

experimentation, technical evaluation, assessment of operational utility, or safety or to provide a residual operational capability.

(Added Pub. L. 103-160, div. A, title VIII, § 822(c)(1), Nov. 30, 1993, 107 Stat. 1706, § 2373; amended Pub. L. 103-337, div. A, title X, § 1070(g), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104-106, div. A, title VIII, § 812, Feb. 10, 1996, 110 Stat. 395; Pub. L. 114-92, div. A, title VIII, § 814, Nov. 25, 2015, 129 Stat. 893; Pub. L. 115-232, div. A, title VIII, § 886, Aug. 13, 2018, 132 Stat. 1916; renumbered § 4023, Pub. L. 116-283, div. A, title XVIII, § 1841(b)(1), Jan. 1, 2021, 134 Stat. 4243; Pub. L. 117-81, div. A, title XVII, § 1701(u)(2)(B), Dec. 27, 2021, 135 Stat. 2151.)

#### Editorial Notes

##### REFERENCES IN TEXT

Chapter 137 of this title, referred to in subsec. (b), was repealed by Pub. L. 116-283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, in conjunction with the transfer and reorganization of acquisition provisions in this title by Pub. L. 116-283, div. A, title XVIII, Jan. 1, 2022, 134 Stat. 4149.

##### PRIOR PROVISIONS

A prior section 4023, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to employment of civilians in service club and library services, prior to repeal by Pub. L. 87-651, title I, § 116(1), Sept. 7, 1962, 76 Stat. 513.

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

2021—Pub. L. 116-283, § 1841(b)(1), as amended by Pub. L. 117-81, § 1701(u)(2)(B), renumbered section 2373 of this title as this section.

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.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.

#### § 4024. Merit-based award of grants for research and development

(a) It is the policy of Congress that an agency named in section 2303(a)<sup>1</sup> 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)<sup>1</sup> 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, § 2374; renumbered § 4024 and amended Pub. L. 116-283, div. A, title XVIII, §§ 1841(b)(1), (c), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4243, 4294; Pub. L. 117-81, div. A, title XVII, § 1701(u)(2)(B), (D), Dec. 27, 2021, 135 Stat. 2151.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 2303(a) of this title, referred to in subsecs. (a) and (d), probably should be a reference to section 3063 of this title, as the list of covered agencies formerly contained in section 2303(a) of this title was transferred to section 3063 by Pub. L. 116-283, div. A, title XVIII, § 1807(c)(2), Jan. 1, 2021, 134 Stat. 4157. In addition, Pub. L. 117-81, div. A, title XVII, § 1701(d)(7), Dec. 27, 2021, 135 Stat. 2136, substituted “section 3063” for “section 2303(a)” in subsecs. (a) and (d) of section 4008 of this title, which is where this section had originally been transferred by Pub. L. 116-283. However, because Pub. L. 117-81 changed the transfer destination from section 4008 to this section before the substitution became effective, that substitution could not be executed in section 4008, as it no longer existed, nor in this section, which was not directed to be amended.

##### PRIOR PROVISIONS

A prior section 4024 was renumbered section 7374 of this title.

##### AMENDMENTS

2021—Pub. L. 116-283, § 1841(c), which directed the renumbering of section 2374 of this title as section 4008 instead of this section, was amended generally by Pub. L. 117-81, § 1701(u)(2)(D), effective as if included therein, so that such renumbering was no longer directed.

Pub. L. 116-283, § 1841(b)(1), as amended by Pub. L. 117-81, § 1701(u)(2)(B), renumbered section 2374 of this title as this section.

Subsecs. (a), (d). Pub. L. 116-283, § 1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L.

<sup>1</sup> See References in Text note below.

116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was not executed with respect to “section 2303(a)”, which was redesignated as multiple sections.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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 8752 of this title.

#### § 4025. 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, including procurement contracts and other agreements, 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 and for the selection of recipients of procurement contracts and other agreements. 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 without the approval of the Under Secretary of Defense for Research and Engineering.

(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<sup>1</sup> of this title.

(g) **CONGRESSIONAL NOTICE.**—

(1) **IN GENERAL.**—Not later than 15 days after a procurement contract or other agreement that exceeds a fair market value of \$10,000,000 is awarded under the authority under a program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees written notice of such award.

(2) **CONTENTS.**—Each notice submitted under paragraph (1) shall include—

(A) the value of the relevant procurement contract or other agreement, as applicable, including all options;

(B) a brief description of the research result, technology development, or prototype for which such procurement contract or other agreement, as applicable, was awarded; and

(C) an explanation of the benefit to the performance of the military mission of the Department of Defense resulting from the award.

(Added Pub. L. 106-65, div. A, title II, §244(a), Oct. 5, 1999, 113 Stat. 552, §2374a; 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; renumbered §4025 and amended Pub. L. 116-283, div. A, title XVIII, §§1841(b)(1), 1842(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4244, 4294; Pub. L. 117-81, div. A, title VIII, §822, title XVII, §1701(q)(1), (u)(2)(B), (3)(B), Dec. 27, 2021, 135 Stat. 1825, 2148, 2151, 2152.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 2304 of this title, referred to in subsec. (f), was repealed by Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1881(a), Jan. 1, 2021, 134 Stat. 4151, 4293, effec-

<sup>1</sup> See References in Text note below.