

Stat. 893; Pub. L. 115–232, div. A, title VIII, § 886, Aug. 13, 2018, 132 Stat. 1916.)

TRANSFER OF SECTION

Pub. L. 116–283, div. A, title XVIII, §§ 1801(d), 1841(b)(1), 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, inserted after section 4003, and redesignated as section 4004 of this title. See Effective Date of 2021 Amendment note below.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 4504 and 9504 of this title, prior to repeal by Pub. L. 103–160, § 822(c)(2).

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–232 inserted “telecommunications,” after “space-flight.”

2015—Subsec. (a). Pub. L. 114–92, § 814(a), inserted “transportation, energy, medical, space-flight,” before “and aeronautical supplies”.

Subsec. (b). Pub. L. 114–92, § 814(b), substituted “only when such purchases are made in quantities greater than necessary for experimentation, technical evaluation, assessment of operational utility, or safety or to provide a residual operational capability” for “only when such purchases are made in quantity”.

1996—Subsec. (b). Pub. L. 104–106 inserted “only” after “applies” in second sentence.

1994—Subsec. (a). Pub. L. 103–337 substituted “chemical activity, and aeronautical supplies,” for “and chemical activity supplies.”

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.

§ 2374. Merit-based award of grants for research and development

(a) It is the policy of Congress that an agency named in section 2303(a) of this title should not be required by legislation to award a new grant for research, development, test, or evaluation to a non-Federal Government entity. It is further the policy of Congress that any program, project, or technology identified in legislation be awarded through merit-based selection procedures.

(b) A provision of law may not be construed as requiring a new grant to be awarded to a specified non-Federal Government entity unless that provision of law—

(1) specifically refers to this subsection;

(2) specifically identifies the particular non-Federal Government entity involved; and

(3) specifically states that the award to that entity is required by such provision of law in contravention of the policy set forth in subsection (a).

(c) For purposes of this section, a grant is a new grant unless the work provided for in the grant is a continuation of the work performed by the specified entity under a preceding grant.

(d) This section shall not apply with respect to any grant that calls upon the National Academy

of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an agency named in section 2303(a) of this title and to report on such matters to the Congress or any agency of the Federal Government.

(Added Pub. L. 103–355, title VII, § 7203(a)(2), Oct. 13, 1994, 108 Stat. 3380.)

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 4007, and redesignated as section 4008 of this title. See Effective Date of 2021 Amendment note below.

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.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103–355, set out as an Effective Date of 1994 Amendment note under section 2302 of this title.

§ 2374a. Prizes for advanced technology achievements

(a) **AUTHORITY.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the service acquisition executive for each military department, may carry out programs to award cash prizes and other types of prizes that the Secretary determines are appropriate to recognize outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

(b) **COMPETITION REQUIREMENTS.**—Each program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

(c) **LIMITATIONS.**—(1) No prize competition may result in the award of a prize with a fair market value of more than \$10,000,000.

(2) No prize competition may result in the award of more than \$1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Research and Engineering.

(3) No prize competition may result in the award of a solely nonmonetary prize with a fair market value of more than \$10,000 without the approval of the Under Secretary of Defense for Research and Engineering.

(d) **RELATIONSHIP TO OTHER AUTHORITY.**—A program under subsection (a) may be carried out

in conjunction with or in addition to the exercise of any other authority of an official referred to in that subsection to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

(e) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated or otherwise made available to the Secretary to award prizes under this section, the Secretary may accept funds or nonmonetary items from other departments and agencies of the Federal Government, from State and local governments, and from the private sector, to award prizes under this section. The Secretary may not give any special consideration to any private sector entity in return for a donation.

(f) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competitive procedures for the purposes of section 2304 of this title.

(Added Pub. L. 106-65, div. A, title II, §244(a), Oct. 5, 1999, 113 Stat. 552; amended Pub. L. 107-314, div. A, title II, §248(a), Dec. 2, 2002, 116 Stat. 2502; Pub. L. 108-136, div. A, title X, §1031(a)(20), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 109-163, div. A, title II, §257, Jan. 6, 2006, 119 Stat. 3184; Pub. L. 109-364, div. A, title II, §212, Oct. 17, 2006, 120 Stat. 2119; Pub. L. 111-84, div. A, title II, §253, Oct. 28, 2009, 123 Stat. 2243; Pub. L. 111-383, div. A, title IX, §901(j)(4), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 113-66, div. A, title II, §263, Dec. 26, 2013, 127 Stat. 726; Pub. L. 113-291, div. A, title II, §211, Dec. 19, 2014, 128 Stat. 3324; Pub. L. 114-92, div. A, title X, §1079(a), Nov. 25, 2015, 129 Stat. 999; Pub. L. 114-328, div. A, title X, §1081(c)(6), Dec. 23, 2016, 130 Stat. 2420; Pub. L. 115-91, div. A, title II, §213, Dec. 12, 2017, 131 Stat. 1324; Pub. L. 115-232, div. A, title X, §1081(a)(21), Aug. 13, 2018, 132 Stat. 1984; Pub. L. 116-92, div. A, title II, §215, Dec. 20, 2019, 133 Stat. 1257.)

