

ernment participant does not exceed 50 percent of the total cost of technology development and technology transfer activities.

“(2) REGULATIONS.—The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. In prescribing the regulations, the Secretary may determine that a participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities. Any such funds so used may be included in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity contribution in the program from non-Federal sources.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS

Pub. L. 102-484, div. D, title XLII, § 4239, Oct. 23, 1992, 106 Stat. 2694, provided that: “Not later than 120 days after the date of enactment of this Act [Oct. 23, 1992], the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.”

§ 4812. National Defense Technology and Industrial Base Council

(a) ESTABLISHMENT.—There is a National Defense Technology and Industrial Base Council.

(b) COMPOSITION.—The Council is composed of the following members:

- (1) The Secretary of Defense, who shall serve as chairman.
- (2) The Secretary of Energy.
- (3) The Secretary of Commerce.
- (4) The Secretary of Labor.
- (5) Such other officials as may be determined by the President.

(c) RESPONSIBILITIES.—The Council shall have the responsibility to ensure effective cooperation among departments and agencies of the Federal Government, and to provide advice and recommendations to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor, concerning—

- (1) the capabilities of the national technology and industrial base to meet the national security objectives set forth in section 4811(a) of this title;
- (2) programs for achieving such national security objectives;
- (3) changes in acquisition policy that strengthen the national technology and industrial base; and
- (4) collaboration with government officials of member countries of the national technology and industrial base in order to strengthen the national technology and industrial base.

(d) ALTERNATIVE PERFORMANCE OF RESPONSIBILITIES.—Notwithstanding subsection (c), the President may assign the responsibilities of the Council to another interagency organization of the executive branch that includes among its members the officials specified in paragraphs (1) through (4) of subsection (b).

(Added Pub. L. 102-484, div. D, title XLII, § 4212(a), Oct. 23, 1992, 106 Stat. 2664, § 2502; amended Pub. L. 103-160, div. A, title XIII, § 1312(b), Nov. 30, 1993, 107 Stat. 1786; Pub. L. 103-337, div. A, title X, § 1070(a)(12), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104-106, div. A, title X, § 1081(b), Feb. 10, 1996, 110 Stat. 452; Pub. L. 104-201, div. A, title VIII, § 829(c)(2), formerly § 829(c)(2), (3), Sept. 23, 1996, 110 Stat. 2613, renumbered Pub. L. 105-85, div. A, title X, § 1073(c)(7)(B), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 105-85, div. A, title X, § 1073(c)(7)(A), Nov. 18, 1997, 111 Stat. 1904; renumbered § 4812 and amended Pub. L. 116-283, div. A, title VIII, § 846(c), title XVIII, § 1867(b), (d)(1), Jan. 1, 2021, 134 Stat. 3768, 4281.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1867(b), renumbered section 2502 of this title as this section.

Subsec. (c)(1). Pub. L. 116-283, § 1867(d)(1), substituted “section 4811(a)” for “section 2501(a)”.

Subsec. (c)(4). Pub. L. 116-283, § 846(c), added par. (4). 1997—Subsec. (c). Pub. L. 105-85, § 1073(c)(7)(A), made technical correction to directory language of Pub. L. 104-201, § 829(c)(2). See 1996 Amendment note below.

1996—Subsec. (c). Pub. L. 104-201, § 829(c)(2), formerly § 829(c)(2), (3), as renumbered and amended by Pub. L. 105-85, substituted “the responsibility to ensure effective cooperation” for “the following responsibilities:”, struck out “(1) To ensure the effective cooperation” before “among departments”, struck out par. (2), redesignated subpars. (A), (B), and (C) as pars. (1), (2), and (3), respectively, and adjusted margins of such pars. Prior to repeal, par. (2) read as follows: “To prepare the periodic assessment and the periodic plan required by sections 2505 and 2506 of this title, respectively.”

Subsec. (c)(1)(B). Pub. L. 104-106, § 1081(b)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “programs for achieving, during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title; and”.

