

the day before Nov. 30, 1993, for non-Federal Government participants in a project funded under section 2511, 2512, 2513, 2523, or 2524 of this title, using funds appropriated for a fiscal year beginning before Oct. 1, 1993, see section 1315(g) of Pub. L. 103-160, set out as a note under section 2511 of this title.

CONGRESSIONAL FINDINGS

Pub. L. 102-484, div. D, title XLI, §4101, Oct. 23, 1992, 106 Stat. 2658, provided that: “Congress makes the following findings:

“(1) The collapse of communism in Eastern Europe and the dissolution of the Soviet Union have fundamentally changed the military threat that formed the basis for the national security policy of the United States since the end of World War II.

“(2) The change in the military threat presents a unique opportunity to restructure and reduce the military requirements of the United States.

“(3) As the United States proceeds with the post-Cold War defense build down, the Nation must recognize and address the impact of reduced defense spending on the military personnel, civilian employees, and defense industry workers who have been the foundation of the national defense policies of the United States.

“(4) The defense build down will have a significant impact on communities as procurements are reduced and military installations are closed and realigned.

“(5) Despite the changes in the military threat, the United States must maintain the capability to respond to regional conflicts that threaten the national interests of the United States, and to reconstitute forces in the event of an extended conflict.

“(6) The skills and capabilities of military personnel, civilian employees of the Department of Defense, defense industry workers, and defense industries represent an invaluable national resource that can contribute to the economic growth of the United States and to the long-term vitality of the national technology and industrial base.

“(7) Prompt and vigorous implementation of defense conversion, reinvestment, and transition assistance programs is essential to ensure that the defense build down is structured in a manner that—

“(A) enhances the long-term ability of the United States to maintain a strong and vibrant national technology and industrial base; and

“(B) promotes economic growth.”

PURPOSES OF TITLE XLII OF PUB. L. 102-484

Pub. L. 102-484, div. D, title XLII, §4201, Oct. 23, 1992, 106 Stat. 2659, provided that: “The purposes of this title [see Tables for classification] are to consolidate, revise, clarify, and reenact policies and requirements, and to enact additional policies and requirements, relating to the national technology and industrial base, defense reinvestment, and defense conversion programs that further national security objectives.”

TRANSITION PROVISION; “DEFENSE CRITICAL TECHNOLOGY” DEFINED

Pub. L. 102-484, div. D, title XLII, §4203(b), Oct. 23, 1992, 106 Stat. 2662, provided that until first national technology and industrial base assessment was submitted to Congress by Secretary of Defense pursuant to former section 2506(e) of this title, the term “defense critical technology” for purposes of this chapter, would have meaning given such term in section 2521 of this title, as in effect on day before Oct. 23, 1992.

SUBCHAPTER II—POLICIES AND PLANNING

Sec.	
2501.	National security strategy for national technology and industrial base.
2502.	National Defense Technology and Industrial Base Council.
2503.	National defense program for analysis of the technology and industrial base.

Sec.	
2504.	Annual report to Congress.
2505.	National technology and industrial base: periodic defense capability assessments.
2506.	Department of Defense technology and industrial base policy guidance.
2507.	Data collection authority of President.
2508.	Industrial Base Fund

AMENDMENTS

2013—Pub. L. 112-239, div. A, title XVI, §1603(a)(2), Jan. 2, 2013, 126 Stat. 2063, substituted “National security strategy for national technology and industrial base” for “National security objectives concerning national technology and industrial base” in item 2501.

2011—Pub. L. 111-383, div. A, title VIII, §896(b)(2), Jan. 7, 2011, 124 Stat. 4316, which directed amendment of table of sections at the beginning of this chapter by adding item 2508 at the end, was executed by adding item 2508 at the end of the table of sections at the beginning of this subchapter to reflect the probable intent of Congress.

1996—Pub. L. 104-201, div. A, title VIII, §829(g), Sept. 23, 1996, 110 Stat. 2614, added item 2504 and substituted “Department of Defense technology and industrial base policy guidance” for “National technology and industrial base: periodic defense capability plan” in item 2506.

Pub. L. 104-106, div. A, title X, §1081(i)(1), Feb. 10, 1996, 110 Stat. 455, substituted “National security objectives concerning national technology and industrial base” for “Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion” in item 2501.

1993—Pub. L. 103-160, div. A, title XIII, §1312(a)(2), Nov. 30, 1993, 107 Stat. 1786, struck out item 2504 “Center for the Study of Defense Economic Adjustment”.

§ 2501. National security strategy for national technology and industrial base

(a) NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of achieving the following national security objectives:

(1) Supplying, equipping, and supporting the force structure of the armed forces that is necessary to achieve—

(A) the objectives set forth in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(B) the policy guidance of the Secretary of Defense provided pursuant to section 113(g) of this title; and

(C) the future-years defense program submitted to Congress by the Secretary of Defense pursuant to section 221 of this title.

(2) Sustaining production, maintenance, repair, logistics, and other activities in support of military operations of various durations and intensity.

(3) Maintaining advanced research and development activities to provide the armed forces with systems capable of ensuring technological superiority over potential adversaries.

(4) Reconstituting within a reasonable period the capability to develop, produce, and

support supplies and equipment, including technologically advanced systems, in sufficient quantities to prepare fully for a war, national emergency, or mobilization of the armed forces before the commencement of that war, national emergency, or mobilization.

