

date of the enactment of this Act [Dec. 5, 1991], the Secretary of Defense, in consultation with the Director of the National Science Foundation, shall award grants under section 2196 of title 10, United States Code [now 10 U.S.C. 4843] (as added by subsection (a)), to institutions of higher education throughout the United States.”

§ 4844. Manufacturing experts in the classroom

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Education and the Secretary of Commerce, shall conduct a program to support the following activities of one or more manufacturing experts at institutions of higher education:

(1) Identifying the education and training requirements of United States manufacturing firms located in the same geographic region as an institution participating in the program.

(2) Assisting in the development of teaching curricula for classroom and in-factory education and training classes at such an institution.

(3) Teaching such classes and overseeing the teaching of such classes by others.

(4) Improving the knowledge and expertise of permanent faculty and staff of such an institution.

(5) Marketing the programs and facilities of such an institution to firms referred to in paragraph (1).

(6) Coordinating the activities described in the other provisions of this subsection with other programs conducted by the Federal Government, any State, any local government, or any private, nonprofit organization to modernize United States manufacturing firms, especially the regional centers for the transfer of manufacturing technology and programs receiving financial assistance under section 4843 of this title.

(b) MERIT COMPETITION.—Applications for assistance under this section shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

(c) SELECTION CRITERIA.—The Secretary shall select institutions for the award of financial assistance under this section from among institutions submitting applications for such assistance that—

(1) demonstrate that the proposed activities are of an appropriate scale and a sufficient quality to ensure long term improvement in the applicant’s capability to serve the education and training needs of United States manufacturing firms in the same region as the applicant;

(2) demonstrate a significant level of industry involvement and support;

(3) demonstrate attention to the needs of any United States industries that supply manufactured products to the Department of Defense or to a contractor of the Department of Defense; and

(4) meet such other criteria as the Secretary may prescribe.

(d) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution under this section may not exceed 50 percent of the estimated cost of carrying out the activities pro-

posed to be supported in part with such financial assistance for the period for which the assistance is to be provided. In no event may the amount of the financial assistance provided to an institution exceed \$250,000 per year. The period for which financial assistance is provided an institution under this section shall be at least two years unless such assistance is earlier terminated for cause determined by the Secretary.

(e) MANUFACTURING EXPERT DEFINED.—In this section, the term “manufacturing expert” means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.

(Added Pub. L. 102-190, div. A, title VIII, § 825(a)(1), Dec. 5, 1991, 105 Stat. 1440, § 2197; amended Pub. L. 102-484, div. D, title XLII, § 4238(a), (b)(1), Oct. 23, 1992, 106 Stat. 2694; renumbered § 4844 and amended Pub. L. 116-283, div. A, title XVIII, § 1869(d), as added Pub. L. 117-81, div. A, title XVII, § 1701(p)(1), Dec. 27, 2021, 135 Stat. 2148.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1869(d)(1), as added by Pub. L. 117-81, § 1701(p)(1)(A), (B), renumbered section 2197 of this title as this section.

Subsec. (a)(6). Pub. L. 116-283, § 1869(d)(2), as added by Pub. L. 117-81, § 1701(p)(1)(C), substituted “section 4843” for “section 2196”.

1992—Pub. L. 102-484, § 4238(b)(1), substituted “experts” for “managers” in section catchline.

Subsec. (a). Pub. L. 102-484, § 4238(a)(1), struck out “managers and” after “manufacturing” in introductory provisions.

Subsec. (e). Pub. L. 102-484, § 4238(a)(2), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.

§ 4845. Armament retooling and manufacturing

The Secretary of the Army is authorized by chapter 764 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, § 2522; amended Pub. L. 115-232, div. A, title VIII, § 809(a), Aug. 13, 2018, 132 Stat. 1840; renumbered § 4845, Pub. L. 116-283, div. A, title XVIII, § 1869(d)(1), as added Pub. L. 117-81, div. A, title XVII, § 1701(p)(1)(A), (B), Dec. 27, 2021, 135 Stat. 2148.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §1869(d)(1), as added by Pub. L. 117-81, §1701(p)(1)(A), (B), renumbered section 2522 of this title as this section.

