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Editorial Notes

CODIFICATION

Item 4094 was added to this analysis by section 1701(e)(3)(B) of Pub. L. 117-81 in conjunction with the transfer of section 2358c of this title to section 4094. However, the transfer was not executed in light of the repeal of section 2358c, which took effect just prior to the transfer. See Codification note under section 4094 of this title.

PRIOR PROVISIONS

A prior chapter 303 “WEAPON SYSTEMS DEVELOPMENT AND RELATED MATTERS”, consisting of reserved section 4071, was repealed by Pub. L. 116-283, div. A, title XVIII, §1841(a)(1)(A), Jan. 1, 2021, 134 Stat. 4242.

A prior chapter 303 was renumbered chapter 703 of this title.

AMENDMENTS

2021—Pub. L. 117-81, div. A, title II, §215(b), title XVII, §1701(e)(3)(B), Dec. 27, 2021, 135 Stat. 1593, 2138, added items 4094 and 4121 and struck out former item 4121 “[Reserved]”, effective after the amendment made by Pub. L. 116-283, as amended by Pub. L. 117-81, see note below. See Codification note above as to item 4094.

Pub. L. 117-81, div. A, title XVII, §1701(u)(3)(A), Dec. 27, 2021, 135 Stat. 2152, amended Pub. L. 116-283, div. A, title XVIII, §1842(a), Jan. 1, 2021, 134 Stat. 4244, which added this analysis, by substituting chapter heading, items for subchapters I to III, and items 4061 to 4067, 4091 to 4093, and 4121 to 4126 for former chapter heading “INNOVATION” and items 4061 to 4066.

SUBCHAPTER I—GENERAL

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XVII, §1701(u)(3)(A), Dec. 27, 2021, 135 Stat. 2152, amended Pub. L. 116-283, div. A, title XVIII, §1842(a), Jan. 1, 2021, 134 Stat. 4244,

which added this chapter, by adding subchapter heading. Heading was editorially conformed to the style used in this title.

Statutory Notes and Related Subsidiaries

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 a an [sic] entity supported by the Department (which may include a company, academic consortium, or other entity).”

NATIONAL SECURITY INNOVATION ACTIVITIES

Pub. L. 115-232, div. A, title II, §230, Aug. 13, 2018, 132 Stat. 1689, as amended by Pub. L. 116-283, div. A, title II, §213(a), Jan. 1, 2021, 134 Stat. 3456, provided that:

“(a) ESTABLISHMENT.—The Under Secretary of Defense for Research and Engineering shall establish activities to develop interaction between the Department of Defense and the commercial technology industry and academia with regard to emerging hardware products and technologies with national security applications.

“(b) ELEMENTS.—The activities required by subsection (a) shall include the following:

“(1) Informing and encouraging private investment in specific hardware technologies of interest to future defense technology needs with unique national security applications.

“(2) Funding research and technology development in hardware-intensive capabilities that private industry has not sufficiently supported to meet rapidly emerging defense and national security needs.

“(3) Contributing to the development of policies, policy implementation, and actions to deter strategic acquisition of industrial and technical capabilities in the private sector by foreign entities that could potentially exclude companies from participating in the

¹ See Codification note below.