

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 116-283 substituted “accelerate” for “to accelerate”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1842(b) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

(a) **IN GENERAL.**—The Secretary of Defense may carry out a program 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 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) **SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.**—In this section, the term “science and technology reinvention laboratories of the De-

partment 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 (10 U.S.C. 2358 note).

(Added Pub. L. 116-283, div. A, title XI, § 1115(a), Jan. 1, 2021, 134 Stat. 3895.)

REPEAL OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1881(a), Jan. 1, 2021, 134 Stat. 4151, 4293, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, chapter 139 of this title, and therefore this section, is repealed.

REFERENCES IN TEXT

Section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010, referred to in subsec. (f), is section 1105(a) of Pub. L. 111-84, div. A, title XI, Oct. 28, 2009, 123 Stat. 2486, which is set out in a note under section 2358 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

§ 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 Research and Engineering.

(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; amended Pub. L. 116-92, div. A, title IX, § 902(55), Dec. 20, 2019, 133 Stat. 1549.)

TRANSFER OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1841(c), Jan. 1, 2021, 134 Stat. 4151, 4243, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 301 of this title, as added by section 1841(a) of Pub. L. 116-283, added after section 4004 of this title, as transferred and redesignated by section 1841(b) of Pub. L. 116-283, and redesignated as section 4007 of

this title. See Effective Date of 2021 Amendment note below.

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.

AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 116-92 substituted “Under Secretary of Defense for Research and Engineering” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

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; Pub. L. 116-92, div. A, title II, § 219, Dec. 20, 2019, 133 Stat. 1260, 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.

“(18) The Lab-Embedded Entrepreneurship Programs of the Department of Energy.”

PROOF OF CONCEPT COMMERCIALIZATION OF DUAL-USE TECHNOLOGY 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; Pub. L. 116-92, div. A, title II, § 217, Dec. 20, 2019, 133 Stat. 1258, 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 of Dual-Use Technology Pilot Program’, with a focus on priority defense technology areas that attract public and private sector funding, as well as private sector investment capital, including from venture capital firms in the United States, 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, which may include access to venture capital.

“(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) 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)).

“(e) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:

“(1) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

“(2) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

“(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

“(4) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

“(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

“(6) Section 225 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2359 note).

“(7) Section 1711 of such Act (Public Law 115–91; 10 U.S.C. 2505 note), relating to a pilot program on strengthening manufacturing in the defense industrial base.

“(8) Section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

“(f) TERMINATION.—The pilot program conducted under this section shall terminate on September 30, 2024.”

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, phase II Small Business Technology Transfer 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 \$6,000,000.

(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.

(7) A preference under the program for funding small business concerns.

(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.