

[§ 2357. Repealed. Pub. L. 101-510, div. A, title XIII, § 1301(11), Nov. 5, 1990, 104 Stat. 1668]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 135, required Secretary of each military department to report to Congress on contracts for research and development.

§ 2358. Research and development projects

(a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department may engage in basic research, applied research, advanced research, and development projects that—

(1) are necessary to the responsibilities of such Secretary's department in the field of research and development; and

(2) either—

(A) relate to weapon systems and other military needs; or

(B) are of potential interest to the Department of Defense.

(b) **AUTHORIZED MEANS.**—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

(1) by contract, cooperative agreement, or grant, in accordance with chapter 63 of title 31;

(2) through one or more military departments;

(3) by using employees and consultants of the Department of Defense; or

(4) by mutual agreement with the head of any other department or agency of the Federal Government.

(c) **REQUIREMENT OF POTENTIAL DEPARTMENT OF DEFENSE INTEREST.**—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.

(d) **ADDITIONAL PROVISIONS APPLICABLE TO COOPERATIVE AGREEMENTS.**—Additional authorities, conditions, and requirements relating to certain cooperative agreements authorized by this section are provided in sections 2371 and 2371a of this title.

(Added Pub. L. 87-651, title II, § 208(a), Sept. 7, 1962, 76 Stat. 523; amended Pub. L. 97-86, title IX, § 910, Dec. 1, 1981, 95 Stat. 1120; Pub. L. 100-370, § 1(g)(3), July 19, 1988, 102 Stat. 846; Pub. L. 103-160, div. A, title VIII, § 827(a), Nov. 30, 1993, 107 Stat. 1712; Pub. L. 103-355, title I, § 1301(a), Oct. 13, 1994, 108 Stat. 3284; Pub. L. 104-201, div. A, title II, § 267(c)(2), Sept. 23, 1996, 110 Stat. 2468.)

HISTORICAL AND REVISION NOTES
1962 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2358	5:171c(b)(2), (3).	July 26, 1947, ch. 343, § 203(b)(2), (3); added Aug. 6, 1958, Pub. L. 85-599, § 9(a) (3d and 4th pars.), 72 Stat. 520.

5 U.S.C. 171c(b)(3) is omitted as unnecessary since the authorization for appropriations is implied in 5 U.S.C. 171c(b)(2).

1988 ACT

In the existing text of 10 U.S.C. 2358, the bill would in two instances strike the phrase "or his designee" appearing after "Secretary of Defense" (section 1(g)(3)). The change is made for consistency in the Code, and no substantive change is intended. The committee notes that the Secretary of Defense has general authority to delegate functions under 10 U.S.C. 113(d).

Subsection (b) is based on Pub. L. 91-441, title II, § 204, Oct. 7, 1970, 84 Stat. 908.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-201 substituted "sections 2371 and 2371a" for "section 2371".

1994—Pub. L. 103-355 amended section generally, inserting reference to development projects in section catchline, and in text specifying that relevant Secretary may perform research and development projects in accordance with chapter 63 of title 31, and adding subsec. (d) relating to additional provisions applicable to cooperative agreements.

1993—Pub. L. 103-160 amended section generally. Prior to amendment, section read as follows:

"(a) **IN GENERAL.**—Subject to approval by the President, the Secretary of Defense may engage in basic and applied research projects that are necessary to the responsibilities of the Department of Defense in the field of basic and applied research and development and that relate to weapons systems and other military needs. Subject to approval by the President, the Secretary may perform assigned research and development projects—

"(1) by contract with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) through one or more of the military departments; or

"(3) by using employees and consultants of the Department of Defense.

"(b) **REQUIREMENT OF POTENTIAL MILITARY RELATIONSHIP.**—Funds appropriated to the Department of Defense may not be used to finance any research project or study unless the project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation."

1988—Pub. L. 100-370 designated existing provisions as subsec. (a), inserted heading, struck out "or his designee" after "Secretary of Defense" and "President, the Secretary", and added subsec. (b).

1981—Par. (1). Pub. L. 97-86 substituted "by contract with, or by grant to," for "by contract with".

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.

LABORATORY QUALITY ENHANCEMENT PROGRAM

Pub. L. 114-328, div. A, title II, § 211, Dec. 23, 2016, 130 Stat. 2046, provided that:

"(a) **IN GENERAL.**—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a program to be known as the 'Laboratory Quality Enhancement Program' under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

"(1) to review and make recommendations to the Secretary with respect to—

"(A) existing policies and practices affecting the science and technology reinvention laboratories to improve the mission effectiveness of such laboratories; and

"(B) new initiatives proposed by the science and technology reinvention laboratories;

“(2) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and

“(3) to conduct assessments or data analysis on such other issues as the Secretary determines to be appropriate.

“(b) PANELS.—The panels described in this subsection are:

“(1) A panel on personnel, workforce development, and talent management.

“(2) A panel on facilities, equipment, and infrastructure.

“(3) A panel on research strategy, technology transfer, and industry and university partnerships.

“(4) A panel on governance and oversight processes.

“(c) COMPOSITION OF PANELS.—(1) Each panel described in paragraphs (1) through (3) of subsection (b) may be composed of subject matter and technical management experts from—

“(A) laboratories and research centers of the Army, Navy, and Air Force;

“(B) appropriate Defense Agencies;

“(C) the Office of the Assistant Secretary of Defense for Research and Engineering; and

“(D) such other entities as the Secretary determines to be appropriate.

“(2) The panel described in subsection (b)(4) shall be composed of—

“(A) the Director of the Army Research Laboratory;

“(B) the Director of the Air Force Research Laboratory;

“(C) the Director of the Naval Research Laboratory;

“(D) the Director of the Engineer Research and Development Center of the Army Corps of Engineers; and

“(E) such other members as the Secretary determines to be appropriate.

“(d) GOVERNANCE OF PANELS.—(1) The chairperson of each panel shall be selected by its members.

“(2) Each panel, in coordination with the Assistant Secretary of Defense for Research and Engineering, shall transmit to the Science and Technology Executive Committee of the Department of Defense such information or findings on topics requiring decision or approval as the panel considers appropriate.

“(e) DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.—[Amended section 342(b) of Pub. L. 103-337, set out as a note below.]

“(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ‘science and technology reinvention laboratory’ means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2358 note [set out below]), as amended.”

PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE

Pub. L. 114-328, div. A, title II, §233, Dec. 23, 2016, 130 Stat. 2061, provided that:

“(a) PILOT PROGRAM REQUIRED.—

“(1) IN GENERAL.—The Secretary of Defense and the secretaries of the military departments shall jointly carry out a pilot program to demonstrate methods for the more effective development of technology and management of functions at eligible centers.

“(2) ELIGIBLE CENTERS.—For purposes of the pilot program, the eligible centers are—

“(A) the science and technology reinvention laboratories, as specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111-84] (10 U.S.C. 2358 note [set out below]);

“(B) the test and evaluation centers which are activities specified as part of the Major Range and Test Facility Base in Department of Defense Directive 3200.11; and

“(C) the Defense Advanced Research Projects Agency.

“(b) SELECTION.—

“(1) IN GENERAL.—The secretaries described in subsection (a) shall ensure that participation in the pilot program includes—

“(A) the Defense Advanced Research Projects Agency; and

“(B) in accordance with paragraph (2)—

“(i) five additional eligible centers described in subparagraph (A) of subsection (a)(2) from each of the military departments; and

“(ii) five additional eligible centers described in subparagraph (B) of such subsection from each of the military departments.

“(2) SELECTION PROCEDURES.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) seeking to participate in the pilot program shall submit to the appropriate reviewer an application therefor at such time, in such manner, and containing such information as the appropriate reviewer shall specify.

“(B) Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2016], each appropriate reviewer shall—

“(i) evaluate each application received under subparagraph (A); and

“(ii) approve or disapprove of the application.

“(C) If the head of an eligible center submits an application under subparagraph (A) in accordance with the requirements specified by the appropriate reviewer for purposes of such subparagraph and the appropriate reviewer neither approves nor disapproves such application pursuant to subparagraph (B)(ii) on or before the date that is 120 days after the date of the enactment of this Act, such eligible center shall be considered a participant in the pilot program.

“(D) For purposes of this paragraph, the appropriate reviewer is—

“(i) in the case of an eligible center described in subparagraph (A) of subsection (a)(2), the Laboratory Quality Enhancement Program; and

“(ii) in the case of an eligible center described in subparagraph (B) of such subsection, the Director of the Test Resource Management Center.

“(c) PARTICIPATION IN PROGRAM.—

“(1) IN GENERAL.—Subject to paragraph (2), the head of each eligible center selected under subsection (b)(1) shall propose and implement alternative and innovative methods of effective management and operations of eligible centers, rapid project delivery, support, experimentation, prototyping, and partnership with universities and private sector entities to—

“(A) generate greater value and efficiencies in research and development activities;

“(B) enable more efficient and effective operations of supporting activities, such as—

“(i) facility management, construction, and repair;

“(ii) business operations;

“(iii) personnel management policies and practices; and

“(iv) intramural and public outreach; and

“(C) enable more rapid deployment of warfighter capabilities.

“(2) IMPLEMENTATION.—(A) The head of an eligible center described in subparagraph (A) or (B) of subsection (a)(2) shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Assistant Secretary concerned within 60 days of receiving a proposal from an eligible center selected under subsection (b)(1) by such Assistant Secretary.

“(B) The Director of the Defense Advanced Research Projects Agency shall implement each method proposed under paragraph (1) unless such method is disapproved in writing by the Chief Management Officer within 60 days of receiving a proposal from the Director.

“(C) In this paragraph, the term ‘Assistant Secretary concerned’ means—

“(i) the Assistant Secretary of the Air Force for Acquisition [now Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics], with respect to matters concerning the Air Force;

“(ii) the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, with respect to matters concerning the Army; and

“(iii) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to matters concerning the Navy.

“(d) WAIVER AUTHORITY FOR DEMONSTRATION AND IMPLEMENTATION.—Until the termination of the pilot program under subsection (e), the head of an eligible center selected under subsection (b)(1) may waive any regulation, restriction, requirement, guidance, policy, procedure, or departmental instruction that would affect the implementation of a method proposed under subsection (c)(1), unless such implementation would be prohibited by a provision of a Federal statute or common law.

“(e) TERMINATION.—The pilot program shall terminate on September 30, 2022.

“(f) REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the pilot program.

“(2) CONTENTS.—The report required by paragraph (1) shall include the following:

“(A) Identification of the eligible centers participating in the pilot program.

“(B) Identification of the eligible centers whose applications to participate in the pilot program were disapproved under subsection (b), including justifications for such disapprovals.

