

zations in order to provide financial assistance for the establishment of foreign critical technology monitoring and assessment offices in Europe, Pacific Rim countries, and such other countries as the Secretary considers appropriate.

(b) **ELIGIBLE ORGANIZATIONS.**—Any not-for-profit industrial or professional organization that has economic and scientific interests in research, development, and applications of dual-use critical technologies is eligible to enter into a cooperative arrangement referred to in subsection (a).

(Added Pub. L. 102–190, div. A, title VIII, § 821(a), Dec. 5, 1991, 105 Stat. 1431, § 2526; renumbered § 2518, Pub. L. 102–484, div. D, title XLII, § 4228, Oct. 23, 1992, 106 Stat. 2685.)

#### PRIOR PROVISIONS

A prior section 2518 was renumbered section 2522 of this title and subsequently repealed.

#### AMENDMENTS

1992—Pub. L. 102–484 renumbered section 2526 of this title as this section.

### § 2519. Federal Defense Laboratory Diversification Program

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense shall conduct a program in accordance with this section for the purpose of promoting cooperation between Department of Defense laboratories and industry on research and development of dual-use technologies in order to further the national security objectives set forth in section 2501(a) of this title.

(b) **PARTNERSHIPS.**—(1) The Secretary shall provide for the establishment under the program of cooperative arrangements (hereinafter in this section referred to as “partnerships”) between a Department of Defense laboratory and eligible firms and nonprofit research corporations. A partnership may also include one or more additional Federal laboratories, institutions of higher education, agencies of State and local governments, and other entities, as determined appropriate by the Secretary.

(2) For purposes of this section, a federally funded research and development center shall be considered a Department of Defense laboratory if the center is sponsored by the Department of Defense.

(c) **ASSISTANCE AUTHORIZED.**—(1) The Secretary may make grants, enter into contracts, enter into cooperative agreements and other transactions pursuant to section 2371 of this title, and enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to establish partnerships.

(2) Subject to subsection (d), the Secretary may provide a partnership with technical and other assistance in order to facilitate the achievement of the purpose of this section.

(d) **FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.**—(1) The Secretary shall ensure that the non-Federal Government participants in a partnership make a substantial contribution to the total cost of partnership activities. The amount of the contribution shall be

commensurate with the risk undertaken by such participants and the potential benefits of the activities for such participants.

(2) The regulations prescribed pursuant to section 2511(c)(2) of this title shall apply to in-kind contributions made by non-Federal Government participants in a partnership.

(e) **SELECTION PROCESS.**—Competitive procedures shall be used in the establishment of partnerships.

(f) **SELECTION CRITERIA.**—The criteria for the selection of a proposed partnership for establishment under this section shall include the criteria set forth in section 2511(e) of this title.

(g) **REGULATIONS.**—The Secretary shall prescribe regulations for the purposes of this section.

(Added Pub. L. 103–337, div. A, title XI, § 1113(a), Oct. 5, 1994, 108 Stat. 2864; amended Pub. L. 104–106, div. A, title X, § 1081(d), Feb. 10, 1996, 110 Stat. 454.)

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104–106, § 1081(d)(1), struck out “referred to in section 2511(b) of this title” after “corporations”.

Subsec. (f). Pub. L. 104–106, § 1081(d)(2), substituted “section 2511(e)” for “section 2511(f)”.

### § 2520. Repealed. Pub. L. 104–106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454]

Section, added Pub. L. 103–337, div. A, title XI, § 1113(b), Oct. 5, 1994, 108 Stat. 2865, related to Navy Reinvestment Program.

### SUBCHAPTER IV—MANUFACTURING TECHNOLOGY

Sec.

2521. Manufacturing Technology Program.  
2522. Armament retooling and manufacturing.  
[2523, 2524. Repealed.]  
[2525. Renumbered.]

#### AMENDMENTS

2000—Pub. L. 106–398, § 1 [(div. A), title III, § 344(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–71, redesignated item 2525 as 2521 and added item 2522.

1998—Pub. L. 105–261, div. A, title X, § 1069(a)(5), Oct. 17, 1998, 112 Stat. 2136, struck out “AND DUAL-USE ASSISTANCE EXTENSION PROGRAMS” after “TECHNOLOGY” in subchapter heading.

