

any appointments subject to that numerical limitation are made.

(B) The test and evaluation positions described in paragraph (1) may be filled, and shall be managed, by the director of the Major Range and Test Facility Base, in the case of a position at a facility of the Major Range and Test Facility Base, and the director of the Defense Test Resource Management Center, in the case of a position at such center, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2358 note), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director involved shall determine the number of such positions at each facility of the Major Range and Test Facility Base and the Defense Test Resource Management Center, not to exceed two percent of the number of scientists and engineers, but at least one position, employed at the Major Range and Test Facility Base or the Defense Test Resource Management Center, as the case may be, as of the close of the last fiscal year before the fiscal year in which any appointments subject to those numerical limitations are made.

(e) EXCLUSION FROM PERSONNEL LIMITATIONS.—

(1) IN GENERAL.—The director of an STRL shall manage the workforce strength, structure, positions, and compensation of such STRL—

(A) without regard to any limitation on appointments, positions, or funding with respect to such STRL, subject to subparagraph (B); and

(B) in a manner consistent with the budget available with respect to such STRL.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to Senior Executive Service positions (as defined in section 3132(a) of title 5) or scientific and professional positions authorized under section 3104 of such title.

(f) DEFINITIONS.—In this section:

(1) The term “Defense Test Resource Management Center” means the Department of Defense Test Resource Management Center established under section 196 of this title.

(2) The term “employee” has the meaning given that term in section 2105 of title 5.

(3) The term “Major Range and Test Facility Base” means the test and evaluation facilities and resources that are designated by the Secretary of Defense as facilities and resources comprising the Major Range and Test Facility Base.

(4) The term “veteran” has the meaning given that term in section 101 of title 38.

(Added Pub. L. 114-328, div. A, title XI, §1122(a)(1), Dec. 23, 2016, 130 Stat. 2453; amended Pub. L. 115-91, div. A, title XI, §1111, Dec. 12, 2017, 131 Stat. 1636; Pub. L. 115-232, div. A, title XI, §1112(a), Aug. 13, 2018, 132 Stat. 2012.)

#### AMENDMENTS

2018—Subsec. (a)(4). Pub. L. 115-232 substituted “of appointments” for “to permanent appointment” in heading and “to another temporary appointment or to a term or permanent appointment” for “to a permanent appointment” in text.

2017—Subsec. (d)(1). Pub. L. 115-91, §1111(1)(A)(i), inserted “, each facility of the Major Range and Test Facility Base, and the Defense Test Resource Management Center” after “each STRL” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 115-91, §1111(1)(A)(ii), which directed insertion of “, of such facility of the Major Range and Test Facility Base, or the Defense Test Resource Management Center”, was executed by making the insertion after “such STRL”, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 115-91, §1111(1)(B), designated existing provisions as subpar. (A), substituted “The laboratory positions” for “The positions”, and added subpar. (B).

Subsec. (f). Pub. L. 115-91, §1111(2), added pars. (1) and (3) and redesignated former pars. (1) and (2) as (2) and (4), respectively.

#### § 2359. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation

(a) POLICY.—Each official specified in subsection (b) shall ensure that the management and conduct of the science and technology programs under the authority of that official are carried out in a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

(b) COVERED OFFICIALS.—Subsection (a) applies to the following officials of the Department of Defense:

(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Secretary of each military department.

(3) The Director of the Defense Advanced Research Projects Agency.

(4) The directors and heads of other offices and agencies of the Department of Defense with assigned research, development, test, and evaluation responsibilities.

(Added Pub. L. 106-398, §1 [[div. A], title IX, §904(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-225.)

#### PRIOR PROVISIONS

A prior section 2359, added Pub. L. 96-107, title VIII, §819(a)(1), Nov. 9, 1979, 93 Stat. 818, related to reports on salaries of officers of Federal contract research centers, prior to repeal by Pub. L. 101-510, div. A, title XIII, §1322(a)(5), Nov. 5, 1990, 104 Stat. 1671.

#### SUPPORT FOR NATIONAL SECURITY INNOVATION AND ENTREPRENEURIAL EDUCATION

Pub. L. 115-91, div. A, title II, §225, Dec. 12, 2017, 131 Stat. 1334, as amended by Pub. L. 115-232, div. A, title II, §233, Aug. 13, 2018, 132 Stat. 1692, provided that:

“(a) SUPPORT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Defense may, acting through the Under Secretary of Defense for Research and Engineering, support national security innovation and entrepreneurial education programs.

“(2) ELEMENTS.—Support under paragraph (1) may include the following:

“(A) Materials to recruit participants, including veterans, for programs described in paragraph (1).

“(B) Model curriculum for such programs.

“(C) Training materials for such programs.

“(D) Best practices for the conduct of such programs.

“(E) Experimental learning opportunities for program participants to interact with operational forces and better understand national security challenges.

“(F) Exchanges and partnerships with Department of Defense science and technology activities.

“(G) Activities consistent with the Proof of Concept Commercialization Pilot Program established under section 1603 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2359 note).

“(b) CONSULTATION.—In carrying out subsection (a), the Secretary may consult with the heads of such Federal agencies, universities, and public and private entities engaged in the development of advanced technologies as the Secretary determines to be appropriate.

