

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments under such subsection.

(E) A description and assessment of the contributions to the development of needed military capabilities provided by research using funds under such subsection.

(F) A description of any modification to the mechanisms under subsection (a) that would improve the efficiency of the authority under such subsection to support military missions.

(Added Pub. L. 115-91, div. A, title II, §220(a), Dec. 12, 2017, 131 Stat. 1332.)

PRIOR PROVISIONS

A prior section 2363, added Pub. L. 99-145, title XIV, §1457(a), Nov. 8, 1985, 99 Stat. 762, related to encouragement of technology transfer, prior to repeal by Pub. L. 102-484, div. D, title XLII, §§4224(c), 4271(a)(2), Oct. 23, 1992, 106 Stat. 2683, 2695. See section 2514 of this title.

§ 2364. Coordination and communication of defense research activities and technology domain awareness

(a) COORDINATION OF DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, AND TECHNOLOGICAL DATA.—The Secretary of Defense shall promote, monitor, and evaluate programs for the communication and exchange of research, development, and technological data—

(1) among the Defense research facilities, combatant commands, and other organizations that are involved in developing for the Department of Defense the technological requirements for new items for use by combat forces;

(2) among Defense research facilities and other offices, agencies, and bureaus in the Department that are engaged in related technological matters;

(3) among other research facilities and other departments or agencies of the Federal Government that are engaged in research, development, and technological matters;

(4) among private commercial, research institution, and university entities engaged in research, development, and technological matters potentially relevant to defense on a voluntary basis;

(5) to the extent practicable, to achieve full awareness of scientific and technological advancement and innovation wherever it may occur, whether funded by the Department of Defense, another element of the Federal Government, or other entities; and

(6) through development and distribution of clear technical communications to the public, military operators, acquisition organizations, and civilian and military decision-makers that convey successes of research and engineering activities supported by the Department and the contributions of such activities to support national needs.

(b) FUNCTIONS OF DEFENSE RESEARCH FACILITIES.—The Secretary of Defense shall ensure, to the maximum extent practicable—

(1) that Defense research facilities are assigned broad mission requirements rather than specific hardware needs;

(2) that appropriate personnel of such facilities are assigned to serve as consultants on component and support system standardization;

(3) that the managers of such facilities have broad latitude to choose research and development projects based on awareness of activities throughout the technology domain, including within the Federal Government, the Department of Defense, public and private research institutions and universities, and the global commercial marketplace;

(4) that technology position and issue papers prepared by Defense research facilities are readily available to all components of the Department of Defense and to contractors who submit bids or proposals for Department of Defense contracts;

(5) that, in order to promote increased consideration of technological issues early in the development process, any technological assessment made by a Defense research facility shall be provided to the Defense Technical Information Center repository to support acquisition decisions; and

(6) that, in light of Defense research facilities being funded by the public, Defense research facilities are broadly authorized and encouraged to support national technological development goals and support technological missions of other departments and agencies of the Federal Government, when such support is determined by the Secretary of Defense to be in the best interests of the Federal Government.

(c) DEFINITIONS.—In this section, the term “Defense research facility” means a Department of Defense facility which performs or contracts for the performance of—

(1) basic research; or

(2) applied research known as exploratory development.

(Added Pub. L. 99-661, div. A, title II, §234(c)(1), Nov. 14, 1986, 100 Stat. 3848; amended Pub. L. 100-26, §§3(1)(A), 7(a)(9), Apr. 21, 1987, 101 Stat. 273, 278; Pub. L. 100-180, div. A, title XII, §1231(10)(A), (B), Dec. 4, 1987, 101 Stat. 1160; Pub. L. 104-106, div. A, title VIII, §805, Feb. 10, 1996, 110 Stat. 390; Pub. L. 113-291, div. A, title II, §213, Dec. 19, 2014, 128 Stat. 3325; Pub. L. 114-92, div. A, title II, §214(a), Nov. 25, 2015, 129 Stat. 767; Pub. L. 115-91, div. A, title X, §1081(a)(34), Dec. 12, 2017, 131 Stat. 1596.)

AMENDMENTS

2017—Subsec. (a)(6). Pub. L. 115-91 substituted “convey” for “conveys”.

2015—Pub. L. 114-92, §214(a)(3), inserted “and technology domain awareness” after “activities” in section catchline.

Subsec. (a). Pub. L. 114-92, §214(a)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary of Defense shall promote, monitor, and evaluate programs for the communication and exchange of technological data—

“(1) among the Defense research facilities, combatant commands, and other organizations that are involved in developing for the Department of Defense the technological requirements for new items for use by combat forces; and

“(2) among Defense research facilities and other offices, agencies, and bureaus in the Department that are engaged in related technological matters.”

Subsec. (b)(3). Pub. L. 114-92, §214(a)(2)(A), added par. (3) and struck out former par. (3) which read as follows: “that the managers of such facilities have broad latitude to choose research and development projects;”.

Subsec. (b)(6). Pub. L. 114-92, §214(a)(2)(B)-(D), added par. (6).

