

FY2019 NDAA

John S. McCain National Defense Authorization Act for Fiscal Year 2019

Defense Exportability (Excerpt)

SEC. 223. PERMANENT EXTENSION AND CODIFICATION OF AUTHORITY TO CONDUCT TECHNOLOGY PROTECTION FEATURES ACTIVITIES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) IN GENERAL.—Chapter 139 of title 10, United States Code,

is amended by inserting before section 2358 the following new section:

“§ 2357. 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 during the research and development phase of such system.

“(b) COST-SHARING.—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.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘designated system’ means any system (including a major system, as defined in section 2302(5) 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 ‘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.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by inserting before the item relating to section 2358 the following new item:

“2357. Technology protection features activities.”.

(c) CONFORMING REPEAL.—Section 243 of the Ike Skelton National

Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2358 note) is repealed.