“(C) A description of the methods implemented pursuant to subsection (c).

“(D) A description of the methods that were proposed pursuant to paragraph (1) of subsection (c) but disapproved under paragraph (2) of such subsection.

“(E) An assessment of how methods implemented pursuant to subsection (c) have contributed to the objectives identified in subparagraphs (A), (B), and (C) of paragraph (1) of such subsection.”

PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES

Pub. L. 114-328, div. A, title II, §236, Dec. 23, 2016, 130 Stat. 2066, provided that:

“(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall carry out a pilot program to enhance interaction between the Defense Advanced Research Projects Agency and the service academies to promote technology transition, education, and training in science, technology, engineering, and mathematics fields that are relevant to the Department of Defense.

“(b) AWARDS OF FUNDS.—(1) In carrying out the pilot program, the Secretary, acting through the Director, shall provide funds to contractors and grantees of the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to develop research partnerships with the service academies to support more efficient and effective technology transition of research programs and products.

“(2) It shall be the responsibility of the Director to ensure that such funds are used effectively and that sufficient efforts are made to build appropriate partnerships.

“(c) Service Academy Technology Transition Networks.—In carrying out the pilot program, the Director shall prioritize the leveraging of—

“(1) the technology transition networks that service academies maintain among their academic departments and resident research centers; and

“(2) partnerships with Department of Defense laboratories, other Federal degree granting institutions, academia, and industry.

“(d) TERMINATION.—The authority to carry out the pilot program shall terminate on September 30, 2020.

“(e) SERVICE ACADEMIES DEFINED.—In this section, the term ‘service academies’ means the following:

“(1) The United States Military Academy.

“(2) The United States Naval Academy.

“(3) Th[e] United States Air Force Academy.

“(4) The United States Coast Guard Academy.

“(5) The United States Merchant Marine Academy.”

MISSION INTEGRATION MANAGEMENT

Pub. L. 114-328, div. A, title VIII, §855, Dec. 23, 2016, 130 Stat. 2297, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall establish mission integration management activities for each mission area specified in subsection (b).

“(b) COVERED MISSION AREAS.—The mission areas specified in this subsection are mission areas that involve multiple Armed Forces and multiple programs and, at a minimum, include the following:

“(1) Close air support.

“(2) Air defense and offensive and defensive counter-air.

“(3) Interdiction.

“(4) Intelligence, surveillance, and reconnaissance.

“(5) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff for purposes of this subsection.

“(c) QUALIFICATIONS.—Mission integration management activities shall be performed by qualified personnel from the acquisition and operational communities.

“(d) RESPONSIBILITIES.—The mission integration management activities for a mission area under this section shall include—

“(1) development of technical infrastructure for engineering, analysis, and test, including data, modeling, analytic tools, and simulations;

“(2) the conduct of tests, demonstrations, exercises, and focused experiments for compelling challenges and opportunities;

“(3) overseeing the implementation of section 2446c of title 10, United States Code;

“(4) sponsoring and overseeing research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

“(5) developing mission-based inputs for the requirements process, assessment of concepts, prototypes, design options, budgeting and resource allocation, and program and portfolio management; and

“(6) coordinating with commanders of the combatant commands on the development of concepts of operation and operational plans.

“(e) SCOPE.—The mission integration management activities for a mission area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

“(f) FUNDING.—There is authorized to be made available annually such amounts as the Secretary of Defense determines appropriate from the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note) for mission integration management activities listed in subsection (d).

“(g) STRATEGY.—The Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], at the same time as the budget for the Department of Defense for fiscal year 2018 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a strategy for mission integration management, including a re-

sourcing strategy for mission integration managers to carry out the responsibilities specified in this section.”

PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE

Pub. L. 114-328, div. A, title XI, §1124, Dec. 23, 2016, 130 Stat. 2456, provided that:

“(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

“(b) **APPROVAL REQUIRED.**—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department concerned.

“(c) **POSITIONS.**—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

“(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

“(2) are critical to the successful accomplishment of an important research or technology development mission.

“(d) **RATE OF BASIC PAY.**—The pay authority specified in this subsection is authority as follows:

“(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

“(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

“(e) **LIMITATIONS.**—

“(1) **IN GENERAL.**—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

“(2) **NUMBER OF POSITIONS.**—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

“(3) **TERM OF POSITIONS.**—The authority in subsection (a) may be used only for positions having a term of less than five years.

“(f) **TERMINATION.**—

“(1) **IN GENERAL.**—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

“(2) **CONTINUATION OF PAY.**—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions having terms that continue after that date.

“(g) **SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.**—In this section, the term ‘science and technology reinvention laboratories of the Department of Defense’ means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 [Pub. L. 111-84] (10 U.S.C. 2358 note).”

PLAN FOR ADVANCED WEAPONS TECHNOLOGY WAR GAMES

Pub. L. 114-92, div. A, title II, §240, Nov. 25, 2015, 129 Stat. 784, provided that:

“(a) **PLAN REQUIRED.**—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall develop and implement a plan for integrating advanced weapons and offset technologies into exercises carried out individually and jointly by the military departments to improve the development and experimentation of various concepts for employment by the Armed Forces.

“(b) **ELEMENTS.**—The plan under subsection (a) shall include the following:

“(1) Identification of specific exercises to be carried out individually or jointly by the military departments under the plan.

“(2) Identification of emerging advanced weapons and offset technologies based on joint and individual recommendations of the military departments, including with respect to directed-energy weapons, hypersonic strike systems, autonomous systems, or other technologies as determined by the Secretary.

“(3) A schedule for integrating either prototype capabilities or table-top exercises into relevant exercises.

“(4) A method for capturing lessons learned and providing feedback both to the developers of the advanced weapons and offset technology and the military departments.

“(c) **SUBMISSION.**—Not later than one year after the date of the enactment of this Act [Nov. 25, 2015], the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the plan under subsection (a) and a status update on the implementation of such plan.”

INFORMATION OPERATIONS AND ENGAGEMENT TECHNOLOGY DEMONSTRATIONS

Pub. L. 114-92, div. A, title X, §1056, Nov. 25, 2015, 129 Stat. 984, provided that:

“(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(1) military information support operations are a critical component of the efforts of the Department of Defense to provide commanders with capabilities to shape the operational environment;

“(2) military information support operations are integral to armed conflict and therefore the Secretary of Defense has broad latitude to conduct military information support operations;

“(3) the Secretary of Defense should develop creative and agile concepts, technologies, and strategies across all available media to most effectively reach target audiences, to counter and degrade the ability of adversaries and potential adversaries to persuade, inspire, and recruit inside areas of hostilities or in other areas in direct support of the objectives of commanders; and

“(4) the Secretary of Defense should request additional funds in future budgets to carry out military information support operations to support the broader efforts of the Government to counter violent extremism.

“(b) **TECHNOLOGY DEMONSTRATIONS REQUIRED.**—To support the ability of the Department of Defense to provide innovative operational concepts and technologies to shape the informational environment, the Secretary of Defense shall carry out a series of technology demonstrations, subject to the availability of funds for such purpose or to a prior approval reprogramming, to assess innovative new technologies for information operations and information engagement to support the operational and strategic requirements of the commanders of the geographic and functional combatant commands, including the urgent and emergent operational needs and the operational and theater campaign plans of such combatant commanders to further the national security objectives and strategic communications requirements of the United States.

“(c) **PLAN.**—By not later than 180 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall provide to the congressional de-

fense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan describing how the Department of Defense will execute the technology demonstrations required under subsection (b). Such plan shall include each of the following elements:

“(1) A general timeline for conducting the technology demonstrations.

“(2) Clearly defined goals and endstate objectives for the demonstrations, including traceability of such goals to the tactical, operational, or strategic requirements of the combatant commanders.

“(3) A process for measuring the performance and effectiveness of the demonstrations.

“(4) A coordination structure to include participation between the technology development and the operational communities, including potentially joint, interagency, intergovernmental, and multinational partners.

“(5) The identification of potential technologies to support the tactical, operational, or strategic needs of the combatant commanders.

“(6) An explanation of how such technologies will support and coordinate with elements of joint, interagency, intergovernmental, and multinational partners.

“(d) CONGRESSIONAL NOTICE.—Upon initiating a technology demonstration under subsection (b), the Secretary of Defense shall submit to the congressional defense committees written notice of the demonstration that includes a detailed description of the demonstration, including its purpose, cost, engagement medium, targeted audience, and any other details the Secretary of Defense believes will assist the committees in evaluating the demonstration.

“(e) TERMINATION.—The authority to carry out a technology demonstration under this section shall terminate on September 30, 2022.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit or alter any authority under which the Department of Defense supports information operations activities within the Department.”

PILOT PROGRAM ON DYNAMIC SHAPING OF THE WORKFORCE TO IMPROVE THE TECHNICAL SKILLS AND EXPERTISE AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES

Pub. L. 114-92, div. A, title XI, § 1109, Nov. 25, 2015, 129 Stat. 1028, provided that:

“(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall establish a pilot program to utilize the authorities specified in subsection (b) at the Department of Defense laboratories specified in subsection (c) to provide the directors of such laboratories the authority to dynamically shape the mix of technical skills and expertise in the workforces of such laboratories in order to achieve one or more of the following:

“(1) To meet organizational and Department-designated missions in the most cost-effective and efficient manner.

“(2) To upgrade and enhance the scientific quality of the workforces of such laboratories.

“(3) To shape such workforces to better respond to such missions.

“(4) To reduce the average unit cost of such workforces.

“(b) WORKFORCE SHAPING AUTHORITIES.—The authorities that shall be available for use by the director of a Department of Defense laboratory under the pilot program are the following:

“(1) FLEXIBLE LENGTH AND RENEWABLE TERM TECHNICAL APPOINTMENTS.—

“(A) IN GENERAL.—Subject to the provisions of this paragraph, authority otherwise available to the director by law (and within the available budgetary resources of the laboratory) to appoint qualified scientific and technical personnel who are not currently Department of Defense civilian employees into any scientific or technical position in the laboratory for a period of more than one year but not more than six years.

“(B) BENEFITS.—Personnel appointed under this paragraph shall be provided with benefits comparable to those provided to similar employees at the laboratory concerned, including professional development opportunities, eligibility for all laboratory awards programs, and designation as ‘status applicants’ for the purposes of eligibility for positions in the Federal service.

“(C) EXTENSION OF APPOINTMENTS.—The appointment of any individual under this paragraph may be extended without limit in up to six year increments at any time during any term of service under such conditions as the director concerned shall establish for purposes of this paragraph.