“(c) AUTHORITIES.—The Secretary may—

“(1) develop and maintain metrics to assess national security innovation and entrepreneurial education activities to ensure standards for programs supported under subsection (b) are consistent and being met; and

“(2) ensure that any recipient of an award under the Small Business Technology Transfer program, the Small Business Innovation Research program, and science and technology programs of the Department of Defense has the option to participate in training under a national security innovation and entrepreneurial education program supported under subsection (b).

“(d) PARTICIPATION BY FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED FORCES.—The Secretary may encourage Federal employees and members of the Armed Forces to participate in a national security innovation and entrepreneurial education program supported under subsection (a) in order to gain exposure to modern innovation and entrepreneurial methodologies.

“(e) COORDINATION.—In carrying out this section, the Secretary shall consider coordinating and partnering with activities and organizations involved in the following:

“(1) Hack the Army.

“(2) Hack the Air Force.

“(3) Hack the Pentagon.

“(4) The Army Digital Service.

“(5) The Defense Digital Service.

“(6) The Air Force Digital Service.

“(7) Challenge and prize competitions of the Defense Advanced Research Projects Agency (DARPA).

“(8) The Defense Science Study Group.

“(9) The Small Business Innovation Research Program (SBIR).

“(10) The Small Business Technology Transfer Program (STTR).

“(11) War colleges of the military departments.

“(12) Hacking for Defense.

“(13) The National Security Science and Engineering Faculty Fellowship (NSSEFF) program.

“(14) The Science, Mathematics and Research for Transformation (SMART) scholarship program.

“(15) The young faculty award program of the Defense Advanced Research Projects Agency.

“(16) The National Security Technology Accelerator.

“(17) The I-Corps Program.”

#### PROOF OF CONCEPT COMMERCIALIZATION PILOT PROGRAM

Pub. L. 113-66, div. A, title XVI, §1603, Dec. 26, 2013, 127 Stat. 944, as amended by Pub. L. 113-291, div. A, title VIII, §818, Dec. 19, 2014, 128 Stat. 3432, provided that:

“(a) PILOT PROGRAM.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and the Secretary of each military department, may establish and implement a pilot program, to be known as the ‘Proof of Concept Commercialization Pilot Program’, in accordance with this section.

“(b) PURPOSE.—The purpose of the pilot program is to accelerate the commercialization of basic research innovations from qualifying institutions.

“(c) AWARDS.—

“(1) IN GENERAL.—Under the pilot program, the Secretary shall make financial awards to qualifying institutions in accordance with this subsection.

“(2) COMPETITIVE, MERIT-BASED PROCESS.—An award under the pilot program shall be made using a competitive, merit-based process.

“(3) ELIGIBILITY.—A qualifying institution shall be eligible for an award under the pilot program if the institution agrees to—

“(A) use funds from the award for the uses specified in paragraph (5); and

“(B) oversee the use of the funds through—

“(i) rigorous review of commercialization potential or military utility of technologies, including through use of outside expertise;

“(ii) technology validation milestones focused on market feasibility;

“(iii) simple reporting on program progress; and

“(iv) a process to reallocate funding from poor performing projects to those with more potential.

“(4) CRITERIA.—An award may be made under the pilot program to a qualifying institution in accordance with the following criteria:

“(A) The extent to which a qualifying institution—

“(i) has an established and proven technology transfer or commercialization office and has a plan for engaging that office in the program’s implementation or has outlined an innovative approach to technology transfer that has the potential to increase or accelerate technology transfer outcomes and can be adopted by other qualifying institutions;

“(ii) can assemble a project management board comprised of industry, start-up, venture capital, technical, financial, and business experts;

“(iii) has an intellectual property rights strategy or office; and

“(iv) demonstrates a plan for sustainability beyond the duration of the funding from the award.

“(B) Such other criteria as the Secretary determines necessary.

“(5) USE OF AWARD.—

“(A) IN GENERAL.—Subject to subparagraph (B), the funds from an award may be used to evaluate the commercial potential of existing discoveries, including activities that contribute to determining a project’s commercialization path, including technical validations, market research, clarifying intellectual property rights, and investigating commercial and business opportunities.

“(B) LIMITATIONS.—

“(i) The amount of an award may not exceed \$1,000,000 a year.

“(ii) Funds from an award may not be used for basic research, or to fund the acquisition of research equipment or supplies unrelated to commercialization activities.

“(d) REPORT.—Not later than one year after the establishment of the pilot program, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the effectiveness of the activities of the pilot program. The report shall include—

“(1) a detailed description of the pilot program;

“(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, which related to the establishment of 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), was repealed by Pub. L. 115-232, div. A, title II, §224(b)(1), Aug. 13, 2018, 132 Stat. 1684. See section 2359a of this title.

**§ 2359a. Defense Research and Development Rapid Innovation Program**

(a) PROGRAM ESTABLISHED.—(1) 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).

(2) 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.—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 one or more broad agency announcements 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 from funding provided under subsection (d) 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 from funding provided under subsection (d), 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 2302e of this title 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.—(1) 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.

(2) The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(Added Pub. L. 115-232, div. A, title II, §224(a)(1), Aug. 13, 2018, 132 Stat. 1683.)

PRIOR PROVISIONS

A prior section 2359a, 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, prior to repeal by Pub. L. 112-81, div. A, title II, §251(a)(1), Dec. 31, 2011, 125 Stat. 1347.

**§ 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