(5) Providing for the development, manufacture, and supply of items and technologies critical to the production and sustainment of advanced military weapon systems within the national technology and industrial base.

(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.

(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.

(8) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.

(9) Ensuring reliable sources of materials that are critical to national security, such as specialty metals, essential minerals, armor plate, and rare earth elements.

(10) Reducing, to the maximum extent practicable, the presence of counterfeit parts in the supply chain and the risk associated with such parts.

(b) **CIVIL-MILITARY INTEGRATION POLICY.**—The Secretary of Defense shall ensure that the United States attains the national technology and industrial base objectives set forth in subsection (a) through acquisition policy reforms that have the following objectives:

(1) Relying, to the maximum extent practicable, upon the commercial national technology and industrial base that is required to meet the national security needs of the United States.

(2) Reducing the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on Department of Defense business.

(3) Reducing Federal Government barriers to the use of commercial products, processes, and standards.

(Added Pub. L. 102-484, div. D, title XLII, § 4211, Oct. 23, 1992, 106 Stat. 2662; amended Pub. L. 103-35, title II, § 201(c)(7), May 31, 1993, 107 Stat. 98; Pub. L. 103-160, div. A, title XI, § 1182(a)(10), title XIII, § 1313, Nov. 30, 1993, 107 Stat. 1771, 1786; Pub. L. 104-106, div. A, title X, § 1081(a), Feb. 10, 1996, 110 Stat. 452; Pub. L. 104-201, div. A, title VIII, § 829(a), Sept. 23, 1996, 110 Stat. 2612; Pub. L. 111-23, title III, § 303(a), May 22, 2009, 123 Stat. 1731; Pub. L. 111-383, div. A, title VIII, § 895(b), Jan. 7, 2011, 124 Stat. 4314; Pub. L. 112-239, div. A, title XVI, § 1603(a)(1), Jan. 2, 2013, 126 Stat. 2062; Pub. L. 113-291, div. A, title X, § 1071(c)(2), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114-328, div. A, title VIII, § 882, Dec. 23, 2016, 130 Stat. 2316.)

PRIOR PROVISIONS

A prior section 2501, added Pub. L. 100-456, div. A, title VIII, § 821(b)(1)(B), Sept. 29, 1988, 102 Stat. 2014, re-

lated to centralized guidance, analysis, and planning, prior to repeal by Pub. L. 102-484, § 4202(a).

Another prior section 2501 was renumbered section 2533 of this title.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-328, in introductory provisions, substituted “The Secretary of Defense shall ensure that the United States attains” for “It is the policy of Congress that the United States attain”.

2014—Subsec. (a)(1)(A). Pub. L. 113-291 substituted “(50 U.S.C. 3043)” for “(50 U.S.C. 404a)”.

2013—Pub. L. 112-239, § 1603(a)(1)(A), substituted “strategy for” for “objectives concerning” in section catchline.

Subsec. (a). Pub. L. 112-239, § 1603(a)(1)(B)(i), (ii), substituted “Strategy” for “Objectives” in heading and “The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of achieving the following national security objectives:” for “It is the policy of Congress that the national technology and industrial base be capable of meeting the following national security objectives:” in introductory provisions.

Subsec. (a)(9), (10). Pub. L. 112-239, § 1603(a)(1)(B)(iii), added pars. (9) and (10).

2011—Subsec. (a)(1). Pub. L. 111-383, § 895(b)(1), substituted “Supplying, equipping, and supporting” for “Supplying and equipping” in introductory provisions.

Subsec. (a)(2). Pub. L. 111-383, § 895(b)(2), substituted “logistics, and other activities in support of” for “and logistics for”.

Subsec. (a)(4). Pub. L. 111-383, § 895(b)(3), substituted “, produce, and support” for “and produce”.

Subsec. (a)(6) to (8). Pub. L. 111-383, § 895(b)(4), added pars. (6) and (7) and redesignated former par. (6) as (8).

2009—Subsec. (a)(6). Pub. L. 111-23 added par. (6).

1996—Pub. L. 104-106, § 1081(a)(2), substituted “National security objectives concerning national technology and industrial base” for “Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion” as section catchline.

Subsec. (a). Pub. L. 104-106, § 1081(a)(1)(A)(i), substituted “National Security” for “Defense Policy” in heading.

Subsec. (a)(5). Pub. L. 104-201 added par. (5).

Pub. L. 104-106, § 1081(a)(1)(A)(ii), struck out par. (5) which read as follows: “Furthering the missions of the Department of Defense through the support of policy objectives and programs relating to the defense reinvestment, diversification, and conversion objectives specified in subsection (b).”

Subsecs. (b), (c). Pub. L. 104-106, § 1081(a)(1)(B), (C), redesignated subsec. (c) as (b) and struck out former subsec. (b) which stated policy objectives of Congress relating to defense reinvestment, diversification, and conversion.

1993—Subsec. (a)(1)(A). Pub. L. 103-35 substituted “section 108” for “section 104”.

Subsec. (a)(5). Pub. L. 103-160, § 1313, added par. (5).

Subsec. (b)(2). Pub. L. 103-160, § 1182(a)(10), substituted “that, by reducing the public sector demand for capital, increases the amount of capital available” for “and thereby free up capital”.