TRANSFER OF SECTION

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1842(b), Jan. 1, 2021, 134 Stat. 4151, 4244, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 303 of this title, as added by section 1842(a) of Pub. L. 116-283, inserted after section 4064, and redesignated as section 4065 of this title. See Effective Date of 2021 Amendment note below.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 substituted “Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,” for “Assistant Secretary of Defense for Research and Engineering”.

2018—Subsec. (e). Pub. L. 115-232 substituted “Federal Government,” for “Federal Government.,”.

2017—Subsec. (a). Pub. L. 115-91, §213(1), substituted “and other types of prizes that the Secretary determines are appropriate to recognize” for “in recognition of”.

Subsec. (c)(1). Pub. L. 115-91, §213(2)(A), substituted “prize with a fair market value of” for “cash prize of”.

Subsec. (c)(2). Pub. L. 115-91, §213(2)(B), substituted “Under Secretary of Defense for Research and Engineering” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

Subsec. (c)(3). Pub. L. 115-91, §213(2)(C), added par. (3).

Subsec. (e). Pub. L. 115-91, §213(3), inserted “or non-monetary items” after “accept funds”, substituted “, from State and local governments, and from the private sector” for “and from State and local governments”, and inserted at end “The Secretary may not give any special consideration to any private sector entity in return for a donation.”

Subsec. (f). Pub. L. 115-91, §213(4), amended subsec. (f) generally. Prior to amendment, text read as follows: “The authority to award prizes under subsection (a) shall terminate at the end of September 30, 2018.”

2016—Subsecs. (f), (g). Pub. L. 114-328, §1081(c)(6), made technical amendment to directory language of Pub. L. 114-92, §1079(a). See 2015 Amendment note below.

2015—Subsecs. (f), (g). Pub. L. 114-92, §1079(a), as amended by Pub. L. 114-328, §1081(c)(6), redesignated subsec. (g) as (f) and struck out former subsec. (f) which related to biennial reports.

2014—Subsec. (c)(1). Pub. L. 113-291, §211(a), substituted “No prize competition may result in the award of a cash prize of more than \$10,000,000.” for “The total amount made available for award of cash prizes in a fiscal year may not exceed \$10,000,000.”

Subsec. (e). Pub. L. 113-291, §211(b)(2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 113-291, §211(c)(3), substituted “BIENNIAL” for “ANNUAL” in heading.

Pub. L. 113-291, §211(b)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1). Pub. L. 113-291, §211(c)(1), substituted “every other year” for “each year” and “two fiscal years” for “fiscal year”.

Subsec. (f)(2). Pub. L. 113-291, §211(c)(2), substituted “a period of two fiscal years” for “a fiscal year” in introductory provisions.

Subsec. (g). Pub. L. 113-291, §211(b)(1), redesignated subsec. (f) as (g).

2013—Subsec. (f). Pub. L. 113-66 substituted “September 30, 2018” for “September 30, 2013”.

2011—Subsec. (a). Pub. L. 111-383 substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering”.

2009—Subsec. (f). Pub. L. 111-84 substituted “2013” for “2010”.

2006—Subsec. (a). Pub. L. 109-364, §212(a)(1), substituted “Director of Defense Research and Engineering and the service acquisition executive for each military department” for “Director of the Defense Advanced Research Projects Agency” and “programs” for “a program”.

Subsec. (b). Pub. L. 109-364, §212(a)(2)(A), substituted “Each program” for “The program”.

Subsec. (d). Pub. L. 109-364, §212(a)(2)(B), substituted “A program” for “The program” and “an official referred to in that subsection” for “the Director”.

Subsec. (e). Pub. L. 109-364, §212(c), reenacted heading without change and amended text generally. Prior to amendment, subsec. (e) required an annual report, which included the results of consultations between the Director and officials of the military departments, a description of goals, cash prizes, methods used for submissions, a description of resources, and a description of transition plans.

Pub. L. 109-163 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Promptly after the end of each fiscal year during which one or more prizes are awarded under the program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for that fiscal year. The report shall include the following:

“(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

“(2) The total amount of the prizes awarded.

