

the risks identified by the Department in conducting activities under subsection (b).

(2) PHASE 2: IMPLEMENTATION OF FRAMEWORK.—Not later than one year after the date of the submission of the implementation plan and schedule required under paragraph (1), a report on the actions taken to implement the framework established pursuant to subsection (b), and supporting policies, procedures, and guidance relating to such actions.

(g) COMPTROLLER GENERAL REVIEWS.—

(1) BRIEFING.—Not later than February 15, 2020, the Comptroller General of the United States shall brief the congressional defense committees on Department of Defense efforts over the previous 5 years to continuously assess and mitigate risks to the defense industrial base across the acquisition process, and a summary of current and planned efforts.

(2) PERIODIC ASSESSMENTS.—The Comptroller General shall submit to the congressional defense committees three periodic assessments of Department of Defense progress in implementing the framework required under subsection (b), to be provided not later than October 15, 2020, March 15, 2022, and March 15, 2024.

(Added Pub. L. 116-92, div. A, title VIII, §845(a), Dec. 20, 2019, 133 Stat. 1500, §2509; renumbered §4819 and amended Pub. L. 116-283, div. A, title VIII, §843(a), title XVIII, §§1867(b), (d)(6), 1883(b)(2), Jan. 1, 2021, 134 Stat. 3765, 4281, 4282, 4294.)

REFERENCES IN TEXT

The Defense Production Act of 1950 (50 U.S.C. 4511 et seq.), referred to in subsec. (b)(2)(E)(vi), probably means act Sept. 8, 1950, ch. 932, 64 Stat. 798, which is classified principally to chapter 55 (§4501 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 4501 of Title 50 and Tables.

The date of the enactment of this section, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

AMENDMENTS

2021—Pub. L. 116-283, §1867(b), renumbered section 2509 of this title as this section.

Subsec. (b)(2)(A). Pub. L. 116-283, §843(a)(1)(A)(i), inserted “such as those identified through the supply chain risk management process of the Department and by the Federal Acquisition Security Council, and” after “supply chain risks,” in introductory provisions.

Subsec. (b)(2)(A)(ii). Pub. L. 116-283, §843(a)(1)(A)(ii), struck out “(other than optical transmission components)” after “equipment”.

Subsec. (b)(2)(C)(xi). Pub. L. 116-283, §1883(b)(2), substituted “section 3252” for “section 2339a”.

Pub. L. 116-283, §843(a)(1)(B), added cl. (xi) and redesignated former cl. (xi) as (xii).

Subsec. (b)(2)(C)(xii). Pub. L. 116-283, §843(a)(1)(B)(ii), redesignated cl. (xi) as (xii).

Subsec. (b)(2)(E). Pub. L. 116-283, §843(a)(1)(C), added subpar. (E).

Subsec. (b)(2)(E)(i). Pub. L. 116-283, §1883(b)(2), substituted “section 4801(1)” for “section 2500(1)”.

Subsec. (b)(2)(E)(ii). Pub. L. 116-283, §1883(b)(2), substituted “section 4862” for “section 2533a”.

Subsec. (b)(2)(E)(v). Pub. L. 116-283, §1883(b)(2), substituted “section 4841” for “section 2521”.

Subsec. (f)(1)(A). Pub. L. 116-283, §1867(d)(6), substituted “section 3252(c)” for “section 2339a(e)”.

Subsec. (f)(2). Pub. L. 116-283, §843(a)(2), inserted “, and supporting policies, procedures, and guidance relating to such actions” after “subsection (b)”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by sections 1867(b), (d)(6) and 1883(b)(2) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

CHAPTER 383—DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

Sec. 4831.	Defense dual-use critical technology program.
4832.	Encouragement of technology transfer.
4833.	Federal Defense Laboratory Diversification Program.
4834.	Overseas foreign critical technology monitoring and assessment financial assistance program.

PRIOR PROVISIONS

A prior chapter 383 “LOAN GUARANTEE PROGRAMS”, consisting of reserved section 4861, was repealed by Pub. L. 116-283, div. A, title XVIII, §1873(a)(1), Jan. 1, 2021, 134 Stat. 4289.