GREATER INTEGRATION OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

Pub. L. 114-328, div. A, title VIII, § 881, Dec. 23, 2016, 130 Stat. 2315, provided that:

“(a) **PLAN REQUIRED.**—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the national technology and industrial base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

“(1) A description of the various components of the national technology and industrial base, including government entities, universities, nonprofit research entities, nontraditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce items designated and controlled under section 38 of the Arms Export Control Act [22 U.S.C. 2778] (also known as the ‘United States Munitions List’).

“(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the national technology and industrial base.

“(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the national technology and industrial base, and a plan to maximize the use of those authorities.

“(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the national technology and industrial base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for nontraditional and commercial item contractors, universities, and nonprofit research entities to modify commercial products or services to meet Department of Defense requirements.

“(5) Recommendations for increasing integration of the national technology and industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

“(A) section 126.5 of title 22, Code of Federal Regulations (relating to exemptions that are applicable to Canada under the International Traffic in Arms Regulations);

“(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney on September 5, 2007;

“(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007; and

“(D) any other agreements among the countries comprising the national technology and industrial base.

“(b) AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—[Amended section 2500 of this title.]

“(c) REPORTING REQUIREMENT.—The Secretary of Defense shall report on the progress of implementing the plan in subsection (a) in the report required under section 2504 of title 10, United States Code.”

DEPARTMENT OF DEFENSE TECHNOLOGY OFFSET PROGRAM TO BUILD AND MAINTAIN THE MILITARY TECHNOLOGICAL SUPERIORITY OF THE UNITED STATES

Pub. L. 114-92, div. A, title II, §218, Nov. 25, 2015, 129 Stat. 772, provided that:

“(a) PROGRAM ESTABLISHED.—

“(1) IN GENERAL.—The Secretary of Defense shall establish a technology offset program to build and maintain the military technological superiority of the United States by—

“(A) accelerating the fielding of offset technologies that would help counter technological advantages of potential adversaries of the United States, including directed energy, low-cost, high-speed munitions, autonomous systems, undersea warfare, cyber technology, and intelligence data analytics, developed using research funding of the Department of Defense and accelerating the commercialization of such technologies; and

“(B) developing and implementing new policies and acquisition and business practices.

“(2) GUIDELINES.—Not later than one year after the date of the enactment of this Act [Nov. 25, 2015], the Secretary shall issue guidelines for the operation of the program established under paragraph (1), including—

“(A) criteria for an application for funding by a military department, Defense Agency, or a combatant command;

“(B) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

“(C) the priorities, if any, to be provided to field or commercialize offset technologies developed by certain types of research funding of the Department; and

“(D) criteria for evaluation of an application for funding or changes to policies or acquisition and business practices by such a department, agency, or command for purposes of the program.

“(b) APPLICATIONS FOR FUNDING.—

“(1) IN GENERAL.—Under the program established under subsection (a)(1), not less frequently than annually, the Secretary shall solicit from the heads of the military departments, the Defense Agencies, and the combatant commands applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 2371b of title 10, United States Code, as added by section 815, with appropriate entities for the fielding or commercialization of technologies.

“(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any Congressional earmark as defined pursuant to clause 9 of rule XXI of the Rules of the House of Representatives or any congressionally directed spending item as defined pursuant to paragraph 5 of rule XLIV of the Standing Rules of the Senate.

“(c) FUNDING.—

“(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for fiscal year 2016 for research, development, test, and evaluation, Defense-wide, not more than \$300,000,000 may be used for each such fiscal year for the program established under subsection (a)(1).

“(2) AMOUNT FOR DIRECTED ENERGY.—Of the funds specified in paragraph (1) for any of fiscal years 2016 through 2020, not more than \$150,000,000 may be used for each such fiscal year for activities in the field of directed energy.

“(d) TRANSFER AUTHORITY.—

“(1) IN GENERAL.—The Secretary may transfer funds available for the program established under subsection (a)(1) to the research, development, test, and evaluation accounts of a military department, Defense Agency, or a combatant command pursuant to an application, or any part of an application, that the Secretary determines would support the purposes of the program.

“(2) SUPPLEMENT NOT SUPPLANT.—The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Secretary of Defense.

“(e) TERMINATION.—

“(1) IN GENERAL.—The authority to carry out the program under subsection (a)(1) shall terminate on September 30, 2020.

“(2) TRANSFER AFTER TERMINATION.—Any amounts made available for the program that remain available for obligation on the date on which the program terminates may be transferred under subsection (d) during the 180-day period beginning on the date of the termination of the program.”

EXPANSION OF THE INDUSTRIAL BASE

Pub. L. 111-383, div. A, title VIII, § 891, Jan. 7, 2011, 124 Stat. 4310, provided that:

“(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base of the Department of Defense to increase the Department’s access to innovation and the benefits of competition.

“(b) IDENTIFYING AND COMMUNICATING WITH FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector to provide a capability for identifying and communicating with firms that are not traditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense in which such firms can make a significant contribution.

“(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to firms of all business sizes in the vicinity of Department of Defense installations regarding opportunities to obtain contracts and subcontracts to perform work at such installations.

“(d) INDUSTRIAL BASE REVIEW.—The program established under subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense in which firms that are not traditional suppliers can make a significant contribution.