Subsec. (c)(2), (3). Pub. L. 104-106, § 1081(b)(2), (3), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “To provide overall policy guidance to ensure effective implementation by agencies of the Federal Government of defense reinvestment and conversion activities during a period of reduction in defense expenditures.”

1994—Subsec. (d). Pub. L. 103-337 substituted “executive” for “Executive”.

1993—Subsec. (d). Pub. L. 103-160 added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1867(b), (d)(1) of 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 1997 AMENDMENT

Pub. L. 105-85, div. A, title X, § 1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by

that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

§ 4813. National defense program for analysis of the technology and industrial base

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a program for analysis of the national technology and industrial base.

(b) SUPERVISION OF PROGRAM.—The Secretary of Defense shall carry out the program through the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment. In carrying out the program, the Under Secretaries shall consult with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor.

(c) FUNCTIONS.—The functions of the program shall include, with respect to the national technology and industrial base, the following:

(1) The assembly of timely and authoritative information.

(2) Initiation of studies and analyses.

(3) Provision of technical support and assistance to—

(A) the Secretary of Defense for the preparation of the periodic assessments required by section 4816 of this title;

(B) the defense acquisition university structure and its elements; and

(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.

(Added Pub. L. 102-484, div. D, title XLII, §4213(a), Oct. 23, 1992, 106 Stat. 2665, §2503; amended Pub. L. 104-201, div. A, title VIII, §829(b), Sept. 23, 1996, 110 Stat. 2612; Pub. L. 107-107, div. A, title X, §1048(b)(4), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 116-92, div. A, title IX, §902(74), Dec. 20, 2019, 133 Stat. 1552; renumbered §4813 and amended Pub. L. 116-283, div. A, title XVIII, §1867(b), (d)(2), Jan. 1, 2021, 134 Stat. 4281.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §1867(b), renumbered section 2503 of this title as this section.

Subsec. (c)(3)(A). Pub. L. 116-283, §1867(d)(2), substituted “section 4816” for “section 2505”.

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

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

1996—Subsec. (a). Pub. L. 104-201, §829(b)(1), substituted “The Secretary of Defense” for “(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council,” and struck out pars. (2) to (4) which read as follows:

“(2) As determined by the Secretary of Defense, the program shall be administered by one of the following:

“(A) An existing federally funded research and development center.

“(B) A consortium of existing federally funded research and development centers and other nonprofit entities.

“(C) A private sector entity (other than a federally funded research and development center).

“(D) The National Defense University.

“(3) A contract may be awarded under subparagraph (A), (B), or (C) of paragraph (2) only through the use of competitive procedures.

“(4) The Secretary of Defense shall ensure that there is appropriate coordination between the program and the Critical Technologies Institute.”

Subsec. (c)(3)(A). Pub. L. 104-201, §829(b)(2), substituted “the Secretary of Defense for” for “the National Defense Technology and Industrial Base Council in” and struck out “and the periodic plans required by section 2506 of this title” after “section 2505 of this title”.

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.

§ 4814. National technology and industrial base: biennial report

The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives by March 1 of each odd-numbered year a report which shall include the following information:

(1) A description of the departmental guidance prepared pursuant to section 4811(c) of this title.

(2) A description of the assessments prepared pursuant to section 4816 of this title and other analyses used in developing the budget submission of the Department of Defense for the next fiscal year.

(3) Based on the strategy required by section 4811 of this title and on the assessments prepared pursuant to Executive order or section 4816 of this title—

(A) a map of the industrial base;

(B) a prioritized list of gaps or vulnerabilities in the national technology and industrial base (including vulnerabilities related to the current and projected impacts of extreme weather and to cyber attacks or disruptions), including—

(i) a description of mitigation strategies necessary to address such gaps or vulnerabilities;

(ii) the identification of the Secretary concerned or the head of the Defense Agency responsible for addressing such gaps or vulnerabilities; and

(iii) a proposed timeline for action to address such gaps or vulnerabilities; and

(C) any other steps necessary to foster and safeguard the national technology and industrial base.

(4) Identification of each program designed to sustain specific essential technological and