

108TH CONGRESS
1ST SESSION

S. 1680

AN ACT

To reauthorize the Defense Production Act of 1950, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defense Production
5 Act Reauthorization of 2003”.

1 **SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT**
2 **OF 1950.**

3 (a) IN GENERAL.—The 1st sentence of section
4 717(a) of the Defense Production Act of 1950 (50 U.S.C.
5 App. 2166(a)) is amended—

6 (1) by striking “sections 708” and inserting
7 “sections 707, 708,”; and

8 (2) by striking “September 30, 2003” and in-
9 serting “September 30, 2004”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 711(b) of the Defense Production Act of 1950 (50 U.S.C.
12 App. 2161(b)) is amended by striking “through 2003”
13 and inserting “through 2004”.

14 **SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARD-**
15 **ENED ELECTRONICS.**

16 (a) IN GENERAL.—Notwithstanding the limitation
17 contained in section 303(a)(6)(C) of the Defense Produc-
18 tion Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the
19 President may take actions under section 303 of the De-
20 fense Production Act of 1950 to correct the industrial re-
21 source shortfall for radiation-hardened electronics, to the
22 extent that such Presidential actions do not cause the ag-
23 gregate outstanding amount of all such actions to exceed
24 \$200,000,000.

25 (b) REPORT BY THE SECRETARY.—Before the end of
26 the 6-month period beginning on the date of the enact-

1 ment of this Act, the Secretary of Defense shall submit
2 a report to the Committee on Banking, Housing, and
3 Urban Affairs of the Senate and the Committee on Finan-
4 cial Services of the House of Representatives describing—

5 (1) the current state of the domestic industrial
6 base for radiation-hardened electronics;

7 (2) the projected requirements of the Depart-
8 ment of Defense for radiation-hardened electronics;

9 (3) the intentions of the Department of Defense
10 for the industrial base for radiation-hardened elec-
11 tronics; and

12 (4) the plans of the Department of Defense for
13 use of providers of radiation-hardened electronics be-
14 yond the providers with which the Department had
15 entered into contractual arrangements under the au-
16 thority of the Defense Production Act of 1950, as of
17 the date of the enactment of this Act.

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

19 Subsection (a) of section 705 of the Defense Produc-
20 tion Act of 1950 (50 U.S.C. App. 2155(a)) is amended
21 by inserting after the end of the 1st sentence the following
22 new sentence: “The authority of the President under this
23 section includes the authority to obtain information in
24 order to perform industry studies assessing the capabili-

1 ties of the United States industrial base to support the
2 national defense.”.

3 **SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND**
4 **RESTORATION.**

5 Section 702 of the Defense Production Act of 1950
6 (50 U.S.C. App. 2152) is amended—

7 (1) by redesignating paragraphs (3) through
8 (17) as paragraphs (4) through (18), respectively;

9 (2) by inserting after paragraph (2) the fol-
10 lowing new paragraph:

11 “(3) **CRITICAL INFRASTRUCTURE.**—The term
12 ‘critical infrastructure’ means any systems and as-
13 sets, whether physical or cyber-based, so vital to the
14 United States that the degradation or destruction of
15 such systems and assets would have a debilitating
16 impact on national security, including, but not lim-
17 ited to, national economic security and national pub-
18 lic health or safety.”; and

19 (3) in paragraph (14) (as so redesignated by
20 paragraph (1) of this section), by inserting “and
21 critical infrastructure protection and restoration”
22 before the period at the end of the last sentence.

1 **SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND**
2 **WOMEN-OWNED BUSINESSES.**

3 (a) **REPORT REQUIRED.**—Before the end of the 1-
4 year period beginning on the date of the enactment of this
5 Act, the Secretary of Defense shall submit a report to the
6 Committee on Banking, Housing, and Urban Affairs of
7 the Senate and the Committee on Financial Services of
8 the House of Representatives on the extent to which con-
9 tracts entered into during the fiscal year ending before
10 the end of such 1-year period under the Defense Produc-
11 tion Act of 1950 have been contracts with minority- and
12 women-owned businesses.

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

15 (1) The types of goods and services obtained
16 under contracts with minority- and women-owned
17 businesses under the Defense Production Act of
18 1950 in the fiscal year covered in the report.

19 (2) The dollar amounts of such contracts.

20 (3) The ethnicity of the majority owners of such
21 minority- and women-owned businesses.

22 (4) A description of the types of barriers in the
23 contracting process, such as requirements for secu-
24 rity clearances, that limit contracting opportunities
25 for minority- and women-owned businesses, together
26 with such recommendations for legislative or admin-

1 istrative action as the Secretary of Defense may de-
2 termine to be appropriate for increasing opportuni-
3 ties for contracting with minority- and women-owned
4 businesses and removing barriers to such increased
5 participation.

6 (c) DEFINITIONS.—For purposes of this section, the
7 terms “women-owned business” and “minority-owned
8 business” have the meanings given such terms in section
9 21A(r) of the Federal Home Loan Bank Act, and the term
10 “minority” has the meaning given such term in section
11 1204(c)(3) of the Financial Institutions Reform, Recov-
12 ery, and Enforcement Act of 1989.

 Passed the Senate September 30 (legislative day,
September 29), 2003.

Attest:

Secretary.

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