

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 subssecs. (b) and (c) of section 2364 of this title, which were transferred to this section and redesignated as subssecs. (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 subssecs. (b) and (c) of section 2364 of this title to this section and redesignated them as subssecs. (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.”

#### § 4127. Defense innovation unit<sup>1</sup>

(a) ESTABLISHMENT.—There is established in the Department of Defense a Defense Innovation Unit (referred to in this section as the “Unit”).

(b) DIRECTOR AND DEPUTY DIRECTOR.—There is a Director of the Unit who shall be appointed by the Secretary of Defense from among persons with substantial experience in innovation and commercial technology, as determined by the Secretary.

(c) AUTHORITY OF DIRECTOR.—The Director is the head of the Unit. The Director—

(1) shall serve as a principal staff assistant to the Secretary of Defense on matters within the responsibility of the Unit;

(2) shall report directly to the Secretary without intervening authority; and

(3) may communicate views on matters within the responsibility of the Unit directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

(d) RESPONSIBILITIES.—The Unit shall have the following responsibilities:

(1) Seek out, identify, and support development of and experimentation with commercial technologies that have the potential to be implemented within the Department of Defense.

(2) Accelerate the adoption or integration of commercial technologies within the Department of Defense to transform military capacity and capabilities.

(3) Serve as the principal liaison between the Department of Defense and individuals and entities in the national security innovation base,

including entrepreneurs, startups, commercial technology companies, and venture capital sources.

(4) Carry out programs, projects, and other activities to strengthen the national security innovation base.

(5) Coordinate and harmonize the activities of other organizations and elements of the Department of Defense on matters relating to commercial technologies, dual use technologies, and the innovation of such technologies.

(6) Coordinate and advise efforts among elements of the Department of Defense on matters relating to the development, procurement, and fielding of nontraditional capabilities.

(7) Coordinate with the Joint Staff and the commanders of the combatant commands to identify operational challenges that have the potential to be addressed through the use of nontraditional capabilities, including dual-use technologies, that are being developed and financed in the commercial sector.

(8) Using funds made available to the Unit—

(A) select projects to be carried out by one or more of the service-level innovation organizations;

(B) allocate funds to service-level innovation organizations to carry out such projects; and

(C) monitor the execution of such projects by the service-level innovation organizations.

(9) Serve as the principal liaison between the Department of Defense, nontraditional defense contractors, investors in nontraditional defense companies, and departments and agencies of the Federal Government pursuing<sup>2</sup> nontraditional capabilities similar to those pursued by the Department.

(10) Lead engagement with industry, academia, and other nongovernment entities to develop—

(A) domestic capacity with respect to innovative, commercial, and dual-use technologies and the use of nontraditional defense contractors; and

(B) the capacity of international allies and partners of the United States with respect to such technologies and the use of such contractors.

(11) Carry out such other activities as the Secretary of Defense determines appropriate.

(e) SUPPORT FOR MULTI-STAKEHOLDER PARTNERSHIPS.—

(1) The Director shall identify and support multi-stakeholder research and innovation partnerships that—

(A) have the potential to generate technologies, processes, products, or other solutions that address national defense or security needs; and

(B) have as an objective the technology transfer or commercialization of the work product generated by the partnership, which may include work product that incorporates Government-developed intellectual property

<sup>1</sup>So in original. Probably should be “Defense Innovation Unit”.

<sup>2</sup>So in original. Probably should be “pursuing”.