“(D) CONSTRUCTION WITH CERTAIN LIMITATION.—For purposes of determining the workforce size of a laboratory in connection with compliance with section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1896; 10 U.S.C. 129a note), any individual serving in an appointment under this paragraph shall be treated as a fractional employee of the laboratory, which fraction is—

“(i) the current term of appointment of the individual under this paragraph; divided by

“(ii) the average length of tenure of a career employee at the laboratory, as calculated at the end of the last fiscal year ending before the date of the most recent appointment or extension of the individual under this paragraph.

“(2) REEMPLOYMENT OF ANNUITANTS.—Authorities to authorize the director of any science and technology reinvention laboratory (in this section referred to as ‘STRL’) to reemploy annuitants in accordance with section 9902(g) of title 5, United States Code, except that as a condition for reemployment the director may authorize the deduction from the pay of any annuitant so reemployed of an amount up to the amount of the annuity otherwise payable to such annuitant allocable to the period of actual employment of such annuitant, which amount shall be determined in a manner specified by the director for purposes of this paragraph to ensure the most cost effective execution of designated missions by the laboratory while retaining critical technical skills.

“(3) EARLY RETIREMENT INCENTIVES.—Authorities to authorize the director of any STRL to authorize voluntary early retirement of employees in accordance with section 8336 of title 5, United States Code, without regard to section 8336(d)(2)(D) or 3522 of such title, and with employees so separated voluntarily from service.

“(4) SEPARATION INCENTIVE PAY.—Authorities to authorize the director of any STRL to pay voluntary separation pay to employees in accordance with section 8414(b)(1)(B) of title 5, United States Code, without regard to clause (iv) or (v) of such section or section 3522 of such title, and with—

“(A) employees so separated voluntarily from service under regulations prescribed by the Secretary of Defense for purposes of the pilot program; and

“(B) payments to employees so separated authorized under section 3523 of such title without regard to—

“(i) the plan otherwise required by section 3522 of such title; and

“(ii) paragraph (1) or (3) of section 3523(b) of such title.

“(c) LABORATORIES.—The Department of Defense laboratories specified in this subsection are the laboratories specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486; 10 U.S.C. 2358 note).

“(d) EXPIRATION.—

“(1) IN GENERAL.—The authority in this section shall expire on December 31, 2023.

“(2) CONTINUATION OF AUTHORITIES EXERCISED BEFORE TERMINATION.—The expiration in paragraph (1) shall not be construed to effect the continuation

after the date specified in paragraph (1) of any term of employment or other benefit authorized under this section before that date in accordance with the terms of such authorization.”

DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM

Pub. L. 114-92, div. B, title XXVIII, § 2803, Nov. 25, 2015, 129 Stat. 1169, as amended by Pub. L. 114-328, div. B, title XXVIII, § 2806, Dec. 23, 2016, 130 Stat. 2715, provided that:

“(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—Using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation, the Secretary of Defense may fund a military construction project described in subsection (d) at any of the following:

“(1) A Department of Defense Science and Technology Reinvention Laboratory (as designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2358 note)[)].

“(2) A Department of Defense Federally Funded Research and Development Center that functions primarily as a research laboratory.

“(3) A Department of Defense facility in support of a technology development program that is consistent with the fielding of offset technologies as described in section 218 of this Act [set out as a note under section 2501 of this title].

“(4) A Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Reinvention Laboratory, but nonetheless is involved with developmental test and evaluation.

“(b) CONDITION ON AND SCOPE OF PROJECT AUTHORITY.—Subject to the condition that a military construction project under this section be authorized in a Military Construction Authorization Act, the authority to carry out the military construction project includes authority for—

“(1) surveys, site preparation, and advanced planning and design;

“(2) acquisition, conversion, rehabilitation, and installation of facilities;

“(3) acquisition and installation of equipment and appurtenances integral to the project; acquisition and installation of supporting facilities (including utilities) and appurtenances incident to the project; and

“(4) planning, supervision, administration, and overhead expenses incident to the project.

“(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—

“(1) SUBMISSION OF PROJECT REQUESTS.—The Secretary of Defense shall include military construction projects proposed to be carried out under this section in the budget justification documents for the Department of Defense submitted to Congress in connection with the budget for a fiscal year submitted under 1105 of title 31, United States Code.

“(2) NOTIFICATION OF IMPLEMENTATION.—Not less than 14 days prior to the first obligation of funds described in subsection (a) for a military construction project to be carried out under this section, the Secretary of Defense shall submit a notification to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] providing an updated construction description, cost, and schedule for the project and any other matters regarding the project as the Secretary considers appropriate.

“(d) AUTHORIZED PROJECTS DESCRIBED.—The authority provided by this section to fund military construction projects using amounts appropriated or otherwise made available for research, development, test, and evaluation is limited to military construction projects that the Secretary of Defense, in the budget justification documents exhibits submitted pursuant to subsection (c)(1), determines—

“(1) will support research and development activities at laboratories described in subsection (a);

“(2) will establish facilities that will have significant potential for use by entities outside the Department of Defense, including universities, industrial partners, and other Federal agencies;

“(3) are endorsed for funding by more than one military department or Defense Agency; and

“(4) cannot be fully funded within the thresholds specified in section 2805 of title 10, United States Code.

“(e) FUNDING LIMITATION.—The maximum amount of funds appropriated or otherwise made available for research, development, test, and evaluation that may be obligated in any fiscal year for military construction projects under this section is \$150,000,000.

“(f) TERMINATION OF AUTHORITY.—The authority provided by this section to fund military construction projects using funds appropriated or otherwise made available for research, development, test, and evaluation shall terminate on October 1, 2020.”

PILOT PROGRAM ON ASSIGNMENT TO DEFENSE ADVANCED RESEARCH PROJECTS AGENCY OF PRIVATE SECTOR PERSONNEL WITH CRITICAL RESEARCH AND DEVELOPMENT EXPERTISE

Pub. L. 113-291, div. A, title II, § 232, Dec. 19, 2014, 128 Stat. 3332, provided that:

“(a) PILOT PROGRAM AUTHORIZED.—In accordance with the provisions of this section, the Director of the Defense Advanced Research Projects Agency may carry out a pilot program to assess the feasibility and advisability of temporarily assigning covered individuals with significant technical expertise in research and development areas of critical importance to defense missions to the Defense Advanced Research Projects Agency to lead research or development projects of the Agency.

“(b) ASSIGNMENT OF COVERED INDIVIDUALS.—

“(1) NUMBER OF INDIVIDUALS ASSIGNED.—Under the pilot program, the Director may assign covered individuals to the Agency as described in subsection (a), but may not have more than five covered individuals so assigned at any given time.

“(2) PERIOD OF ASSIGNMENT.—

“(A) Except as provided in subparagraph (B), the Director may, under the pilot program, assign a covered individual described in subsection (a) to lead research and development projects of the Agency for a period of not more than two years.

“(B) The Director may extend the assignment of a covered individual for one additional period of not more than two years as the Director considers appropriate.

“(3) APPLICATION OF CERTAIN PROVISIONS OF LAW.—

“(A) Except as otherwise provided in this section, the Director shall carry out the pilot program in accordance with the provisions of subchapter VI of chapter 33 of title 5, United States Code, except that, for purposes of the pilot program, the term ‘other organization’, as used in such subchapter, shall be deemed to include a covered entity.

“(B) A covered individual employed by a covered entity who is assigned to the Agency under the pilot program is deemed to be an employee of the Department of Defense for purposes of the following provisions of law:

“(i) Chapter 73 of title 5, United States Code.

“(ii) Sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code.

“(iii) Sections 1343, 1344, and 1349(b) of title 31, United States Code.

“(iv) Chapter 171 of title 28, United States Code (commonly known as the ‘Federal Tort Claims Act’), and any other Federal tort liability statute.

“(v) The Ethics in Government Act of 1978 (5 U.S.C. App.).

“(vi) Section 1043 of the Internal Revenue Code of 1986 [26 U.S.C. 1043].

“(vii) Chapter 21 of title 41, United States Code.

“(4) PAY AND SUPERVISION.—A covered individual employed by a covered entity who is assigned to the Agency under the pilot program—

“(A) may continue to receive pay and benefits from such covered entity with or without reimbursement by the Agency;

“(B) is not entitled to pay from the Agency; and

“(C) shall be subject to supervision by the Director in all duties performed for the Agency under the pilot program.

“(c) CONFLICTS OF INTEREST.—

“(1) PRACTICES AND PROCEDURES REQUIRED.—The Director shall develop practices and procedures to manage conflicts of interest and the appearance of conflicts of interest that could arise through assignments under the pilot program.

“(2) ELEMENTS.—The practices and procedures required by paragraph (1) shall include, at a minimum, the requirement that each covered individual assigned to the Agency under the pilot program shall sign an agreement that provides for the following:

“(A) The nondisclosure of any trade secrets or other nonpublic or proprietary information which is of commercial value to the covered entity from which such covered individual is assigned.

“(B) The assignment of rights to intellectual property developed in the course of any research or development project under the pilot program—

“(i) to the Agency and its contracting partners in accordance with applicable provisions of law regarding intellectual property rights; and

“(ii) not to the covered individual or the covered entity from which such covered individual is assigned.

“(C) Such additional measures as the Director considers necessary to carry out the program in accordance with Federal law.

“(d) PROHIBITION ON CHARGES BY COVERED ENTITIES.—A covered entity may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the covered entity to a covered individual assigned to the Agency under the pilot program.

“(e) ANNUAL REPORT.—Not later than the first October 31 after the first fiscal year in which the Director carries out the pilot program and each October 31 thereafter that immediately follows a fiscal year in which the Director carries out the pilot program, the Director shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the activities carried out under the pilot program during the most recently completed fiscal year.

“(f) TERMINATION OF AUTHORITY.—The authority provided in this section shall expire on September 30, 2025, except that any covered individual assigned to the Agency under the pilot program shall continue in such assignment until the terms of such assignment have been satisfied.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means any individual who is employed by a covered entity.

“(2) The term ‘covered entity’ means any non-Federal, nongovernmental entity that, as of the date on which a covered individual employed by the entity is assigned to the Agency under the pilot program, is a nontraditional defense contractor (as defined in section 2302 of title 10, United States Code).”

TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING FACILITIES

Pub. L. 113-66, div. A, title XI, §1107, Dec. 26, 2013, 127 Stat. 887, as amended by Pub. L. 113-291, div. A, title XI, §1105, Dec. 19, 2014, 128 Stat. 3526; Pub. L. 114-92, div. A, title XI, §1104, Nov. 25, 2015, 129 Stat. 1023, authorized director of any Science and Technology Reinvention Laboratory, until Dec. 31, 2019, to appoint qualified candidates possessing a bachelor’s degree or enrolled in

undergraduate or graduate scientific, technical, engineering or mathematical programs or to appoint qualified veteran candidates to certain laboratory positions, prior to repeal by Pub. L. 114-328, div. A, title XI, §1122(b), Dec. 23, 2016, 130 Stat. 2455. See section 2358a of this title.

