

“(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) DATA COLLECTION.—The Secretary of Defense shall develop and implement a plan to collect and analyze data on the use of authority under this section for the purposes of—

“(1) developing and sharing best practices; and

“(2) providing information to the Secretary of Defense and Congress on the use of authority under this section and related policy issues.

“(e) REPORT.—The Secretary of Defense shall submit a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the activities carried out under this section not later than December 31, 2025.

“(f) EXPIRATION.—The authority provided in this section shall expire on December 31, 2026.”

#### 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.”

#### § 4833. 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 4811(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 4002<sup>1</sup> 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 4831(c)(2) of this title shall apply to in-kind

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

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 4831(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, §2519; amended Pub. L. 104-106, div. A, title X, §1081(d), Feb. 10, 1996, 110 Stat. 454; renumbered §4833 and amended Pub. L. 116-283, div. A, title XVIII, §1868(b), (c)(3), Jan. 1, 2021, 134 Stat. 4282, 4283.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 4002 of this title, referred to in subsec. (c)(1), probably should be a reference to section 4021 of this title. Pub. L. 116-283, div. A, title XVIII, §1841(b)(1), Jan. 1, 2021, 134 Stat. 4243, initially transferred section 2371 of this title to section 4002, to become effective Jan. 1, 2022. However, Pub. L. 117-81, div. A, title XVII, §1701(u)(2)(B), Dec. 27, 2021, 135 Stat. 2151, subsequently amended section 1841(b)(1) of Pub. L. 116-283, effective as if included therein, so as to eliminate the transfer to section 4002 and instead transfer section 2371 to section 4021 of this title.

##### PRIOR PROVISIONS

A prior section 4833, act Aug. 10, 1956, ch. 1041, 70A Stat. 272, related to accountability of Army officers for public money, prior to repeal by Pub. L. 87-480, §1(2), June 8, 1962, 76 Stat. 94. See section 2773 of this title.

##### AMENDMENTS

2021—Pub. L. 116-283, §1868(b), renumbered section 2519 of this title as this section.

Subsec. (a). Pub. L. 116-283, §1868(c)(3)(A), substituted “section 4811(a)” for “section 2501(a)”.

Subsec. (c)(1). Pub. L. 116-283, §1868(c)(3)(B), substituted “section 4002” for “section 2371”.

Subsec. (d)(2). Pub. L. 116-283, §1868(c)(3)(C), substituted “section 4831(c)(2)” for “section 2511(c)(2)”.

Subsec. (f). Pub. L. 116-283, §1868(c)(3)(D), substituted “section 4831(e)” for “section 2511(e)”.

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)”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 4834. 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; renumbered §4834, Pub. L. 116-283, div. A, title XVIII, §1868(b), Jan. 1, 2021, 134 Stat. 4282.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 4834, acts Aug. 10, 1956, ch. 1041, 70A Stat. 272; Nov. 2, 1966, Pub. L. 89-718, §31, 80 Stat. 1119, required commissioned officers of the Quartermaster Corps to give fidelity bonds, prior to repeal by Pub. L. 92-310, title II, §204(a), June 6, 1972, 86 Stat. 202.

A prior section 4835, act Aug. 10, 1956, ch. 1041, 70A Stat. 273; Pub. L. 103-160, div. A, title III, §362, Nov. 30, 1993, 107 Stat. 1628, related to actions taken upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of or damage to property of the United States under the control of the Department of the Army, prior to repeal by Pub. L. 107-314, div. A, title X, §1006(c)(1), (d), Dec. 2, 2002, 116 Stat. 2633, applicable with respect to property affected after the effective date of regulations prescribed pursuant to section 2787 of this title.

A prior section 4836, act Aug. 10, 1956, ch. 1041, 70A Stat. 273, prohibited unauthorized disposition of individual equipment by enlisted members of the Army, prior to repeal by Pub. L. 110-181, div. A, title III, §375(c)(1)(B), Jan. 28, 2008, 122 Stat. 83.

Prior sections 4837 to 4840 were renumbered sections 7837 to 7840 of this title, respectively.

##### AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2518 of this title as this section.

1992—Pub. L. 102-484 renumbered section 2526 of this title as section 2518.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### CHAPTER 384—MANUFACTURING TECHNOLOGY

Sec.	
4841.	Manufacturing Technology Program.
4842.	Joint Defense Manufacturing Technology Panel.
4843.	Manufacturing engineering education program.
4844.	Manufacturing experts in the classroom.
4845.	Armament retooling and manufacturing.