

ority to technology producers that are small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), research institutions (as defined in section 9(e) of such Act [15 U.S.C. 638(e)]), or institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C 1001)).

“(c) TERMS OF AGREEMENTS.—The terms of an agreement under subsection (a) shall be determined by the Secretary of Defense.

“(d) DATA COLLECTION.—

“(1) PLAN REQUIRED BEFORE IMPLEMENTATION.—The Secretary of Defense may not enter into an agreement under subsection (a) until the date on which the Secretary—

“(A) completes a plan to for carrying out the data collection required under paragraph (2); and

“(B) submits the plan to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(2) DATA COLLECTION REQUIRED.—The Secretary of Defense shall collect and analyze data on the pilot program under this section for the purposes of—

“(A) developing and sharing best practices for facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense;

“(B) providing information to the leadership of the Department on the implementation of the pilot program and related policy issues; and

“(C) providing information to the congressional defense committees as required under subsection (e).

“(e) BRIEFING.—Not later than December 31, 2022, the Secretary of Defense shall provide to the congressional defense committees a briefing on the progress of the Secretary in implementing the pilot program under this section and any related policy issues.

“(f) CONSULTATION.—In carrying out the pilot program under this section, the Secretary of Defense shall consult with—

“(1) service acquisition executives (as defined in section 101 of title 10, United States Code);

“(2) the heads of appropriate Defense Agencies and Department of Defense Field Activities;

“(3) procurement technical assistance centers (as described in chapter 142 [see 10 U.S.C. 4951 et seq.] of title 10, United States Code); and

“(4) such other individuals and organizations as the Secretary determines appropriate.

“(g) TERMINATION.—The pilot program under this section shall terminate on the date that is five years after the date on which Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a).

“(h) COMPTROLLER GENERAL ASSESSMENT AND REPORT.—

“(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the pilot program under this section. The assessment shall include an evaluation of the effectiveness of the pilot program with respect to—

“(A) facilitating the transition of science and technology from the research, development, pilot, and prototyping phases into acquisition activities and operational use within the Department of Defense; and

“(B) protecting sensitive information in the course of the pilot program.

“(2) REPORT.—Not later than the date specified in paragraph (3), the Comptroller General shall submit to the congressional defense committees a report on the results of the assessment conducted under paragraph (1).

“(3) DATE SPECIFIED.—The date specified in this paragraph is the earlier of—

“(A) four years after the date on which the Secretary of Defense enters into the first agreement with a qualified private sector organization under subsection (a); or

“(B) five years after the date of the enactment of this Act [Dec. 27, 2021].”

PROOF OF CONCEPT COMMERCIALIZATION OF DUAL-USE TECHNOLOGY PILOT PROGRAM

Pub. L. 113–66, div. A, title XVI, §1603, Dec. 26, 2013, 127 Stat. 944, as amended by Pub. L. 113–291, div. A, title VIII, §818, Dec. 19, 2014, 128 Stat. 3432; Pub. L. 116–92, div. A, title II, §217, Dec. 20, 2019, 133 Stat. 1258, authorized the establishment and implementation of the Proof of Concept Commercialization of Dual-Use Technology Pilot Program with the purpose of accelerating commercialization of basic research innovations from certain institutions and provided that the program shall terminate on Sept. 30, 2024.

[§§ 4008, 4009. Omitted]

Editorial Notes

CODIFICATION

As enacted, Pub. L. 116–283, div. A, title XVIII, §1841(c), Jan. 1, 2021, 134 Stat. 4243, originally transferred sections 2374 and 2357 of this title to sections 4008 and 4009, respectively, to become effective Jan. 1, 2022. Subsequently, Pub. L. 117–81, div. A, title XVII, §1701(u)(2)(D), Dec. 27, 2021, 135 Stat. 2151, amended section 1841(c) of Pub. L. 116–283, effective as if included therein, so as to eliminate those transfers, thereby omitting these sections before they took effect. Other amendments by Pub. L. 117–81 resulted in transfers of sections 2374 and 2357 to sections 4024 and 4067 of this title, respectively.

Pub. L. 117–81, div. A, title XVII, §1701(d)(7), Dec. 27, 2021, 135 Stat. 2136, which directed amendment of section 4008 of this title by substituting “section 3063” for “section 2303(a)” in subsecs. (a) and (d), effective after the amendments by title XVIII of Pub. L. 116–283 took effect, could not be executed after the amendment by section 1701(u)(2)(D) of Pub. L. 117–81, which eliminated the transfer of section 2374 of this title to section 4008, effective as if included in title XVIII of Pub. L. 116–283.

§ 4010. Defense Established Program to Stimulate Competitive Research

(a) PROGRAM REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall carry out a Defense Established Program to Stimulate Competitive Research (DEPSCoR) as part of the university research programs of the Department of Defense.

(b) PROGRAM OBJECTIVES.—The objectives of the program are as follows:

(1) To increase the number of university researchers in eligible States capable of performing science and engineering research responsive to the needs of the Department of Defense.

(2) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is relevant to the mission of the Department of Defense and competitive under the peer-review systems used for awarding Federal research assistance.

(3) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.

(c) PROGRAM ACTIVITIES.—In order to achieve the program objectives, the following activities are authorized under the program:

(1) Competitive award of grants for research and instrumentation to support such research.

(2) Competitive award of financial assistance for graduate students.

(3) To provide assistance to science and engineering researchers at institutions of higher education in eligible States through collaboration between Department of Defense laboratories and such researchers.

(4) Any other activities that are determined necessary to further the achievement of the objectives of the program.

(d) ELIGIBLE STATES.—(1) The Under Secretary of Defense for Research and Engineering shall designate which States are eligible States for the purposes of this section.

(2) The Under Secretary shall designate a State as an eligible State if, as determined by the Under Secretary—

(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be; and

(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs in areas relevant to the mission of the Department of Defense at institutions of higher education in the State.

(3) The Under Secretary shall not remove a designation of a State under paragraph (2) because the State exceeds the funding levels specified under subparagraph (A) of such paragraph unless the State has exceeded such funding levels for at least two consecutive years.

(e) COORDINATION WITH SIMILAR FEDERAL PROGRAMS.—(1) The Secretary may consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of the program and may coordinate the program with the Established Program to Stimulate Competitive Research conducted by the National Science Foundation and with similar programs sponsored by other departments and agencies of the Federal Government.

(2) All solicitations under the Defense Established Program to Stimulate Competitive Research may be made to, and all awards may be made through, the State committees established for purposes of the Established Program to Stimulate Competitive Research conducted by the National Science Foundation.

(3) A State committee referred to in paragraph (2) shall ensure that activities carried out in the

State of that committee under the Defense Established Program to Stimulate Competitive Research are relevant to the mission of the Department of Defense and coordinated with the activities carried out in the State under other similar initiatives of the Federal Government to stimulate competitive research.

(f) STATE DEFINED.—In this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Added Pub. L. 117–81, div. A, title II, §214(a), Dec. 27, 2021, 135 Stat. 1589.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 117–81, div. A, title II, §214(d), Dec. 27, 2021, 135 Stat. 1591, provided that: “This section [enacting this section and repealing provisions set out as notes under section 2358 of this title] and the amendments and repeals made by this section shall take effect immediately after the effective date of the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) [Jan. 1, 2022].”

#### § 4014. 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.