REGIONAL ADVANCED TECHNOLOGY CLUSTERS

Pub. L. 112-239, div. A, title II, §252, Jan. 2, 2013, 126 Stat. 1688, provided that:

“(a) DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.—The Secretary of Defense may use the research and engineering network of the Department of Defense, including the organic industrial base, to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies to address national security and homeland defense challenges.

“(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a report describing—

“(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of—

“(A) clusters supported;

“(B) technologies developed and transitioned to acquisition programs;

“(C) products commercialized;

“(D) small businesses trained;

“(E) companies started; and

“(F) research and development facilities shared;

“(2) implementation by the Department of processes and tools to facilitate collaboration with the clusters;

“(3) agreements established by the Department with the Department of Commerce to jointly support the continued growth of the clusters;

“(4) methods to evaluate the effectiveness of technology cluster policies;

“(5) any additional required authorities and any impediments to supporting regional advanced technology clusters; and

“(6) the use of any agreements entered into under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and any access granted to facilities of the Department of Defense for research and development purposes.

“(c) COLLABORATION.—The Secretary of Defense may meet, collaborate, and share resources with other Federal agencies for purposes of assisting in the use and appropriate growth of regional advanced technology clusters under this section.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Committee on Energy and Commerce of the House of Representatives.

“(2) The term ‘regional advanced technology clusters’ means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.”

ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT

Pub. L. 112-81, div. A, title II, §222, Dec. 31, 2011, 125 Stat. 1336, as amended by Pub. L. 114-328, div. A, title VIII, §833(b)(2)(C)(iii), Dec. 23, 2016, 130 Stat. 2284, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

“(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

“(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, payload, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

“(2) To mature advanced rotorcraft technology and obtain flight-test data to—

“(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

“(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

“(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

“(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

“(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

“(d) COMPETITION.—In awarding a contract under this section, the Secretary shall use competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and shall consider a timely offer submitted by a small business concern (as defined in section 2330a(j) [now 2330a(h)] of such title) in accordance with the specifications and evaluation factors specified in the solicitation.”

PROGRAM FOR RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF ADVANCED GROUND VEHICLES, GROUND VEHICLE SYSTEMS, AND COMPONENTS

Pub. L. 111-383, div. A, title II, §214, Jan. 7, 2011, 124 Stat. 4164, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program for research and development on, and deployment of, advanced technology ground vehicles, ground vehicle systems, and components within the Department of Defense.

“(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

“(1) To identify and support technological advances that are necessary for the development of advanced technologies for use in ground vehicles of types to be used by the Department of Defense.

“(2) To procure and deploy significant quantities of advanced technology ground vehicles for use by the Department.

“(3) To maximize the leverage of Federal and non-government funds used for the development and deployment of advanced technology ground vehicles, ground vehicle systems, and components.

“(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

“(1) enhanced research and development activities for advanced technology ground vehicles, ground vehicle systems, and components, including—

“(A) increased investments in research and development of batteries, advanced materials, power electronics, fuel cells and fuel cell systems, hybrid systems, and advanced engines;

“(B) pilot projects for the demonstration of advanced technologies in ground vehicles for use by the Department of Defense; and

“(C) the establishment of public-private partnerships, including research centers, manufacturing and prototyping facilities, and test beds, to speed the development, deployment, and transition to use of advanced technology ground vehicles, ground vehicle systems, and components; and

“(2) enhanced activities to procure and deploy advanced technology ground vehicles in the Department, including—

“(A) preferences for the purchase of advanced technology ground vehicles;

“(B) the use of authorities available to the Secretary of Defense to stimulate the development and production of advanced technology systems and ground vehicles through purchases, loan guarantees, and other mechanisms;

“(C) pilot programs to demonstrate advanced technology ground vehicles and associated infrastructure at select defense installations;

“(D) metrics to evaluate environmental and other benefits, life cycle costs, and greenhouse gas emissions associated with the deployment of advanced technology ground vehicles; and

“(E) schedules and objectives for the conversion of the ground vehicle fleet of the Department to advanced technology ground vehicles.

“(d) COOPERATION WITH INDUSTRY AND ACADEMIA.—

“(1) IN GENERAL.—The Secretary may carry out the program authorized by subsection (a) through partnerships and other cooperative agreements with private sector entities, including—

“(A) universities and other academic institutions;

“(B) companies in the automobile and truck manufacturing industry;

“(C) companies that supply systems and components to the automobile and truck manufacturing industry; and

“(D) any other companies or private sector entities that the Secretary considers appropriate.

“(2) NATURE OF COOPERATION.—The Secretary shall ensure that any partnership or cooperative agreement under paragraph (1) provides for private sector participants to collectively contribute, in cash or in kind, not less than one-half of the total cost of the activities carried out under such partnership or cooperative agreement.

“(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The program authorized by subsection (a) shall be carried out, to the maximum extent practicable, in coordination with the Department of Energy and other appropriate departments and agencies of the Federal Government.”

PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS

Pub. L. 111-383, div. A, title II, §243, Jan. 7, 2011, 124 Stat. 4178, as amended by Pub. L. 112-81, div. A, title II, §252, Dec. 31, 2011, 125 Stat. 1347; Pub. L. 113-66, div. A, title II, §264, Dec. 26, 2013, 127 Stat. 726; Pub. L. 113-291, div. A, title II, §231, Dec. 19, 2014, 128 Stat. 3332, provided that:

“(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program 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—

“(1) for the development of program protection strategies for the system; or

“(2) for 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) ANNUAL REPORTS.—Not later than December 31 of each year in which the Secretary carries out the pilot program established under this section, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the pilot program, including a list of each designated system included in the program.

“(d) TERMINATION.—The pilot program established under this section shall terminate on October 1, 2020.

“(e) 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, Technology, and Logistics designates as being included in the pilot program established under 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.”

PROGRAM TO ASSESS THE UTILITY OF NON-LETHAL WEAPONS

Pub. L. 111-383, div. A, title X, §1078, Jan. 7, 2011, 124 Stat. 4380, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should support the research, development, test, and evaluation, procurement, and fielding of effective non-lethal weapons and technologies explicitly designed to, with respect to counterinsurgency operations, reduce military casualties and fatalities, improve military mission accomplishment and operational effectiveness, reduce civilian casualties and fatalities, and minimize undesired damage to property and the environment.

“(b) PROGRAM REQUIRED.—

“(1) DEMONSTRATION AND ASSESSMENT.—The Secretary of Defense, acting through the Executive Agent for Non-lethal Weapons and in coordination with the Secretaries of the military departments and the combatant commanders, shall carry out a program to demonstrate and assess the utility and effectiveness of non-lethal weapons to provide escalation of force options in counter-insurgency operations.

“(2) NON-LETHAL WEAPONS EVALUATED.—In evaluating non-lethal weapons under the program under this subsection, the Secretary shall include non-lethal weapons designed for counter-personnel and counter-materiel missions.

“(c) REPORT.—

“(1) REPORT REQUIRED.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the role and utility of non-lethal weapons and technologies in counterinsurgency operations.

“(2) ELEMENTS.—The report under paragraph (1) shall include the following:

“(A) A description of the results of any demonstrations and assessments of non-lethal weapons conducted during fiscal year 2011.

“(B) A description of the Secretary’s plans for any demonstrations and assessments of non-lethal weapons to be conducted during fiscal years 2012 and 2013.

“(C) A description of the extent to which non-lethal weapons doctrine, training, and employment include the use of strategic communications strategies to enable the effective employment of non-lethal weapons.

“(D) A description of the input of the military departments in developing concepts of operations and tactics, techniques, and procedures for incorporating non-lethal weapons into the current escalation of force procedures of each department.

“(E) A description of the extent to which non-lethal weapons and technologies are integrated into the standard equipment and training of military units.”

MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS

Pub. L. 110-417, [div. A], title II, §219, Oct. 14, 2008, 122 Stat. 4389, as amended by Pub. L. 111-84, div. B, title

XXVIII, §2801(c), Oct. 28, 2009, 123 Stat. 2660; Pub. L. 112-81, div. A, title II, §253, Dec. 31, 2011, 125 Stat. 1347; Pub. L. 113-66, div. A, title II, §262(a), (b), Dec. 26, 2013, 127 Stat. 725, 726; Pub. L. 114-328, div. A, title II, §212, Dec. 23, 2016, 130 Stat. 2047, provided that:

“(a) MECHANISMS TO PROVIDE FUNDS.—

“(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not less than two percent and not more than four percent of all funds available to the defense laboratory for the following purposes:

“(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

“(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

“(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with needed scientific and engineering expertise.

“(D) To fund the revitalization[,] recapitalization, or minor military construction of the laboratory infrastructure, in accordance with subsection (b).

“(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

“(3) FEE.—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed four percent of costs.

“(b) AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS.—

“(1) IN GENERAL.—Subject to the provisions of this subsection, funds available under a mechanism under subsection (a)(1)(D) that are solely intended to carry out a laboratory infrastructure project shall be available for such project until expended.

“(2) PRIOR NOTICE OF COSTS OF PROJECTS.—Funds shall be available in accordance with paragraph (1) for a project referred to in such paragraph only if the Secretary notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the total cost of the project before the date on which the Secretary uses a mechanism under subsection (a)(1)(D) for such project.

“(3) ACCUMULATION OF FUNDS FOR PROJECTS.—Funds may accumulate under a mechanism under subsection (a) for a project referred to in paragraph (1) for not more than five years.

“(4) COST LIMIT COMPLIANCE.—The Secretary shall ensure that a project referred to in paragraph (1) for which funds are made available in accordance with such paragraph complies with the applicable cost limitations in the following provisions of law:

“(A) Section 2805(d) of title 10, United States Code, with respect to revitalization and recapitalization projects.

“(B) Section 2811 of such title, with respect to repair projects.

“(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.

“(c) ANNUAL REPORT ON USE OF AUTHORITY.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.”

[Pub. L. 113–66, div. A, title II, §262(c), Dec. 26, 2013, 127 Stat. 726, provided that: “Subsection (b) of such section 219 [section 219 of Pub. L. 110–417, set out above], as added by subsection (a)(3), shall apply with respect to funds made available under such section on or after the date of the enactment of this Act [Dec. 26, 2013].”]

