

(4) The amount of a grant awarded a student under this subsection shall not be reduced on the basis of the student's receipt of other forms of Federal student financial assistance, but shall be taken into account in determining the eligibility of the student for those other forms of Federal student financial assistance.

(5) The Secretary shall give priority to awarding grants under this subsection in a manner likely to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers. The Secretary may consider the financial need of applicants in making awards in accordance with such priority.

(b) In this section:

(1) The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965.

(2) The term "cost of attendance" has the meaning given such term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(Added Pub. L. 101-510, div. A, title II, §247(a)(1), Nov. 5, 1990, 104 Stat. 1521; amended Pub. L. 105-244, title I, §102(a)(2)(A), Oct. 7, 1998, 112 Stat. 1617; Pub. L. 106-65, div. A, title V, §580(c)(2), (3), (d)(2), Oct. 5, 1999, 113 Stat. 633.)

#### REFERENCES IN TEXT

Section 101 of the Higher Education Act of 1965, referred to in subsec. (b)(1), is classified to section 1001 of Title 20, Education.

#### AMENDMENTS

1999—Pub. L. 106-65, §580(d)(2), amended section catchline generally. Prior to amendment, catchline read as follows: "Science and mathematics education improvement program".

Subsec. (b). Pub. L. 106-65, §580(c)(3), redesignated subsec. (c) as (b).

Pub. L. 106-65, §580(c)(2), redesignated subsec. (b) as section 2193a of this title.

Subsec. (c). Pub. L. 106-65, §580(c)(3), redesignated subsec. (c) as (b).

1998—Subsec. (c)(1). Pub. L. 105-244 substituted "section 101 of the Higher Education Act of 1965" for "section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))".

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

### § 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics

The Secretary of Defense, in coordination with the Secretary of Education, may establish programs for the purpose of improving the mathematics and scientific knowledge and skills of elementary and secondary school students and faculty members.

(Added and amended Pub. L. 106-65, div. A, title V, §580(c)(1), (2), Oct. 5, 1999, 113 Stat. 632, 633.)

#### CODIFICATION

The text of section 2193(b) of this title, which was transferred to, and redesignated as text of, this section,

was based on Pub. L. 101-510, div. A, title II, §247(a)(1), Nov. 5, 1990, 104 Stat. 1521.

#### AMENDMENTS

1999—Pub. L. 106-65, §580(c)(2), renumbered section 2193(b) of this title as text of this section. See Codification note above.

### § 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology

(a) **AUTHORITY FOR PROGRAM.**—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the "Department of Defense STARBASE Program". The Secretary shall carry out the program in coordination with the Secretaries of the military departments.

(b) **PURPOSE.**—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

(c) **STARBASE ACADEMIES.**—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

(2) The Secretary of Defense shall establish guidelines, criteria, and a process for the establishment of STARBASE programs in addition to those in operation on October 5, 1999.

(3)(A) Except as otherwise provided under subparagraph (B), the Secretary may not support the establishment in any State of more than four academies under the program.

(B) The Secretary may support the establishment and operation of an academy in a State in excess of four academies in that State if the Secretary expressly waives, in writing, the limitation in subparagraph (A) with respect to that 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)).

(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 (20 U.S.C. 7801).

(3) The term “United States” includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

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