

State. In the case of any such waiver, appropriated funds may be used for the establishment and operation of an academy in excess of four in that State only to the extent that appropriated funds are expressly available for that purpose. Any such waiver shall be made under criteria to be prescribed by the Secretary.

(d) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—The Secretary shall prescribe standards and procedures for selection of persons for participation in the program.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

(f) **AUTHORITY TO ACCEPT FINANCIAL AND OTHER SUPPORT.**—(1) The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

(2) The Secretary of Defense shall remain the executive agent to carry out the program regardless of the source of funds for the program or any transfer of jurisdiction over the program within the executive branch.

(g) **ANNUAL REPORT.**—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on the program under this section. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

(h) **STATE DEFINED.**—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(Added Pub. L. 106-65, div. A, title V, §580(a), Oct. 5, 1999, 113 Stat. 631; amended Pub. L. 107-107, div. A, title V, §596(b), Dec. 28, 2001, 115 Stat. 1127; Pub. L. 108-375, div. A, title V, §519, title X, §1084(d)(16), Oct. 28, 2004, 118 Stat. 1886, 2062; Pub. L. 110-181, div. A, title V, §592, Jan. 28, 2008, 122 Stat. 138; Pub. L. 111-383, div. A, title V, §595, Jan. 7, 2011, 124 Stat. 4234.)

#### AMENDMENTS

2011—Subsec. (g). Pub. L. 111-383 substituted “March 31 of each year” for “90 days after the end of each fiscal year”.

2008—Subsec. (c)(3)(A). Pub. L. 110-181, §592(1), substituted “more than four academies” for “more than two academies”.

Subsec. (c)(3)(B). Pub. L. 110-181, §592(2), substituted “in excess of four” for “in excess of two” in two places.

2004—Subsec. (c)(2). Pub. L. 108-375, §1084(d)(16), substituted “October 5, 1999” for “the date of the enactment of this section”.

Subsec. (c)(3). Pub. L. 108-375, §519, amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.”

2001—Subsec. (f). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

#### EXISTING STARBASE ACADEMIES

Pub. L. 106-65, div. A, title V, §580(b), Oct. 5, 1999, 113 Stat. 632, provided that: “While continuing in operation, the academies existing on the date of the enactment of this Act [Oct. 5, 1999] under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.”

#### § 2194. Education partnerships

(a) The Secretary of Defense shall authorize the director of each defense laboratory to enter into one or more education partnership agreements with educational institutions in the United States for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education. The educational institutions referred to in the preceding sentence are local educational agency, colleges, universities, and any other nonprofit institutions that are dedicated to improving science, mathematics, and engineering education.

(b) Under a partnership agreement entered into with an educational institution under this section, the director of a defense laboratory may provide, and is encouraged to provide, assistance to the educational institution by—

(1) loaning defense laboratory equipment to the institution for any purpose and duration in support of such agreement that the director considers appropriate;

(2) notwithstanding the provisions of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is—

(A) commonly used by educational institutions;

(B) surplus to the needs of the defense laboratory; and

(C) determined by the director to be appropriate for support of such agreement;

(3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution;

(4) involving faculty and students of the institution in defense laboratory research projects;

(5) cooperating with the institution in developing a program under which students may be given academic credit for work on defense laboratory research projects; and

(6) providing academic and career advice and assistance to students of the institution.

(c) The Secretary of Defense shall ensure that the director of each defense laboratory shall give a priority under this section to entering into an education partnership agreement with one or more historically Black colleges and universities and other minority institutions referred to in paragraphs (3), (4), and (5) of section 312(b)<sup>1</sup> of the Higher Education Act of 1965 (20 U.S.C. 1058(b)).

<sup>1</sup> See References in Text note below.

(d) The Secretary of Defense shall ensure that, in entering into education partnership agreements under this section, the director of a defense laboratory gives a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

(e) The Secretary of Defense may permit the director of a defense laboratory to enter into a cooperative agreement with an appropriate entity to act as an intermediary and assist the director in carrying out activities under this section.

