

that the requirements of this section are applied to research and development and procurement activities, including for the delivery of services, established through any means including those under section 2358(b) of title 10, United States Code [now 10 U.S.C. 4001(b)].

“(d) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that sufficient resources, including subject matter expertise, are allocated to execute the functions necessary to carry out this section, including the assessment, mitigation, contract administration, and oversight functions.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or modify any other procurement policy, procedure, requirement, or restriction provided by law, including section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by the Foreign Interference Risk Review Modernization Act of 2018 (subtitle A of title XVII of Public Law 115-232).

“(f) AVAILABILITY OF BENEFICIAL OWNERSHIP DATA.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process to update systems of record to improve the assessment and mitigation of risks associated with FOCI through the inclusion and updating of all appropriate associated uniquely identifying information about the contracts and contractors and subcontracts and subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS), administered by the General Services Administration, and the Commercial and Government Entity (CAGE) database, administered by the Defense Logistics Agency.

“(2) LIMITED AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the information required to be disclosed pursuant to this section is—

“(A) not made public;

“(B) made available via the FAPIIS and CAGE databases; and

“(C) made available to appropriate government departments or agencies.”

§ 4820. National technology and industrial base plans, policy, and guidance

(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations requiring consideration of the national technology and industrial base, in accordance with the strategy required by section 4811 of this title, in the development and implementation of acquisition plans for each major defense acquisition program.

(b) ACQUISITION POLICY AND GUIDANCE.—The Secretary of Defense shall develop and promulgate acquisition policy and guidance to the service acquisition executives, the heads of the appropriate Defense Agencies and Department of Defense Field Activities, and relevant program managers. Such policy and guidance shall be germane to the use of the research and development, manufacturing, and production capabilities identified pursuant to chapters 381 through 385 and chapter 389 of this title and the technologies, companies, laboratories, and factories in specific Department of Defense research and development, international cooperative research, procurement, and sustainment activities.

(Added Pub. L. 102-484, div. D, title XLII, §4216(b)(1), Oct. 23, 1992, 106 Stat. 2669, §2440; amended Pub. L. 109-364, div. A, title X, §1071(a)(17), Oct. 17, 2006, 120 Stat. 2399; Pub. L. 112-239, div. A, title XVI, §1603(c), Jan. 2, 2013, 126 Stat. 2063; Pub. L. 116-283, div. A, title VIII,

§ 846(b)(1), title XVIII, § 1847(b)(2)(A), Jan. 1, 2021, 134 Stat. 3768, 4253; renumbered § 4820 and amended Pub. L. 117-81, div. A, title XVII, § 1701(s)(1)(A), (2)(A), (C), Dec. 27, 2021, 135 Stat. 2149; Pub. L. 118-31, div. A, title XVIII, § 1801(a)(36), Dec. 22, 2023, 137 Stat. 685.)

Editorial Notes

CODIFICATION

Amendments made by section 1701(s)(2)(A), (C) of Pub. L. 117-81 were directed to the Code directly, but probably should have been directed to title XVIII of Pub. L. 116-283 in line with other amendments made by section 1701 of Pub. L. 117-81 that were effective as if included in that title.

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31 substituted “chapters 381 through 385 and chapter 389 of this title” for “subchapters 381 through 385 and subchapter 389 of this title”.

2021—Pub. L. 117-81, §1701(s)(2)(A), renumbered section 2440 of this title as this section. See Codification note above.

Pub. L. 116-283, §1847(b)(2)(A), which directed transfer of the text of section 2440 of this title to section 4211(c)(3) of this title instead of this section, was repealed by Pub. L. 117-81, §1701(s)(1)(A).

Pub. L. 116-283, §846(b)(1)(B), (C), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 116-283, §846(b)(1)(A), amended section catchline generally. Prior to amendment, section catchline read as follows: “Technology and industrial base plans”.

Subsec. (a). Pub. L. 117-81, §1701(s)(2)(C)(i), substituted “section 4811” for “section 2501”. See Codification note above.

Subsec. (b). Pub. L. 117-81, §1701(s)(2)(C)(ii), substituted “subchapters 381 through 385 and subchapter 389” for “chapter 148”. See Codification note above.

2013—Pub. L. 112-239 inserted “, in accordance with the strategy required by section 2501 of this title,” after “base”.

2006—Pub. L. 109-364 substituted “industrial base plans” for “Industrial Base Plans” in section catchline.

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 section 1847(b)(2)(A) of 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.

CHAPTER 383—DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

- Sec. 4831. Defense dual-use critical technology program.
- 4832. Encouragement of technology transfer.
- 4833. Federal Defense Laboratory Diversification Program.
- 4834. Overseas foreign critical technology monitoring and assessment financial assistance program.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 383 “LOAN GUARANTEE PROGRAMS”, consisting of reserved section 4861, was re-