

“(B) The balance of the royalties or other payments shall be transferred by the Department of Defense or the military department to its laboratories, with the majority share of the royalties or other payments going to the laboratory where the development occurred. The royalties or other payments so transferred to any DOD laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

“(i) to reward scientific, engineering, and technical employees of the DOD laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

“(ii) to further scientific exchange among the laboratories of the agency;

“(iii) for education and training of employees consistent with the research and development missions and objectives of the Department of Defense, military department, or DOD laboratory, and for other activities that increase the potential for transfer of the technology of the DOD laboratory;

“(iv) for payment of expenses incidental to the administration and licensing of computer software or other intellectual property made at the DOD laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

“(v) for scientific research and development consistent with the research and development missions and objectives of the DOD laboratory.

“(C) All royalties or other payments retained by the Department of Defense, military department, or DOD laboratory after payments have been made pursuant to subparagraphs (A) and (B) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

“(2) EXCEPTION.—If, after payments under paragraph (1)(A), the balance of the royalties or other payments received by the Department of Defense or the military department in any fiscal year exceed 5 percent of the funds received for use by the DOD laboratory for research, development, engineering, testing, and evaluation or other related administrative, processing, or value-added activities for that year, 75 percent of such excess shall be paid to the Treasury of the United States and the remaining 25 percent may be used or obligated under paragraph (1)(B). Any funds not so used or obligated shall be paid into the Treasury of the United States.

“(3) STATUS OF PAYMENTS TO EMPLOYEES.—Any payment made to an employee under this section shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof except that the monetary value of an award for the same project or effort shall be deducted from the amount otherwise available under this paragraph. Payments, determined under the terms of this paragraph and made to an employee developer as such, may continue after the developer leaves the DOD laboratory or the Department of Defense or military department. Payments made under this section shall not exceed \$75,000 per year to any one person, unless the President approves a larger award (with the excess over \$75,000 being treated as a Presidential award under section 4504 of title 5, United States Code).

“(d) INFORMATION IN REPORT.—The report required by [former] section 2515(d) of title 10, United States Code, shall include information regarding the implementation and effectiveness of this section.

“(e) EXPIRATION.—The authority provided in this section shall expire on December 31, 2021.”

TECHNOLOGY TRANSFER TO PRIVATE SECTOR

Pub. L. 100-180, div. A, title II, §218(c), Dec. 4, 1987, 101 Stat. 1053, as amended by Pub. L. 103-160, div. A, title IX, §904(f), Nov. 30, 1993, 107 Stat. 1729; Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, provided that:

“(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall take appropriate action to ensure that high-temperature superconductivity technology resulting from the research activities of the Department of Defense is transferred to the private sector. Such transfer shall be made in accordance with section 10(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), other applicable provisions of law, and Executive Order Number 12591, dated April 10, 1987 [set out as a note under 15 U.S.C. 3710].

“(2) The Secretary of Energy, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall ensure that the national laboratories of the Department of Energy participate, to the maximum appropriate extent, in the transfer to the private sector of technology developed under the Department of Defense superconductivity program in the national laboratories.”

[§ 2515. Repealed. Pub. L. 115-232, div. A, title VIII, § 811(b)(1), Aug. 13, 2018, 132 Stat. 1845]

Section, added Pub. L. 102-484, div. D, title XLII, §4225(a), Oct. 23, 1992, 106 Stat. 2683; amended Pub. L. 104-106, div. A, title XV, §1502(a)(22), Feb. 10, 1996, 110 Stat. 505; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, §1031(a)(23), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 108-375, div. A, title X, §1084(b)(3), Oct. 28, 2004, 118 Stat. 2060; Pub. L. 112-81, div. A, title X, §1061(18), Dec. 31, 2011, 125 Stat. 1584, established an Office of Technology Transition within the Office of the Secretary of Defense and set out its purpose and duties.

A prior section 2515, added Pub. L. 101-510, div. A, title VIII, §823(a)(3), Nov. 5, 1990, 104 Stat. 1602, related to computer-integrated manufacturing technology, prior to repeal by Pub. L. 102-484, §4202(a).

[§ 2516. Repealed. Pub. L. 104-106, div. A, title X, § 1081(g), Feb. 10, 1996, 110 Stat. 455]

Section, added Pub. L. 102-484, div. D, title XLII, §4225(a), Oct. 23, 1992, 106 Stat. 2684; amended Pub. L. 103-35, title II, §201(g)(8), May 31, 1993, 107 Stat. 100, related to Military-Civilian Integration and Technology Transfer Advisory Board.

A prior section 2516, added Pub. L. 101-510, div. A, title VIII, §823(a)(3), Nov. 5, 1990, 104 Stat. 1602, related to enhancement of concurrent engineering practices in design and development of weapon systems, prior to repeal by Pub. L. 102-484, §4202(a).

[§ 2517. Repealed. Pub. L. 115-232, div. A, title VIII, § 811(c)(1), Aug. 13, 2018, 132 Stat. 1845]

Section, added Pub. L. 102-190, div. A, title VIII, §821(a), Dec. 5, 1991, 105 Stat. 1430, §2525; renumbered §2517 and amended Pub. L. 102-484, div. D, title XLII, §4227, Oct. 23, 1992, 106 Stat. 2685; Pub. L. 111-383, div. A, title IX, §901(j)(4), Jan. 7, 2011, 124 Stat. 4324, established the Office for Foreign Defense Critical Technology Monitoring and Assessment and set out its responsibilities.

