

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positions in science and technology reinvention laboratories and was substantially identical to this section, was repealed by Pub.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):

- (1) The Air Force Research Laboratory.
- (2) The Joint Warfare Analysis Center.
- (3) The Army Research Institute for the Behavioral and Social Sciences.
- (4) The Combat Capabilities Development Command Armaments Center.
- (5) The Combat Capabilities Development Command Army Research Laboratory.
- (6) The Combat Capabilities Development Command Aviation and Missile Center.
- (7) The Combat Capabilities Development Command Chemical Biological Center.
- (8) The Combat Capabilities Development Command Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center.
- (9) The Combat Capabilities Development Command Ground Vehicle Systems Center.
- (10) The Combat Capabilities Development Command Soldier Center.
- (11) The Engineer Research and Development Center.
- (12) The Medical Research and Development Command.
- (13) The Technical Center, US Army Space and Missile Defense Command.
- (14) The Naval Air Systems Command Warfare Centers.
- (15) The Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center.
- (16) The Naval Information Warfare Centers, Atlantic and Pacific.
- (17) The Naval Medical Research Center.
- (18) The Naval Research Laboratory.
- (19) The Naval Sea Systems Command Warfare Centers.
- (20) The Office of Naval Research.

(c) **CONVERSION PROCEDURES.**—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (b), to the personnel system under an appropriate demonstration project (as referred to in subsection (a)). Any conversion under this subsection—

- (1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;
- (2) shall be consistent with section 4703(f) of title 5;
- (3) shall be completed within 18 months after designation; and
- (4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5) or senior executives (as defined by section 3132(a)(3) of such title).

(d) **LIMITATION.**—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to subsection (a)), without prior congressional authorization.

(Added Pub. L. 117–81, div. A, title II, §215(a), Dec. 27, 2021, 135 Stat. 1591.)

Editorial Notes

REFERENCES IN TEXT

Section 6 of the Civil Service Miscellaneous Amendments Act of 1983, referred to in subsec. (a)(2)(B), is sec-

tion 6 of Pub. L. 98–224, Mar. 2, 1984, 98 Stat. 49, which is not classified to the Code.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective immediately after the effective date of the amendments made by title XVIII of Pub. L. 116–283 (Jan. 1, 2022), see section 215(e) of Pub. L. 117–81, set out as an Effective Date of 2021 Amendment note under section 4091 of this title.

DEFENSE LABORATORIES PERSONNEL DEMONSTRATION PROJECTS

Pub. L. 110–181, div. A, title XI, §1107, Jan. 28, 2008, 122 Stat. 357, as amended by Pub. L. 110–417, [div. A], title XI, §1109, Oct. 14, 2008, 122 Stat. 4618; Pub. L. 111–84, div. A, title X, §1073(d), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 111–383, div. A, title XI, §1101(b), Jan. 7, 2011, 124 Stat. 4382; Pub. L. 112–81, div. A, title X, §1066(b)(2), Dec. 31, 2011, 125 Stat. 1588; Pub. L. 117–81, div. A, title II, §215(d)(2), Dec. 27, 2021, 135 Stat. 1593, provided that:

“(e) [sic] **REQUIREMENT.**—The Secretary of Defense shall take all necessary actions to fully implement and use the authorities provided to the Secretary under subsection (a) of section 4121 of title 10, United States Code, to carry out personnel management demonstration projects at Department of Defense laboratories designated by subsection (b) of such section as Department of Defense science and technology reinvention laboratories.

“(b) **PROCESS FOR FULL IMPLEMENTATION.**—The Secretary of Defense shall also implement a process and implementation plan to fully utilize the authorities described in subsection (a) to enhance the performance of the missions of the laboratories.

“(c) **OTHER LABORATORIES.**—Any flexibility available to any demonstration laboratory shall be available for use at any other laboratory designated by section 4121(b) of title 10, United States Code[,] as a Department of Defense science and technology reinvention laboratory.