“(e) FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—For purposes of this section, a firm is not a traditional supplier of the Department of Defense if it does not currently have contracts and subcontracts to perform work for the Department of Defense with a total combined value in excess of \$500,000.

“(f) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—In this section, the term ‘procurement technical assistance center’ means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.”

EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY

Pub. L. 110-417, [div. A], title II, § 256, Oct. 14, 2008, 122 Stat. 4404, provided that:

“(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for printed circuit board technology.

“(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

“(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act [Oct. 14, 2008], and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

“(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

“(A) Development and maintenance of a printed circuit board and interconnect technology roadmap that ensures that the Department of Defense has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.

“(B) Development of recommended funding strategies necessary to meet the requirements of the roadmap developed under subparagraph (A).

“(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit

boards used in defense systems, and to develop strategies to address matters that are identified as a result of such assessment.

“(D) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

“(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Directive 5101.1’ means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

“(2) The term ‘executive agent’ has the meaning given the term ‘DoD Executive Agent’ in Directive 5101.1.”

REQUIREMENT FOR SEPARATE REPORTS ON TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES

Pub. L. 109-163, div. A, title II, § 253(c), Jan. 6, 2006, 119 Stat. 3180, provided that whenever the Secretary of Defense provided for the conduct of a study referred to as a Technology Area Review and Assessment, the Secretary, not later than March 1 of the year following the year in which that study was conducted, was to submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing a summary of each such Technology Area Review and Assessment conducted during that year, prior to repeal by Pub. L. 110-181, div. A, title II, § 236, Jan. 28, 2008, 122 Stat. 47.

ESSENTIAL ITEMS IDENTIFICATION AND DOMESTIC PRODUCTION CAPABILITIES IMPROVEMENT PROGRAM

Pub. L. 108-136, div. A, title VIII, subtitle B, part I, Nov. 24, 2003, 117 Stat. 1542, as amended by Pub. L. 109-364, div. A, title VIII, § 841, Oct. 17, 2006, 120 Stat. 2335; Pub. L. 111-84, div. A, title VIII, § 846, Oct. 28, 2009, 123 Stat. 2420; Pub. L. 112-81, div. A, title X, § 1062(g)(2), Dec. 31, 2011, 125 Stat. 1585; Pub. L. 113-291, div. A, title X, § 1071(b)(5)(A), (d)(1)(C), Dec. 19, 2014, 128 Stat. 3506, 3509, provided that:

“SEC. 811. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER INTERNATIONAL AGREEMENTS.

“No provision of this subtitle [subtitle B (§§ 811-828) of title VIII of div. A of Pub. L. 108-136, enacting section 2436 of this title, amending sections 2533a and 2534 of this title, and enacting provisions set out as notes under sections 2436, 2505, 2521, and 2534 of this title] or any amendment made by this subtitle shall apply to the extent the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under an international agreement.

“SEC. 812. ASSESSMENT AND ANNUAL REPORT OF UNITED STATES DEFENSE INDUSTRIAL BASE CAPABILITIES AND ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

“(a) ASSESSMENT PROGRAM.—(1) The Secretary of Defense shall establish a program to assess—

“(A) the degree to which the United States is dependent on foreign sources of supply; and

“(B) the capabilities of the United States defense industrial base to produce military systems necessary to support the national security objectives set forth in section 2501 of title 10, United States Code.

“(2) For purposes of the assessment program, the Secretary shall use existing data, as required under subsection (b), and submit an annual report, as required under subsection (c).

“(b) USE OF EXISTING DATA.—(1) At a minimum, with respect to each prime contract with a value greater than \$25,000 for the procurement of defense items and components, the following information from existing sources shall be used for purposes of the assessment program:

“(A) Whether the contractor is a United States or foreign contractor.

“(B) The principal place of business of the contractor and the principal place of performance of the contract.

“(C) Whether the contract was awarded on a sole source basis or after receipt of competitive offers.

“(D) The dollar value of the contract.

“(2) The Federal Procurement Data System described in section 1122(a)(4)(A) of title 41, United States Code, or any successor system, shall collect from contracts described in paragraph (1) the information specified in that paragraph.

“(3) Information obtained in the implementation of this section is subject to the same limitations on disclosure, and penalties for violation of such limitations, as is provided under section 2507 of title 10, United States Code. Such information also shall be exempt from release under section 552 of title 5, United States Code.

“(4) For purposes of meeting the requirements set forth in this section, the Secretary of Defense may not require the provision of information beyond the information that is currently provided to the Department of Defense through existing data collection systems by non-Federal entities with respect to contracts and subcontracts with the Department of Defense or any military department.

“(c) Repealed. Pub. L. 112-81, div. A, title X, § 1062(g)(2), Dec. 31, 2011, 125 Stat. 1585.]

“(d) PUBLIC AVAILABILITY.—The Secretary of Defense shall make the report submitted under subsection (c) publicly available to the maximum extent practicable.

“(e) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“[SEC. 813. Repealed. Pub. L. 111-84, div. A, title VIII, § 846, Oct. 28, 2009, 123 Stat. 2420.]

“SEC. 814. PRODUCTION CAPABILITIES IMPROVEMENT FOR CERTAIN ESSENTIAL ITEMS USING DEFENSE INDUSTRIAL BASE CAPABILITIES FUND.

