

108TH CONGRESS
1ST SESSION

S. 1680

AMENDMENT

In the House of Representatives, U. S.,

October 15, 2003.

Resolved, That the bill from the Senate (S. 1680) entitled “An Act to reauthorize the Defense Production Act of 1950, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Defense Production Act*
3 *Reauthorization of 2003”.*

4 ***SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT***
5 ***OF 1950.***

6 *(a) IN GENERAL.—The 1st sentence of section 717(a)*
7 *of the Defense Production Act of 1950 (50 U.S.C. App.*
8 *2166(a)) is amended—*

9 *(1) by striking “sections 708” and inserting*
10 *“sections 707, 708,”; and*

11 *(2) by striking “September 30, 2003” and insert-*
12 *ing “September 30, 2008”.*

13 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*
14 *711(b) of the Defense Production Act of 1950 (50 U.S.C.*

1 *App. 2161(b)) is amended by striking “through 2003” and*
2 *inserting “through 2008”.*

3 **SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED**
4 **ELECTRONICS.**

5 (a) *IN GENERAL.*—*Notwithstanding the limitation*
6 *contained in section 303(a)(6)(C) of the Defense Production*
7 *Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President*
8 *may take actions under section 303 of the Defense Produc-*
9 *tion Act of 1950 to correct the industrial resource shortfall*
10 *for radiation-hardened electronics, to the extent that such*
11 *Presidential actions do not cause the aggregate outstanding*
12 *amount of all such actions to exceed \$200,000,000.*

13 (b) *REPORT BY THE SECRETARY.*—*Before the end of*
14 *the 6-month period beginning on the date of the enactment*
15 *of this Act, the Secretary of Defense shall submit a report*
16 *to the Committee on Banking, Housing, and Urban Affairs*
17 *of the Senate and the Committee on Financial Services of*
18 *the House of Representatives describing—*

19 (1) *the current state of the domestic industrial*
20 *base for radiation-hardened electronics;*

21 (2) *the projected requirements of the Department*
22 *of Defense for radiation-hardened electronics;*

23 (3) *the intentions of the Department of Defense*
24 *for the industrial base for radiation-hardened elec-*
25 *tronics; and*

1 (4) the plans of the Department of Defense for
2 use of providers of radiation-hardened electronics be-
3 yond the providers with which the Department had
4 entered into contractual arrangements under the au-
5 thority of the Defense Production Act of 1950, as of
6 the date of the enactment of this Act.

7 **SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.**

8 Subsection (a) of section 705 of the Defense Production
9 Act of 1950 (50 U.S.C. App. 2155(a)) is amended by insert-
10 ing after the end of the 1st sentence the following new sen-
11 tence: “The authority of the President under this section
12 includes the authority to obtain information in order to
13 perform industry studies assessing the capabilities of the
14 United States industrial base to support the national de-
15 fense.”.

16 **SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RES-**
17 **TORATION.**

18 Section 702 of the Defense Production Act of 1950 (50
19 U.S.C. App. 2152) is amended—

20 (1) by redesignating paragraphs (3) through (17)
21 as paragraphs (4) through (18), respectively;

22 (2) by inserting after paragraph (2) the fol-
23 lowing new paragraph:

24 “(3) **CRITICAL INFRASTRUCTURE.**—The term
25 ‘critical infrastructure’ means any systems and as-

1 *sets, whether physical or cyber-based, so vital to the*
 2 *United States that the degradation or destruction of*
 3 *such systems and assets would have a debilitating im-*
 4 *pact on national security, including, but not limited*
 5 *to, national economic security and national public*
 6 *health or safety.”; and*

7 *(3) in paragraph (14) (as so redesignated by*
 8 *paragraph (1) of this section), by inserting “and crit-*
 9 *ical infrastructure protection and restoration” before*
 10 *the period at the end of the last sentence.*

11 **SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND**
 12 **WOMEN-OWNED BUSINESSES.**

13 *(a) REPORT REQUIRED.—Before the end of the 1-year*
 14 *period beginning on the date of the enactment of this Act,*
 15 *the Secretary of Defense shall submit a report to the Com-*
 16 *mittee on Banking, Housing, and Urban Affairs of the Sen-*
 17 *ate and the Committee on Financial Services of the House*
 18 *of Representatives on the extent to which contracts entered*
 19 *into during the fiscal year ending before the end of such*
 20 *1-year period under the Defense Production Act of 1950*
 21 *have been contracts with minority- and women-owned busi-*
 22 *nesses.*

23 *(b) CONTENTS OF REPORT.—The report submitted*
 24 *under subsection (a) shall include the following:*

1 (1) *The types of goods and services obtained*
2 *under contracts with minority- and women-owned*
3 *businesses under the Defense Production Act of 1950*
4 *in the fiscal year covered in the report.*

5 (2) *The dollar amounts of such contracts.*

6 (3) *The ethnicity of the majority owners of such*
7 *minority- and women-owned businesses.*

8 (4) *A description of the types of barriers in the*
9 *contracting process, such as requirements for security*
10 *clearances, that limit contracting opportunities for*
11 *minority- and women-owned businesses, together with*
12 *such recommendations for legislative or administra-*
13 *tive action as the Secretary of Defense may determine*
14 *to be appropriate for increasing opportunities for*
15 *contracting with minority- and women-owned busi-*
16 *nesses and removing barriers to such increased par-*
17 *ticipation.*

18 (c) *DEFINITIONS.—For purposes of this section, the*
19 *terms “women-owned business” and “minority-owned busi-*
20 *ness” have the meanings given such terms in section 21A(r)*
21 *of the Federal Home Loan Bank Act, and the term “minor-*
22 *ity” has the meaning given such term in section 1204(c)(3)*
23 *of the Financial Institutions Reform, Recovery, and En-*
24 *forcement Act of 1989.*

1 **SEC. 7. REPORT ON IMPACT OF OFFSETS ON DOMESTIC**
2 **CONTRACTORS AND HIGHER-TIER SUB-**
3 **CONTRACTORS.**

4 (a) *ASSESSMENT OF IMPACT REQUIRED.*—In addition
5 to the information required to be included in the annual
6 report under section 309 of the Defense Production Act of
7 1950, the Secretary of Commerce shall assess the net impact,
8 in the defense trade, of foreign sales and related foreign con-
9 tracts that have been awarded through offsets, industrial
10 participation agreements, or similar arrangements on do-
11 mestic prime contractors and at least the first 3 tiers of
12 domestic subcontractors during the 5-year period beginning
13 on January 1, 1998.

14 (b) *REPORT.*—Before the end of the 1-year period be-
15 ginning on the date of the enactment of this Act, the Sec-
16 retary of Commerce shall submit a report to the Congress
17 containing findings and the conclusions of the Secretary
18 with regard to the assessment made pursuant to subsection
19 (a).

20 (c) *COPIES OF REPORT.*—Copies of the report pre-
21 pared pursuant to subsection (b) shall also be transmitted
22 to the United States Trade Representative and the inter-

- 1 *agency team established pursuant to section 123(c) of the*
- 2 *Defense Production Act Amendments of 1992.*

Attest:

Clerk.