1996—Pub. L. 104–106, div. A, title II, § 276(b), title X, § 1081(i)(3), Feb. 10, 1996, 110 Stat. 242, 455, struck out items 2521 “National Defense Manufacturing Technology Program”, 2522 “Defense Advanced Manufacturing Technology Partnerships”, 2523 “Manufacturing extension programs”, and 2524 “Defense dual-use assistance extension program” and substituted “Manufacturing Technology Program” for “Manufacturing Science and Technology Program” in item 2525.

1994—Pub. L. 103–337, div. A, title II, § 256(a)(2), Oct. 5, 1994, 108 Stat. 2704, substituted “Manufacturing Science and” for “Industrial Preparedness Manufacturing” in item 2525.

1993—Pub. L. 103–160, div. A, title VIII, § 801(a)(2), Nov. 30, 1993, 107 Stat. 1701, added item 2525.

### § 2521. Manufacturing Technology Program

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a Manufacturing Technology Program to further the national security objectives of section 2501(a) of this title through the development and application of advanced manu-

facturing technologies and processes that will reduce the acquisition and supportability costs of defense weapon systems and reduce manufacturing and repair cycle times across the life cycles of such systems. The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program. The Under Secretary of Defense for Acquisition, Technology, and Logistics shall administer the program.

(b) PURPOSE OF PROGRAM.—The Secretary of Defense shall use the program—

(1) to provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

(2) to direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

(3) to improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

(4) to focus Department of Defense support for the development and application of advanced manufacturing technologies and processes for use to meet manufacturing requirements that are essential to the national defense, as well as for repair and remanufacturing in support of the operations of systems commands, depots, air logistics centers, and shipyards;

(5) to disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

(6) to sustain and enhance the skills and capabilities of the manufacturing work force;

(7) to promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

(8) to ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.

(c) EXECUTION.—(1) The Secretary may carry out projects under the program through the Secretaries of the military departments and the heads of the Defense Agencies.

(2) In the establishment and review of requirements for an advanced manufacturing technology or process, the Secretary shall ensure the participation of those prospective technology users that are expected to be the users of that technology or process.

(3) The Secretary shall ensure that each project under the program for the development of an advanced manufacturing technology or process includes an implementation plan for the

transition of that technology or process to the prospective technology users that will be the users of that technology or process.

(4) In the periodic review of a project under the program, the Secretary shall ensure participation by those prospective technology users that are the expected users for the technology or process being developed under the project.

(5) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.

(6) In this subsection, the term “prospective technology users” means the following officials and elements of the Department of Defense:

(A) Program and project managers for defense weapon systems.

(B) Systems commands.

(C) Depots.

(D) Air logistics centers.

(E) Shipyards.

(d) COMPETITION AND COST SHARING.—(1) In accordance with the policy stated in section 2374 of this title, competitive procedures shall be used for awarding all grants and entering into all contracts, cooperative agreements, and other transactions under the program.

(2) Under the competitive procedures used, the factors to be considered in the evaluation of each proposed grant, contract, cooperative agreement, or other transaction for a project under the program shall include the extent to which that proposed transaction provides for the proposed recipient to share in the cost of the project. For a project for which the Government receives an offer from only one offeror, the contracting officer shall negotiate the ratio of contract recipient cost to Government cost that represents the best value to the Government.

(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

(3) The purposes of the Panel shall be as follows:

(A) To identify and integrate requirements for the program.

(B) To conduct joint planning for the program.

(C) To develop joint strategies for the program.

(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

(C) Ensure the integration and coordination of requirements and programs under the program with the Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

(5) The Panel shall report to and receive direction from the Assistant Secretary of Defense for Research and Engineering on manufacturing technology issues of multi-service concern and application.

(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.

(f) FIVE-YEAR STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program that includes the following:

(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program.

(B) The objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

(3) The Secretary shall update the plan on a biennial basis.

(4) Each plan, and each update to the plan, shall cover a period of five fiscal years.