“(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Industrial Base Capabilities Fund (hereafter in this section referred to as the ‘Fund’).

“(b) MONEYS IN FUND.—There shall be credited to the Fund amounts appropriated to it.

“(c) USE OF FUND.—The Secretary of Defense is authorized to use all amounts in the Fund, subject to appropriation, for the purposes of enhancing or reconstituting United States industrial capability to produce items on the military system essential item breakout list (as described in section 812(b)) or items subject to section 2534 of title 10, United States Code, in the quantity and of the quality necessary to achieve national security objectives.

“(d) LIMITATION ON USE OF FUND.—Before the obligation of any amounts in the Fund, the Secretary of Defense shall submit to Congress a report describing the Secretary’s plans for implementing the Fund established in subsection (a), including the priorities for the obligation of amounts in the Fund, the criteria for determining the recipients of such amounts, and the mechanisms through which such amounts may be provided to the recipients.

“(e) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until expended.

“(f) FUND MANAGER.—The Secretary of Defense shall designate a Fund manager. The duties of the Fund manager shall include—

“(1) ensuring the visibility and accountability of transactions engaged in through the Fund; and

“(2) reporting to Congress each year regarding activities of the Fund during the previous fiscal year.”

AIR FORCE SCIENCE AND TECHNOLOGY PLANNING

Pub. L. 107-107, div. A, title II, subtitle D, Dec. 28, 2001, 115 Stat. 1041, provided that:

“SEC. 251. SHORT TITLE.

“This subtitle may be cited as the ‘Air Force Science and Technology for the 21st Century Act’.

“SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

“(1) Continue and improve efforts to ensure that—

“(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

“(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

“(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

“(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

“(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46 [set out as a note below]).

“(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future non-space warfighting systems in an integrated manner.

“(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

“(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

“(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

“(B) Giving input into the establishment of priorities among science and technology programs.

“(C) Analyzing Air Force capability options for the allocation of Air Force resources.

“(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

“(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

“(F) Ensuring that a ‘system-of-systems’ approach is used in carrying out the various Air Force capability planning exercises.

“(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

“(2) Not later than one year after the date of the enactment of this Act [Dec. 28, 2001], the Secretary of the

Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

“SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.

“(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

“(b) MATTERS STUDIED.—(1) The study shall review and assess whether such changes as a whole are sufficient to ensure the following:

“(A) That the concerns about the management of the science and technology program that have been raised by Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

“(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

“(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

“(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

“(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

“(2) In addition, the study shall assess the specific changes to the Air Force science and technology program as follows:

“(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

“(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

“(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to ensure that an adequate Air Force science and technology budget is requested.

“(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

“(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46 [set out as a note below]) is effective to identify the basis for the appropriate science and technology program funding level and investment portfolio.

“(c) REPORT.—Not later than May 1, 2003, the Secretary of the Air Force shall submit to Congress the results of the study.”

Pub. L. 106-398, §1 [div. A], title II, §252], Oct. 30, 2000, 114 Stat. 1654, 1654A-46, provided that:

“(a) REQUIREMENT FOR REVIEW.—The Secretary of the Air Force shall conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs. The Secretary shall complete the review not later than one year after the date of the enactment of this Act [Oct. 30, 2000].

“(b) MATTERS TO BE REVIEWED.—The review shall include the following:

“(1) An assessment of the budgetary resources that are being used for fiscal year 2001 for addressing the long-term challenges and the short-term objectives of the Air Force science and technology programs.

“(2) The budgetary resources that are necessary to address those challenges and objectives adequately.

“(3) A course of action for each projected or ongoing Air Force science and technology program that does not address either the long-term challenges or the short-term objectives.

“(4) The matters required under subsection (c)(5) and (d)(6).

“(c) LONG-TERM CHALLENGES.—(1) The Secretary of the Air Force shall establish an integrated product team to identify high-risk, high-payoff challenges that will provide a long-term focus and motivation for the Air Force science and technology programs over the next 20 to 50 years following the enactment of this Act [Oct. 30, 2000]. The integrated product team shall include representatives of the Office of Scientific Research and personnel from the Air Force Research Laboratory.

“(2) The team shall solicit views from the entire Air Force science and technology community on the matters under consideration by the team.

“(3) The team—

“(A) shall select for consideration science and technology challenges that involve—

“(i) compelling requirements of the Air Force;

“(ii) high-risk, high-payoff areas of exploration; and

“(iii) very difficult, but probably achievable, results; and

“(B) should not select a linear extension of any ongoing Air Force science and technology program for consideration as a science and technology challenge under subparagraph (A).

“(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall designate a technical coordinator and a management coordinator for each science and technology challenge identified pursuant to this subsection. Each technical coordinator shall have sufficient expertise in fields related to the challenge to be able to identify other experts in such fields and to affirm the credibility of the challenge. The coordinator for a science and technology challenge shall conduct workshops within the relevant scientific and technological community to obtain suggestions for possible approaches to addressing the challenge and to identify ongoing work that addresses the challenge, deficiencies in current work relating to the challenge, and promising areas of research.

“(5) In carrying out subsection (a), the Secretary of the Air Force shall review the science and technology challenges identified pursuant to this subsection and, for each such challenge, at a minimum—

“(A) consider the results of the workshops conducted pursuant to paragraph (4); and

“(B) identify any work not currently funded by the Air Force that should be performed to meet the challenge.

