

tion that the equipment or material be used exclusively for such research and development; or

(B) for use in demonstrations to a friendly foreign government;

(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items; and

(4) make available to any person or entity, through leases, contracts, or other appropriate arrangements, facilities, services, and equipment of any government laboratory, research center, or range, if the facilities, services, and equipment provided will not be in direct competition with the domestic private sector.

(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

(c) FEES.—Fees made available under subsections (a)(3) and (a)(4) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(d) USE OF FEES.—Fees received under subsections (a)(3) and (a)(4) may be credited to the appropriations or other funds of the activity making such services available.

(Added Pub. L. 103-160, div. A, title VIII, § 822(b)(1), Nov. 30, 1993, 107 Stat. 1705, § 2541; renumbered § 2539b, Pub. L. 103-337, div. A, title X, § 1070(a)(13)(A), Oct. 5, 1994, 108 Stat. 2856; amended Pub. L. 103-355, title III, § 3022, Oct. 13, 1994, 108 Stat. 3333; Pub. L. 104-106, div. A, title VIII, § 804, div. D, title XLIII, § 4321(a)(8), Feb. 10, 1996, 110 Stat. 390, 671; Pub. L. 106-65, div. A, title X, § 1066(a)(23), Oct. 5, 1999, 113 Stat. 771; Pub. L. 110-181, div. A, title II, § 232, Jan. 28, 2008, 122 Stat. 46; renumbered § 4892, Pub. L. 116-283, div. A, title XVIII, § 1870(f)(2), Jan. 1, 2021, 134 Stat. 4287.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2539b of this title as this section.

2008—Subsec. (a)(4). Pub. L. 110-181, § 232(1), added par. (4).

Subsec. (c). Pub. L. 110-181, § 232(2), struck out “for services” before “made available” and substituted “subsections (a)(3) and (a)(4)” for “subsection (a)(3)”.

Subsec. (d). Pub. L. 110-181, § 232(3), struck out “for services made available” after “Fees received” and substituted “subsections (a)(3) and (a)(4)” for “subsection (a)(3)”.

1999—Subsec. (a). Pub. L. 106-65 substituted “Secretaries of the military departments” for “secretaries of the military departments”.

1996—Subsec. (a). Pub. L. 104-106, § 4321(a)(8), made technical correction to Pub. L. 103-355, § 3022. See 1994 Amendment note below.

Subsec. (c). Pub. L. 104-106, § 804, inserted “and indirect” after “recoup the direct”.

1994—Pub. L. 103-337 renumbered section 2541 of this title as section 2539b.

Subsec. (a). Pub. L. 103-355, § 3022, as amended by Pub. L. 104-106, § 4321(a)(8), inserted “rent,” after “sell,” in par. (1) and “, rent,” after “sell” in par. (2).

Statutory Notes and Related Subsidiaries

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 1996 AMENDMENT

Pub. L. 104-106, div. D, title XLIII, § 4321(a), Feb. 10, 1996, 110 Stat. 671, provided that the amendment made by that section is effective as of Oct. 13, 1994, and as if included in Pub. L. 103-355 as enacted.

CHAPTER 387—SMALL BUSINESS PROGRAMS

Subchapter	Sec.
I. General	4901
II. [Reserved]	4991

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XVII, § 1701(i)(10)(A), Dec. 27, 2021, 135 Stat. 2143, amended Pub. L. 116-283, div. A, title XVIII, § 1871(a)(2), Jan. 1, 2021, 134 Stat. 4287, which added this analysis, by adding item for subchapter II.

Statutory Notes and Related Subsidiaries

PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE

Pub. L. 115-91, div. A, title XVII, § 1710, Dec. 12, 2017, 131 Stat. 1810, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘commercialization’, ‘Federal agency’, ‘Phase I’, ‘Phase II’, ‘Phase III’, ‘SBIR’, and ‘STTR’ have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

“(2) the term ‘covered small business concern’ means—

“(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department; or

“(B) a small business concern that—

“(i) completed a Phase I award under the SBIR or STTR program of the Department; and

“(ii) a contracting officer for the Department recommended for inclusion in a multiple award contract described in subsection (b);

“(1) [sic] the term ‘Department’ means the Department of Defense;

“(2) [sic] the term ‘military department’ has the meaning given the term in section 101 of title 10, United States Code;

“(3) the term ‘multiple award contract’ has the meaning given the term in section 3302(a) of title 41, United States Code;

“(4) the term ‘pilot program’ means the pilot program established under subsection (b); and

“(5) the term ‘small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

“(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall establish a pilot program under which the Department shall award multiple award contracts to covered small business concerns for the purchase of technologies, supplies, or services that