“(d) **SUBMISSION OF LIST AND DESCRIPTION.**—Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report containing a list and description of the demonstration project notices, amendments, and changes requested by the laboratories during the preceding calendar year. The list shall include all approved and disapproved notices, amendments, and changes, and the reasons for disapproval or delay in approval.

“(e) **STATUS REPORTS.**—

“(1) **IN GENERAL.**—The Secretary shall include in each report under subsection (d) the information described in paragraph (2).

“(2) **INFORMATION REQUIRED.**—Each report under subsection (d) shall describe the following:

“(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

“(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

“(C) With respect to any applications by any Department of Defense laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

“(i) the number of applications that were received, pending, or acted on during such year;

“(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

“(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

“(3) DEFINITION.—For purposes of this subsection, the term ‘demonstration laboratory’ means a laboratory designated by the Secretary of Defense under the provisions of section 4121(a) of title 10, United States Code.”

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 1107(d) of Pub. L. 110-181, set out above, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.]

§ 4123. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions

(a) MECHANISMS TO PROVIDE FUNDS.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish mechanisms under which the director of a defense laboratory may use an amount of funds equal to not less than two percent and not more than four percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with necessary scientific and engineering expertise that support military missions.

(D) To fund the repair or minor military construction of the laboratory infrastructure and equipment, in accordance with subsection (b).

(2) The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(3) The science and technology executive of a military department may develop policies and guidance to leverage funding and promote cross-laboratory collaboration, including with laboratories of other military departments.

(4) After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed four percent of costs.

(b) AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS.—Funds shall be available in accordance with subsection (a)(1)(D) only if—

(1) the Secretary notifies the congressional defense committees of the total cost of the project before the date on which the Secretary uses the mechanism under such subsection for such project; and

(2) the Secretary ensures that the project complies with the applicable cost limitations in—

(A) section 2805(d) of this title, with respect to revitalization and recapitalization projects; and

(B) section 2811 of this title, with respect to repair projects.

(c) RELEASE AND DISSEMINATION OF INFORMATION ON CONTRIBUTIONS FROM USE OF AUTHORITY TO MILITARY MISSIONS.—

(1) COLLECTION OF INFORMATION.—The Secretary shall establish and maintain mechanisms for the continuous collection of information on achievements, best practices identified, lessons learned, and challenges arising in the exercise of the authority in this section.

(2) RELEASE OF INFORMATION.—The Secretary shall establish and maintain mechanisms as follows:

(A) Mechanisms for the release to the public of information on achievements and best practices described in paragraph (1) in unclassified form.

(B) Mechanisms for dissemination to appropriate civilian and military officials of information on achievements and best practices described in paragraph (1) in classified form.

(Added Pub. L. 115-91, div. A, title II, §220(a), Dec. 12, 2017, 131 Stat. 1332, §2363; amended Pub. L. 115-232, div. A, title II, §250, Aug. 13, 2018, 132 Stat. 1702; renumbered §4123, Pub. L. 116-283, div. A, title XVIII, §1843(b)(1), as added Pub. L. 117-81, div. A, title XVII, §1701(u)(4)(A), Dec. 27, 2021, 135 Stat. 2153.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §1843(b)(1), as added by Pub. L. 117-81, §1701(u)(4)(A), renumbered section 2363 of this title as this section. A former section 1843(b)(1) of Pub. L. 116-283, which directed the renumbering of section 2363 of this title as section 4103 instead of this section, was repealed by Pub. L. 117-81, §1701(u)(4)(A), effective as if included therein, so that such renumbering was no longer directed.

2018—Subsec. (c). Pub. L. 115-232 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to annual reports on the use of the authority under subsec. (a).

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.

§ 4124. Centers for Science, Technology, and Engineering Partnership

(a) DESIGNATION.—(1) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall designate each science and technology reinvention laboratory as a Center for Science, Technology, and Engineering Partnership (in this section referred to