

AMENDMENTS

2021—Pub. L. 116-283, §1867(b), renumbered section 2505 of this title as this section.

Subsec. (a). Pub. L. 116-283, §1867(d)(4), substituted “section 4811(a)” for “section 2501(a)”.

Subsec. (b)(6). Pub. L. 116-283, §1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was not executed with respect to “section 2430”, which was redesignated as multiple sections.

2015—Subsec. (b)(3) to (6). Pub. L. 114-92 added pars. (3) and (4) and redesignated former pars. (3) and (4) as (5) and (6), respectively.

2013—Subsecs. (d), (e). Pub. L. 112-239 added subsec. (d) and redesignated former subsec. (d) as (e).

2011—Subsec. (b)(4). Pub. L. 111-383 inserted “or major automated information system programs (as defined in section 2445a of this title)” after “section 2430 of this title”.

2009—Subsec. (b)(4). Pub. L. 111-23 added par. (4).

1996—Pub. L. 104-201 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) providing for National Defense Technology and Industrial Base Council to prepare, at least annually through fiscal year 1997 and biennially thereafter, a comprehensive assessment of capability of the national technology and industrial base to attain national security objectives.

1993—Pub. L. 103-35 substituted “capability” for “capabilty” in section catchline.

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.

PILOT PROGRAM ON STRENGTHENING THE DEFENSE
INDUSTRIAL AND INNOVATION BASE

Pub. L. 115-91, div. A, title XVII, §1711, Dec. 12, 2017, 131 Stat. 1811, as amended by Pub. L. 116-283, div. A, title II, §213(c), Jan. 1, 2021, 134 Stat. 3457, provided that:

“(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of increasing the capability of the defense industrial base and the defense innovation base to support—

“(1) development, prototyping, and manufacturing production needs to meet military requirements; and
“(2) development, prototyping, and manufacturing of emerging defense and commercial technologies.

“(b) AUTHORITIES.—The Secretary shall carry out the pilot program under the following:

“(1) [Former] Chapters 137 and 139 and sections 2371, 2371b, and 2373 of title 10, United States Code [now 10 U.S.C. 4021, 4022, 4023].

“(2) Section 230 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 2358 note [now 10 U.S.C. 4061 note prec.]).

“(3) Such other legal authorities as the Secretary considers applicable to carrying out the pilot program.

“(c) ACTIVITIES.—Activities under the pilot program may include the following:

“(1) Use of contracts, grants, or other transaction authorities to support development, prototyping, and manufacturing capabilities in small- and medium-sized manufacturers.

“(2) Purchases of goods or equipment for testing and certification purposes.

“(3) Incentives, including purchase commitments and cost sharing with nongovernmental sources, for the private sector to develop capabilities in areas of national security interest.

“(4) Issuing loans or providing loan guarantees to small- and medium-sized companies to support manufacturing and production capabilities in areas of national security interest.

“(5) Giving awards to third party entities to support investments in small- and medium-sized companies working in areas of national security interest, including debt and equity investments that would benefit missions of the Department of Defense.

“(6) Such other activities as the Secretary determines necessary.

“(d) TERMINATION.—The pilot program shall terminate on December 31, 2026.

“(e) BRIEFING REQUIRED.—No later than January 31, 2027, the Secretary of Defense shall provide a briefing to the Committees on Armed Services in the Senate and the House of Representatives on the results of the pilot program.”

§ 4817. Industrial Base Fund

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the “Fund”).

(b) CONTROL OF FUND.—The Fund shall be under the control of the Under Secretary of Defense for Acquisition and Sustainment, acting through the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

(1) to support the monitoring and assessment of the industrial base required by chapters 381 through 385 and chapter 389;

(2) to address critical issues in the industrial base relating to urgent operational needs;

(3) to support efforts to expand the industrial base; and

(4) to address supply chain vulnerabilities.

(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

(1) Direct obligations from the Fund.

(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.

