

later than February 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives a plan for expanding and improving the national defense science and engineering workforce educational assistance program carried out under this section as appropriate to improve recruitment and retention to meet the requirements of the Department of Defense for its science and engineering workforce on a short-term basis and on a long-term basis.”

2008—Subsec. (e)(4). Pub. L. 110–417, §1061(a)(5)(A), substituted “title 11” for “title 11, United States Code.”

Subsec. (f). Pub. L. 110–417, §1061(a)(5)(B), substituted “this title” for “title 10, United States Code”.

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 1843(a) 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.

NATIONAL SECURITY WORKFORCE AND EDUCATIONAL DIVERSITY ACTIVITIES

Pub. L. 116–283, div. A, title II, §250, Jan. 1, 2021, 134 Stat. 3495, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall seek to diversify participation in the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program under section 2192a of title 10, United States Code [now 10 U.S.C. 4093].

“(b) ACTIVITIES.—In carrying out subsection (a), the Secretary shall—

“(1) subject to the availability of appropriations for this purpose, set aside funds for financial assistance, scholarships, and fellowships for students at historically Black colleges or universities or at minority institutions of higher education and such other institutions as the Secretary considers appropriate;

“(2) partner with institutions of higher education, and such other public and private sector organizations as the Secretary considers appropriate, to increase diversity of participants in the program described in subsection (a);

“(3) establish individual and organizational incentives, and such other activities as the Secretary considers appropriate, to increase diversity of student participation in the program described in subsection (a);

“(4) increase awareness of opportunities to participate in the program described in subsection (a);

“(5) evaluate the potential for new programs, fellowships, and other activities at historically Black colleges or universities and minority institutions of higher education to increase diversity in educational and workforce development programs;

“(6) identify potential changes to the program described in subsection (a) that would improve diversity of participants in such program; and

“(7) establish metrics to evaluate success of activities under this section.

“(c) REPORT.—Not later than September 30, 2024, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that evaluates the success of activities conducted by the Secretary in increasing diversity in appropriate programs of the Department of Defense and hiring and retaining diverse individuals in

the science, mathematics, and research workforce of the public sector.”

EFFECT ON CURRENT PARTICIPANTS IN SMART PILOT PROGRAM

Pub. L. 109–163, div. A, title XI, §1104(f), Jan. 6, 2006, 119 Stat. 3450, provided that: “Participation in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1105 of Public Law 108–375 [see Codification note above] by an individual who has entered into an agreement under that pilot program before the date of the enactment of this Act [Jan. 6, 2006] shall be governed by the terms of such agreement without regard to the amendments made by this section [enacting this section, amending section 3304 of Title 5, Government Organization and Employees, and amending and repealing provisions set out as a note under section 2192 of this title].”

§ 4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time, unless the Under

Secretary of Defense for Research and Engineering, in concurrence with the Secretaries of the military departments concerned, authorizes the transfer of positions from one military department to another.

(3) **TERM OF POSITIONS.**—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) **SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.**—In this section, the term “science and technology reinvention laboratories of the Department of Defense” means the laboratories designated as science and technology reinvention laboratories by section 4121(b) of this title. (Added Pub. L. 117–263, div. A, title XI, § 1106(a), Dec. 23, 2022, 136 Stat. 2817.)

Editorial Notes

CODIFICATION

Another section 4094, added Pub. L. 116–283, div. A, title XI, § 1115(a), Jan. 1, 2021, 134 Stat. 3895, § 2358c; renumbered § 4094 and amended Pub. L. 117–81, div. A, title II, § 215(d)(14), title XVII, § 1701(e)(3)(A), Dec. 27, 2021, 135 Stat. 1595, 2138, which related to enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories and was substantially identical to this section, was repealed by Pub. L. 118–31, div. A, title XVIII, § 1801(a)(32), Dec. 22, 2023, 137 Stat. 685.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117–263, div. A, title XI, § 1106(c), Dec. 23, 2022, 136 Stat. 2818, provided that: “This section [enacting this section] shall take effect immediately after section 881 of this Act [section 881(a) and (b) of Pub. L. 117–263, set out as notes under section 4027 of this title].”

SUBCHAPTER III—RESEARCH AND DEVELOPMENT CENTERS AND FACILITIES

Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title XVII, § 1701(u)(3)(A), Dec. 27, 2021, 135 Stat. 2152, amended Pub. L. 116–283, div. A, title XVIII, § 1842(a), Jan. 1, 2021, 134 Stat. 4244, which added this chapter, by adding subchapter heading. Heading was editorially conformed to the style used in this title.

Statutory Notes and Related Subsidiaries

LABORATORY QUALITY ENHANCEMENT PROGRAM

Pub. L. 114–328, div. A, title II, § 211, Dec. 23, 2016, 130 Stat. 2046, as amended by Pub. L. 115–91, div. A, title II, § 218(a), (b)(1), Dec. 12, 2017, 131 Stat. 1329, 1330; Pub. L. 117–81, div. A, title II, § 215(d)(6), Dec. 27, 2021, 135 Stat. 1594, which authorized the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, to carry out Laboratory Quality Enhancement Program establishing panels, was repealed by Pub. L. 118–159, div. A, title II, § 217(b), Dec. 23, 2024, 138 Stat. 1827. See section 4128 of this title.

DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM

Pub. L. 114–92, div. B, title XXVIII, § 2803, Nov. 25, 2015, 129 Stat. 1169, as amended by Pub. L. 114–328, div. B, title XXVIII, § 2806, Dec. 23, 2016, 130 Stat. 2715; Pub. L. 115–232, div. B, title XXVIII, § 2808(a)–(c), Aug. 13,

2018, 132 Stat. 2265, 2266; Pub. L. 117–81, div. A, title II, § 215(d)(4), Dec. 27, 2021, 135 Stat. 1594, which authorized using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation, to fund certain military construction projects, was repealed by Pub. L. 117–263, div. B, title XXVIII, § 2803(c), Dec. 23, 2022, 136 Stat. 2994. See section 2805(g) of this title.

§ 4121. Science and technology reinvention laboratories: authority and designation

(a) **IN GENERAL.**—(1) The Secretary of Defense may carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Department of Defense science and technology reinvention laboratories.

(2)(A) Each personnel demonstration project carried out under the authority of paragraph (1) shall be generally similar in nature to the China Lake demonstration project.

(B) For purposes of subparagraph (A), the China Lake demonstration project is the demonstration project that is authorized by section 6 of the Civil Service Miscellaneous Amendments Act of 1983 (Public Law 98–224) to be continued at the Naval Weapons Center, China Lake, California, and at the Naval Ocean Systems Center, San Diego, California.

(3) If the Secretary carries out a demonstration project at a laboratory pursuant to paragraph (1), section 4703 of title 5 shall apply to the demonstration project, except that—

(A) subsection (d) of such section 4703 shall not apply to the demonstration project;

(B) the authority of the Secretary to carry out the demonstration project is that which is provided in paragraph (1) rather than the authority which is provided in such section 4703; and

(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703 through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory and who may, in exercising such authorities, request administrative support from science and technology reinvention laboratories to review, research, and adjudicate personnel demonstration project proposals).

(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Research and Engineering.

(5) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe salary schedules and other related benefits.

(b) **DESIGNATION OF LABORATORIES.**—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory as described in subsection (a):