2014—Subsec. (b)(4). Pub. L. 113-291, §213(1)(A), inserted “and issue” after “technology position” and substituted “components of the Department of Defense” for “combatant commands”.

Subsec. (b)(5). Pub. L. 113-291, §213(1)(B), substituted “any technological assessment made by a Defense research facility shall be provided to the Defense Technical Information Center repository to support acquisition decisions.” for “any position paper prepared by a Defense research facility on a technological issue relating to a major weapon system, and any technological assessment made by such facility in the case of such component, is made a part of the records considered for the purpose of making acquisition program decisions.”

Subsec. (c). Pub. L. 113-291, §213(2), struck out “this section:” after “In”, substituted “this section, the term” for “(1) The term”, redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively, and realigned margins, and struck out par. (2) which read as follows: “The term ‘acquisition program decision’ has the meaning prescribed by the Secretary of Defense in regulations.”

1996—Subsec. (b)(5). Pub. L. 104-106, §805(1), substituted “acquisition program” for “milestone O, milestone I, and milestone II”.

Subsec. (c)(2) to (4). Pub. L. 104-106, §805(2), added par. (2) and struck out former pars. (2) to (4) which read as follows:

“(2) The term ‘milestone O decision’ means the decision made within the Department of Defense that there is a mission need for a new major weapon system and that research and development is to begin to meet such need.

“(3) The term ‘milestone I decision’ means the decision by an appropriate official of the Department of Defense selecting a new major weapon system concept and a program for demonstration and validation of such concept.

“(4) The term ‘milestone II decision’ means the decision by an appropriate official of the Department of Defense approving the full-scale development of a new major weapon system.”

1987—Pub. L. 100-26, §3(1)(A), made technical amendment to directory language of section 234(c)(1) of Pub. L. 99-661, which enacted this section.

Pub. L. 100-180, §1231(10)(B), substituted “defense” for “Defense” in section catchline.

Subsec. (b)(5). Pub. L. 100-180, §1231(10)(A), substituted “milestone O, milestone I, and milestone II decisions” for “milestone O, I, and II decisions”.

Subsec. (c)(2). Pub. L. 100-26, §7(a)(9)(A), substituted “the decision” for “a decision”.

Subsec. (c)(3). Pub. L. 100-26, §7(a)(9)(B), substituted “the decision by an appropriate official of the Department of Defense selecting” for “[a]/[the] selection by an appropriate official of the Department of Defense of”.

Subsec. (c)(4). Pub. L. 100-26, §7(a)(9)(C), substituted “the decision by an appropriate official of the Department of Defense approving” for “approval by an appropriate official of the Department of Defense for”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 3(1)(A) of Pub. L. 100-26 applicable as if included in Pub. L. 99-661 when enacted on Nov. 14, 1986, see section 12(a) of Pub. L. 100-26, set out as a note under section 776 of this title.

PERFORMANCE REVIEW PROCESS

Pub. L. 106-65, div. A, title IX, §913(b), Oct. 5, 1999, 113 Stat. 720, provided that: “Not later than 180 days after the date of the enactment of this Act [Oct. 5, 1999], the Secretary of Defense shall develop an appropriate per-

formance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.”

COORDINATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY RESEARCH AND DEVELOPMENT

Pub. L. 100-180, div. A, title II, §218(b)(2), Dec. 4, 1987, 101 Stat. 1053, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; 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: “The Secretary of Defense, through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

“(A) coordinate the research and development activities of the Department of Defense relating to high-temperature superconductivity; and

“(B) ensure that such research and development—

“(i) is carried out in coordination with the high-temperature superconductivity research and development activities of the Department of Energy (including the national laboratories of the Department of Energy), the National Science Foundation, the National Institute of Standards and Technology, and the National Aeronautics and Space Administration; and

“(ii) complements rather than duplicates such activities.”

COORDINATION OF RESEARCH ACTIVITIES OF DEPARTMENT OF DEFENSE

Pub. L. 99-661, div. A, title II, §234(a), (b), Nov. 14, 1986, 100 Stat. 3848, provided that:

“(a) PURPOSE.—The purpose of this section is to strengthen coordination among Department of Defense research facilities and other organizations in the Department of Defense.

“(b) FINDINGS.—The Congress finds that centralized coordination of the collection and dissemination of technological data among research facilities and other organizations within the Department of Defense is necessary—

“(1) to ensure that personnel of the Department are currently informed about emerging technology for defense systems; and

“(2) to avoid unnecessary and costly duplication of research staffs and projects.”

§ 2365. Global Research Watch Program

(a) PROGRAM.—The Assistant Secretary of Defense for Research and Engineering shall carry out a Global Research Watch program in accordance with this section.

(b) PROGRAM GOALS.—The goals of the program are as follows:

(1) To monitor and analyze the basic and applied research activities and capabilities of foreign nations and private sector persons in areas of military interest, including allies and competitors.

(2) To provide standards for comparison and comparative analysis of research capabilities of foreign nations and private sector persons in relation to the research capabilities of the United States.

(3) To assist Congress and Department of Defense officials in making investment decisions for research in technical areas where the United States may not be the global leader.

(4) To identify areas where significant opportunities for cooperative research may exist.