(Added Pub. L. 103-160, div. A, title VIII, § 801(a)(1), Nov. 30, 1993, 107 Stat. 1700, § 2525; amended Pub. L. 103-337, div. A, title II, § 256(a)(1), Oct. 5, 1994, 108 Stat. 2704; Pub. L. 104-106, div. A, title II, § 276(a), title X, § 1081(e), title XV, § 1503(a)(28), Feb. 10, 1996, 110 Stat. 241, 454, 512; Pub. L. 105-85, div. A, title II, § 211(a), (b), Nov. 18, 1997, 111 Stat. 1657; Pub. L. 105-261, div. A, title II, § 213, Oct. 17, 1998, 112 Stat. 1947; Pub. L. 106-65, div. A, title II, § 216, Oct. 5, 1999, 113 Stat. 543; renumbered § 2521, Pub. L. 106-398, § 1 [[div. A], title III, § 344(c)(1)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71; Pub. L. 107-107, div. A, title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107-314, div. A, title II, § 213, Dec. 2, 2002, 116 Stat. 2481; Pub. L. 108-136, div. A, title X, § 1031(a)(24), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 110-181, div. A, title II, § 238(a), Jan. 28, 2008, 122 Stat. 48; Pub. L. 111-84, div. A, title II, § 212, Oct. 28, 2009, 123 Stat. 2225; Pub. L. 111-383, div. A, title IX, § 901(a)(2), Jan. 7, 2011, 124 Stat. 4317.)

## PRIOR PROVISIONS

A prior section 2521, added Pub. L. 102-484, div. D, title XLII, § 4231(a), Oct. 23, 1992, 106 Stat. 2686, related to National Defense Manufacturing Technology Program, prior to repeal by Pub. L. 104-106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454.

Another prior section 2521, added Pub. L. 102-190, div. A, title VIII, § 821(a), Dec. 5, 1991, 105 Stat. 1426, defined terms for purposes of former chapter 150 of this title, prior to repeal and restatement in section 2491 [now 2500] of this title by Pub. L. 102-484, §§ 4202(a), 4203(a).

Another prior section 2521 was renumbered section 2540 of this title and subsequently repealed.

## AMENDMENTS

2009—Subsecs. (e), (f). Pub. L. 111-84 added subsec. (e) and redesignated former subsec. (e) as (f).

2008—Subsec. (e). Pub. L. 110-181 added subsec. (e).

2003—Subsec. (e). Pub. L. 108-136 struck out heading and text of subsec. (e) which related to preparation and maintenance of a five-year plan for the Manufacturing Technology Program by the Secretary of Defense.

2002—Subsec. (e)(1). Pub. L. 107-314, § 213(a), substituted “prepare and maintain a five-year plan for the program.” for “prepare a five-year plan for the program which establishes—

“(A) the overall manufacturing technology goals, milestones, priorities, and investment strategy for the program; and

“(B) for each of the five fiscal years covered by the plan, the objectives of, and funding for the program by, each military department and each Defense Agency participating in the program.”

Subsec. (e)(2). Pub. L. 107-314, § 213(a), substituted “establish” for “include” in introductory provisions and amended subpars. (A) and (B) generally. Prior to amendment, text read as follows:

“(A) An assessment of the effectiveness of the program, including a description of all completed projects and status of implementation.

“(B) An assessment of the extent to which the costs of projects are being shared by the following:

“(i) Commercial enterprises in the private sector.

“(ii) Department of Defense program offices, including weapon system program offices.

“(iii) Departments and agencies of the Federal Government outside the Department of Defense.

“(iv) Institutions of higher education.

“(v) Other institutions not operated for profit.

“(vi) Other sources.”

Subsec. (e)(3). Pub. L. 107-314, § 213(b), substituted “biennially” for “annually” and “for each even-numbered fiscal year” for “for a fiscal year”.

2001—Subsec. (a). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

2000—Pub. L. 106-398 renumbered section 2525 of this title as this section.

1999—Subsec. (a). Pub. L. 106-65, § 216(a), in first sentence, inserted “through the development and application of advanced manufacturing technologies and processes that will reduce the acquisition and supportability costs of defense weapon systems and reduce manufacturing and repair cycle times across the life cycles of such systems” after “title”.

Subsec. (b)(4). Pub. L. 106-65, § 216(b), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “to promote dual-use manufacturing processes;”.

Subsec. (c)(2) to (6). Pub. L. 106-65, § 216(c), added pars. (2) to (4), redesignated former par. (2) as (5), and added par. (6).

