

groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

“(1) is inappropriate with respect to the health of the subjects;

“(2) is inappropriate with respect to the purpose of the research; or

“(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

“(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.”

UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM

Pub. L. 103-160, div. A, title VIII, §802, Nov. 30, 1993, 107 Stat. 1701, as amended by Pub. L. 104-106, div. A, title II, §275, Feb. 10, 1996, 110 Stat. 241; Pub. L. 104-201, div. A, title II, §263, Sept. 23, 1996, 110 Stat. 2465; Pub. L. 112-239, div. A, title X, §1076(c)(2)(E), Jan. 2, 2013, 126 Stat. 1950, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense, through the Assistant Secretary of Defense for Research and Engineering, may establish a University Research Initiative Support Program.

“(b) PURPOSE.—Under the program, the Assistant Secretary may award grants and contracts to eligible institutions of higher education to support the conduct of research and development relevant to requirements of the Department of Defense.

“(c) ELIGIBILITY.—An institution of higher education is eligible for a grant or contract under the program if the institution has received less than a total of \$2,000,000 in grants and contracts from the Department of Defense in the two most recent fiscal years for which complete statistics are available when proposals are requested for such grant or contract.

“(d) COMPETITION REQUIRED.—The Assistant Secretary shall use competitive procedures in awarding grants and contracts under the program.

“(e) SELECTION PROCESS.—In awarding grants and contracts under the program, the Assistant Secretary shall use a merit-based selection process that is consistent with the provisions of section 2361(a) of title 10 [now 10 U.S.C. 4141(a)], United States Code.

“(f) REGULATIONS.—The Assistant Secretary shall prescribe regulations for carrying out the program.

“(g) FUNDING.—Of the amounts authorized to be appropriated under section 201 [107 Stat. 1583], \$20,000,000 shall be available for the University Research Initiative Support Program.”

CAMPUSES BARRING MILITARY RECRUITERS; CESSATION OF PAYMENTS; NOTIFICATION OF SECRETARY OF DEFENSE

Pub. L. 92-436, title VI, §606, Sept. 29, 1972, 86 Stat. 740, provided that:

“(a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution: except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

“(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

“(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act [Sept. 29, 1972] and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 92-156, title V, §502, Nov. 17, 1971, 85 Stat. 427.

Pub. L. 91-441, title V, §510, Oct. 7, 1970, 84 Stat. 914.

[§§ 4002, 4003. Omitted]

Editorial Notes

CODIFICATION

As enacted, Pub. L. 116-283, div. A, title XVIII, §1841(b)(1), Jan. 1, 2021, 134 Stat. 4243, originally transferred sections 2371 and 2371b of this title to sections 4002 and 4003, respectively, to become effective Jan. 1, 2022. Subsequently, Pub. L. 117-81, div. A, title XVII, §1701(u)(2)(B), Dec. 27, 2021, 135 Stat. 2151, amended section 1841(b)(1) of Pub. L. 116-283, effective as if included therein, so as to eliminate those transfers, thereby omitting these sections before they took effect. As amended by section 1701(u)(2)(B) of Pub. L. 117-81, sections 2371 and 2371b were transferred to sections 4021 and 4022 of this title, respectively.

§ 4004. Contract authority for development and demonstration of initial or additional prototype units

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 3012(2) of this title may contain a contract line item or contract option for—

(1) the development and demonstration or initial production of technology developed under the contract; or

(2) the delivery of initial or additional items if the item or a prototype thereof is created as the result of work performed under the contract.

(b) LIMITATIONS.—

(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 2 years.

(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in subsection (a) may not exceed \$100,000,000, in fiscal year 2017 constant dollars.

(4) APPLICABILITY.—The authority provided in subsection (a) applies only to the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

(c) PROCEDURES.—The Secretary of Defense shall establish procedures to collect and analyze

information on the use and benefits of the authority under this section and related impacts on performance, affordability, and capability delivery.

(Added Pub. L. 115–91, div. A, title VIII, § 861(a)(1), Dec. 12, 2017, 131 Stat. 1493, § 2302e; renumbered § 4004 and amended Pub. L. 116–283, div. A, title VIII, § 831(a), title XVIII, §§ 1818(c), 1841(b)(1), Jan. 1, 2021, 134 Stat. 3753, 4243; Pub. L. 116–283, div. A, title XVIII, § 1841(b)(2)(D), as added Pub. L. 117–81, div. A, title XVII, § 1701(u)(2)(F)(i)(V), Dec. 27, 2021, 135 Stat. 2152; Pub. L. 117–81, div. A, title XVII, § 1701(u)(2)(B), (v)(1)(A), Dec. 27, 2021, 135 Stat. 2151, 2154.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, § 1841(b)(1), as amended by Pub. L. 117–81, § 1701(u)(2)(B), renumbered section 2302e of this title as this section.

Pub. L. 116–283, § 1818(c), which directed the renumbering of section 2302e of this title as section 3345 instead of this section and the substitution of “section 3012(2)” for “section 2302(2)(B)” in subsec. (a), was repealed by Pub. L. 117–81, § 1701(v)(1)(A), effective as if included therein, so that such renumbering and substitution were no longer directed.

Pub. L. 116–283, § 831(a)(1), substituted “development and demonstration” for “advanced development” in section catchline.

Subsec. (a). Pub. L. 116–283, § 1841(b)(2)(D), as added by Pub. L. 117–81, § 1701(u)(2)(F)(i)(V), substituted “section 3012(2)” for “section 2302(2)(B)” in introductory provisions.

Subsec. (a)(1). Pub. L. 116–283, § 831(a)(2), substituted “development and demonstration” for “provision of advanced component development, prototype.”

Subsec. (c). Pub. L. 116–283, § 831(a)(3), added subsec. (c).

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 section 1818(c) 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.

§ 4007. 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, § 2359; amended Pub. L. 116–92, div. A, title IX, § 902(55), Dec. 20, 2019, 133 Stat. 1549; renumbered § 4007, Pub. L. 116–283, div. A, title XVIII, § 1841(b)(1), (c), Jan. 1, 2021, 134 Stat. 4243; Pub. L. 117–81, div. A, title XVII, § 1701(u)(2)(B), (D), Dec. 27, 2021, 135 Stat. 2151.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, § 1841(c), which directed the renumbering of section 2359 of this title as 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 2359 of this title as this section.

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”.

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.

PILOT PROGRAM ON THE USE OF PRIVATE SECTOR PARTNERSHIPS TO PROMOTE TECHNOLOGY TRANSITION

Pub. L. 117–81, div. A, title II, § 231, Dec. 27, 2021, 135 Stat. 1612, provided that:

“(a) **IN GENERAL.**—Consistent with section 2359 of title 10, United States Code [now 10 U.S.C. 4007], the Secretary of Defense shall carry out a pilot program to foster the transition of the science and technology programs, projects, and activities of the Department of Defense from the research, development, pilot, and prototyping phases into acquisition activities and operational use. Under the pilot program, the Secretary shall seek to enter into agreements with qualified private sector organizations to support—

“(1) matching technology developers with programs, projects, and activities of the Department that may have a use for the technology developed by such developers;

“(2) providing technical assistance to appropriate parties on participating in the procurement programs and acquisition processes of the Department, including training and consulting on programming, budgeting, contracting, requirements, and other relevant processes and activities; and

“(3) overcoming barriers and challenges facing technology developers, including challenges posed by restrictions on accessing secure facilities, networks, and information.

“(b) **PRIORITY.**—In carrying out the activities described in paragraphs (1) through (3) of subsection (a), a qualified private sector organization shall give pri-