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 219(c) of Pub. L. 110–417, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

SCIENCE AND TECHNOLOGY INVESTMENT STRATEGY TO DEFEAT OR COUNTER IMPROVISED EXPLOSIVE DEVICES

Pub. L. 110–417, [div. A], title XV, §1504, Oct. 14, 2008, 122 Stat. 4650, as amended by Pub. L. 112–81, div. A, title X, §1062(b), Dec. 31, 2011, 125 Stat. 1585; Pub. L. 112–239, div. A, title X, §1076(c)(2)(D), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) STRATEGY REQUIRED.—The Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), jointly with the Assistant Secretary of Defense for Research and Engineering, shall develop a comprehensive science and technology investment strategy for countering the threat of improvised explosive devices (IEDs).

“(b) ELEMENTS.—The strategy developed under subsection (a) shall include the following:

“(1) Identification of counter-IED capability gaps.

“(2) A taxonomy describing the major technical areas for the Department of Defense to address the counter-IED capability gaps and in which science and technology funding investments should be made.

“(3) Identification of funded programs to develop or mature technologies from or to the level of system or subsystem model or prototype demonstration in a relevant environment, and investment levels for those initiatives.

“(4) Identification of JIEDDO’s mechanisms for coordinating Department of Defense and Federal Government science and technology activities in areas covered by the strategy.

“(5) Identification of technology transition mechanisms developed or utilized to efficiently transition technologies to acquisition programs of the Department of Defense or into operational use, including a summary of counter-IED technologies transitioned from JIEDDO, the military departments, and other Defense Agencies to the acquisition programs or into operational use.

“(6) Identification of high priority basic research efforts that should be addressed through JIEDDO or other Department of Defense activities to support development of next generation IED defeat capabilities.

“(7) Identification of barriers or issues, such as industrial base, workforce, or statutory or regulatory barriers, that could hinder the efficient and effective development and operational use of advanced IED defeat capabilities, and discussion of activities undertaken to address them.

“(8) Identification of the measures of effectiveness for the overall Department of Defense science and technology counter-IED effort.

“(9) Such other matters as the Director and the Assistant Secretary consider appropriate.”

HYPERSONICS DEVELOPMENT

Pub. L. 109–364, div. A, title II, §218, Oct. 17, 2006, 120 Stat. 2126, as amended by Pub. L. 112–81, div. A, title II, §241, Dec. 31, 2011, 125 Stat. 1343; Pub. L. 114–92, div. A, title X, §1079(f), Nov. 25, 2015, 129 Stat. 999, provided that:

“(a) ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE ON HYPERSONICS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.

“(b) PROGRAM ON HYPERSONICS.—The joint technology office established under subsection (a) shall carry out a

program for the development of hypersonics for defense purposes.

“(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the joint technology office established under subsection (a) shall do the following:

“(1) Coordinate and integrate current and future research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

“(2) Undertake appropriate actions to ensure—

“(A) close and continuous integration of the programs on hypersonics of the military departments with the programs on hypersonics of the Defense Agencies;

“(B) coordination of the programs referred to in subparagraph (A) with the programs on hypersonics of the National Aeronautics and Space Administration; and

“(C) that developmental testing resources are adequate and facilities are made available in a timely manner to support hypersonics research, demonstration programs, and system development.

“(3) Approve demonstration programs on hypersonic systems.

“(4) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

“(d) ROADMAP.—

“(1) ROADMAP REQUIRED.—The joint technology office established under subsection (a) shall develop, and every two years revise, a roadmap for the hypersonics programs of the Department of Defense.

“(2) COORDINATION.—The roadmap shall be developed and revised under paragraph (1) in coordination with the Joint Staff and in consultation with the National Aeronautics and Space Administration.

“(3) ELEMENTS.—The roadmap shall include the following matters:

“(A) Anticipated or potential mission requirements for hypersonics.

“(B) Short-term, mid-term, and long-term goals for the Department of Defense on hypersonics, which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.

“(C) A schedule for meeting such goals, including—

“(i) the activities and funding anticipated to be required for meeting such goals; and

“(ii) the activities of the National Aeronautics and Space Administration to be leveraged by the Department to meet such goals.

“(D) The test and evaluation facilities required to support the activities identified in subparagraph (C), along with the schedule and funding required to upgrade those facilities, as necessary.

“(E) Acquisition transition plans for hypersonics.

“(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—

“(1) ANNUAL REVIEW.—The joint technology office established under subsection (a) shall conduct on an annual basis a review of—

“(A) the funding available for research, development, test, and evaluation and demonstration programs within the Department of Defense for hypersonics, in order to determine whether or not such funding is consistent with the roadmap developed under subsection (d); and

“(B) the hypersonics demonstration programs of the Department, in order to determine whether or not such programs avoid duplication of effort and support the goals of the Department in a manner consistent with the roadmap developed under subsection (d).

“(2) CERTIFICATION.—The joint technology office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).

“(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2016 pursuant to section 1105 of title 31, United States Code.”

COLLABORATIVE PROGRAM FOR RESEARCH AND DEVELOPMENT OF VACUUM ELECTRONICS TECHNOLOGIES

Pub. L. 108-375, div. A, title II, §212, Oct. 28, 2004, 118 Stat. 1832, as amended by Pub. L. 112-239, div. A, title X, §1076(c)(2)(A)(iii), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for research and development in advanced vacuum electronics to meet the requirements of Department of Defense systems.

“(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively by the Assistant Secretary of Defense for Research and Engineering, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Army, and other appropriate elements of the Department of Defense. The program shall include the following activities:

“(1) Activities needed for development and maturation of advanced vacuum electronics technologies needed to meet the requirements of the Department of Defense.

“(2) Identification of legacy and developmental Department of Defense systems which may make use of advanced vacuum electronics under the program.

“(c) REPORT.—Not later than January 31, 2005, the Assistant Secretary of Defense for Research and Engineering shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] a report on the implementation of the program under subsection (a). The report shall include the following:

“(1) Identification of the organization to have lead responsibility for carrying out the program.

“(2) Assessment of the role of investing in vacuum electronics technologies as part of the overall strategy of the Department of Defense for investing in electronics technologies to meet the requirements of the Department.

“(3) The management plan and schedule for the program and any agreements relating to that plan.

“(4) Identification of the funding required for fiscal year 2006 and for the future-years defense program to carry out the program.

“(5) A list of program capability goals and objectives.

“(6) An outline of the role of basic and applied research in support of the development and maturation of advanced vacuum electronics technologies needed to meet the requirements of the Department of Defense.

“(7) Assessment of global capabilities in vacuum electronics technologies and the effect of those capabilities on the national security and economic competitiveness of the United States.”

DEPARTMENT OF DEFENSE PROGRAM TO EXPAND HIGH-SPEED, HIGH-BANDWIDTH CAPABILITIES FOR NETWORK-CENTRIC OPERATIONS

Pub. L. 108-136, div. A, title II, §234, Nov. 24, 2003, 117 Stat. 1423, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall carry out a program of research and development to promote the development of high-speed, high-bandwidth communications capabilities for support of network-centric operations by the Armed Forces.

“(b) PURPOSES.—The purposes of the program required by subsection (a) are as follows:

“(1) To accelerate the development and fielding by the Armed Forces of network-centric operational capabilities (including expanded use of unmanned vehicles, satellite communications, and sensors) through the promotion of research and development, and the focused coordination of programs, to achieve high-speed, high-bandwidth connectivity to military assets.

“(2) To provide for the development of equipment and technologies for military high-speed, high-bandwidth communications capabilities for support of network-centric operations.

“(c) DESCRIPTION OF PROGRAM.—In carrying out the program of research and development required by subsection (a), the Secretary shall—

“(1) identify areas of advanced wireless communications in which research and development, or the use of emerging technologies, has significant potential to improve the performance, efficiency, cost, and flexibility of advanced communications systems for support of network-centric operations;

“(2) develop a coordinated plan for research and development on—

“(A) improved spectrum access through spectrum-efficient communications for support of network-centric operations;

“(B) high-speed, high-bandwidth communications;

“(C) networks, including complex ad hoc adaptive network structures;

“(D) communications devices, including efficient receivers and transmitters;

“(E) computer software and wireless communication applications, including robust security and encryption; and

“(F) any other matters that the Secretary considers appropriate for the purposes described in subsection (b);

“(3) ensure joint research and development, and promote joint systems acquisition and deployment, among the military departments and defense agencies, including the development of common cross-service technology requirements and doctrine, so as to enhance interoperability among the military services and defense agencies;

“(4) conduct joint experimentation among the Armed Forces, and coordinate with the Joint Forces Command, on experimentation to support the development of network-centric warfare capabilities from the operational to the small unit level in the Armed Forces;

“(5) consult with other Federal entities and with private industry to develop cooperative research and development efforts, to the extent that such efforts are practicable.

“(d) REPORT.—(1) The Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives], together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2006 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a report on the activities carried out under this section through the date on which the report is submitted.

“(2) The report under paragraph (1) shall include the following:

“(A) A description of the research and development activities carried out under subsection (a), including the particular activities carried out under the plan required by subsection (c)(2).

“(B) Current and proposed funding for the particular activities carried out under that plan, as set forth in each of subparagraphs (A) through (F) of subsection (c)(2).

“(C) A description of the joint research and development activities required by subsection (c)(3).

“(D) A description of the joint experimentation activities required by subsection (c)(4).

“(E) An analysis of the effects on recent military operations of limitations on communications bandwidth and access to radio frequency spectrum.

“(F) An assessment of the effect of additional resources on the ability to achieve the purposes described in subsection (b).

“(G) Such recommendations for additional activities under this section as the Secretary considers appropriate to meet the purposes described in subsection (b).”

RESEARCH AND DEVELOPMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES

Pub. L. 108-136, div. A, title XVI, §1601, Nov. 24, 2003, 117 Stat. 1680, as amended by Pub. L. 112-81, div. A, title X, §1062(g)(3), Dec. 31, 2011, 125 Stat. 1585; Pub. L. 113-291, div. A, title X, §1071(b)(5)(B), Dec. 19, 2014, 128 Stat. 3507; Pub. L. 114-92, div. A, title VIII, §815(d), Nov. 25, 2015, 129 Stat. 896, provided that:

“(a) IN GENERAL.—The Secretary of Defense (in this section referred to as the ‘Secretary’) shall carry out a program to accelerate the research, development and procurement of biomedical countermeasures, including but not limited to therapeutics and vaccines, for the protection of the Armed Forces from attack by one or more biological, chemical, radiological, or nuclear agents.

“(b) INTERAGENCY COOPERATION.—(1) In carrying out the program under subsection (a), the Secretary may enter into interagency agreements and other collaborative undertakings with other Federal agencies.