Subsec. (d). Pub. L. 106-65, § 216(d), struck out “(A)” before “In accordance with” in par. (1), redesignated par. (1)(B) as par. (2), substituted “Under the competitive procedures used, the factors to be considered in the evaluation of each proposed grant, contract, cooperative agreement, or other transaction for a project under the program shall include the extent to which

that proposed transaction provides for the proposed recipient to share in the cost of the project.” for “For each grant awarded and each contract, cooperative agreement, or other transaction entered into on a cost-share basis under the program, the ratio of contract recipient cost to Government cost shall be determined by competitive procedures.”, and struck out former pars. (2) and (3) which required grants, contracts, cooperative agreements, and other transactions to be awarded or entered into on a cost-sharing basis unless the Secretary of Defense made certain determinations and specified as a goal that at least 25 percent of the funds available for the program for each fiscal year be used for grants, contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost was two to one.

Subsec. (e)(2)(A). Pub. L. 106-65, §216(e)(1), inserted “, including a description of all completed projects and status of implementation” before period at end.

Subsec. (e)(2)(C). Pub. L. 106-65, §216(e)(2), added subpar. (C).

1998—Subsec. (d)(1). Pub. L. 105-261, §213(a), designated existing provisions as subpar. (A), substituted “In accordance with the policy stated in section 2374 of this title, competitive” for “Competitive”, and added subpar. (B).

Subsec. (d)(2). Pub. L. 105-261, §213(b), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, and added subpars. (B) and (C).

Subsec. (d)(3). Pub. L. 105-261, §213(c)(2), substituted “As a goal, at least” for “At least” and “should” for “shall” and inserted at end “The Secretary of Defense, in coordination with the Secretaries of the military departments and upon recommendation of the Under Secretary of Defense for Acquisition and Technology, shall establish annual objectives to meet such goal.”

Subsec. (d)(4). Pub. L. 105-261, §213(c)(1), struck out par. (4) which read as follows: “If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.”

Subsec. (e)(2). Pub. L. 105-261, §213(d), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The plan shall include an assessment of the effectiveness of the program.”

1997—Subsec. (c)(2). Pub. L. 105-85, §211(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.”

Subsec. (e). Pub. L. 105-85, §211(b), added subsec. (e).

1996—Pub. L. 104-106, §276(a)(1), amended section catchline, as amended by Pub. L. 104-106, §§1503(a)(28), 1506, by striking out “Science and” after “Manufacturing”.

Pub. L. 104-106, §1503(a)(28), substituted “Science and Technology Program” for “science and technology program” in section catchline.

Subsec. (a). Pub. L. 104-106, §276(a)(2), struck out “Science and” after “Manufacturing” and inserted after first sentence “The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.”

Subsec. (b). Pub. L. 104-106, §1081(e), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “PURPOSE.—The purpose of the program is to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.”

Subsec. (c). Pub. L. 104-106, §276(a)(3), designated existing provisions as par. (1) and added par. (2).

Subsec. (d)(2)(C). Pub. L. 104-106, §276(a)(4)(A), added subpar. (C).

Subsec. (d)(3), (4). Pub. L. 104-106, §276(a)(4)(B), added pars. (3) and (4).

1994—Pub. L. 103-337 substituted “Manufacturing science and technology program” for “Industrial Preparedness Manufacturing Technology Program” as section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary of Defense shall establish an Industrial Preparedness Manufacturing Technology program to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.”

#### CHANGE OF NAME

“Assistant Secretary of Defense for Research and Engineering” substituted for “Director of Defense Research and Engineering” in subsec. (e)(5) on authority of section 901(a) of Pub. L. 111-383, set out as a note under section 131 of this title.

#### LIMITATION ON USE OF FUNDS FOR DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM

Pub. L. 110-181, div. A, title II, §214, Jan. 28, 2008, 122 Stat. 36, as amended by Pub. L. 111-383, div. A, title IX, §901(l)(2), Jan. 7, 2011, 124 Stat. 4326, provided that: “No funds available to the Office of the Secretary of Defense for any fiscal year may be obligated or expended for the defense-wide manufacturing science and technology program unless the Assistant Secretary of Defense for Research and Engineering ensures each of the following:

“(1) A component of the Department of Defense has requested and evaluated—

“(A) competitive proposals, for each project under the program that is not a project covered by subparagraph (B); and

“(B) proposals from as many sources as is practicable under the circumstances, for a project under the program if the disclosure of the needs of the Department of Defense with respect to that project would compromise the national security.

“(2) Each project under the program is carried out—

“(A) in accordance with the statutory requirements of the Manufacturing Technology Program established by section 2521 of title 10, United States Code; and

“(B) in compliance with all requirements of any directive that applies to manufacturing technology.