2018—Pub. L. 115-232 substituted “chapter 764” for “chapter 434”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 385—OTHER TECHNOLOGY BASE POLICIES AND PROGRAMS

Table with 2 columns: Subchapter and Sec. Rows include I. Defense Trade Reciprocity and Offset Policy (4851), II. Limitations on Procurement of Certain Items from Foreign Sources (4861), III. Limitations on Procurement from Certain Foreign Sources (4871), IV. Defense Industrial Reserve and Industrial Mobilization (4881), V. Other Matters (4891).

Editorial Notes

PRIOR PROVISIONS

A prior chapter 385 “PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM”, consisting of reserved section 4881, was repealed by Pub. L. 116-283, div. A, title XVIII, §1872(a)(1)(A), Jan. 1, 2021, 134 Stat. 4287.

SUBCHAPTER I—DEFENSE TRADE RECIPROCITY AND OFFSET POLICY

Table with 2 columns: Sec. and Description. Rows include 4851. Defense memoranda of understanding and related agreements. 4852. Offset policy; notification.

§ 4851. 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 foreign country) relating to research, development, or production of defense equipment, or to the reciprocal procurement of defense items, the Secretary of Defense shall—

(1) consider the effects of such existing or proposed memorandum of understanding or related agreement on the defense technology and industrial base of the United States; and

(2) regularly solicit and consider comments and recommendations from the Secretary of Commerce with respect to the commercial implications of such memorandum of understanding or related agreement and the potential effects of such memorandum of understanding or related agreement on the international competitive position of United States industry.

(b) INTER-AGENCY REVIEW OF EFFECTS ON UNITED STATES INDUSTRY.—Whenever the Secretary of Commerce has reason to believe that an existing or proposed memorandum of understanding or related agreement has, or threatens to have, a significant adverse effect on the international competitive position of United States industry, the Secretary may request an inter-agency review of the memorandum of understanding or related agreement. If, as a result of the review, the Secretary determines that the commercial interests of the United States are not being served or would not be served by adhering to the terms of such existing memorandum or related agreement or agreeing to such proposed memorandum or related agreement, as the case may be, the Secretary shall recommend to the President the renegotiation of the existing memorandum or related agreement or any modification to the proposed memorandum of understanding or related agreement that he considers necessary to ensure an appropriate balance of interests.

(c) LIMITATION ON ENTERING INTO MOUS AND RELATED AGREEMENTS.—A memorandum of understanding or related agreement referred to in subsection (a) may not be entered into or implemented if the President, taking into consideration the results of the inter-agency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement.

(Added Pub. L. 100-456, div. A, title VIII, §824, Sept. 29, 1988, 102 Stat. 2019, §2504; amended Pub. L. 101-189, div. A, title VIII, §815(a), Nov. 29, 1989, 103 Stat. 1500; Pub. L. 101-510, div. A, title XIV, §1453, Nov. 5, 1990, 104 Stat. 1694; renumbered §2531 and amended Pub. L. 102-484, div. D, title XLII, §§4202(a), 4271(c), Oct. 23, 1992, 106 Stat. 2659, 2696; renumbered §4851, Pub. L. 116-283, div. A, title XVIII, §1870(b), Jan. 1, 2021, 134 Stat. 4284.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2531 of this title as this section.

1992—Pub. L. 102-484, §4202(a), renumbered section 2504 of this title as section 2531.

Subsec. (a)(1). Pub. L. 102-484, §4271(c), substituted “defense technology and industrial base” for “defense industrial base”.

1990—Subsec. (a). Pub. L. 101-510 inserted “or to the reciprocal procurement of defense items,” after “defense equipment,” in introductory provisions.