“(2) The Secretary, through regular, structured, and close consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall ensure that the activities of the Department of Defense in carrying out the program are coordinated with, complement, and do not unnecessarily duplicate activities of the Department of Health and Human Services or the Department of Homeland Security.

“(c) EXPEDITED PROCUREMENT AUTHORITY.—(1) For any procurement of property or services for use (as determined by the Secretary) in performing, administering, or supporting biomedical countermeasures research and development, the Secretary may, when appropriate, use streamlined acquisition procedures and other expedited procurement procedures authorized in—

“(A) section 1903 of title 41, United States Code; and

“(B) sections 2371 and 2371b of title 10, United States Code.

“(2) Notwithstanding paragraph (1) and the provisions of law referred to in such paragraph, each of the following provisions shall apply to the procurements described in this subsection to the same extent that such provisions would apply to such procurements in the absence of paragraph (1):

“(A) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

“(B) Section 8703(a) of title 41, United States Code.

“(C) Section 2313 of title 10, United States Code (relating to the examination of contractor records).

“(3) The Secretary shall institute appropriate internal controls for use of the authority under paragraph (1), including requirements for documenting the justification for each use of such authority.

“(d) DEPARTMENT OF DEFENSE FACILITIES AUTHORITY.—(1) If the Secretary determines that it is necessary to acquire, lease, construct, or improve laboratories, research facilities, and other real property of the Department of Defense in order to carry out the program under this section, the Secretary may do so using the procedures set forth in paragraphs (2), (3), (4), and (5).

“(2) The Secretary shall use existing construction authorities provided by subchapter I of chapter 169 of title 10, United States Code, to the maximum extent possible.

“(3)(A) If the Secretary determines that use of authorities in paragraph (2) would prevent the Department from meeting a specific facility requirement for the program, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives] advance notification, which shall include the following:

“(i) Certification by the Secretary that use of existing construction authorities would prevent the Department from meeting the specific facility requirement.

“(ii) A detailed explanation of the reasons why existing authorities cannot be used.

“(iii) A justification of the facility requirement.

“(iv) Construction project data and estimated cost.

“(v) Identification of the source or sources of the funds proposed to be expended.

“(B) The facility project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the congressional defense committees.

“(4) If the Secretary determines: (A) that the facility is vital to national security or to the protection of health, safety, or the quality of the environment; and (B) the requirement for the facility is so urgent that the advance notification in paragraph (3) and the subsequent 21-day deferral of the facility project would threaten the life, health, or safety of personnel, or would otherwise jeopardize national security, the Secretary may obligate funds for the facility and notify the congressional defense committees within seven days after the date on which appropriated funds are obligated with the information required in paragraph (3).

“(5) Nothing in this section shall be construed to authorize the Secretary to acquire, construct, lease, or improve a facility having general utility beyond the specific purposes of the program.

“(6) In this subsection, the term ‘facility’ has the meaning given the term in section 2801(c) of title 10, United States Code.

“(e) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

(1) Subject to paragraph (2), the authority provided by section 1091 of title 10, United States Code, for personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense shall also be available, subject to the same terms and conditions, for personal services contracts to carry out research and development activities under this section. The number of individuals whose personal services are obtained under this subsection may not exceed 30 at any time.

“(2) The authority provided by such section 1091 may not be used for a personal services contract unless the contracting officer for the contract ensures that—

“(A) the services to be procured are urgent or unique; and

“(B) it would not be practicable for the Department of Defense to obtain such services by other measures.

“(f) STREAMLINED PERSONNEL AUTHORITY.—(1) The Secretary may appoint highly qualified experts, including scientific and technical personnel, to carry out research and development under this section in accordance with the authorities provided in section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), [former] section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261 [5 U.S.C. 3104 note]), and section 1101 of this Act [enacting chapter 99 of Title 5, Government Organization and Employees, and provisions set out as a note under section 9901 of Title 5].

“(2) The Secretary may use the authority under paragraph (1) only upon a determination by the Secretary that use of such authority is necessary to accelerate the research and development under the program.

“(3) The Secretary shall institute appropriate internal controls for each use of the authority under paragraph (1).”

Pub. L. 107-107, div. A, title X, §1044(a), Dec. 28, 2001, 115 Stat. 1219, provided that:

“(1) The Secretary of Defense shall carry out a program to aggressively accelerate the research, development, testing, and licensure of new medical countermeasures for defense against the biological warfare agents that are the highest threat.

“(2) The program shall include the following activities:

“(A) As the program’s first priority, investment in multiple new technologies for medical countermeasures for defense against the biological warfare agents that are the highest threat, including for the prevention and treatment of anthrax.

“(B) Leveraging of ideas and technologies from the biological technology industry.”

VEHICLE FUEL CELL PROGRAM

Pub. L. 107-314, div. A, title II, §245, Dec. 2, 2002, 116 Stat. 2500, provided that:

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program for the development of vehicle fuel cell technology.

“(b) GOALS AND OBJECTIVES.—The goals and objectives of the program shall be as follows:

“(1) To identify and support technological advances that are necessary for the development of fuel cell technology for use in vehicles of types to be used by the Department of Defense.

“(2) To ensure that critical technology advances are shared among the various fuel cell technology programs within the Federal Government.

“(3) To maximize the leverage of Federal funds that are used for the development of fuel cell technology.

“(c) CONTENT OF PROGRAM.—The program shall include—

“(1) development of vehicle propulsion technologies and fuel cell auxiliary power units, together with pilot projects for the demonstration of such technologies, as appropriate; and

“(2) development of technologies necessary to address critical issues with respect to vehicle fuel cells, such as issues relating to hydrogen storage and hydrogen fuel infrastructure.

“(d) COOPERATION WITH INDUSTRY.—(1) The Secretary shall carry out the program in cooperation with companies selected by the Secretary. The Secretary shall select such companies from among—

“(A) companies in the automobile and truck manufacturing industry;

“(B) companies in the business of supplying systems and components to that industry; and

“(C) companies in any other industries that the Secretary considers appropriate.

“(2) The Secretary may enter into a cooperative agreement with one or more companies selected under paragraph (1) to establish an entity for carrying out activities required by subsection (c).

“(3) The Secretary shall ensure that companies referred to in paragraph (1) collectively contribute, in cash or in kind, not less than one-half of the total cost of carrying out the program under this section.

“(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall carry out the program using a coordinating mechanism for sharing information and resources with the Department of Energy and other Federal agencies.

“(f) INITIAL [SIC] FUNDING.—Of the funds authorized to be appropriated by section 201(4) [116 Stat. 2479], \$10,000,000 shall be available for the program required by this section.”

DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM

Pub. L. 107-314, div. A, title II, §246, Dec. 2, 2002, 116 Stat. 2500, as amended by Pub. L. 110-181, div. A, title II, §240, Jan. 28, 2008, 122 Stat. 48; Pub. L. 111-84, div. A, title II, §242, Oct. 28, 2009, 123 Stat. 2237; Pub. L. 112-239, div. A, title X, §1076(c)(2)(A)(iv), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a defense nanotechnology research and development program.

“(b) PURPOSES.—The purposes of the program are as follows:

“(1) To ensure United States global superiority in nanotechnology necessary for meeting national security requirements.

“(2) To coordinate all nanoscale research and development within the Department of Defense, and to provide for interagency cooperation and collaboration on nanoscale research and development between the Department of Defense and other departments and agencies of the United States that are involved in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under

section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502).

“(3) To develop and manage a portfolio of nanotechnology research and development initiatives that is stable, consistent, and balanced across scientific disciplines.

“(4) To accelerate the transition and deployment of technologies and concepts derived from nanoscale research and development into the Armed Forces, and to establish policies, procedures, and standards for measuring the success of such efforts.

“(5) To collect, synthesize, and disseminate critical information on nanoscale research and development.

“(c) ADMINISTRATION.—In carrying out the program, the Secretary shall act through the Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall supervise the planning, management, and coordination of the program. The Under Secretary, in consultation with the Secretaries of the military departments and the heads of participating Defense Agencies and other departments and agencies of the United States, shall—

“(1) prescribe a set of long-term challenges and a set of specific technical goals for the program;

“(2) develop a coordinated and integrated research and investment plan for meeting the long-term challenges and achieving the specific technical goals that builds upon investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;

“(3) develop memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals; and

“(4) oversee Department of Defense participation in interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative.

“(d) STRATEGIC PLAN.—The Under Secretary shall develop and maintain a strategic plan for defense nanotechnology research and development that—

“(1) is integrated with the strategic plan for the National Nanotechnology Initiative and the strategic plans of the Assistant Secretary of Defense for Research and Engineering, the military departments, and the Defense Agencies; and

“(2) includes a clear strategy for transitioning the research into products needed by the Department.

“(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”

REPORT ON WEAPONS AND CAPABILITIES TO DEFEAT HARDENED AND DEEPLY BURIED TARGETS

Pub. L. 107-314, div. A, title X, §1032, Dec. 2, 2002, 116 Stat. 2643, as amended by Pub. L. 108-136, div. C, title XXXI, §3135, Nov. 24, 2003, 117 Stat. 1752, as amended by Pub. L. 110-181, div. A, title X, §1041, Jan. 28, 2008, 122 Stat. 310; Pub. L. 111-383, div. A, title X, §1075(j), Jan. 7, 2011, 124 Stat. 4378, provided that:

“(a) REPORT.—Not later than March 1, 2009, and every two years thereafter, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the research and development, procurement, and other activities undertaken during the preceding two fiscal years and planned for the current fiscal year and the next fiscal year by the Department of Defense, the De-

partment of Energy, and the intelligence community to develop weapons and capabilities to defeat hardened and deeply buried targets.

“(b) REPORT ELEMENTS.—A report submitted under subsection (a) shall—

“(1) include a discussion of the integration and interoperability of the activities referred to in that subsection that were or will be undertaken during the four-fiscal-year period covered by the report, including a discussion of the relevance of such activities to applicable recommendations by the Chairman of the Joint Chiefs of Staff, assisted under section 181(b) of title 10, United States Code, by the Joint Requirements Oversight Council; and

“(2) set forth separately a description of the activities referred to in that subsection, if any, that were or will be undertaken during the four-fiscal-year period covered by the report by each element of—

- “(A) the Department of Defense;
- “(B) the Department of Energy; and
- “(C) the intelligence community.

“(c) DEFINITION.—In this section, the term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) [now 50 U.S.C. 3003(4)].

“(d) TERMINATION.—No report is required under this section after the submission of the report that is due on March 1, 2013.