“(3) An implementation plan has been developed.”

[Pub. L. 111-383, div. A, title IX, §901(l)(2), Jan. 7, 2011, 124 Stat. 4326, which directed amendment of section 214 of Pub. L. 110-181, set out above, by substituting “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering”, was executed by making the substitution for “Director, Defense Research and Engineering,” to reflect the probable intent of Congress.]

#### INITIAL DEVELOPMENT AND SUBMISSION OF PLAN

Pub. L. 110-181, div. A, title II, §238(b), Jan. 28, 2008, 122 Stat. 48, provided that:

“(1) DEVELOPMENT.—The Secretary of Defense shall develop the strategic plan required by subsection (e) [now (f)] of section 2521 of title 10, United States Code (as added by subsection (a) of this section), so that the plan goes into effect at the beginning of fiscal year 2009.

“(2) SUBMISSION.—Not later than the date on which the budget of the President for fiscal year 2010 is submitted to Congress under section 1105 of title 31, United States Code, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the plan specified in paragraph (1).”

#### HIGH-PERFORMANCE DEFENSE MANUFACTURING TECHNOLOGY RESEARCH AND DEVELOPMENT

Pub. L. 109-163, div. A, title II, subtitle D, Jan. 6, 2006, 119 Stat. 3175, as amended by Pub. L. 111-383, div. A,

title IX, §901(a)(2), Jan. 7, 2011, 124 Stat. 4317, provided that:

“SEC. 241. PILOT PROGRAM FOR IDENTIFICATION AND TRANSITION OF ADVANCED MANUFACTURING PROCESSES AND TECHNOLOGIES.

“(a) PILOT PROGRAM REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct a pilot program under the authority of section 2521 of title 10, United States Code, to identify and transition advanced manufacturing processes and technologies the utilization of which would achieve significant productivity and efficiency gains in the defense manufacturing base.

“(b) CONSIDERATION OF DEFENSE PRIORITIES.—In carrying out subsection (a), the Under Secretary shall take into consideration the defense priorities established in the most current Joint Warfighting Science and Technology plan, as required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 2501 note).

“(c) IDENTIFICATION FOR TRANSITION.—In identifying manufacturing processes and technologies for transition to the defense manufacturing base under the pilot program, the Under Secretary shall select the most promising transformational technologies and manufacturing processes, in consultation with the Assistant Secretary of Defense for Research and Engineering, the Joint Defense Manufacturing Technology Panel, and other such entities as may be appropriate, including the Director of the Small Business Innovation Research Program.

“SEC. 242. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO DEFENSE MANUFACTURING BASE.

“(a) PROTOTYPES AND TEST BEDS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake the development of prototypes and test beds to validate the manufacturing processes and technologies selected for transition under the pilot program under section 241.

“(b) DIFFUSION OF ENHANCEMENTS.—The Under Secretary shall seek the cooperation of industry in adopting such manufacturing processes and technologies through the following:

“(1) The Manufacturing Extension Partnership Program.

“(2) The identification of incentives for industry to incorporate and utilize such manufacturing processes and technologies.

“SEC. 243. MANUFACTURING TECHNOLOGY STRATEGIES.

“(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may—

“(1) identify an area of technology where the development of an industry-prepared roadmap for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

“(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

“(b) COMMENCEMENT OF ROADMAPING.—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

“SEC. 244. REPORT.

“(a) IN GENERAL.—Not later than December 31, 2007, the Under Secretary of the Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2006.

“(b) ELEMENTS.—The report under subsection (a) shall include—

“(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2006;

“(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and the implementation of such within the defense manufacturing base; and

“(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

“SEC. 245. DEFINITIONS.

“In this subtitle:

“(1) DEFENSE MANUFACTURING BASE.—The term ‘defense manufacturing base’ includes any supplier of the Department of Defense, including a supplier of raw materials.

“(2) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ‘Manufacturing Extension Partnership Program’ means the Manufacturing Extension Partnership Program of the Department of Commerce.

“(3) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term ‘Small Business Innovation Research Program’ has the meaning given that term in section 2500(11) of title 10, United States Code.”