“(d) SHORT-TERM OBJECTIVES.—(1) The Secretary of the Air Force shall establish a task force to identify short-term technological objectives of the Air Force science and technology programs. The task force shall be chaired by the Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering and shall include representatives of the Chief of Staff of the Air Force and the specified combatant commands of the Air Force.

“(2) The task force shall solicit views from the entire Air Force requirements community, user community, and acquisition community.

“(3) The task force shall select for consideration short-term objectives that involve—

“(A) compelling requirements of the Air Force;

“(B) support in the user community; and

“(C) likely attainment of the desired benefits within a five-year period.

“(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall establish an integrated product team for each short-term objective identified pursuant to this subsection. Each integrated product team shall include representatives of the requirements community, the user community, and the science and technology community with relevant expertise.

“(5) The integrated product team for a short-term objective shall be responsible for—

“(A) identifying, defining, and prioritizing the enabling capabilities that are necessary for achieving the objective;

“(B) identifying deficiencies in the enabling capabilities that must be addressed if the short-term objective is to be achieved; and

“(C) working with the Air Force science and technology community to identify science and technology projects and programs that should be undertaken to eliminate each deficiency in an enabling capability.

“(6) In carrying out subsection (a), the Secretary of the Air Force shall review the short-term science and technology objectives identified pursuant to this subsection and, for each such objective, at a minimum—

“(A) consider the work of the integrated product team conducted pursuant to paragraph (5); and

“(B) identify the science and technology work of the Air Force that should be undertaken to eliminate each deficiency in enabling capabilities that is identified by the integrated product team pursuant to subparagraph (B) of that paragraph.

“(e) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary of the Air Force completes the review required by subsection (a), the Comptroller General shall submit to Congress a report on the results of the review. The report shall include the Comptroller General’s assessment regarding the extent to which the review was conducted in compliance with the requirements of this section.

“(2) Immediately upon completing the review required by subsection (a), the Secretary of Defense shall notify the Comptroller General of the completion of the review. For the purposes of paragraph (1), the date of the notification shall be considered the date of the completion of the review.”

REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS

Pub. L. 106-65, div. A, title II, §243, Oct. 5, 1999, 113 Stat. 551, required the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit to the congressional defense committees a report on the actions necessary to promote the research base and technological development needed for ensuring that the Armed Forces had the military capabilities necessary for meeting national security requirements over the next two to three decades.

SENSE OF CONGRESS ON DEFENSE SCIENCE AND TECHNOLOGY PROGRAM

Pub. L. 106-65, div. A, title II, §212, Oct. 5, 1999, 113 Stat. 542, as amended by Pub. L. 108-136, div. A, title X, §1031(h)(1), Nov. 24, 2003, 117 Stat. 1604; Pub. L. 109-364, div. A, title II, §217, Oct. 17, 2006, 120 Stat. 2125, which provided the sense of Congress as to funding objectives for the Defense Science and Technology Program, was repealed by Pub. L. 111-84, div. A, title II, §213, Oct. 28, 2009, 123 Stat. 2226.

Pub. L. 105-261, div. A, title II, §214, Oct. 17, 1998, 112 Stat. 1948, provided that:

“(a) FUNDING REQUIREMENTS FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM BUDGET.—It is the sense of Congress that, for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program for the fiscal year over the budget for that program for the preceding fis-

cal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

“(b) GUIDELINES FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.—

“(1) RELATIONSHIP OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO UNIVERSITY RESEARCH.—It is the sense of Congress that the following should be key objectives of the Defense Science and Technology Program:

“(A) The sustainment of research capabilities in scientific and engineering disciplines critical to the Department of Defense.

“(B) The education and training of the next generation of scientists and engineers in disciplines that are relevant to future defense systems, particularly through the conduct of basic research.

“(C) The continued support of the Defense Experimental Program to Stimulate Competitive Research and research programs at historically black colleges and universities and minority institutions.

“(2) RELATIONSHIP OF THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM TO COMMERCIAL RESEARCH AND TECHNOLOGY.—(A) It is the sense of Congress that, in supporting projects within the Defense Science and Technology Program, the Secretary of Defense should attempt to leverage commercial research, technology, products, and processes for the benefit of the Department of Defense.

“(B) It is the sense of Congress that funds made available for projects and programs of the Defense Science and Technology Program should be used only for the benefit of the Department of Defense, which includes—

“(i) the development of technology that has only military applications;

“(ii) the development of militarily useful, commercially viable technology; and

“(iii) the adaptation of commercial technology, products, or processes for military purposes.

“(3) SYNERGISTIC MANAGEMENT OF RESEARCH AND DEVELOPMENT.—It is the sense of Congress that the Secretary of Defense should have the flexibility to allocate a combination of funds available for the Department of Defense for basic and applied research and for advanced development to support any individual project or program within the Defense Science and Technology Program, but such flexibility should not change the allocation of funds in any fiscal year among basic and applied research and advanced development.