§ 4831. Defense dual-use critical technology program

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 4811(a) of this title by encouraging and providing for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 4002 of this title in furtherance of the program. The Secretary shall identify projects to be conducted as part of the program.

(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.

(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The total amount of funds provided by the Federal Government for a project conducted under the program may not exceed 50 percent of the total cost of the project. However, the Secretary of Defense may agree to a project in which the total amount of funds provided by the Federal Government exceeds 50 percent if the Secretary determines the project is particularly meritorious, but the project would not otherwise have sufficient non-Federal funding or in-kind contributions.

(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a project conducted under the program for the purpose of calculating the share of the project costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that

is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of project activities. Any such funds so used may be considered 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 percentage contribution in the project from non-Federal sources.

(3) The Secretary shall consider a project proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated project costs. Upon the selection of a project proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the project from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated project costs, the Secretary shall revoke the selection of the project proposal submitted by the small business concern.

(d) SELECTION PROCESS.—Competitive procedures shall be used in the conduct of the program.

(e) SELECTION CRITERIA.—The criteria for the selection of projects under the program shall include the following:

(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 4811(a) of this title.

(2) The technical excellence of the proposed project.

(3) The qualifications of the personnel proposed to participate in the research activities of the proposed project.

(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed project other than through the project.

(5) The potential effectiveness of the project in the further development and application of each technology proposed to be developed by the project for the national technology and industrial base.

(6) The extent of the financial commitment of eligible firms to the proposed project.

(7) The extent to which the project does not unnecessarily duplicate projects undertaken by other agencies.

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

(Added Pub. L. 102-484, div. D, title XLII, §4221(a), Oct. 23, 1992, 106 Stat. 2677, §2511; amended Pub. L. 103-160, div. A, title XIII, §§1315(a), 1317(c), Nov. 30, 1993, 107 Stat. 1787, 1789; Pub. L. 103-337, div. A, title XI, §1115(a), Oct. 5, 1994, 108 Stat. 2868; Pub. L. 104-106, div. A, title X, §1081(c), Feb. 10, 1996, 110 Stat. 452; renumbered §4831 and amended Pub. L. 116-283, div. A, title XVIII, §1868(b), (c)(1), Jan. 1, 2021, 134 Stat. 4282, 4283.)

PRIOR PROVISIONS

A prior section 4831 was renumbered section 7831 of this title.

Provisions similar to those in this section were contained in section 2523 of this title, prior to repeal by Pub. L. 102-484, §4202(a).

AMENDMENTS

2021—Pub. L. 116-283, §1868(b), renumbered section 2511 of this title as this section.

Subsec. (a). Pub. L. 116-283, §1868(c)(1)(A), substituted “section 4811(a)” for “section 2501(a)” and “section 4002” for “section 2371”.

Subsec. (e)(1). Pub. L. 116-283, §1868(c)(1)(B), substituted “section 4811(a)” for “section 2501(a)”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 4832. Encouragement of technology transfer

(a) ENCOURAGEMENT OF TRANSFER REQUIRED.—The Secretary of Defense shall encourage, to the extent consistent with national security objectives, the transfer of technology between laboratories and research centers of the Department of Defense and other Federal agencies, State and local governments, colleges and universities, and private persons in cases that are likely to result in accomplishing the objectives set forth in section 4811(a) of this title.

(b) EXAMINATION AND IMPLEMENTATION OF METHODS TO ENCOURAGE TRANSFER.—The Secretary shall examine and implement methods, in addition to the encouragement referred to in subsection (a) and the program described in subsection (c), that are consistent with national security objectives and will enable Department of Defense personnel to promote technology transfer.

(c) PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.—(1) The Secretary of Defense shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereinafter in this subsection referred to as the “Program”). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

(2) Under the Program, the defense laboratories, in coordination with the Office of Technology Transfer in the Office of the Secretary of Defense, shall carry out cooperative activities with private industry in order to promote (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) the transfer of defense or dual-use technologies from the defense laboratories to private industry, and the development and application of such technologies by the defense laboratories and private industry, for the purpose of the commercial utilization of such technologies by private industry.