TECHNICAL ASSISTANCE RELATING TO MACHINE TOOLS

Pub. L. 108-136, div. A, title VIII, §823, Nov. 24, 2003, 117 Stat. 1547, provided that:

“(a) TECHNICAL ASSISTANCE.—The Secretary of Defense shall publish in the Federal Register information on Government contracting for purposes of assisting machine tool companies in the United States and entities that use machine tools. The information shall contain, at a minimum, the following:

“(1) An identification of resources with respect to Government contracting regulations, including compliance procedures and information on the availability of counseling.

“(2) An identification of resources for locating opportunities for contracting with the Department of Defense, including information about defense contracts that are expected to be carried out that may require the use of machine tools.

“(b) SCIENCE AND TECHNOLOGY INITIATIVES.—The Secretary of Defense shall incorporate into the Department of Defense science and technology initiatives on manufacturing technology an objective of developing advanced machine tool capabilities. Such technologies shall be used to improve the technological capabilities of the United States domestic machine tool industrial base in meeting national security objectives.”

PARTICIPATION IN MANUFACTURING EXTENSION PROGRAM

Pub. L. 108-87, title VIII, §8062, Sept. 30, 2003, 117 Stat. 1086, provided that: “Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act or hereafter in any other Act.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107-248, title VIII, §8063, Oct. 23, 2002, 116 Stat. 1550.

Pub. L. 107-117, div. A, title VIII, §8068, Jan. 10, 2002, 115 Stat. 2262.

Pub. L. 106-259, title VIII, §8067, Aug. 9, 2000, 114 Stat. 689.

Pub. L. 106-79, title VIII, §8070, Oct. 25, 1999, 113 Stat. 1245.

Pub. L. 105-262, title VIII, §8070, Oct. 17, 1998, 112 Stat. 2312.

Pub. L. 105-56, title VIII, §8076, Oct. 8, 1997, 111 Stat. 1236.  
 Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8085], Sept. 30, 1996, 110 Stat. 3009-71, 3009-105.  
 Pub. L. 104-61, title VIII, §8064, Dec. 1, 1995, 109 Stat. 664.  
 Pub. L. 103-335, title VIII, §8071, Sept. 30, 1994, 108 Stat. 2635.  
 Pub. L. 103-139, title VIII, §8083A, Nov. 11, 1993, 107 Stat. 1459.  
 Pub. L. 102-396, title IX, §9112, Oct. 6, 1992, 106 Stat. 1929.

**§ 2522. Armament retooling and manufacturing**

The Secretary of the Army is authorized by chapter 434 of this title to carry out programs for the support of armaments retooling and manufacturing in the national defense industrial and technology base.

(Added Pub. L. 106-398, §1 [[div. A], title III, §344(c)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71.)

PRIOR PROVISIONS

A prior section 2522, added Pub. L. 102-190, div. A, title VIII, §823(a)(1), Dec. 5, 1991, 105 Stat. 1435, §2518; renumbered §2522 and amended Pub. L. 102-484, div. D, title XLII, §4232(a), (b), Oct. 23, 1992, 106 Stat. 2687, related to defense advanced manufacturing technology partnerships, prior to repeal by Pub. L. 104-106, div. A, title X, §1081(f), Feb. 10, 1996, 110 Stat. 454.

Another prior section 2522, added Pub. L. 101-189, div. A, title VIII, §841(b)(1), Nov. 29, 1989, 103 Stat. 1512, §2508; amended Pub. L. 101-510, div. A, title VIII, §821(a), Nov. 5, 1990, 104 Stat. 1597; Pub. L. 102-25, title VII, §701(g)(3), Apr. 6, 1991, 105 Stat. 115; renumbered §2522, Pub. L. 102-190, div. A, title VIII, §821(b)(1), Dec. 5, 1991, 105 Stat. 1431, required an annual defense critical technologies plan, prior to repeal by Pub. L. 102-484, §4202(a).

**[[§ 2523, 2524. Repealed. Pub. L. 104-106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454]**

Section 2523, added Pub. L. 101-510, div. A, title VIII, §823(a)(3), Nov. 5, 1990, 104 Stat. 1602, §2517; amended Pub. L. 102-190, div. A, title VIII, §824(a), Dec. 5, 1991, 105 Stat. 1436; renumbered §2523 and amended Pub. L. 102-484, div. D, title XLII, §4233(a), (b), Oct. 23, 1992, 106 Stat. 2687; Pub. L. 103-160, div. A, title IX, §904(d)(1), title XI, §1182(b)(2), title XIII, §1315(d), Nov. 30, 1993, 107 Stat. 1728, 1772, 1787, related to manufacturing extension programs.