(Added Pub. L. 111-383, div. A, title VIII, §896(b)(1), Jan. 7, 2011, 124 Stat. 4315, §2508; amended Pub. L. 115-91, div. A, title X, §1081(g)(1), Dec. 12, 2017, 131 Stat. 1601; Pub. L. 116-92, div. A, title IX, §902(75), Dec. 20, 2019, 133 Stat. 1552; renumbered §4817, Pub. L. 116-283, div. A, title XVIII, §1867(b), Jan. 1, 2021, 134 Stat. 4281; Pub. L. 116-283, div. A, title XVIII, §1867(d)(7), as added Pub. L. 117-81, div. A, title XVII, §1701(b)(22)(C), Dec. 27, 2021, 135 Stat. 2135.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2508 of this title as this section.

Subsec. (d)(1). Pub. L. 116-283, §1867(d)(7), as added by Pub. L. 117-81, §1701(b)(22)(C), substituted “chapters 381 through 385 and chapter 389” for “this chapter”.

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

2017—Pub. L. 115-91, §1081(g)(1), made technical amendment to directory language of Pub. L. 111-383, §896(b)(1), which added this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 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 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.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title X, §1081(g), Dec. 12, 2017, 131 Stat. 1601, provided that the amendment made by section 1081(g)(1) is effective as of Jan. 7, 2011, and as if included in Pub. L. 111-383 as enacted.

§ 4818. Data collection authority of President

(a) **AUTHORITY.**—The President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any person as may be necessary or appropriate, in the President’s discretion, to the enforcement or the administration of chapters 381 through 385 and chapter 389 and the regulations issued under such chapters.

(b) **CONDITION FOR USE OF AUTHORITY.**—The President shall issue regulations insuring that the authority of this section will be used only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

(c) **PENALTY FOR NONCOMPLIANCE.**—Any person who willfully performs any act prohibited or willfully fails to perform any act required by the provisions of subsection (a), or any rule, regulation, or order thereunder, shall be fined under title 18 or imprisoned not more than one year, or both.

(d) **LIMITATIONS ON DISCLOSURE OF INFORMATION.**—Information obtained under subsection (a) which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall be fined under title 18 or imprisoned not more than one year, or both.

(e) **REGULATIONS.**—The President may make such rules, regulations, and orders as he con-

siders necessary or appropriate to carry out the provisions of this section. Any regulation or order under this section may be established in such form and manner, may contain such classification and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this section, or to prevent circumvention or evasion, or to facilitate enforcement of this section, or any rule, regulation, or order issued under this section.

(f) **DEFINITIONS.**—In this section:

(1) The term “person” includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing, except that no punishment provided by this section shall apply to the United States, or to any such government, political subdivision, or government agency.

(2) The term “national defense” means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

(Added Pub. L. 102-484, div. D, title XLII, §4217, Oct. 23, 1992, 106 Stat. 2670, §2507; amended Pub. L. 103-160, div. A, title XI, §1182(b)(1), Nov. 30, 1993, 107 Stat. 1772; Pub. L. 109-163, div. A, title X, §1056(c)(5), Jan. 6, 2006, 119 Stat. 3439; renumbered §4818 and amended Pub. L. 116-283, div. A, title XVIII, §1867(b), (d)(5), Jan. 1, 2021, 134 Stat. 4281, 4282; Pub. L. 117-81, div. A, title XVII, §1701(b)(22)(B), Dec. 27, 2021, 135 Stat. 2135.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §1867(b), renumbered section 2507 of this title as this section.

Subsec. (a). Pub. L. 116-283, §1867(d)(5), as amended by Pub. L. 117-81, §1701(b)(22)(B), substituted “of chapters 381 through 385 and chapter 389” for “of this chapter” and “under such chapters” for “under this chapter”.

2006—Subsec. (d). Pub. L. 109-163 substituted “subsection (a)” for “section (a)”.

1993—Pub. L. 103-160 inserted headings in subsecs. (a) to (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 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 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.

§ 4819. Modernization of acquisition processes to ensure integrity of industrial base

(a) **DIGITIZATION AND MODERNIZATION.**—The Secretary of Defense shall streamline and digitize the Department of Defense approach for