

116-283 by substituting “section 118b” for “section 118a”, was executed by making the amendment to section 341(c) of Pub. L. 116-283, set out above, to reflect the probable intent of Congress.]

§ 118c. National Defense Science and Technology Strategy

(a) **IN GENERAL.**—The Secretary of Defense shall develop a strategy—

(1) to articulate the science and technology priorities, goals, and investments of the Department of Defense;

(2) to make recommendations on the future of the defense research and engineering enterprise and its continued success in an era of strategic competition; and

(3) to establish an integrated approach to the identification, prioritization, development, and fielding of emerging capabilities and technologies.

(b) **ELEMENTS.**—The strategy required under subsection (a) shall—

(1) inform the development of each National Defense Strategy under section 113(g) of this title and be aligned with Government-wide strategic science and technology priorities, including the defense budget priorities of the Office of Science and Technology Policy of the President;

(2) link the priorities, goals, and investments in subsection (a)(1) with needed critical enablers to specific programs, or broader portfolios, including—

(A) personnel and workforce capabilities;

(B) facilities for research and test infrastructure;

(C) relationships with academia, the acquisition community, the operational community, the defense industry, and the commercial sector; and

(D) funding, investments, personnel, facilities, and relationships with other departments and agencies of the Federal Government outside the Department of Defense without which defense capabilities would be severely degraded;

(3) support the coordination of acquisition priorities, programs, and timelines of the Department with the activities of the defense research and engineering enterprise;

(4) include recommendations for changes in authorities, regulations, policies, or any other relevant areas, that would support the achievement of the goals set forth in the strategy;

(5) identify mechanisms that may be used to identify critical capabilities and technological applications required to address operational challenges outlined in the National Defense Strategy under section 113(g) of this title;

(6) identify processes to inform senior leaders and policy makers on the potential impacts of emerging technologies for the purpose of shaping the development of policies and regulations;

(7) support the efficient integration of capabilities and technologies to close near-term, mid-term, and long-term capability gaps;

(8) support the development of appropriate investments in research and technology devel-

opment within the Department, and appropriate partnerships with the defense industry and commercial industry; and

(9) identify mechanisms to provide information on defense technology priorities to industry to enable industry to invest deliberately in emerging technologies to build and broaden the capabilities of the industrial base.

(c) **COORDINATION.**—The Secretary of Defense shall develop the strategy under subsection (a) in coordination with relevant entities within the Office of the Secretary of Defense, the military departments, the research organizations of Defense Agencies and Department of Defense Field Activities, the intelligence community, defense and technology industry partners, research and development partners, other Federal research agencies, allies and partners of the United States, and other appropriate organizations.

(d) **CONSIDERATIONS.**—In developing the strategy under subsection (a), the Secretary of Defense shall consider—

(1) the operational challenges identified in the National Defense Strategy and the technological threats and opportunities identified through the global technology review and assessment activities of the Department of Defense, the intelligence community, and other technology partners;

(2) current military requirements and emerging technologies in the defense and commercial sectors;

(3) the capabilities of foreign near-peer and peer nations;

(4) the need to support the development of a robust trusted and assured industrial base to manufacture and sustain the technologies and capabilities to meet defense requirements; and

(5) near-term, mid-term, and long-term technology and capability development goals.

(e) **REPORTS.**—

(1) **SUBSEQUENT REPORTS AND UPDATES.**—Not later than February 1 of the year following each fiscal year in which the National Defense Strategy is submitted under section 113(g) of this title, the Secretary of Defense shall submit to the congressional defense committees a report that includes an updated version of the strategy under subsection (a). Each update to such strategy shall be prepared for purposes of such report based on emerging requirements, technological developments in the United States, and technical intelligence derived from global technology reviews conducted by the Secretary of Defense.

(2) **FORM OF REPORTS.**—The reports submitted under paragraph (1) may be submitted in a form determined appropriate by the Secretary of Defense, which may include classified, unclassified, and publicly releasable formats, as appropriate.

(f) **BRIEFING.**—Not later than 90 days after the date on which the strategy under subsection (a) is completed, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the implementation plan for the strategy.

(g) **DESIGNATION.**—The strategy developed under subsection (a) shall be known as the “Na-

tional Defense Science and Technology Strategy”.

(Added Pub. L. 117-81, div. A, title II, §211(a), Dec. 27, 2021, 135 Stat. 1585.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 115-232, div. A, title II, §218, Aug. 13, 2018, 132 Stat. 1679, which was not classified to the Code and was repealed by Pub. L. 117-81, div. A, title II, §211(c), Dec. 27, 2021, 135 Stat. 1587.

§ 119. Special access programs: congressional oversight

(a)(1) Not later than March 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.

(2) Each such report shall set forth—

(A) the total amount requested for special access programs of the Department of Defense in the President’s budget for the next fiscal year submitted under section 1105 of title 31; and

(B) for each program in that budget that is a special access program—

- (i) a brief description of the program;
- (ii) a brief discussion of the major milestones established for the program;
- (iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and
- (iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(3) In the case of a report under paragraph (1) submitted in a year during which the President’s budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the tech-

nology, or that have a mission similar to the mission, of the program that is the subject of the notice.

(3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.

(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

(f) A special access program may not be initiated until—

(1) the defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) In this section, the term “defense committees” means—

(1) the Committee on Armed Services and the Committee on Appropriations, and the De-