

(Added Pub. L. 102-484, div. D, title XLII, § 4213(a), Oct. 23, 1992, 106 Stat. 2665, § 2503; 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; renumbered § 4813 and amended Pub. L. 116-283, div. A, title XVIII, § 1867(b), (d)(2), Jan. 1, 2021, 134 Stat. 4281.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1867(b), renumbered section 2503 of this title as this section.

Subsec. (c)(3)(A). Pub. L. 116-283, § 1867(d)(2), substituted “section 4816” for “section 2505”.

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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 4814. National technology and industrial base: annual report and quarterly briefings

(a) ANNUAL REPORT.—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 4811(c) of this title.

(2) A description of the assessments prepared pursuant to section 4816 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 4811 of this title and on the assessments prepared pursuant to Executive order or section 4816 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 vulnerabilities related to the current and projected impacts of extreme weather and to cyber attacks or disruptions), 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.

(5) A detailed description of any use by the Secretary of Defense or a Secretary concerned, as applicable, during the prior 12 months of a waiver or exception to the sourcing requirements or prohibitions established by chapter 83 of title 41 or chapter 385 of this title, including—

(A) the type of waiver or exception used; and

(B) the reasoning for the use of each such waiver or exception.

(b) QUARTERLY BRIEFINGS.—(1) The Secretary of Defense shall ensure that the congressional defense committees receive quarterly briefings on the industrial base supporting the Department of Defense, describing challenges, gaps, and vulnerabilities in the defense industrial base and commercial sector relevant to execution of defense missions, and describing initiatives to address such challenges.

(2) Each briefing under paragraph (1) shall include an update on the progress of addressing such gaps or vulnerabilities by the Secretary, the Secretary of the military department concerned, or the appropriate head of a Defense Agency, including an update on—

(A) actions taken to address such gaps or vulnerabilities;

(B) policy changes necessary to address such gaps or vulnerabilities; and

(C) the proposed timeline for action and resources required to address such gaps or vulnerabilities.

(Added Pub. L. 104-201, div. A, title VIII, § 829(e), Sept. 23, 1996, 110 Stat. 2614, § 2504; 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; renumbered § 4814 and amended Pub. L. 116-283, div. A, title VIII, § 842(a), (b)(1), title XVIII, § 1867(b), (d)(3), Jan. 1, 2021, 134 Stat. 3764, 3765, 4281; Pub. L. 117-81, div. A, title III, § 333, title XVII, § 1701(b)(22)(A), (d)(15), Dec. 27, 2021, 135 Stat. 1638, 2135, 2137.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1867(b), renumbered section 2504 of this title as this section.

Pub. L. 116-283, § 842(b)(1), amended section catchline generally, substituting “National technology and industrial base: annual report and quarterly briefings” for “Annual report to Congress”.

Subsec. (a). Pub. L. 116-283, § 842(a)(1), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (a)(1). Pub. L. 116-283, § 1867(d)(3)(A), as amended by Pub. L. 117-81, § 1701(b)(22)(A), substituted “section 4811(c)” for “section 2506”.

Subsec. (a)(2). Pub. L. 116-283, § 1867(d)(3)(B), as amended by Pub. L. 117-81, § 1701(b)(22)(A), substituted “section 4816” for “section 2505”.

Subsec. (a)(3). Pub. L. 116-283, § 1867(d)(3)(C), as amended by Pub. L. 117-81, § 1701(b)(22)(A), substituted “section 4811” for “section 2501” and “section 4816” for “section 2505”.

Subsec. (a)(3)(B). Pub. L. 117-81, § 333, which directed the amendment of par. (3)(B) by inserting “(including vulnerabilities related to the current and projected impacts of extreme weather and to cyber attacks or disruptions)” after “industrial base”, was executed by making the insertion in subsec. (a)(3)(B) to reflect the probable intent of Congress.

Subsec. (a)(5). Pub. L. 117-81, § 1701(d)(15), substituted “chapter 385” for “subchapter V of chapter 148” in introductory provisions.

Pub. L. 116-283, § 842(a)(2), added par. (5).

Subsec. (b). Pub. L. 116-283, § 842(a)(3), added subsec. (b).

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(b)(22)(A) of Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1701(d)(15) of Pub. L. 117-81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283 have taken effect, see section 1701(a)(3) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1867(b), (d)(3) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions

for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

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.

§ 4815. 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, § 2504a; re-