“(e) INTEGRATION ACTIVITIES IN FISCAL YEAR 2003 WITH RESPECT TO RNEP.—The report under subsection (a) that is due on April 1, 2004, shall include, in addition to the elements specified in subsection (b), a description of the integration and interoperability of the research and development, procurement, and other activities undertaken during fiscal year 2003 by the Department of Defense and the Department of Energy with respect to the Robust Nuclear Earth Penetrator.”

PILOT PROGRAMS FOR REVITALIZING LABORATORIES AND TEST AND EVALUATION CENTERS OF DEPARTMENT OF DEFENSE

Pub. L. 107-314, div. A, title II, §241, Dec. 2, 2002, 116 Stat. 2492, provided that:

“(a) ADDITIONAL PILOT PROGRAM.—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department of Defense.

“(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

“(A) To use innovative methods of personnel management appropriate for ensuring that the selected laboratories can—

“(i) employ and retain a workforce appropriately balanced between permanent and temporary personnel and among workers with appropriate levels of skills and experience; and

“(ii) effectively shape workforces to ensure that the workforces have the necessary sets of skills and experience to fulfill their organizational missions.

“(B) To develop or expand innovative methods of entering into and expanding cooperative relationships and arrangements with private sector organizations, educational institutions (including primary and secondary schools), and State and local governments to facilitate the training of a future scientific and technical workforce that will contribute significantly to the accomplishment of organizational missions.

“(C) To develop or expand innovative methods of establishing cooperative relationships and arrangements with private sector organizations and educational institutions to promote the establishment of the technological industrial base in areas critical for Department of Defense technological requirements.

“(D) To waive any restrictions not required by law that apply to the demonstration and implementation

of methods for achieving the objectives set forth in subparagraphs (A), (B), and (C).

“(3) The Secretary may carry out the pilot program under this subsection at each selected laboratory for a period of three years beginning not later than March 1, 2003.

“(b) RELATIONSHIP TO FISCAL YEARS 1999 AND 2000 REVITALIZATION PILOT PROGRAMS.—The pilot program under this section is in addition to, but may be carried out in conjunction with, the fiscal years 1999 and 2000 revitalization pilot programs.

“(c) REPORTS.—(1) Not later than January 1, 2003, the Secretary shall submit to Congress a report on the experience under the fiscal years 1999 and 2000 revitalization pilot programs in exercising the authorities provided for the administration of those programs. The report shall include a description of—

“(A) barriers to the exercise of the authorities that have been encountered;

“(B) the proposed solutions for overcoming the barriers; and

“(C) the progress made in overcoming the barriers.

“(2) Not later than September 1, 2003, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program under subsection (a) and the fiscal years 1999 and 2000 revitalization pilot programs. The report shall include, for each such pilot program, the following:

“(A) Each laboratory selected for the pilot program.

“(B) To the extent practicable, a description of the innovative methods that are to be tested at each laboratory.

“(C) The criteria to be used for measuring the success of each method to be tested.

“(3) Not later than 90 days after the expiration of the period for the participation of a laboratory in a pilot program referred to in paragraph (2), the Secretary of Defense shall submit to Congress a final report on the participation of that laboratory in the pilot program. The report shall include the following:

“(A) A description of the methods tested.

“(B) The results of the testing.

“(C) The lessons learned.

“(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at that laboratory under the pilot program.

“(d) EXTENSION OF AUTHORITY FOR OTHER REVITALIZATION PILOT PROGRAMS.—(1) [Amended section 246(a)(4) of Pub. L. 105-261, formerly set out as a note below.]

“(2) [Amended section 245(a)(4) of Pub. L. 106-65, formerly set out as a note below.]

“(e) PARTNERSHIPS UNDER PILOT PROGRAM.—(1) The Secretary of Defense may authorize one or more laboratories and test centers participating in the pilot program under subsection (a) or in one of the fiscal years 1999 and 2000 revitalization pilot programs to enter into a cooperative arrangement (in this subsection referred to as a ‘public-private partnership’) with entities in the private sector and institutions of higher education for the performance of work.

“(2) A competitive process shall be used for the selection of entities outside the Government to participate in a public-private partnership.

“(3)(A) Not more than one public-private partnership may be established as a limited liability company.

“(B) An entity participating in a limited liability company as a party to a public-private partnership under the pilot program may contribute funds to the company, accept contributions of funds for the company, and provide materials, services, and use of facilities for research, technology, and infrastructure of the company, if it is determined under regulations prescribed by the Secretary of Defense that doing so will improve the efficiency of the performance of research, test, and evaluation functions of the Department of Defense.

“(f) FISCAL YEARS 1999 AND 2000 REVITALIZATION PILOT PROGRAMS DEFINED.—In this section, the term ‘fiscal years 1999 and 2000 revitalization pilot programs’ means—

“(1) the pilot programs authorized by section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1955; [former] 10 U.S.C. 2358 note); and

“(2) the pilot programs authorized by section 245 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 552; [former] 10 U.S.C. 2358 note).”

Pub. L. 106-65, div. A, title II, §245, Oct. 5, 1999, 113 Stat. 552, as amended by Pub. L. 107-314, div. A, title II, §241(d)(2), Dec. 2, 2002, 116 Stat. 2493, authorized the Secretary of Defense to carry out a pilot program for up to five years beginning not later than Mar. 1, 2000, to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department of Defense, and directed the Secretary to submit to Congress a report on the implementation of the program not later than Mar. 1, 2000, and a final report promptly after the expiration of the period for participation in the program.

Pub. L. 105-261, div. A, title II, §246, Oct. 17, 1998, 112 Stat. 1955, as amended by Pub. L. 107-314, div. A, title II, §241(d)(1), Dec. 2, 2002, 116 Stat. 2493, authorized the Secretary of Defense to carry out a pilot program for up to six years beginning not later than Mar. 1, 1999, to demonstrate improved cooperative relationships with universities and other private sector entities for the performance of research and development functions, and directed the Secretary to submit a report on the implementation of the program to Congress not later than Mar. 1, 1999, and a final report on participation in the program promptly after the expiration of the period for participation.

DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH

Pub. L. 105-18, title I, §307, June 12, 1997, 111 Stat. 169, provided that: “For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.”

Pub. L. 103-337, div. A, title II, §257, Oct. 5, 1994, 108 Stat. 2705, as amended by Pub. L. 104-106, div. A, title II, §273, Feb. 10, 1996, 110 Stat. 239; Pub. L. 104-201, div. A, title II, §264, Sept. 23, 1996, 110 Stat. 2465; Pub. L. 105-85, div. A, title II, §243, Nov. 18, 1997, 111 Stat. 1667; Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub. L. 107-314, div. A, title II, §247, Dec. 2, 2002, 116 Stat. 2502; Pub. L. 110-181, div. A, title II, §239, Jan. 28, 2008, 122 Stat. 48; Pub. L. 112-239, div. A, title X, §1076(c)(2)(A)(v), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) PROGRAM REQUIRED.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a Defense Experimental Program to Stimulate Competitive Research (DEPSCoR) as part of the university research programs of the Department of Defense.

“(b) PROGRAM OBJECTIVES.—The objectives of the program are as follows:

“(1) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is competitive under the peer-review systems used for awarding Federal research assistance.

“(2) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.

“(c) PROGRAM ACTIVITIES.—In order to achieve the program objectives, the following activities are authorized under the program:

“(1) Competitive award of grants for research and instrumentation to support such research.

“(2) Competitive award of financial assistance for graduate students.

“(3) Any other activities that are determined necessary to further the achievement of the objectives of the program.

“(d) ELIGIBLE STATES.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate which States are eligible States for the purposes of this section.

“(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate a State as an eligible State if, as determined by the Under Secretary—

“(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be; and

“(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs at institutions of higher education in the State.

“(e) COORDINATION WITH SIMILAR FEDERAL PROGRAMS.—(1) The Secretary shall consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of the program and shall coordinate the program with the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation and with similar programs sponsored by other departments and agencies of the Federal Government.

“(2) All solicitations under the Defense Experimental Program to Stimulate Competitive Research may be made to, and all awards may be made through, the State committees established for purposes of the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation.

“(3) A State committee referred to in paragraph (2) shall ensure that activities carried out in the State of that committee under the Defense Experimental Program to Stimulate Competitive Research are coordinated with the activities carried out in the State under other similar initiatives of the Federal Government to stimulate competitive research.

“(f) STATE DEFINED.—In this section, the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

DEFENSE LABORATORIES PERSONNEL DEMONSTRATION PROJECTS

Pub. L. 111-84, div. A, title XI, §1105, Oct. 28, 2009, 123 Stat. 2486, as amended by Pub. L. 113-291, div. A, title XI, §1103, Dec. 19, 2014, 128 Stat. 3525, provided that:

“(a) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721) [set out below], as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001):

“(1) The Aviation and Missile Research Development and Engineering Center.

“(2) The Army Research Laboratory.

“(3) The Medical Research and Materiel Command.

“(4) The Engineer Research and Development Command.

“(5) The Communications-Electronics Command.

“(6) The Soldier and Biological Chemical Command.

“(7) The Naval Sea Systems Command Centers.

“(8) The Naval Research Laboratory.

“(9) The Office of Naval Research.

“(10) The Air Force Research Laboratory.

“(11) The Tank and Automotive Research Development and Engineering Center.

“(12) The Armament Research Development and Engineering Center.

“(13) The Naval Air Warfare Center, Weapons Division.

“(14) The Naval Air Warfare Center, Aircraft Division.

“(15) The Space and Naval Warfare Systems Center, Pacific.

“(16) The Space and Naval Warfare Systems Center, Atlantic.

“(17) The laboratories within the Army Research Development and Engineering Command.

“(18) The Army Research Institute for the Behavioral and Social Sciences.

“(19) The Space and Missile Defense Command Technical Center.

“(b) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (a), from the personnel system which applies as of the date of the enactment of this Act [Oct. 28, 2009] to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this subsection—

“(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

“(2) shall be consistent with section 4703(f) of title 5, United States Code;

“(3) shall be completed within 18 months after the date of the enactment of this Act; and

“(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5, United States Code) or senior executives (as defined by section 3132(a)(3) of such title).

“(c) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in such section 342(b) [set out below]), without prior congressional authorization.”

Pub. L. 110-181, div. A, title XI, §1107, Jan. 28, 2008, 122 Stat. 357, as amended by Pub. L. 110-417, [div. A], title XI, §1109, Oct. 14, 2008, 122 Stat. 4618; Pub. L. 111-84, div. A, title X, §1073(d), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 111-383, div. A, title XI, §1101(b), Jan. 7, 2011, 124 Stat. 4382; Pub. L. 112-81, div. A, title X, §1066(b)(2), Dec. 31, 2011, 125 Stat. 1588, provided that:

“(a) REQUIREMENT.—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721) [set out below], as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-315), to carry out personnel management demonstration projects at Department of Defense laboratories designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486; 10 U.S.C. 2358 note) as Department of Defense science and technology reinvention laboratories.

