

“(2) an accounting of the funds used in the pilot program;

“(3) a detailed description of the institutional selection process;

“(4) a detailed compilation of results achieved by the pilot program; and

“(5) an analysis of the program’s effectiveness, with data supporting the analysis.

“(e) **QUALIFYING INSTITUTION DEFINED.**—In this section, the term ‘qualifying institution’ means a non-profit institution, as defined in section 4(3) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703(3)), or a Federal laboratory, as defined in section 4(4) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703(4)).

“(f) **LIMITATION AND USE OF FUNDS.**—Not more than \$5,000,000 may be obligated or expended to conduct the pilot program under this section. The Secretary of a military department may use basic research funds, or other funds considered appropriate by the Secretary, to conduct the pilot program within the military department concerned.

“(g) **TERMINATION.**—The pilot program conducted under this section shall terminate on September 30, 2019.”

#### DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM

Pub. L. 111-383, div. A, title X, §1073, Jan. 7, 2011, 124 Stat. 4366, as amended by Pub. L. 114-92, div. A, title II, §216, Nov. 25, 2015, 129 Stat. 769; Pub. L. 114-328, div. A, title II, §213, Dec. 23, 2016, 130 Stat. 2048, provided that:

“(a) **PROGRAM ESTABLISHED.**—The Secretary of Defense shall establish a competitive, merit-based program to accelerate the fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, technologies developed by the defense laboratories, and other innovative technologies (including dual use technologies). The purpose of this program is to stimulate innovative technologies and reduce acquisition or lifecycle costs, address technical risks, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert such products directly in support of primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs.

“(b) **GUIDELINES.**—Not later than 180 days after the date of the enactment of this Act [Jan. 7, 2011], the Secretary shall issue guidelines for the operation of the program. At a minimum such guidance shall provide for the following:

“(1) The issuance of an annual broad agency announcement or the use of any other competitive or merit-based processes by the Department of Defense for candidate proposals in support of defense acquisition programs as described in subsection (a).

“(2) The review of candidate proposals by the Department of Defense and by each military department and the merit-based selection of the most promising cost-effective proposals for funding through contracts, cooperative agreements, and other transactions for the purposes of carrying out the program.

“(3) The total amount of funding provided to any project under the program shall not exceed \$3,000,000, unless the Secretary, or the Secretary’s designee, approves a larger amount of funding for the project.

“(4) No project shall receive more than a total of two years of funding under the program, unless the Secretary, or the Secretary’s designee, approves funding for any additional year.

“(5) Mechanisms to facilitate transition of follow-on or current projects carried out under the program into defense acquisition programs, through the use of the authorities of section 819 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2302 note) or such other authorities as may be appropriate to conduct further testing, low rate production, or full rate production of technologies developed under the program.

“(6) Projects are selected using merit-based selection procedures and the selection of projects is not subject to undue influence by Congress or other Federal agencies.

“(c) **TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.**—Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

“(d) **FUNDING.**—Subject to the availability of appropriations for such purpose, the amounts authorized to be appropriated for research, development, test, and evaluation for a fiscal year may be used for such fiscal year for the program established under subsection (a).

“(e) **TRANSFER AUTHORITY.**—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.”

#### [§ 2359a. Repealed. Pub. L. 112-81, div. A, title II, § 251(a)(1), Dec. 31, 2011, 125 Stat. 1347]

Section, added Pub. L. 107-314, div. A, title II, §242(a)(1), Dec. 2, 2002, 116 Stat. 2494; amended Pub. L. 109-163, div. A, title II, §255(a), Jan. 6, 2006, 119 Stat. 3180; Pub. L. 109-364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 110-181, div. A, title II, §233, Jan. 28, 2008, 122 Stat. 46; Pub. L. 110-417, [div. A], title II, §253(b), Oct. 14, 2008, 122 Stat. 4402, related to Technology Transition Initiative.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 112-81, div. A, title II, §251(b), Dec. 31, 2011, 125 Stat. 1347, provided that: “The amendments made by subsection (a) [repealing this section] shall take effect on October 1, 2013.”

#### § 2359b. Defense Acquisition Challenge Program

(a) **PROGRAM REQUIRED.**—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense.

(2) The program, to be known as the Defense Acquisition Challenge Program (hereinafter in this section referred to as the “Challenge Program”), shall provide any person or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, system, or system-of-systems level of an existing Department of Defense acquisition program, or to address any broader functional challenge to Department of Defense missions that may not fall within an acquisition program, that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program or function.

(b) **PANELS.**—The Under Secretary shall establish one or more panels of highly qualified scientists and engineers (hereinafter in this section referred to as “Panels”) to provide preliminary evaluations of challenge proposals under subsection (c).