

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-232 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to annual reports on the use of the authority under subsec. (a).

§ 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; Pub. L. 116-283, div. A, title XVIII, §§ 1841(d)(1), 1844(d)(2), Jan. 1, 2021, 134 Stat. 4243, 4246.)

AMENDMENT OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1841(d)(1), 1844(d)(2), Jan. 1, 2021, 134 Stat. 4151, 4243, 4246, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is amended as follows:

(1) the section catchline and subsection (a) of this section are transferred to chapter 301 of this title, inserted after section 4009, as transferred and redesignated by section 1841(c) of Pub. L. 116-283, and redesignated as section 4014 of this title; and

(2) subsections (b) and (c) of this section are transferred to chapter 307 of this title, inserted after the section heading for section 4142 as added by section 1844(d)(1) of Pub. L. 116-283, and redesignated as subsections (a) and (b), respectively, of section 4142 of this title.

See Effective Date of 2021 Amendment note below.

AMENDMENTS

2021—Pub. L. 116-283, § 1841(d)(1), redesignated section catchline and subsec. (a) as section 4009 of this title.

Subsecs. (b), (c). Pub. L. 116-283, § 1844(d)(2), redesignated subsecs. (b) and (c) as subsecs. (a) and (b), respectively, of section 4142 of this title.

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 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.

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.

ESTABLISHMENT OF INNOVATORS INFORMATION REPOSITORY IN THE DEPARTMENT OF DEFENSE

Pub. L. 115-232, div. A, title II, §220, Aug. 13, 2018, 132 Stat. 1681, provided that:

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense shall, acting through the Defense Technical Information Center, establish an innovators information repository within the Department of Defense in accordance with this section.

“(b) MAINTENANCE OF INFORMATION REPOSITORY.—The Under Secretary of Defense for Research and Engineering shall maintain the information repository and ensure that it is periodically updated.

“(c) ELEMENTS OF INFORMATION REPOSITORY.—The information repository established under subsection (a) shall—

“(1) be coordinated across the Department of Defense enterprise to focus on small business innovators that are small, independent United States businesses, including those participating in the Small Business Innovation Research program or the Small Business Technology Transfer program;

“(2) include appropriate information about each participant, including a description of—

“(A) the need or requirement applicable to the participant;

“(B) the participant’s technology with appropriate technical detail and appropriate protections of proprietary information or data;

“(C) any prior business of the participant with the Department; and

“(D) whether the participant’s technology was incorporated into a program of record; and

“(3) incorporate the appropriate classification due to compilation of information.

“(d) USE OF INFORMATION REPOSITORY.—After the information repository is established under subsection (a), the Secretary shall encourage use of the information repository by Department organizations involved in technology development and protection, including program offices, before initiating a Request for Information or a Request for Proposal to determine whether an organic technology exists or is being developed currently by an [sic] entity supported by the Department (which may include a company, academic consortium, or other entity).”

COLLABORATION BETWEEN DEFENSE LABORATORIES, INDUSTRY, AND ACADEMIA; OPEN CAMPUS PROGRAM

Pub. L. 115-232, div. A, title II, §222, Aug. 13, 2018, 132 Stat. 1682, provided that:

“(a) COLLABORATION.—The Secretary of Defense may carry out activities to prioritize innovative collaboration between Department of Defense science and technology reinvention laboratories, industry, and academia.

“(b) OPEN CAMPUS PROGRAM.—In carrying out subsection (a), the Secretary, acting through the Commander of the Air Force Research Laboratory, the Commander of the Army Research, Development and Engineering Command, and the Chief of Naval Research, or such other officials of the Department as the Secretary considers appropriate, may develop and implement an open campus program for the Department science and technology reinvention laboratories which

shall be modeled after the open campus program of the Army Research Laboratory.”

SPECIFICATION OF CERTAIN DUTIES OF THE DEFENSE
TECHNICAL INFORMATION CENTER

Pub. L. 115-232, div. A, title IX, §905, Aug. 13, 2018, 132 Stat. 1922, as amended by Pub. L. 116-283, div. A, title XVIII, §1842(c)(2), Jan. 1, 2021, 134 Stat. 4244, provided that:

“(a) IN GENERAL.—In addition to any other duties specified for the Defense Technical Information Center by law, regulation, or Department of Defense directive or instruction, the duties of the Center shall include the following:

“(1) To execute the Global Research Watch Program under section 2365 of title 10, United States Code.

“(2) To develop and maintain datasets and other data repositories on research and engineering activities being conducted within the Department.

“(b) ACTION PLAN.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan of action for the commencement by the Defense Technical Information Center of the duties specified in subsection (a).”

[Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1842(c)(2), Jan. 1, 2021, 134 Stat. 4151, 4244, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, section 905(a)(1) of Pub. L. 115-232, set out above, is amended by striking “section 2365” and inserting “section 4066”.]

PERFORMANCE REVIEW PROCESS

Pub. L. 106-65, div. A, title IX, §913(b), Oct. 5, 1999, 113 Stat. 720, which required the Secretary of Defense to develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories, was repealed by Pub. L. 115-232, div. A, title VIII, §812(b)(30), Aug. 13, 2018, 132 Stat. 1849.

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, acting 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, which aimed to strengthen and centralize coordination among Department of Defense research facilities and other Department organizations, was repealed by Pub. L. 115-232, div. A, title VIII, §812(b)(31), Aug. 13, 2018, 132 Stat. 1849.

§ 2365. Global Research Watch Program

(a) PROGRAM.—The Under 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.

(5) To coordinate and promote the international cooperative research and analysis activities of each of the armed forces and Defense Agencies.

(6) To establish and maintain an electronic database on international research capabilities, comparative assessments of capabilities, cooperative research opportunities, and ongoing cooperative programs.

(c) FOCUS OF PROGRAM.—The program shall be focused on research and technologies at a technical maturity level equivalent to Department of Defense basic and applied research programs.

(d) COORDINATION.—(1) The Under Secretary shall coordinate the program with the international cooperation and analysis activities of the military departments and Defense Agencies.

(2) The Secretaries of the military departments and the directors of the Defense Agencies shall provide the Under Secretary of Defense for Research and Engineering such assistance as the Under Secretary may require for purposes of the program.

(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Under Secretary of Defense for Research and Engineering certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.

(e) CLASSIFICATION OF DATABASE INFORMATION.—Information in electronic databases of the Global Research Watch program shall be maintained in unclassified form and, as determined necessary by the Under Secretary of Defense for Research and Engineering, in classified form in such databases.

(f) TERMINATION.—The requirement to carry out the program under this section shall terminate on September 30, 2025.

(Added Pub. L. 108-136, div. A, title II, §231(a), Nov. 24, 2003, 117 Stat. 1421; amended Pub. L. 109-364, div. A, title II, §232, Oct. 17, 2006, 120