § 722, as added Pub. L. 102-558, title I, § 135, Oct. 28, 1992, 106 Stat. 4212; amended Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 111-67, § 11, Sept. 30, 2009, 123 Stat. 2019.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770,

which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2009—Pub. L. 111-67 amended section generally. Prior to amendment, section related to defense industrial base information system with regard to its establishment, sources of information, strategic plan for developing comprehensive system, capabilities, and required report on subcontractor and supplier base.

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.

DESIGNATING THE CHAIRPERSON OF THE DEFENSE PRODUCTION ACT COMMITTEE

Memorandum of President of the United States, May 19, 2010, 75 F.R. 32087, provided:

Memorandum for the Secretary of Defense [and] the Secretary of Homeland Security

Pursuant to the authority vested in me by section 722(b)(2) of the Defense Production Act of 1950, as amended (section 11 of Public Law 111-67; 50 App. U.S.C. 2171) (the “Act”), I hereby designate the Secretary of Homeland Security and the Secretary of Defense as rotating Chairpersons of the Defense Production Act Committee (the “Committee”). The Chair shall rotate annually on April 1 of each year, with the Secretary of Homeland Security hereby designated to serve as Chairperson of the Committee for the remainder of this first term. The Secretary of Homeland Security and the Secretary of Defense are directed to formalize responsibilities for funding and administratively supporting the Committee through interagency agreement.

Furthermore, the Chairperson shall invite to each meeting of the Committee all Members of the Committee as defined in section 722(b) of the Act, and shall ensure that the reporting requirements of section 722(d) of the Act are fulfilled.

The Secretary of Homeland Security is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 2172. Annual report on impact of offsets

(a) Report required

(1) In general

The President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a detailed annual report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States.

(2) Duties of the Secretary of Commerce

The Secretary of Commerce (hereafter in this subsection referred to as the “Secretary”) shall—

(A) prepare the report required by paragraph (1);

(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

(C) function as the President’s Executive Agent for carrying out this section.

(b) Interagency studies and related data

(1) Purpose of report

Each report required under subsection (a) shall identify the cumulative effects of offset agreements on—

(A) the full range of domestic defense productive capability (with special attention paid to the firms serving as lower-tier subcontractors or suppliers); and

(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

(2) Use of data

Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary to facilitate the execution of the Secretary’s responsibilities with respect to trade offset and counter-trade policy development.

(c) Notice of offset agreements

(1) In general

If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding \$5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

(2) Regulations

The information to be furnished under paragraph (1) shall be prescribed in regulations promulgated by the Secretary. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

(d) Contents of report

(1) In general

Each report under subsection (a) shall include—

(A) a net assessment of the elements of the industrial base and technology base covered by the report;

(B) recommendations for appropriate remedial action under the authority of this Act [sections 2061 to 2170, 2171, and 2172 of this Appendix], or other law or regulations;

(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (b);

(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

(E) a summary and analysis of any bilateral and multilateral negotiations relating to the use of offsets completed during the reporting period.

(2) Alternative findings or recommendations

Each report required under this section shall include any alternative findings or recommendations offered by any departmental Sec-