

2433(e)(2) was transferred to section 4375(b) of this title by Pub. L. 116-283.

Subsec. (j). Pub. L. 117-81, § 1701(d)(9)(B), substituted “sections 3201 through 3205” for “chapter 137”.

Subsec. (k)(2). Pub. L. 117-81, § 1701(d)(9)(C), which directed that “(as defined in section 2302(5) of this title)” be struck out, was executed by striking out “(as defined in section 3041 of this title)” before period at end to reflect the probable intent of Congress and the intervening amendment by Pub. L. 116-283, § 1883(b)(2). See note below.

Pub. L. 116-283, § 1883(b)(2), substituted “section 3041” for “section 2302(5)”.

2019—Subsecs. (a)(1), (l)(1). Pub. L. 116-92 substituted “Under Secretary of Defense for Research and Engineering” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

2016—Subsec. (a)(2). Pub. L. 114-328, § 828(a), substituted “system, or system-of-systems level of an existing Department of Defense acquisition program, or to address any broader functional challenge to Department of Defense missions that may not fall within an acquisition program, that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program or function.” for “or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program.”

Subsec. (c)(3). Pub. L. 114-328, § 828(d)(1), inserted “or functions” after “acquisition programs”.

Subsec. (c)(4)(A)(iii). Pub. L. 114-328, § 828(d)(2), added cl. (iii).

Subsec. (c)(5)(B). Pub. L. 114-328, § 828(d)(4), substituted “system, or system-of-systems” for “or system”.

Subsec. (c)(5)(D). Pub. L. 114-328, § 828(d)(3), added subpar. (D).

Subsec. (e)(1). Pub. L. 114-328, § 828(d)(4), substituted “system, or system-of-systems” for “or system”.

Subsec. (j). Pub. L. 114-328, § 828(b)(2), added subsec. (j). Former subsec. (j) redesignated (k).

Subsecs. (k), (l). Pub. L. 114-328, § 828(b)(1), redesignated subsecs. (j) and (k) as (k) and (l), respectively.

Subsec. (l)(5). Pub. L. 114-328, § 828(c), substituted “2021” for “2016”.

2014—Subsec. (k)(4)(A). Pub. L. 113-291 substituted “section 110 of title 41” for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)”.

2013—Subsec. (k)(4)(B). Pub. L. 113-66 inserted period at end.

Subsec. (k)(5). Pub. L. 112-239 substituted “January 7, 2016” for “the date that is five years after the date of the enactment of this Act”.

2011—Subsecs. (j) to (l). Pub. L. 111-383 redesignated subsec. (l) as (j), added subsec. (k), and struck out former subsecs. (j) and (k) which related to annual report and termination of authority, respectively.

2008—Subsec. (l). Pub. L. 110-417 added subsec. (l).

2006—Subsec. (c)(4), (5). Pub. L. 109-364, § 213(b)(1), added par. (4) and redesignated former par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (c)(6). Pub. L. 109-364, § 213(b)(1)(A), (d), redesignated par. (5) as (6) and amended it generally. Prior to amendment, par. (6) read as follows: “The Under Secretary may establish procedures to ensure that the Challenge Program does not become an avenue for the repetitive submission of proposals that have been previously reviewed and found not to have merit.” Former par. (6) redesignated (7).

Subsec. (c)(7). Pub. L. 109-364, § 213(b)(1)(A), (g)(1), redesignated par. (6) as (7) and substituted “paragraph (5)” for “paragraph (4)”.

Subsec. (d)(1). Pub. L. 109-364, § 213(g)(2), substituted “subsection (c)(7)” for “subsection (c)(6)”.

Subsec. (d)(2). Pub. L. 109-364, § 213(g)(3), substituted “subsection (c)(5)” for “subsection (c)(4)” in introductory provisions.

Subsec. (e)(1). Pub. L. 109-364, § 213(g)(4), substituted “subsection (c)(5)” for “subsection (c)(4)”.

Subsec. (e)(3). Pub. L. 109-364, § 213(b)(2), added par. (3).

Subsecs. (f), (g). Pub. L. 109-364, § 213(b)(3), added subsec. (f) and redesignated former subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 109-364, § 213(b)(3)(A), (e), redesignated subsec. (g) as (h), substituted “Conflicts of Interest and Confidentiality” for “Elimination of Conflicts of Interest” in heading, substituted “conflicts of interest and that the identity of any person or activity submitting a challenge proposal is not disclosed outside the Federal Government, prior to contract award, without the consent of the person or activity” for “conflicts of interest”, and inserted at end “For purposes of the preceding sentence, the term ‘Federal Government’ includes both employees of the Federal Government and employees of Federal Government contractors providing advisory and assistance services as described in part 37 of the Federal Acquisition Regulation.” Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 109-364, § 213(b)(3)(A), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 109-364, § 213(b)(3)(A), (4), redesignated subsec. (i) as (j) and substituted “The report shall also include a list of each challenge proposal that was determined by a Panel to satisfy each of the criteria specified in subsection (c)(5), but was not determined under a full review and evaluation to satisfy such criteria, together with a detailed rationale for the Department’s determination that such criteria were not satisfied” for “No report is required for a fiscal year in which the Challenge Program is not carried out”. Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 109-364, § 213(b)(3)(A), (f), redesignated subsec. (j) as (k) and substituted “2012” for “2007”.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(d)(9) of Pub. L. 117-81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283 have taken effect, see section 1701(a)(3) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1701(q)(1), (u)(3)(B) of Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and Effective Date note below.

