

Manufacturing USA institutes, including through the development of preferences in selection criteria for proposals to create new Manufacturing USA institutes or renew existing Manufacturing USA institutes that include one or more covered entities.

**(b) Covered entities**

For purposes of this subsection, a covered entity is—

- (1) an historically Black college and university;
- (2) a Tribal College or University;
- (3) a minority-serving institution;
- (4) a minority business enterprise (as such term is defined in section 1400.2 of title 15, Code of Federal Regulations, or successor regulation); or
- (5) a rural-serving institution of higher education (as such term is defined in section 1161q of title 20).

(Pub. L. 117–167, div. B, title II, §10262, Aug. 9, 2022, 136 Stat. 1504.)

**§ 18972. Promoting domestic production of technologies developed under Manufacturing USA Program**

**(a) Department of Commerce policies to promote domestic production of technologies developed under Manufacturing USA Network**

**(1) Policies**

**(A) In general**

Each agency head (as such term is defined in section 278s(a) of title 15) and the Secretary of Defense shall, in consultation with the Secretary of Commerce, establish policies to promote the domestic production of technologies developed by the Manufacturing USA Network.

**(B) Elements**

The policies established under subparagraph (A) shall include the following:

- (i) Measures to partner domestic developers of goods, services, or technologies by Manufacturing USA Network activities with domestic manufacturers and sources of financing.
- (ii) Measures to develop and provide incentives to promote transfer of intellectual property and goods, services, or technologies developed by Manufacturing USA Network activities to domestic manufacturers.
- (iii) Measures to assist with supplier scouting and other supply chain development, including the use of the Hollings Manufacturing Extension Partnership under section 278k of title 15 to carry out such measures.
- (iv) A process to review and approve or deny membership in a Manufacturing USA institute by foreign-owned entities, especially from countries of concern, including the People’s Republic of China.
- (v) Measures to prioritize Federal procurement of goods, services, or technologies developed by the Manufacturing USA Network activities from domestic sources, as appropriate.

**(C) Processes for waivers**

The policies established under this paragraph shall include processes to permit waivers, on a case by case basis, for policies that promote domestic production based on cost, availability, severity of technical and mission requirements, emergency requirements, operational needs, other legal or international treaty obligations, or other factors determined important to the success of the Manufacturing USA Program.

**(2) Prohibition**

**(A) In general**

A company of the People’s Republic of China may not participate in the Manufacturing USA Program without a waiver, as described in paragraph (1)(C).

**(B) Company defined**

In this paragraph, the term “company” has the meaning given such term in section 847(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 4819 note).

**(b) to (d) Omitted**

**(e) Advice from the United States Manufacturing Council**

The Secretary shall seek advice from the United States Manufacturing Council of the International Trade Administration of the Department of Commerce on matters concerning investment in and support of the manufacturing workforce within the Manufacturing USA Program.

(Pub. L. 117–167, div. B, title II, §10263, Aug. 9, 2022, 136 Stat. 1504.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 10263 of div. B of Pub. L. 117–167. Subsecs. (b) to (d) of section 10263 of div. B of Pub. L. 117–167 amended section 278s of Title 15, Commerce and Trade.

**SUBCHAPTER III—NATIONAL SCIENCE FOUNDATION FOR THE FUTURE**

**PART A—PRELIMINARY MATTERS**

**§ 18981. Definitions**

In this subchapter:

**(1) Board**

The term “Board” means the National Science Board.

**(2) Director**

The term “Director” means the Director of the National Science Foundation.

**(3) NSF INCLUDES**

The term “NSF INCLUDES” means the initiative carried out under section 19012 of this title.

**(4) STEM ecosystem**

The term “STEM ecosystem” means a local, regional, or statewide network, consortium, or multi-sector partnership, which may be led or