(f) In this section:

(1) The term “defense laboratory” means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

(2) The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

(Added Pub. L. 101-510, div. A, title II, §247(a)(1), Nov. 5, 1990, 104 Stat. 1522; amended Pub. L. 103-382, title III, §391(b)(4), Oct. 20, 1994, 108 Stat. 4021; Pub. L. 104-106, div. A, title XV, §1503(a)(19), Feb. 10, 1996, 110 Stat. 512; Pub. L. 106-398, §1 [[div. A], title II, §253], Oct. 30, 2000, 114 Stat. 1654, 1654A-49; Pub. L. 107-110, title X, §1076(e), Jan. 8, 2002, 115 Stat. 2091; Pub. L. 108-178, §4(b)(1), Dec. 15, 2003, 117 Stat. 2640; Pub. L. 111-350, §5(b)(3), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 111-383, div. A, title II, §211(b), Jan. 7, 2011, 124 Stat. 4163.)

#### REFERENCES IN TEXT

Paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)), referred to in subsec. (c), were repealed by Pub. L. 102-325, title III, §302(a)(3), July 23, 1992, 106 Stat. 472.

Section 9101 of the Elementary and Secondary Education Act of 1965, referred to in subsec. (f)(2), is classified to section 7801 of Title 20, Education.

#### AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in introductory provisions.

Subsecs. (e), (f). Pub. L. 111-383 added subsec. (e) and redesignated former subsec. (e) as (f).

2003—Subsec. (b)(2). Pub. L. 108-178 inserted “subtitle I of title 40 and title III of” before “the Federal” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

2002—Subsec. (e)(2). Pub. L. 107-110 substituted “section 9101 of the Elementary and Secondary Education Act of 1965” for “section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)”.

2000—Subsec. (b). Pub. L. 106-398, §1 [[div. A], title II, §253(a)(1)], inserted “, and is encouraged to provide,” after “may provide” in introductory provisions.

Subsec. (b)(1). Pub. L. 106-398, §1 [[div. A], title II, §253(a)(2)], inserted before semicolon “for any purpose and duration in support of such agreement that the director considers appropriate”.

Subsec. (b)(2). Pub. L. 106-398, §1 [[div. A], title II, §253(a)(3)], added par. (2) and struck out former par. (2) which read as follows: “transferring to the institution defense laboratory equipment determined by the director to be surplus;”.

Subsec. (e). Pub. L. 106-398, §1 [[div. A], title II, §253(b)], amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “In this section, the term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”

1996—Subsec. (e). Pub. L. 104-106 substituted “(20 U.S.C. 8801)” for “(20 U.S.C. 2891(12))”.

1994—Subsec. (a). Pub. L. 103-382, §391(b)(4)(A), substituted “educational agency” for “education agencies”.

Subsec. (e). Pub. L. 103-382, §394(b)(4)(B)(iii), which directed amendment of subsec. (e) by striking out “(20 U.S.C. 1058(b))” could not be executed because “(20 U.S.C. 1058(b))” does not appear in subsec. (e).

Pub. L. 103-382, §391(b)(4)(B)(i), (ii), substituted “educational agency” for “education agency” and “section 14101” for “section 1471(12)”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

### § 2195. Department of Defense cooperative education programs

(a) The Secretary of Defense shall ensure that the director of each defense laboratory establishes, in association with one or more public or private colleges or universities in the United States or one or more consortia of colleges or universities in the United States, cooperative work-education programs for undergraduate and graduate students.

(b) Under a cooperative work-education program established under subsection (a), a director referred to in that subsection may, without regard to any applicable non-statutory limitation on the number of authorized personnel or on the aggregate amount of any personnel cost—

(1) make an offer for participation in the cooperative work-education program directly to a student and appoint such student to an entry-level position of employment in the laboratory of such director;

(2) pay such person a rate of basic pay, not to exceed the maximum rate of pay provided for grade GS-9 under the General Schedule under section 5332 of title 5, that is competitive with compensation levels provided for entry-level positions in similar industry-sponsored cooperative work-education programs;

(3) pay all travel expenses between the college or university in which the student is enrolled and the laboratory concerned for not more than six round trips per year; and

(4) pay all or part of such fees, charges, and costs related to the participation of such student in the cooperative work-education program as tuition, matriculation fees, charges for library and laboratory services, materials, and supplies, and the purchase or rental price of books.

(c) A director of a defense laboratory may—

(1) require a student, as a condition for receiving payments referred to in subsection