

(2) that appropriate personnel of such facilities are assigned to serve as consultants on component and support system standardization;

(3) that the managers of such facilities have broad latitude to choose research and development projects based on awareness of activities throughout the technology domain, including within the Federal Government, the Department of Defense, public and private research institutions and universities, and the global commercial marketplace;

(4) that technology position and issue papers prepared by Defense research facilities are readily available to all components of the Department of Defense and to contractors who submit bids or proposals for Department of Defense contracts;

(5) that, in order to promote increased consideration of technological issues early in the development process, any technological assessment made by a Defense research facility shall be provided to the Defense Technical Information Center repository to support acquisition decisions; and

(6) that, in light of Defense research facilities being funded by the public, Defense research facilities are broadly authorized and encouraged to support national technological development goals and support technological missions of other departments and agencies of the Federal Government, when such support is determined by the Secretary of Defense to be in the best interests of the Federal Government.

(b) **DEFINITIONS.**—In this section, the term “Defense research facility” means a Department of Defense facility which performs or contracts for the performance of—

(1) basic research; or

(2) applied research known as exploratory development.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1843(b)(2), as added Pub. L. 117–81, div. A, title XVII, §1701(u)(4)(A), Dec. 27, 2021, 135 Stat. 2153.)

CODIFICATION

The text of subsecs. (b) and (c) of section 2364 of this title, which were transferred to this section and redesignated as subsecs. (a) and (b), respectively, by Pub. L. 116–283, §1843(b)(2), was based on Pub. L. 99–661, div. A, title II, §234(c)(1), Nov. 14, 1986, 100 Stat. 3848; Pub. L. 100–26, §§3(1)(A), 7(a)(9), Apr. 21, 1987, 101 Stat. 273, 278; Pub. L. 100–180, div. A, title XII, §1231(10)(A), Dec. 4, 1987, 101 Stat. 1160; Pub. L. 104–106, div. A, title VIII, §805, Feb. 10, 1996, 110 Stat. 390; Pub. L. 113–291, div. A, title II, §213, Dec. 19, 2014, 128 Stat. 3325; Pub. L. 114–92, div. A, title II, §214(a)(2), Nov. 25, 2015, 129 Stat. 768; Pub. L. 116–283, div. A, title XVIII, §1844(d), Jan. 1, 2021, 134 Stat. 4246; Pub. L. 117–81, div. A, title XVII, §1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 2154.

AMENDMENTS

2021—Subsecs. (a), (b). Pub. L. 116–283, §1843(b)(2), as added by Pub. L. 117–81, §1701(u)(4)(A), transferred subsecs. (b) and (c) of section 2364 of this title to this section and redesignated them as subsecs. (a) and (b), respectively.

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 Effective Date note below.

EFFECTIVE DATE

Section and 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 an Effective Date of 2021 Amendment note preceding section 3001 of this title.

SPECIFICATION OF CERTAIN DUTIES OF THE DEFENSE TECHNICAL INFORMATION CENTER

Pub. L. 115–232, div. A, title IX, §905, Aug. 13, 2018, 132 Stat. 1922, as amended by Pub. L. 116–283, div. A, title XVIII, §1842(c)(2), Jan. 1, 2021, 134 Stat. 4244, provided that:

“(a) **IN GENERAL.**—In addition to any other duties specified for the Defense Technical Information Center by law, regulation, or Department of Defense directive or instruction, the duties of the Center shall include the following:

“(1) To execute the Global Research Watch Program under section 4066 of title 10, United States Code.

“(2) To develop and maintain datasets and other data repositories on research and engineering activities being conducted within the Department.

“(b) **ACTION PLAN.**—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan of action for the commencement by the Defense Technical Information Center of the duties specified in subsection (a).”

COORDINATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY RESEARCH AND DEVELOPMENT

Pub. L. 100–180, div. A, title II, §218(b)(2), Dec. 4, 1987, 101 Stat. 1053, as amended by Pub. L. 100–418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 103–160, div. A, title IX, §904(f), Nov. 30, 1993, 107 Stat. 1729; Pub. L. 106–65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, provided that: “The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

“(A) coordinate the research and development activities of the Department of Defense relating to high-temperature superconductivity; and

“(B) ensure that such research and development—

“(i) is carried out in coordination with the high-temperature superconductivity research and development activities of the Department of Energy (including the national laboratories of the Department of Energy), the National Science Foundation, the National Institute of Standards and Technology, and the National Aeronautics and Space Administration; and

“(ii) complements rather than duplicates such activities.”

§ 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.

(Added Pub. L. 99-500, § 101(c) [title X, § 912(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-146, and Pub. L. 99-591, § 101(c) [title X, § 912(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-146, § 2367; Pub. L. 99-661, div. A, title IX, formerly title IV, § 912(a)(1), Nov. 14, 1986, 100 Stat. 3925, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 102-190, div. A, title II, § 256(a)(1), Dec. 5, 1991, 105 Stat. 1330; Pub. L. 104-106, div. A, title XV, § 1502(a)(9), Feb. 10, 1996, 110 Stat. 503; Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-314, div. A, title X, § 1041(a)(12), Dec. 2, 2002, 116 Stat. 2645; renumbered § 4126, Pub. L. 116-283, div. A, title XVIII, § 1843(b)(1), as added Pub. L. 117-81, div. A, title XVII, § 1701(u)(4)(A), Dec. 27, 2021, 135 Stat. 2153; Pub. L. 116-283, div. A, title XVIII, §§ 1844(b)(1), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4245, 4294; Pub. L. 117-81, div. A, title XVII, § 1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 2154.)

Editorial Notes

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 added identical sections.

AMENDMENTS

2021—Pub. L. 116-283, § 1844(b)(1), which directed the renumbering of section 2367 of this title as section 4147 instead of this section, was repealed by Pub. L. 117-81, § 1701(u)(5)(B), effective as if included therein, so that such renumbering was no longer directed.

Pub. L. 116-283, § 1843(b)(1), as added by Pub. L. 117-81, § 1701(u)(4)(A), renumbered section 2367 of this title as this section.

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 par. (1) read as follows: “In the 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 funded 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 “and the Committee on National Security”.

1996—Subsec. (d)(2). Pub. L. 104-106 substituted “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the” for “the Committees on Armed Services and the Committees on Appropriations of the Senate and”.

1991—Subsec. (d). Pub. L. 102-190 added subsec. (d).

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 1991 AMENDMENT

Pub. L. 102-190, div. A, title II, § 256(a)(2), Dec. 5, 1991, 105 Stat. 1330, provided that:

“(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

Pub. L. 114-328, div. A, title II, § 235, Dec. 23, 2016, 130 Stat. 2064, provided that:

“(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 be subject to,

and comply with, appropriate ethics standards and requirements applicable to Government personnel, including the Ethics in Government Act of 1978 [see 5 U.S.C. 13101 et seq.], 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 or parent organization to compete against a third party for a Government or non-Government contract or funding, or to support other current or future research or technology development activities performed by the federally funded research and development center; and

“(4) any personnel of a 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 Committees 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-sector 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 by other contractors of the Department of Defense that is exempt from public disclosure under section 552(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.

Sec.

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

Editorial Notes

CODIFICATION

Pub. L. 116-283, div. A, title XVIII, §1843(a), Jan. 1, 2021, 134 Stat. 4244, 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(u)(4)(A), (5)(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

Pub. L. 116-92, div. A, title II, §252, Dec. 20, 2019, 133 Stat. 1285, as amended by Pub. L. 117-81, div. A, title II, §215(d)(9), Dec. 27, 2021, 135 Stat. 1594, provided that:

“(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—