

§ 4061. Defense Research and Development Rapid Innovation Program

(a) PROGRAM ESTABLISHED.—(1) The Secretary of Defense shall establish a competitive, merit-based program to enable and assist small businesses to accelerate the commercialization of various technologies, including critical 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, capabilities developed through competitively awarded prototype agreements 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, support the integration of such products, 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 primarily major defense acquisition programs, but also other defense acquisition programs as described in subsection (a).

(2) The review of candidate proposals by the Department of Defense and by each Office of Small Business Programs of 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 4004 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.

(d) FUNDING.—(1) Subject to the availability of appropriations for such purpose and to the limitation under paragraph (2), the amounts authorized to be appropriated for research, development, test, and evaluation for a fiscal year may be used for such fiscal year for the program established under subsection (a).

(2) During any fiscal year, the total amount of awards in an amount greater than \$6,000,000 made under the program established under subsection (a) may not exceed 25 percent of the amount made available to carry out such program during such fiscal year.

(e) TRANSFER AUTHORITY.—(1) The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program.

(2) The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(Added Pub. L. 115-232, div. A, title II, § 224(a)(1), Aug. 13, 2018, 132 Stat. 1683, § 2359a; amended Pub. L. 116-92, div. A, title VIII, § 878(a), Dec. 20, 2019, 133 Stat. 1530; renumbered § 4061 and amended Pub. L. 116-283, div. A, title XVIII, §§ 1842(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4244, 4294; Pub. L. 117-81, div. A, title XVII, § 1701(d)(8), (q)(1), (u)(3)(B), Dec. 27, 2021, 135 Stat. 2136, 2148, 2152; Pub. L. 118-31, div. A, title VIII, § 860, Dec. 22, 2023, 137 Stat. 346.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4061 was renumbered section 7381 of this title.

AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-31, § 860(1)(A), inserted “to enable and assist small businesses” after “merit-based program” and “capabilities developed through competitively awarded prototype agreements” after “defense laboratories,” and substituted “commercialization of various technologies, including critical technologies” for “fielding of technologies”.

Subsec. (a)(2). Pub. L. 118-31, § 860(1)(B), inserted “support the integration of such products,” after “evaluation outcomes,”.

Subsec. (b)(1). Pub. L. 118-31, § 860(2)(A), inserted “primarily major defense acquisition programs, but also other” after “candidate proposals in support of”.

Subsec. (b)(2). Pub. L. 118-31, § 860(2)(B), substituted “by each Office of Small Business Programs of each military department” for “by each military department”.

Subsec. (d)(2). Pub. L. 118-31, § 860(3), substituted “\$6,000,000” for “\$3,000,000”.

2021—Pub. L. 116-283, § 1842(b), as amended by Pub. L. 117-81, § 1701(q)(1), (u)(3)(B), renumbered section 2359a of this title as this section.

Subsec. (b)(5). Pub. L. 117-81, § 1701(d)(8), which directed the substitution of “section 4004” for “section

2302e”, could not be executed because of the intervening amendment by Pub. L. 116-283, §1883(b)(2). See note below.

Pub. L. 116-283, §1883(b)(2), substituted “section 4004” for “section 2302e”.

2019—Subsec. (a)(1). Pub. L. 116-92, §878(a)(1), inserted “phase II Small Business Technology Transfer Program projects,” after “projects.”

Subsec. (b)(3). Pub. L. 116-92, §878(a)(2)(A), substituted “\$6,000,000.” for “\$3,000,000, unless the Secretary, or the Secretary’s designee, approves a larger amount of funding for the project.”

Subsec. (b)(7). Pub. L. 116-92, §878(a)(2)(B), added par. (7).

Subsec. (d). Pub. L. 116-92, §878(a)(3), designated existing provisions as par. (1), inserted “and to the limitation under paragraph (2)” after “for such purpose”, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(d)(8) of Pub. L. 117-81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283 have taken effect, see section 1701(a)(3) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1701(q)(1), (u)(3)(B) of 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.

REGIONAL ACTIVITIES

Pub. L. 117-81, div. A, title II, §213(b), Dec. 27, 2021, 135 Stat. 1589, provided that: “Subject to the availability of appropriations for such purpose, the Secretary of Defense may expand the efforts of the Defense Innovation Unit to engage and collaborate with private-sector industry and communities in various regions of the United States—

“(1) to accelerate the adoption of commercially developed advanced technology in modernization priority areas and such other key technology areas as may be identified by the Secretary; and

“(2) to expand outreach to communities that do not otherwise have a Defense Innovation Unit presence, including economically disadvantaged communities.”

PILOT PROGRAM TO ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES

Pub. L. 117-81, div. A, title VIII, §834, Dec. 27, 2021, 135 Stat. 1835, as amended by Pub. L. 117-263, div. A, title VIII, §845, Dec. 23, 2022, 136 Stat. 2720, which authorized the Secretary of Defense to establish a competitive, merit-based pilot program to accelerate the procurement and fielding of innovative technologies and required the Secretary to issue guidelines for the operation of such pilot program, was repealed by Pub. L. 118-159, div. A, title VIII, §861(b), Dec. 23, 2024, 138 Stat. 2000. See section 3604 of this title.

§ 4062. Defense Acquisition Challenge Program

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense.

(2) The program, to be known as the Defense Acquisition Challenge Program (hereinafter in

this section referred to as the “Challenge Program”), shall provide any person or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, system, or system-of-systems level of an existing Department of Defense acquisition program, or to address any broader functional challenge to Department of Defense missions that may not fall within an acquisition program, that would result in improvements in performance, affordability, manufacturability, or operational capability of that acquisition program or function.

(b) PANELS.—The Under Secretary shall establish one or more panels of highly qualified scientists and engineers (hereinafter in this section referred to as “Panels”) to provide preliminary evaluations of challenge proposals under subsection (c).

(c) PRELIMINARY EVALUATION BY PANELS.—(1) Under procedures prescribed by the Under Secretary, a person or activity within or outside the Department of Defense may submit challenge proposals to a Panel, through the unsolicited proposal process or in response to a broad agency announcement.

(2) The Under Secretary shall establish procedures pursuant to which appropriate officials of the Department of Defense may identify proposals submitted through the unsolicited proposal process as challenge proposals. The procedures shall provide for the expeditious referral of such proposals to a Panel for preliminary evaluation under this subsection.

(3) The Under Secretary shall issue on an annual basis not less than one such broad agency announcement inviting interested parties to submit challenge proposals. Such announcements may also identify particular technology areas and acquisition programs or functions that will be given priority in the evaluation of challenge proposals.

(4)(A) The Under Secretary shall establish procedures for the prompt issuance of a solicitation for challenge proposals addressing—

(i) any acquisition program for which, since the last such announcement, the Secretary concerned has determined under section 4374 of this title that the program’s acquisition unit cost or procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold for the program (in this section referred to as a “critical cost growth threshold breach”);

(ii) any design, engineering, manufacturing, or technology integration issues, in accordance with the assessment required by section 4375(b) of this title, that have contributed significantly to the cost growth of such program; and

(iii) any functional challenges of importance to Department of Defense missions.

(B) A solicitation under this paragraph may be included in a broad agency announcement issued pursuant to paragraph (3) as long as the broad agency announcement is released in an expeditious manner following the determination of the Secretary concerned that a critical cost growth threshold breach has occurred with respect to a major defense acquisition program.