§ 4126. Use of federally funded research and development centers

(a) LIMITATION ON USE OF CENTERS.—Except as provided in subsection (b), the Secretary of Defense may not place work with a federally funded research and development center unless such work is within the purpose, mission, and general scope of effort of such center as established in the sponsoring agreement of the Department of Defense with such center.

(b) EXCEPTION FOR APPLIED SCIENTIFIC RESEARCH.—This section does not apply to a federally funded research and development center that performs applied scientific research under laboratory conditions.

(c) LIMITATION ON CREATION OF NEW CENTERS.—(1) The head of an agency may not obligate or expend amounts appropriated to the Department of Defense for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

(A) the head of the agency submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

(B) a period of 60 days beginning on the date such report is received by Congress has elapsed.

(2) In this subsection, the term “head of an agency” has the meaning given such term in section 3004 of this title.

(d) IDENTIFICATION TO CONGRESS OF FFRDC WORKLOAD EFFORT.—After the close of a fiscal year, and not later than January 1 of the next year, the Secretary shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report setting forth the actual obligations and the actual man-years of effort expended at each federally funded research and development center during that fiscal year.

the budget submitted for fiscal year 1994.

AMENDMENTS

2021—Pub. L. 116–283, § 1843(b)(1), which directed the renaming of section 2367 of this title as section 1417 instead of this section, was repealed by Pub. L. 117–81, § 1701(u)(5)(B), effective as if included therein, so that such renaming was no longer directed.


Subsec. (c)(2). Pub. L. 116–283, § 1883(b)(2), substituted “section 3004” for “section 2302(1)”. 2002—Subsec. (d). Pub. L. 107–314, § 1041(a)(12), struck out designations for pars. (1) and (2) and text of par. (1). Prior to amendment of this section by Pub. L. 104–106, documents provided to Congress by the Secretary of Defense in support of the budget submitted by the President under section 1105 of title 31 for any fiscal year, the Secretary shall set forth the proposed amount of the man-years of effort to be furnished by the Department of Defense for each federally funded research and development center for the fiscal year covered by that budget.

1999—Subsec. (d)(2). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives”.

1998—Subsec. (d)(2). Pub. L. 104–16 substituted “the Committees on Armed Services and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives” for “the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives”. 1996—Subsec. (d)(2). Pub. L. 104–16 substituted “the Committees on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives” for “the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives”.

1995—Subsec. (d)(2). Pub. L. 104–16 substituted “the Committees on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives” for “the Committee on Appropriations of the Senate and House of Representatives”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT


EFFECTIVE DATE OF 1991 AMENDMENT


“(A) Paragraph (1) of subsection (d) of section 2367 of title 10, United States Code [now 10 U.S.C. 4126], as added by paragraph (1), shall take effect with respect to the budget submitted for fiscal year 1994.

“(B) Paragraph (2) of such subsection shall take effect with respect to fiscal year 1992.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS


“(a) In general.—The Secretary of Defense shall carry out a pilot program on—

“(1) permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with the parent organizations of such federally funded research and development centers; and

“(2) appropriately protecting proprietary information from unauthorized disclosure or use by such centers.

“(b) FFRDCs.—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

“(c) FFRDC Personnel.—Sensitive information may be disclosed to personnel of a federally funded research and development center under the pilot program only if such personnel and contractors agree to and comply with, appropriate ethics standards and requirements applicable to Government personnel, including the Ethics in Government Act of 1978 [3 U.S.C. App.], section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

“(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and its parent organization agree to and acknowledge in the parent organization’s contract with the Department of Defense that—

“(1) sensitive information furnished to the federally funded research and development center will be accessed and used only for the purposes stated in the contract between the parent organization of the federally funded research and development center and the Department of Defense;

“(2) the federally funded research and development center will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

“(3) sensitive information furnished under the pilot program shall not be used by the federally funded research and development center participating in the pilot program may not disclose or use any trade secrets or any nonpublic information accessed under the pilot program, unless specifically authorized by this section;

“(e) DURATION.—(1) The pilot program may commence at any time after the review and issuance of policy guidance, updated appropriately, pertaining to the identification, mitigation, and prevention of potentially unfair competitive advantage conferred to federally funded research and development center personnel with access to sensitive information who serve as technical advisors to acquisition programs.

“(2) The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

“(f) ASSESSMENT.—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private intellectual property in the course of such activities.

“(g) SENSITIVE INFORMATION DEFINED.—In this section, the term ‘sensitive information’ means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned or used by contractors of the Department of Defense that is exempt from public disclosure under section 52(b)(4) of...
title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.”

CHAPTER 305—UNIVERSITIES

Sec. 4141. Award of grants and contracts to colleges and universities: requirement of competition.