“(4) MANAGEMENT OF SCIENCE AND TECHNOLOGY.—It is the sense of Congress that—

“(A) management and funding for the Defense Science and Technology Program for each military department should receive a level of priority and leadership attention equal to the level received by program acquisition, and the Secretary of each military department should ensure that a senior official in the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology;

“(B) to ensure an appropriate long-term focus for investments, a sufficient percentage of science and technology funds should be directed toward new technology areas, and annual reviews should be conducted for ongoing research areas to ensure that those funded initiatives are either integrated into acquisition programs or discontinued when appropriate;

“(C) the Secretary of each military department should take appropriate steps to ensure that sufficient numbers of officers and civilian employees in the department hold advanced degrees in technical fields; and

“(D) of particular concern, the Secretary of the Air Force should take appropriate measures to ensure that sufficient numbers of scientists and engineers are maintained to address the technological challenges faced in the areas of air, space, and information technology.

“(c) STUDY.—

“(1) REQUIREMENT.—The Secretary of Defense, in cooperation with the National Research Council of the National Academy of Sciences, shall conduct a study on the technology base of the Department of Defense.

“(2) MATTERS COVERED.—The study shall—

“(A) result in recommendations on the minimum requirements for maintaining a technology base that is sufficient, based on both historical developments and future projections, to project superiority in air and space weapons systems and in information technology;

“(B) address the effects on national defense and civilian aerospace industries and information technology of reducing funding below the goal described in subsection (a); and

“(C) result in recommendations on the appropriate levels of staff with baccalaureate, masters, and doctorate degrees, and the optimal ratio of civilian and military staff holding such degrees, to ensure that science and technology functions of the Department of Defense remain vital.

“(3) REPORT.—Not later than 120 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the results of the study.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Defense Science and Technology Program’ means basic and applied research and advanced development.

“(2) The term ‘basic and applied research’ means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

“(3) The term ‘advanced development’ means work funded in program elements for defense research and development under Department of Defense category 6.3.”

BIENNIAL JOINT WARFIGHTING SCIENCE AND
TECHNOLOGY PLAN

Pub. L. 104-201, div. A, title II, §270, Sept. 23, 1996, 110 Stat. 2469, as amended by Pub. L. 106-65, div. A, title II, §242, title X, §1067(5), Oct. 5, 1999, 113 Stat. 551, 774; Pub. L. 109-163, div. A, title II, §253(a), (b), Jan. 6, 2006, 119 Stat. 3179, 3180, which required biennial submission to Congress by the Secretary of Defense of a plan for ensuring that the science and technology program of the Department of Defense supported the development of the future joint warfighting capabilities identified as priority requirements for the Armed Forces, was repealed by Pub. L. 111-84, div. A, title II, §241, Oct. 28, 2009, 123 Stat. 2237.

COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS

Pub. L. 104-106, div. A, title VIII, §808, Feb. 10, 1996, 110 Stat. 393, authorized Secretary of Defense to enter into agreements with defense contractors under which certain cost reimbursement rules would be applied and required submission of report to congressional defense committees not later than one year after Feb. 10, 1996, prior to repeal by Pub. L. 105-85, div. A, title X, §1027(d), Nov. 18, 1997, 111 Stat. 1880. See section 7315 of this title.

DOCUMENTATION FOR AWARDS FOR COOPERATIVE AGREEMENTS OR OTHER TRANSACTIONS UNDER DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS

Pub. L. 103-337, div. A, title XI, §1118, Oct. 5, 1994, 108 Stat. 2870, provided that: “At the time of the award for a cooperative agreement or other transaction under a program carried out under chapter 148 of title 10, United States Code, the head of the agency concerned shall include in the file pertaining to such agreement or transaction a brief explanation of the manner in which the award advances and enhances a particular

national security objective set forth in section 2501(a) of such title or a particular policy objective set forth in [former] section 2501(b) of such title.”

REPORTS ON DEFENSE CONVERSION, REINVESTMENT, AND
TRANSITION ASSISTANCE PROGRAMS

Pub. L. 103-160, div. A, title XIII, §1303, Nov. 30, 1993, 107 Stat. 1784, provided that during each of the fiscal years 1994, 1995, and 1996, the Secretary of Defense was to prepare a report that assessed the effectiveness of all defense conversion, reinvestment, and transition assistance programs, as defined in section 1302 of Pub. L. 103-160, 107 Stat. 1783, during the preceding fiscal year.

NATIONAL SHIPBUILDING INITIATIVE

Pub. L. 103-160, div. A, title XIII, §§1351-1354, Nov. 30, 1993, 107 Stat. 1809, 1810, as amended by Pub. L. 104-201, div. A, title X, §1073(e)(1)(F), (2)(B), (3), Sept. 23, 1996, 110 Stat. 2658, provided that:

“SEC. 1351. SHORT TITLE.

“This subtitle [subtitle D, §§1351-1363 of title XIII of div. A of Pub. L. 103-160, enacting sections 1279d, 1279e, and 1280a of the Appendix to Title 46, Shipping, amending section 31326 of Title 46 and sections 1271, 1273, 1274, and 1274a of the Appendix to Title 46, and enacting provisions set out as notes under sections 1279b and 1279d of the Appendix to Title 46] may be cited as the ‘National Shipbuilding and Shipyard Conversion Act of 1993’.

“SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

“(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

“(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

“(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

“(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

“(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

“(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity.

“(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Defense Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

“(3) NAVY’S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

“(4) NAVY’S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

“SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

“The Secretary of Defense shall designate the Defense Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

“SEC. 1354. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS AND MINIMUM FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.