A prior section 2523, added Pub. L. 102-190, div. A, title VIII, §821(a), Dec. 5, 1991, 105 Stat. 1427, related to defense dual-use critical technology partnerships, prior to repeal and restatement in section 2511 of this title by Pub. L. 102-484, §§4202(a), 4221(a).

Section 2524, added Pub. L. 102-484, div. D, title XLII, §4234(a), Oct. 23, 1992, 106 Stat. 2687; amended Pub. L. 103-35, title II, §201(g)(9), May 31, 1993, 107 Stat. 100; Pub. L. 103-160, div. A, title XIII, §§1314, 1315(e), Nov. 30, 1993, 107 Stat. 1786, 1788; Pub. L. 103-337, div. A, title X, §1070(b)(10), title XI, §§1114(b), (c), 1115(d), Oct. 5, 1994, 108 Stat. 2857, 2867-2869; Pub. L. 104-106, div. A, title XV, §1503(a)(27), Feb. 10, 1996, 110 Stat. 512, related to defense dual-use assistance extension program.

A prior section 2524 was renumbered section 2513 of this title.

**[§ 2525. Renumbered § 2521]**

PRIOR PROVISIONS

A prior section 2525 was renumbered section 2517 of this title.

A prior section 2526 was renumbered section 2518 of this title.

SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE POLICIES AND PROGRAMS

- Sec. 2531. Defense memoranda of understanding and related agreements.
- 2532. Offset policy; notification.
- 2533. Determinations of public interest under chapter 83 of title 41.
- 2533a. Requirement to buy certain articles from American sources; exceptions.
- 2533b. Requirement to buy strategic materials critical to national security from American sources; exceptions.
- 2534. Miscellaneous limitations on the procurement of goods other than United States goods.
- 2535. Defense Industrial Reserve.
- 2536. Award of certain contracts to entities controlled by a foreign government: prohibition.
- 2537. Improved national defense control of technology diversions overseas.
- 2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations.
- 2539. Industrial mobilization: plants; lists.
- 2539a. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness.
- 2539b. Availability of samples, drawings, information, equipment, materials, and certain services.

AMENDMENTS

2011—Pub. L. 111-350, §5(b)(36), Jan. 4, 2011, 124 Stat. 3845, substituted “chapter 83 of title 41” for “the Buy American Act” in item 2533.

2008—Pub. L. 110-181, div. A, title X, §1063(c)(8), Jan. 28, 2008, 122 Stat. 323, amended directory language of Pub. L. 109-364, §842(a)(2). See 2006 Amendment note below.

2006—Pub. L. 109-364, div. A, title VIII, §842(a)(2), Oct. 17, 2006, 120 Stat. 2337, as amended by Pub. L. 110-181, div. A, title X, §1063(c)(8), Jan. 28, 2008, 122 Stat. 323, added item 2533b.

2001—Pub. L. 107-107, div. A, title VIII, §832(a)(2), Dec. 28, 2001, 115 Stat. 1190, added item 2533a.

1994—Pub. L. 103-337, div. A, title VIII, §812(b)(2), title X, §1070(a)(13)(B), Oct. 5, 1994, 108 Stat. 2816, 2856, substituted “Determinations of public interest under the Buy American Act” for “Limitation on use of funds: procurement of goods which are other than American goods” in item 2533 and renumbered items 2540 and 2541 as 2539a and 2539b, respectively.

1993—Pub. L. 103-160, div. A, title VIII, §§828(c)(5), 842(c)(2), Nov. 30, 1993, 107 Stat. 1714, 1719, substituted “Award of certain contracts to entities controlled by a foreign government: prohibition” for “Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government” in item 2536 and added items 2538 to 2541.

1992—Pub. L. 102-484, div. A, title VIII, §§836(a)(2), 838(b), Oct. 23, 1992, 106 Stat. 2463, 2466, added items 2536 and 2537.

**§ 2531. Defense memoranda of understanding and related agreements**

(a) CONSIDERATIONS IN MAKING AND IMPLEMENTING MOUS AND RELATED AGREEMENTS.—In the negotiation, renegotiation, and implementation of any existing or proposed memorandum of understanding, or any existing or proposed agreement related to a memorandum of understanding, between the Secretary of Defense, acting on behalf of the United States, and one or more foreign countries (or any instrumentality of a for-