“(b) PROCESS FOR FULL IMPLEMENTATION.—The Secretary of Defense shall also implement a process and implementation plan to fully utilize the authorities described in subsection (a) to enhance the performance of the missions of the laboratories.

“(c) OTHER LABORATORIES.—Any flexibility available to any demonstration laboratory shall be available for use at any other laboratory designated by section 1105(a) of the National Defense Authorization Act for

Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.

“(d) SUBMISSION OF LIST AND DESCRIPTION.—Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report containing a list and description of the demonstration project notices, amendments, and changes requested by the laboratories during the preceding calendar year. The list shall include all approved and disapproved notices, amendments, and changes, and the reasons for disapproval or delay in approval.

“(e) STATUS REPORTS.—

“(1) IN GENERAL.—The Secretary shall include in each report under subsection (d) the information described in paragraph (2).

“(2) INFORMATION REQUIRED.—Each report under subsection (d) shall describe the following:

“(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

“(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

“(C) With respect to any applications by any Department of Defense laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

“(i) the number of applications that were received, pending, or acted on during such year;

“(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

“(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

“(3) DEFINITION.—For purposes of this subsection, the term ‘demonstration laboratory’ means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 [Pub. L. 103-337, set out below] (as cited in subsection (a)).”

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1107(d) of Pub. L. 110-181, set out above, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.]

Pub. L. 103-337, div. A, title III, §342(b), Oct. 5, 1994, 108 Stat. 2721, as amended by Pub. L. 106-65, div. A, title XI, §1109, Oct. 5, 1999, 113 Stat. 779; Pub. L. 106-398, §1 [[div. A], title XI, §1114], Oct. 30, 2000, 114 Stat. 1654, 1654A-315; Pub. L. 114-328, div. A, title II, §211(e), Dec. 23, 2016, 130 Stat. 2047, provided that:

“(1) The Secretary of Defense may carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Department of Defense science and technology reinvention laboratories.

“(2)(A) Each personnel demonstration project carried out under the authority of paragraph (1) shall be generally similar in nature to the China Lake demonstration project.

“(B) For purposes of subparagraph (A), the China Lake demonstration project is the demonstration project that is authorized by section 6 of the Civil Service Miscellaneous Amendments Act of 1983 [Pub. L. 98-224, 98 Stat. 49] to be continued at the Naval Weapons Center, China Lake, California, and at the Naval Ocean Systems Center, San Diego, California.

“(3) If the Secretary carries out a demonstration project at a laboratory pursuant to paragraph (1), section 4703 of title 5, United States Code, shall apply to the demonstration project, except that—

“(A) subsection (d) of such section 4703 shall not apply to the demonstration project;

“(B) the authority of the Secretary to carry out the demonstration project is that which is provided in paragraph (1) rather than the authority which is provided in such section 4703; and

“(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703 through the Assistant Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals).

“(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section [enacting this note] shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(5) The limitations in section 5373 of title 5, United States Code, do not apply to the authority of the Secretary under this section to prescribe salary schedules and other related benefits.”

INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS

Pub. L. 103-160, div. A, title II, §252, Nov. 30, 1993, 107 Stat. 1607, provided that:

“(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

“(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

“(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

“(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

“(1) is inappropriate with respect to the health of the subjects;

“(2) is inappropriate with respect to the purpose of the research; or

“(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

“(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.”

UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM

Pub. L. 103-160, div. A, title VIII, §802, Nov. 30, 1993, 107 Stat. 1701, as amended by Pub. L. 104-106, div. A, title II, §275, Feb. 10, 1996, 110 Stat. 241; Pub. L. 104-201, div. A, title II, §263, Sept. 23, 1996, 110 Stat. 2465; Pub. L. 112-239, div. A, title X, §1076(c)(2)(E), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense, through the Assistant Secretary of Defense for Research and Engineering, may establish a University Research Initiative Support Program.

“(b) PURPOSE.—Under the program, the Assistant Secretary may award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

“(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of \$2,000,000 in grants and contracts from the Department of Defense in the two most recent fiscal years for which complete statistics are available when proposals are requested for such grant or contract.

“(d) COMPETITION REQUIRED.—The Assistant Secretary shall use competitive procedures in awarding grants and contracts under the program.

“(e) SELECTION PROCESS.—In awarding grants and contracts under the program, the Assistant Secretary shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10, United States Code.

“(f) REGULATIONS.—The Assistant Secretary shall prescribe regulations for carrying out the program.

“(g) FUNDING.—Of the amounts authorized to be appropriated under section 201 [107 Stat. 1583], \$20,000,000 shall be available for the University Research Initiative Support Program.”

INDEPENDENT RESEARCH AND DEVELOPMENT; BID AND PROPOSAL COSTS; NEGOTIATION OF ADVANCE AGREEMENTS WITH CONTRACTORS; ANNUAL REPORT TO CONGRESS

Pub. L. 91-441, title II, §203, Oct. 7, 1970, 84 Stat. 906, as amended by Pub. L. 96-342, title II, §208, Sept. 8, 1980, 94 Stat. 1081, provided that no funds authorized to be appropriated to Department of Defense by this or any other Act were to be used to finance independent research and development or bid and proposal costs unless such work had, in opinion of Secretary of Defense, potential relationship to military functions or operations, and advance agreements regarding payment for such work had been negotiated, prior to repeal by Pub. L. 101-510, div. A, title VIII, §824(b), Nov. 5, 1990, 104 Stat. 1604.

RELATIONSHIP OF RESEARCH PROJECTS OR STUDIES TO MILITARY FUNCTION OR OPERATION

Pub. L. 91-441, title II, §204, Oct. 7, 1970, 84 Stat. 908, which provided that no funds authorized to be appropriated to the Department of Defense by this or any other Act may be used to finance any research project or study unless such project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation, was repealed and restated in subsec. (b) of this section by Pub. L. 100-370, §1(g)(3)(C), (5), July 19, 1988, 102 Stat. 847.

HERBICIDES AND DEFOLIATION PROGRAM; COMPREHENSIVE STUDY AND INVESTIGATION; REPORT BY JANUARY 31, 1972; TRANSMITTAL TO PRESIDENT AND CONGRESS BY MARCH 1, 1972

Pub. L. 91-441, title V, §506(c), Oct. 7, 1970, 84 Stat. 913, directed Secretary of Defense to enter into appropriate arrangements with National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) ecological and physiological dangers inherent in use of herbicides, and (B) ecological and physiological effects of defoliation program carried out by Department of Defense in South Vietnam, with a report on the study to be transmitted to President and Congress by Mar. 1, 1972.

CAMPUSES BARRING MILITARY RECRUITERS; CESSATION OF PAYMENTS; NOTIFICATION OF SECRETARY OF DEFENSE

Pub. L. 92-436, title VI, §606, Sept. 29, 1972, 86 Stat. 740, provided that:

“(a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institu-

tion of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution: except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

“(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

“(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act [Sept. 29, 1972] and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 92-156, title V, §502, Nov. 17, 1971, 85 Stat. 427.
Pub. L. 91-441, title V, §510, Oct. 7, 1970, 84 Stat. 914.

FEDERAL CONTRACT RESEARCH CENTERS; OFFICERS' COMPENSATION; NOTIFICATION TO CONGRESS

Pub. L. 91-121, title IV, §407, Nov. 19, 1969, 83 Stat. 208, related to restrictions on use of appropriations for compensation of officers and employees of Federal contract research centers, and notice requirements respecting such payments, prior to repeal by Pub. L. 96-107, title VIII, §819(c), Nov. 9, 1979, 93 Stat. 819. See section 2359 of this title.

§ 2358a. Authorities for certain positions at science and technology reinvention laboratories

(a) AUTHORITY TO MAKE DIRECT APPOINTMENTS.—

(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS AT SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—The director of any Science and Technology Reinvention Laboratory (hereinafter in this section referred to as an “STRL”) may appoint qualified candidates possessing a bachelor's degree to positions described in paragraph (1) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

(2) VETERAN CANDIDATES FOR SIMILAR POSITIONS AT RESEARCH AND ENGINEERING FACILITIES.—The director of any STRL may appoint qualified veteran candidates to positions described in paragraph (2) of subsection (b) as an employee at a laboratory, agency, or organization specified in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5.

(3) STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The director of any STRL may appoint qualified candidates enrolled in a program of undergraduate or graduate instruction leading to a bachelor's or an advanced degree in a scientific, technical, engineering or mathematical course of study at an institution of higher education (as that term is defined in sections 101 and 102 of the

Higher Education Act of 1965 (20 U.S.C. 1001, 1002)) to positions described in paragraph (3) of subsection (b) as an employee in a laboratory described in that paragraph without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

(4) NONCOMPETITIVE CONVERSION TO PERMANENT APPOINTMENT.—With respect to any student appointed by the director of an STRL under paragraph (3) to a temporary or term appointment, upon graduation from the applicable institution of higher education (as defined in such paragraph), the director may noncompetitively convert such student to a permanent appointment within the STRL without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title), provided the student meets all eligibility and Office of Personnel Management qualification requirements for the position.

(b) COVERED POSITIONS.—

(1) CANDIDATES FOR SCIENTIFIC AND ENGINEERING POSITIONS.—The positions described in this paragraph are scientific and engineering positions that may be temporary, term, or permanent in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

(2) QUALIFIED VETERAN CANDIDATES.—The positions described in this paragraph are scientific, technical, engineering, and mathematics positions, including technicians, in the following:

(A) Any laboratory referred to in paragraph (1).

(B) Any other Department of Defense research and engineering agency or organization designated by the Secretary for purposes of subsection (a)(2).

(3) CANDIDATES ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—The positions described in this paragraph are scientific and engineering positions that may be temporary or term in any laboratory designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.

(c) LIMITATION ON NUMBER OF APPOINTMENTS ALLOWABLE IN A CALENDAR YEAR.—The authority under subsection (a) may not, in any calendar year and with respect to any laboratory, agency, or organization described in subsection (b), be exercised with respect to a number of candidates greater than the following:

(1) In the case of a laboratory described in subsection (b)(1), with respect to appointment authority under subsection (a)(1), the number equal to 6 percent of the total number of scientific and engineering positions in such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) In the case of a laboratory, agency, or organization described in subsection (b)(2), with