“(a) DARPA FUNCTIONS.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

“(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

“(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

“(B) assessments of potential markets for maritime products; and

“(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

“(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

“(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

“(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Defense Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

“(b) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—

“(1) MAXIMUM DEPARTMENT OF DEFENSE SHARE.—The Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a non-Federal government 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.]

ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE

Pub. L. 102-484, div. A, title I, §§191-195, Oct. 23, 1992, 106 Stat. 2347-2349, as amended by Pub. L. 103-35, title II, §202(a)(1), May 31, 1993, 107 Stat. 100; Pub. L. 103-337, div. A, title XI, §1141(a), (b), Oct. 5, 1994, 108 Stat. 2879; Pub. L. 104-201, div. A, title I, §143, Sept. 23, 1996, 110 Stat. 2449; Pub. L. 105-261, div. A, title I, §115, Oct. 17, 1998, 112 Stat. 1939; Pub. L. 106-65, div. A, title I, §116, Oct. 5, 1999, 113 Stat. 533, known as the “Armament Retooling and Manufacturing Support Act of 1992”, authorized the Secretary of the Army, during fiscal years 1993 through 2001, to carry out the Armament Retooling and Manufacturing Support Initiative, prior to repeal by Pub. L. 106-398, §1 [[div. A], title III, §344(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71.

IMPLEMENTATION OF REQUIREMENTS FOR ASSESSMENT, PLANNING, AND ANALYSIS

Pub. L. 102-484, div. D, title XLII, §4218, Oct. 23, 1992, 106 Stat. 2671, related to collection of information, completion of assessments, and issuance of plans required by this subchapter, prior to repeal by Pub. L. 104-201, div. A, title VIII, §829(h), Sept. 23, 1996, 110 Stat. 2614.

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.”

NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS

Pub. L. 102-484, div. D, title XLIV, §4471, Oct. 23, 1992, 106 Stat. 2753, as amended by Pub. L. 103-160, div. A, title XIII, §1372, Nov. 20, 1993, 107 Stat. 1817; Pub. L. 103-337, div. A, title XI, §1142, Oct. 5, 1994, 108 Stat. 2881; Pub. L. 104-201, div. A, title VIII, §824, Sept. 23, 1996, 110 Stat. 2610; Pub. L. 105-85, div. A, title X, §1073(d)(2)(C), Nov. 18, 1997, 111 Stat. 1905; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(7)(C), (f)(6)(C)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-419, 2681-430, provided that:

“(a) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—Each year, not later than 60 days after the date of the enactment of an Act appropriating funds for the military functions of the Department of Defense, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

“(1) shall identify each contract (if any) under major defense programs of the Department of Defense that will be terminated or substantially reduced as a result of the funding levels provided in that Act; and

“(2) shall ensure that notice of the termination of, or substantial reduction in, the funding of the contract is provided—

“(A) directly to the prime contractor under the contract; and

“(B) directly to the Secretary of Labor.

“(b) NOTICE TO SUBCONTRACTORS.—Not later than 60 days after the date on which the prime contractor for a contract under a major defense program receives notice under subsection (a), the prime contractor shall—

“(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor under that prime contract for subcontracts in an amount not less than \$500,000; and

“(2) require that each such subcontractor—

“(A) provide such notice to each of its sub-contractors for subcontracts in an amount in excess of \$100,000; and

“(B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of \$100,000 at all tiers.

“(c) CONTRACTOR NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Not later than two weeks after a defense contractor receives notice under subsection (a), the contractor shall provide notice of such termination or substantial reduction to—

“(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

“(B) if there is no such representative at that time, each such employee; and

“(2) the State or entity designated by the State to carry out rapid response activities under [former] section 134(a)(2)(A) of the Workforce Investment Act of 1998 [former 29 U.S.C. 2864(a)(2)(A)], and the chief elected official of the unit of general local government within which the adverse effect may occur.

“(d) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a defense contract provided under subsection (c)(1) to an employee of a contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible to participate in employment and training activities carried out under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.], except in a case in which the employer has specified that the termination of, or substantial reduction in, the contract is not likely to result in plant closure or mass layoff.

“(e) LOSS OF ELIGIBILITY.—An employee who receives a notice of withdrawal or cancellation of the termination of, or substantial reduction in, contract funding shall not be eligible, on the basis of any related reduction in funding under the contract, to participate in employment and training activities under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.], beginning on the date on which the employee receives the notice.

“(f) DEFINITIONS.—For purposes of this section:

“(1) The term ‘major defense program’ means a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code).

“(2) The terms ‘substantial reduction’ and ‘substantially reduced’, with respect to a defense contract under a major defense program, mean a reduction of 25 percent or more in the total dollar value of the funds obligated by the contract.”

§ 2502. 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 2501(a) of this title;

(2) programs for achieving such national security objectives; and

(3) changes in acquisition policy that 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; 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.)

PRIOR PROVISIONS

A prior section 2502, added Pub. L. 100-456, div. A, title VIII, §821(b)(1)(B), Sept. 29, 1988, 102 Stat. 2015, related to defense industrial base policies, prior to repeal by Pub. L. 102-484, §4202(a).

Another prior section 2502 was renumbered section 2534 of this title.

AMENDMENTS

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).

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.