“(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.”

Subsec. (f). Pub. L. 109-364, §212(b), substituted “2010” for “2007”.

2003—Subsec. (e). Pub. L. 108-136 inserted “during which one or more prizes are awarded under the program under subsection (a)” after “each fiscal year” in introductory provisions.

2002—Subsec. (f). Pub. L. 107-314 substituted “September 30, 2007” for “September 30, 2003”.

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.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title X, §1081(c), Dec. 23, 2016, 130 Stat. 2419, provided that the amendment made by section 1081(c)(6) is effective as of Nov. 25, 2015, and as if included in Pub. L. 114-92 as enacted.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

PRIZE COMPETITION TO IDENTIFY ROOT CAUSE OF PHYSIOLOGICAL EPISODES ON NAVY, MARINE CORPS, AND AIR FORCE TRAINING AND OPERATIONAL AIRCRAFT

Pub. L. 115-91, div. A, title X, §1089, Dec. 12, 2017, 131 Stat. 1605, as amended by Pub. L. 116-283, div. A, title XVIII, §1842(c)(1), Jan. 1, 2021, 134 Stat. 4244, provided that:

“(a) IN GENERAL.—Under the authority of section 2374a of title 10, United States Code, and section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, the Commandant of the Marine Corps, and the heads of any other appropriate Federal agencies that have experience in prize competitions, and when appropriate, in coordination with private organizations, may establish a prize competition designed to accelerate identification of the root cause or causes of, or find solutions to, physiological episodes experienced in Navy, Marine Corps, and Air Force training and operational aircraft.

“(b) EVALUATION OF PERSONNEL.—The Secretary of Defense, or the Secretary’s designee, shall select the person or persons to conduct the competition authorized in subsection (a) and evaluate any submissions.

“(c) LIMITATION.—The Secretary of Defense may not exercise the authority under subsection (a) before the date that is 15 days after the date on which the Secretary of Defense submits to [the] congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] certification in writing that the use of the authority will not compromise classified information, proprietary information, or intellectual property.”

[Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1842(c)(1), Jan. 1, 2021, 134 Stat. 4151, 4244, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, section 1089(a) of Pub. L. 115-91, set out above, is amended by striking “section 2374a” and inserting “section 4065”.]

§ 2374b. Disclosure requirements for recipients of research and development funds

(a) IN GENERAL.—Except as provided in subsections (b) and (c), an individual or entity (including a State or local government) that uses funds received from the Department of Defense to carry out research or development activities shall include, in any public document pertaining

to such activities, a clear statement indicating the dollar amount of the funds received from the Department for such activities.

(b) EXCEPTION.—The disclosure requirement under subsection (a) shall not apply to a public document consisting of fewer than 280 characters.

(c) WAIVER.—The Secretary of Defense may waive the disclosure requirement under subsection (a) on a case-by-case basis.

(d) PUBLIC DOCUMENT DEFINED.—In this section, the term “public document” means any document or other written statement made available for public reference or use, regardless of whether such document or statement is made available in hard copy or electronic format.

(Added Pub. L. 116-283, div. A, title II, §212(a)(1), Jan. 1, 2021, 134 Stat. 3456.)

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.

PRIOR PROVISIONS

A prior section 2374b, added Pub. L. 107-314, div. A, title II, §248(c)(1), Dec. 2, 2002, 116 Stat. 2502, related to prizes for achievements in promoting science, mathematics, engineering, or technology education, prior to repeal by Pub. L. 112-239, div. A, title X, §1076(g)(4), Jan. 2, 2013, 126 Stat. 1955.

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.

EFFECTIVE DATE

Pub. L. 116-283, div. A, title II, §212(b), Jan. 1, 2021, 134 Stat. 3456, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2021, and shall apply with respect to funds for research and development that are awarded by the Department of Defense on or after that date.”

CHAPTER 140—PROCUREMENT OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

- Sec. 2375. Relationship of other provisions of law to procurement of commercial products and commercial services.
- 2376. Definitions.
- 2377. Preference for commercial products and commercial services.
- [2378. Repealed.]
- 2379. Procurement of a major weapon system as a commercial product: requirement for prior determination by Secretary of Defense and notification to Congress.
- 2380. Commercial product and commercial service determinations by Department of Defense.
- 2380a. Treatment of certain products and services as commercial products and commercial services.
- 2380b. Treatment of commingled items purchased by contractors as commercial products.

TRANSFER OF CHAPTER

Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1821(a)(1), Jan. 1, 2021, 134 Stat. 4151, 4194, pro-