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.

### [[§ 4063 to 4065. Omitted]]

## Editorial Notes

### CODIFICATION

As enacted, Pub. L. 116-283, div. A, title XVIII, § 1842(b), Jan. 1, 2021, 134 Stat. 4244, originally transferred sections 2361a, 2358b, and 2374a of this title to sections 4063 to 4065, respectively, to become effective Jan. 1, 2022. Subsequently, Pub. L. 117-81, div. A, title XVII, § 1701(q)(1), (u)(3)(B), Dec. 27, 2021, 135 Stat. 2148, 2152, amended section 1842(b) 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 2361a, 2358b, and 2374a to sections 4142, 1766, and 4025 of this title, respectively.

## § 4066. 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, 2035.

(Added Pub. L. 108–136, div. A, title II, § 231(a), Nov. 24, 2003, 117 Stat. 1421, § 2365; amended Pub. L. 109–364, div. A, title II, § 232, Oct. 17, 2006, 120 Stat. 2134; Pub. L. 111–84, div. A, title II, § 211, Oct. 28, 2009, 123 Stat. 2225; Pub. L. 111–383, div.

A, title IX, § 901(j)(3), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 112–239, div. A, title X, § 1076(c)(2)(B), Jan. 2, 2013, 126 Stat. 1950; Pub. L. 114–92, div. A, title II, § 215, Nov. 25, 2015, 129 Stat. 769; Pub. L. 116–92, div. A, title II, § 266, Dec. 20, 2019, 133 Stat. 1301; renumbered § 4066, Pub. L. 116–283, div. A, title XVIII, § 1842(b), Jan. 1, 2021, 134 Stat. 4244; Pub. L. 117–81, div. A, title XVII, § 1701(q)(1), (u)(3)(B), Dec. 27, 2021, 135 Stat. 2148, 2152; Pub. L. 118–159, div. A, title II, § 214, Dec. 23, 2024, 138 Stat. 1824.)

## Editorial Notes

### AMENDMENTS

2024—Subsec. (f). Pub. L. 118–159 substituted “September 30, 2035” for “September 30, 2025”.

2021—Pub. L. 116–283, § 1842(b), as amended by Pub. L. 117–81, § 1701(q)(1), (u)(3)(B), renumbered section 2365 of this title as this section.

2019—Subsec. (a). Pub. L. 116–92, § 266(1), substituted “Under Secretary of Defense for Research and Engineering” for “Assistant Secretary of Defense for Research and Engineering”.

Subsec. (d)(1). Pub. L. 116–92, § 266(3), substituted “Under Secretary” for “Assistant Secretary”.

Subsec. (d)(2). Pub. L. 116–92, § 266(1), (3), substituted “Under Secretary of Defense for Research and Engineering” for “Assistant Secretary of Defense for Research and Engineering” and “Under Secretary” for “Assistant Secretary”.

Subsec. (d)(3)(A). Pub. L. 116–92, § 266(2), substituted “Under Secretary of Defense for Research and Engineering” for “Assistant Secretary”.

Subsec. (e). Pub. L. 116–92, § 266(2), substituted “Under Secretary of Defense for Research and Engineering” for “Assistant Secretary”.

2015—Subsec. (b)(1), (2). Pub. L. 114–92, § 215(1), inserted “and private sector persons” after “foreign nations”.

Subsec. (f). Pub. L. 114–92, § 215(2), substituted “September 30, 2025” for “September 30, 2015”.

2013—Subsec. (a). Pub. L. 112–239, § 1076(c)(2)(B)(i), inserted “of Defense for Research and Engineering” after “The Assistant Secretary”.

Subsec. (d)(3)(A). Pub. L. 112–239, § 1076(c)(2)(B)(ii), substituted “Assistant Secretary” for “Director”.

2011—Subsec. (a). Pub. L. 111–383, § 901(j)(3)(A), substituted “Assistant Secretary” for “Director of Defense Research and Engineering”.

Subsec. (d)(1). Pub. L. 111–383, § 901(j)(3)(B), substituted “Assistant Secretary” for “Director”.

Subsec. (d)(2). Pub. L. 111–383, § 901(j)(3)(C), substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering” and “Assistant Secretary may” for “Director may”.

Subsec. (e). Pub. L. 111–383, § 901(j)(3)(D), substituted “Assistant Secretary” for “Director”.