4142. Extramural acquisition innovation and research activities.

4143. Research and development laboratories: contracts for services of university students.

4144. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.

Editorial Notes
CODIFICATION
Pub. L. 116–92, div. A, title XVII, §1843(a), Jan. 1, 2021, 134 Stat. 2441, initially enacted chapter 305 of this title, consisting of sections 4103, 4111, and 4112, which was to become effective Jan. 1, 2022. However, Pub. L. 117–81, div. A, title XVII, §1701(b)(4)(A), Dec. 27, 2021, 135 Stat. 2153, repealed section 1843(a), and enacted a new section 1844(a), of Pub. L. 116–283, effective as if included therein, which eliminated the initial chapter 305 and enacted the current one.

Statutory Notes and Related Subsidiaries
INFRASTRUCTURE TO SUPPORT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION MISSIONS

“(a) MASTER PLAN REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Secretaries of the military departments, shall develop and implement a master plan that addresses the research, development, test, and evaluation infrastructure and modernization requirements of the Department of Defense, including the science and technology reinvention laboratories and the facilities of the Major Range and Test Facility Base.

“(b) ELEMENTS.—The master plan required under subsection (a) shall include, with respect to the research, development, test, and evaluation infrastructure of the Department of Defense, the following:

“(1) A summary of deficiencies in the infrastructure, by location, and the effect of the deficiencies on the ability of the Department—

“(A) to meet current and future military requirements identified in the National Defense Strategy; 

“(B) to support science and technology development and acquisition programs; and

“(C) to recruit and train qualified personnel.

“(2) A summary of existing and emerging military research, development, test, and evaluation mission areas, by location, that require modernization investments in the infrastructure—

“(A) to improve operations in a manner that may benefit all users;

“(B) to enhance the overall capabilities of the research, development, test, and evaluation infrastructure, including facilities and resources; 

“(C) to improve safety for personnel and facilities; and

“(D) to reduce the long-term cost of operation and maintenance.

“(3) Identification of specific infrastructure projects that are required to address the infrastructure deficiencies identified under paragraph (1) or to support the existing and emerging mission areas identified under paragraph (2).

“(4) For each project identified under paragraph (3)——

“(A) a description of the scope of work; 

“(B) a cost estimate; 

“(C) a summary of the plan for the project; 

“(D) an explanation of the level of priority that will be given to the project; and

“(E) a schedule of required infrastructure investments.

“(5) A description of how the Department, including each military department concerned, will carry out the infrastructure projects identified in paragraph (3) using the range of authorities and methods available to the Department, including—

“(A) military construction authority under section 2802 of title 10, United States Code; 

“(B) unspecified minor military construction authority under section 2805(a) of such title; 

“(C) laboratory revitalization authority under section 2805(d) of such title;

“(D) the authority to carry out facility repair projects, including the conversion of existing facilities, under section 2811 of such title; 

“(E) the authority provided under the Defense Laboratory Modernization Pilot Program under section 2883 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2356 note (now 10 U.S.C. 4121 note prec.));

“(F) methods that leverage funding from entities outside the Department, including public-private partnerships, enhanced use leases and real property exchanges;

“(G) the authority to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation, under section 2831 of title 10, United States Code (now 10 U.S.C. 4175); and

“(H) any other authorities and methods determined to be appropriate by the Secretary of Defense.

“(6) Identification of any regulatory or policy barriers to the effective and efficient implementation of the master plan.

“(c) CONSULTATION AND COORDINATION.—In developing and implementing the plan required under subsection (a), the Secretary of Defense shall—

“(1) consult with existing and anticipated customers and users of the capabilities of the Major Range and Test Facility Base and science and technology reinvention laboratories;

“(2) ensure consistency with the science and technology roadmaps and strategies of the Department of Defense and the Armed Forces; and

“(3) ensure consistency with the strategic plan for test and evaluation resources required by section 196(d) of title 10, United States Code (now 10 U.S.C. 4173(d)).

“(d) SUBMITTAL TO CONGRESS.—Not later than January 1, 2023, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall submit to the congressional defense committees (Committees on Armed Services and Appropriations of the Senate and the House of Representatives) the master plan developed under subsection (a).

“(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION INFRASTRUCTURE DEFINED.—In this section, the term ‘research, development, test, and evaluation infrastructure’ means the infrastructure of—

“(1) the science and technology reinvention laboratories (as designated under section 4121(b) of title 10, United States Code); 

“(2) the Major Range and Test Facility Base (as defined in section 2804(a)(3) of title 10, United States Code (now 10 U.S.C. 4091(g)(3))); and

“(3) other facilities that support the research development, test, and evaluation activities of the Department.

PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE