

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-85, §1073(c)(7)(A), made technical correction to directory language of Pub. L. 104-201, §829(c)(2). See 1996 Amendment note below.

1996—Subsec. (c). Pub. L. 104-201, §829(c)(2), formerly §829(c)(2), (3), as renumbered and amended by Pub. L. 105-85, substituted “the responsibility to ensure effective cooperation” for “the following responsibilities:”, struck out “(1) To ensure the effective cooperation” before “among departments”, struck out par. (2), redesignated subpars. (A), (B), and (C) as pars. (1), (2), and (3), respectively, and adjusted margins of such pars. Prior to repeal, par. (2) read as follows: “To prepare the periodic assessment and the periodic plan required by sections 2505 and 2506 of this title, respectively.”

Subsec. (c)(1)(B). Pub. L. 104-106, §1081(b)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “programs for achieving, during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title; and”.

Subsec. (c)(2), (3). Pub. L. 104-106, §1081(b)(2), (3), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “To provide overall policy guidance to ensure effective implementation by agencies of the Federal Government of defense reinvestment and conversion activities during a period of reduction in defense expenditures.”

1994—Subsec. (d). Pub. L. 103-337 substituted “executive” for “Executive”.

1993—Subsec. (d). Pub. L. 103-160 added subsec. (d).

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title X, §1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

§ 2503. National defense program for analysis of the technology and industrial base

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a program for analysis of the national technology and industrial base.

(b) SUPERVISION OF PROGRAM.—The Secretary of Defense shall carry out the program through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment. In carrying out the program, the Under Secretaries shall consult with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor.

(c) FUNCTIONS.—The functions of the program shall include, with respect to the national technology and industrial base, the following:

- (1) The assembly of timely and authoritative information.
- (2) Initiation of studies and analyses.
- (3) Provision of technical support and assistance to—
 - (A) the Secretary of Defense for the preparation of the periodic assessments required by section 2505 of this title;
 - (B) the defense acquisition university structure and its elements; and
 - (C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.
- (4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.

(Added Pub. L. 102-484, div. D, title XLII, §4213(a), Oct. 23, 1992, 106 Stat. 2665; amended Pub. L. 104-201, div. A, title VIII, §829(b), Sept. 23, 1996, 110 Stat. 2612; Pub. L. 107-107, div. A, title X, §1048(b)(4), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 116-92, div. A, title IX, §902(74), Dec. 20, 2019, 133 Stat. 1552.)

PRIOR PROVISIONS

A prior section 2503, added Pub. L. 100-456, div. A, title VIII, §821(b)(1)(B), Sept. 29, 1988, 102 Stat. 2016; amended Pub. L. 101-189, div. A, title VIII, §842(a), (b), Nov. 29, 1989, 103 Stat. 1514, 1515; Pub. L. 102-25, title VII, §701(f)(4), Apr. 6, 1991, 105 Stat. 115; Pub. L. 102-484, div. A, title X, §1052(32), Oct. 23, 1992, 106 Stat. 2501, established defense industrial base office, prior to repeal by Pub. L. 102-484, §4202(a).

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92 substituted “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment” for “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and “the Under Secretaries shall” for “the Under Secretary shall”.

2001—Subsec. (b). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition”.

1996—Subsec. (a). Pub. L. 104-201, §829(b)(1), substituted “The Secretary of Defense” for “(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council,” and struck out pars. (2) to (4) which read as follows:

“(2) As determined by the Secretary of Defense, the program shall be administered by one of the following:

“(A) An existing federally funded research and development center.

“(B) A consortium of existing federally funded research and development centers and other nonprofit entities.

“(C) A private sector entity (other than a federally funded research and development center).

“(D) The National Defense University.

“(3) A contract may be awarded under subparagraph (A), (B), or (C) of paragraph (2) only through the use of competitive procedures.

“(4) The Secretary of Defense shall ensure that there is appropriate coordination between the program and the Critical Technologies Institute.”

Subsec. (c)(3)(A). Pub. L. 104-201, §829(b)(2), substituted “the Secretary of Defense for” for “the National Defense Technology and Industrial Base Council in” and struck out “and the periodic plans required by section 2506 of this title” after “section 2505 of this title”.

DEADLINE FOR ESTABLISHING PROGRAM

Pub. L. 102-484, div. D, title XLII, §4213(b), Oct. 23, 1992, 106 Stat. 2666, required the Secretary of Defense to establish the program required by this section not later than six months after Oct. 23, 1992.

§ 2504. Annual report to Congress

The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives by March 1 of each year a report which shall include the following information:

- (1) A description of the departmental guidance prepared pursuant to section 2506 of this title.
- (2) A description of the assessments prepared pursuant to section 2505 of this title and other

analyses used in developing the budget submission of the Department of Defense for the next fiscal year.

(3) Based on the strategy required by section 2501 of this title and on the assessments prepared pursuant to Executive order or section 2505 of this title—

(A) a map of the industrial base;

(B) a prioritized list of gaps or vulnerabilities in the national technology and industrial base, including—

(i) a description of mitigation strategies necessary to address such gaps or vulnerabilities;

(ii) the identification of the Secretary concerned or the head of the Defense Agency responsible for addressing such gaps or vulnerabilities; and

(iii) a proposed timeline for action to address such gaps or vulnerabilities; and

(C) any other steps necessary to foster and safeguard the national technology and industrial base.

(4) Identification of each program designed to sustain specific essential technological and industrial capabilities and processes of the national technology and industrial base.

(Added Pub. L. 104-201, div. A, title VIII, § 829(e), Sept. 23, 1996, 110 Stat. 2614; amended Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 112-239, div. A, title XVI, § 1603(b), Jan. 2, 2013, 126 Stat. 2063; Pub. L. 116-92, div. A, title VIII, § 846(b), Dec. 20, 2019, 133 Stat. 1503.)

PRIOR PROVISIONS

A prior section 2504, added Pub. L. 102-484, div. D, title XLII, § 4214(a), Oct. 23, 1992, 106 Stat. 2666, established Center for Study of Defense Economic Adjustment, prior to repeal by Pub. L. 103-160, div. A, title XIII, § 1312(a)(1), Nov. 30, 1993, 107 Stat. 1786.

Another prior section 2504 was renumbered section 2531 of this title.

AMENDMENTS

2019—Par. (3). Pub. L. 116-92, § 846(b)(1), inserted “Executive order or” after “pursuant to”.

Par. (3)(A). Pub. L. 116-92, § 846(b)(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “a description of any mitigation strategies necessary to address any gaps or vulnerabilities in the national technology and industrial base; and”.

Par. (3)(B), (C). Pub. L. 116-92, § 846(b)(3), (4), added subpar. (B) and redesignated former subpar. (B) as (C).

2013—Pars. (2), (3). Pub. L. 112-239 added par. (3), redesignated former par. (3) as (2) and struck out former par. (2) which read as follows: “A description of the methods and analyses being undertaken by the Department of Defense alone or in cooperation with other Federal agencies, to identify and address concerns regarding technological and industrial capabilities of the national technology and industrial base.”

1999—Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

STRATEGY FOR SECURING THE DEFENSE SUPPLY CHAIN AND INDUSTRIAL BASE

Pub. L. 112-81, div. A, title VIII, § 852, Dec. 31, 2011, 125 Stat. 1517, as amended by Pub. L. 112-239, div. A, title

XVI, § 1603(d), Jan. 2, 2013, 126 Stat. 2063, which required a report on the sector-by-sector, tier-by-tier assessment of the industrial base undertaken by the Department of Defense, was repealed by Pub. L. 115-232, div. A, title VIII, § 812(b)(55), Aug. 13, 2018, 132 Stat. 1850.

§ 2504a. Unfunded priorities of the national technology and industrial base: annual report

(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on the unfunded priorities to address gaps or vulnerabilities in the national technology and industrial base.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall specify, for each unfunded priority covered by such report, the following:

(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

(C) Account information with respect to such priority, including the following (as applicable):

(i) Line Item Number (LIN) for applicable procurement accounts.

(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

(c) UNFUNDED PRIORITY DEFINED.—In this section, the term “unfunded priority”, in the case of a fiscal year, means a program, activity, or mission requirement of the national technology and industrial base that—

(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

(2) is necessary to address gaps or vulnerabilities in the national technology and industrial base; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement had emerged before the budget was formulated.

(Added Pub. L. 116-92, div. A, title VIII, § 846(c)(1), Dec. 20, 2019, 133 Stat. 1504.)

§ 2505. National technology and industrial base: periodic defense capability assessments

(a) PERIODIC ASSESSMENT.—Each fiscal year, the Secretary of Defense shall prepare selected