A prior section 2517 was renumbered section 2523 of this title and subsequently repealed.

§ 2518. Overseas foreign critical technology monitoring and assessment financial assistance program

(a) ESTABLISHMENT AND PURPOSE OF PROGRAM.—The Secretary of Defense may establish

a foreign critical technology monitoring and assessment program. Under the program, the Secretary may enter into cooperative arrangements with one or more eligible not-for-profit organizations in order to provide financial assistance for the establishment of foreign critical technology monitoring and assessment offices in Europe, Pacific Rim countries, and such other countries as the Secretary considers appropriate.

(b) **ELIGIBLE ORGANIZATIONS.**—Any not-for-profit industrial or professional organization that has economic and scientific interests in research, development, and applications of dual-use critical technologies is eligible to enter into a cooperative arrangement referred to in subsection (a).

(Added Pub. L. 102-190, div. A, title VIII, § 821(a), Dec. 5, 1991, 105 Stat. 1431, § 2526; renumbered § 2518, Pub. L. 102-484, div. D, title XLII, § 4228, Oct. 23, 1992, 106 Stat. 2685.)

PRIOR PROVISIONS

A prior section 2518 was renumbered section 2522 of this title and subsequently repealed.

AMENDMENTS

1992—Pub. L. 102-484 renumbered section 2526 of this title as this section.

§ 2519. Federal Defense Laboratory Diversification Program

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense shall conduct a program in accordance with this section for the purpose of promoting cooperation between Department of Defense laboratories and industry on research and development of dual-use technologies in order to further the national security objectives set forth in section 2501(a) of this title.

(b) **PARTNERSHIPS.**—(1) The Secretary shall provide for the establishment under the program of cooperative arrangements (hereinafter in this section referred to as “partnerships”) between a Department of Defense laboratory and eligible firms and nonprofit research corporations. A partnership may also include one or more additional Federal laboratories, institutions of higher education, agencies of State and local governments, and other entities, as determined appropriate by the Secretary.

(2) For purposes of this section, a federally funded research and development center shall be considered a Department of Defense laboratory if the center is sponsored by the Department of Defense.

(c) **ASSISTANCE AUTHORIZED.**—(1) The Secretary may make grants, enter into contracts, enter into cooperative agreements and other transactions pursuant to section 2371 of this title, and enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to establish partnerships.

(2) Subject to subsection (d), the Secretary may provide a partnership with technical and other assistance in order to facilitate the achievement of the purpose of this section.

(d) **FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.**—(1) The Secretary

shall ensure that the non-Federal Government participants in a partnership make a substantial contribution to the total cost of partnership activities. The amount of the contribution shall be commensurate with the risk undertaken by such participants and the potential benefits of the activities for such participants.

(2) The regulations prescribed pursuant to section 2511(c)(2) of this title shall apply to in-kind contributions made by non-Federal Government participants in a partnership.

(e) **SELECTION PROCESS.**—Competitive procedures shall be used in the establishment of partnerships.

(f) **SELECTION CRITERIA.**—The criteria for the selection of a proposed partnership for establishment under this section shall include the criteria set forth in section 2511(e) of this title.

(g) **REGULATIONS.**—The Secretary shall prescribe regulations for the purposes of this section.

(Added Pub. L. 103-337, div. A, title XI, § 1113(a), Oct. 5, 1994, 108 Stat. 2864; amended Pub. L. 104-106, div. A, title X, § 1081(d), Feb. 10, 1996, 110 Stat. 454.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106, § 1081(d)(1), struck out “referred to in section 2511(b) of this title” after “corporations”.

Subsec. (f). Pub. L. 104-106, § 1081(d)(2), substituted “section 2511(e)” for “section 2511(f)”.

[§ 2520. Repealed. Pub. L. 104-106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454]

Section, added Pub. L. 103-337, div. A, title XI, § 1113(b), Oct. 5, 1994, 108 Stat. 2865, related to Navy Reinvestment Program.

SUBCHAPTER IV—MANUFACTURING TECHNOLOGY

Sec.

2521. Manufacturing Technology Program.
2522. Armament retooling and manufacturing.
[2523, 2524. Repealed.]
[2525. Renumbered.]

AMENDMENTS

2000—Pub. L. 106-398, § 1 [[div. A], title III, § 344(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71, redesignated item 2525 as 2521 and added item 2522.

1998—Pub. L. 105-261, div. A, title X, § 1069(a)(5), Oct. 17, 1998, 112 Stat. 2136, struck out “AND DUAL-USE ASSISTANCE EXTENSION PROGRAMS” after “TECHNOLOGY” in subchapter heading.

1996—Pub. L. 104-106, div. A, title II, § 276(b), title X, § 1081(i)(3), Feb. 10, 1996, 110 Stat. 242, 455, struck out items 2521 “National Defense Manufacturing Technology Program”, 2522 “Defense Advanced Manufacturing Technology Partnerships”, 2523 “Manufacturing extension programs”, and 2524 “Defense dual-use assistance extension program” and substituted “Manufacturing Technology Program” for “Manufacturing Science and Technology Program” in item 2525.

1994—Pub. L. 103-337, div. A, title II, § 256(a)(2), Oct. 5, 1994, 108 Stat. 2704, substituted “Manufacturing Science and” for “Industrial Preparedness Manufacturing” in item 2525.

1993—Pub. L. 103-160, div. A, title VIII, § 801(a)(2), Nov. 30, 1993, 107 Stat. 1701, added item 2525.

§ 2521. Manufacturing Technology Program

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a Manufacturing Technology