2009—Subsec. (d)(3). Pub. L. 111–84, § 211(a), added par. (3).

Subsec. (f). Pub. L. 111–84, § 211(b), substituted “2015” for “2011”.

2006—Subsec. (f). Pub. L. 109–364 substituted “2011” for “2006”.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

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 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

**§ 4067. Technology protection features activities**

(a) **ACTIVITIES.**—The Secretary of Defense shall carry out activities to develop and incorporate technology protection features in a designated system to increase ally and partner military capability or improve coalition interoperability.

(b) **COST-SHARING.**—(1) Any contract for the design or development of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system, either for the development of program protection strategies for the system or the design and incorporation of exportability features into the system, shall include a cost-sharing provision that requires the contractor to bear half of the cost of such activities, or such other portion of such cost as the Secretary considers appropriate upon showing of good cause.

(2) Any contract for the design or development of an exportability feature of a system resulting from activities under subsection (a) for the purpose of enhancing or enabling the exportability of the system shall include a cost-sharing provision that requires the contractor to bear half of the cost of such activities, or such other portion of such cost as the Secretary considers appropriate upon showing of good cause.

(3) The Secretary may deem the portion of the costs of the contractor described in paragraph (1) or (2) with respect to a designated system or exportability feature as allowable independent research and development costs under the regulations issued under section 3762 of this title if—

(A) in the case of a designated system, the designated system receives Milestone B approval; and

(B) the Secretary determines that doing so would further the purposes of this section.

(c) **DEFINITIONS.**—In this section:

(1) The term “designated system” means any system (including a major system, as defined in section 3041 of title 10, United States Code) that the Under Secretary of Defense for Acquisition and Sustainment designates for purposes of this section.

(2) The term “independent research and development costs” has the meaning given the term in section 31.205-18 of title 48, Code of Federal Regulations.

(3) The term “Milestone B approval” has the meaning given the term in section 4172(e)(7) of this title.

(4) The term “technology protection features” means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.

(Added Pub. L. 115-232, div. A, title II, §223(a), Aug. 13, 2018, 132 Stat. 1682, §2357; renumbered

§ 4067 and amended Pub. L. 116-283, div. A, title XVIII, §§ 1841(c), 1842(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4243, 4244, 4294; Pub. L. 117-81, div. A, title VIII, §831(a), title XVII, §1701(u)(2)(D), (3)(B), Dec. 27, 2021, 135 Stat. 1832, 2151, 2152; Pub. L. 118-159, div. A, title II, §215, Dec. 23, 2024, 138 Stat. 1824.)

**Editorial Notes**

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-159, §215(a), substituted “to increase ally and partner military capability or improve coalition interoperability” for “during the research and development phase of such system”.

Subsec. (b)(2). Pub. L. 118-159, §215(b)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 118-159, §215(b)(1), (3)(A), (B), redesignated par. (2) as (3) and inserted “or (2)” after “paragraph (1)” and “or exportability feature” after “with respect to a designated system” in introductory provisions.

Subsec. (b)(3)(A). Pub. L. 118-159, §215(b)(3)(C), inserted “in the case of a designated system,” before “the”.

2021—Pub. L. 116-283, §1842(b), as amended by Pub. L. 117-81, §1701(u)(3)(B), renumbered section 2357 of this title as this section.

Pub. L. 116-283, §1841(c), which directed the renumbering of section 2357 of this title as section 4009 instead of this section, was amended generally by Pub. L. 117-81, §1701(u)(2)(D), effective as if included therein, so that such transfer was no longer directed.

Subsec. (b). Pub. L. 117-81, §831(a)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(2). Pub. L. 116-283, §1883(b)(2), substituted “section 3762” for “section 2372” in introductory provisions.

Subsec. (c)(1). Pub. L. 116-283, §1883(b)(2), substituted “section 3041” for “section 2302(5)”.

Subsec. (c)(2). Pub. L. 117-81, §831(a)(2)(B), added par. (2). Former par. (2) redesignated (4).

Subsec. (c)(3). Pub. L. 116-283, §1883(b)(2), substituted “section 4172(e)(7)” for “section 2366(e)(7)”.

Pub. L. 117-81, §831(a)(2)(B), added par. (3).

Subsec. (c)(4). Pub. L. 117-81, §831(a)(2)(A), redesignated par. (2) as (4).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.

CONFORMING REGULATIONS

Pub. L. 117-81, div. A, title VIII, §831(b), Dec. 27, 2021, 135 Stat. 1832, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2357 of title 10, United States Code [now 10 U.S.C. 4067], as amended by subsection (a).”

UPDATED GUIDANCE ON PLANNING FOR EXPORTABILITY FEATURES FOR FUTURE PROGRAMS

Pub. L. 118-31, div. A, title VIII, §810, Dec. 22, 2023, 137 Stat. 321, as amended by Pub. L. 118-159, div. A, title VIII, §804(c)(5), Dec. 23, 2024, 138 Stat. 1969, provided that: