

“(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

as “Centers”) in the recognized core competencies of the designee.

(2) The Secretary of Defense shall establish a policy to encourage the Secretary of each military department to reengineer management and business processes and adopt best-business and personnel practices at the Centers of the Secretary concerned in connection with the capability requirements of the Centers, so as to serve as recognized leaders in such capabilities throughout the Department of Defense and in the national technology and industrial base.

(3) The Secretary of Defense, acting through the directors of the Centers, may conduct one or more pilot programs, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Directors determine could—

(A) improve the efficiency and effectiveness of operations at Centers;

(B) improve the support provided by the Centers for the elements of the Department of Defense who use the services of the Centers; and

(C) enhance capabilities by reducing the cost and improving the performance and efficiency of executing laboratory missions.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To achieve one or more objectives set forth in paragraph (2), the Secretary may authorize and establish incentives for the Director of a Center to enter into public-private cooperative arrangements (in this section referred to as a “public-private partnership”) to provide for any of the following:

(A) For employees of the Center, academia, private industry, State and local governments, or other entities outside the Department of Defense to perform (under contract, subcontract, or otherwise) work related to the capabilities of the Center, including any work that—

(i) involves one or more capabilities of the Center; and

(ii) may be applicable to both the Department and commercial entities.

(B) For private industry or other entities outside the Department of Defense to use for either Government or commercial purposes any capabilities of the Center that are not fully used for Department of Defense activities for any period determined to be consistent with the needs of the Department of Defense.

(2) The objectives for exercising the authority provided in paragraph (1) are as follows:

(A) To maximize the use of the capacity of a Center.

(B) To reduce or eliminate the cost of ownership of a Center by the Department of Defense.

(C) To reduce the cost of science, technology, and engineering activities of the Department of Defense.

(D) To leverage private sector investment in—

(i) such efforts as research and equipment recapitalization for a Center; and

(ii) the promotion of the undertaking of commercial business ventures based on the capabilities of a Center, as determined by the director of the Center.

(E) To foster cooperation and technology transfer between the armed forces, academia,

private industry, and State and local governments.

(F) To increase access by a Center to a skilled technical workforce that can contribute to the effective and efficient execution of the missions of the Department of Defense.

(G) To increase the ability of a Center to access and use non-Department of Defense methods to develop and innovate and access capabilities that contribute to the effective and efficient execution of the missions of the Department of Defense.

(3)(A) Public-private partnerships entered into under paragraph (1) may be used for purposes relating to technology transfer and other authorities described in subparagraph (B).

(B) The authorities described in this subparagraph are provisions of law that provide for cooperation and partnership by the Department of Defense with academia, private industry, and State and local governments, including the following:

(i) Sections 3371 through 3375 of title 5.

(ii) Sections 2194, 2563, 4001, 4021, 4831, and 4062 of this title.

(iii) Section 209 of title 35.

(iv) Sections 8, 12, and 23 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3706, 3710a, and 3715).

(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—Any capability of a Center made available to the private sector may be used to perform research and testing activities in order to make more efficient and economical use of Government-owned capabilities and encourage the creation and preservation of jobs to ensure the availability of a workforce with the necessary research and technical skills to meet the needs of the armed forces.

(d) CREDITING OF AMOUNTS FOR PERFORMANCE.—Amounts received by a Center for work performed under a public-private partnership may—

(1) be credited to the appropriation or fund, including a working-capital or revolving fund, that incurs the cost of performing the work; or

(2) be used by the Director of the Center as the Director considers appropriate and consistent with section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note).<sup>1</sup>

(e) AVAILABILITY OF EXCESS CAPACITIES TO PRIVATE-SECTOR PARTNERS.—Capacities of a Center may be made available for use by a private-sector entity under this section only if—

(1) the use of the capacities will not have a significant adverse effect on the performance of the Center or the ability of the Center to achieve the mission of the Center, as determined by the Director of the Center; and

(2) the private-sector entity agrees—

(A) to reimburse the Department of Defense when required in accordance with the guidance of the Department for the direct and indirect costs (including any rental costs) that are attributable to the use of the capabilities by the private-sector entity, as

<sup>1</sup> See References in Text note below.

determined by the Secretary of the military departments; and

(B) to hold harmless and indemnify the United States from—

(i) any claim for damages or injury to any person or property arising out of the use of the capabilities, except under the circumstances described in section 2563(c)(3) of this title; and

(ii) any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary to suspend or terminate that use of capabilities during a war or national emergency.

(f) USE OF PARTNERSHIP INTERMEDIARIES TO PROMOTE DEFENSE RESEARCH AND EDUCATION.—

(1) Subject to the approval of the Secretary or the head of the another department or agency of the Federal Government concerned, the Director of a Center may enter into a contract, memorandum of understanding or other transaction with a partnership intermediary that provides for the partnership intermediary to perform services for the Department of Defense that increase the likelihood of success in the conduct of cooperative or joint activities of the Center with industry or academic institutions.

(2) In this subsection, the term “partnership intermediary” means an agency of a State or local government, or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government, that—

(A) assists, counsels, advises, evaluates, or otherwise cooperates with industry or academic institutions that need or can make demonstrably productive use of technology-related assistance from a Center;

(B) facilitates technology transfer from industry or academic institutions to a Center; or

(C) assists and facilitates workforce development in critical technology areas for technology transition activities to fulfill unmet needs of a Center.

(g) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center by personnel of the Department of Defense to performance by a contractor.

(h) DEFINITIONS.—In this section:

(1) The term “capabilities”, with respect to a Center for Science, Technology, and Engineering Partnership, means the facilities, equipment, personnel, intellectual property, and other assets that support the core competencies of the Center.

(2) The term “national technology and industrial base” has the meaning given that term in section 4801 of this title.

(3) The term “science and technology reinvention laboratory” means a science and technology reinvention laboratory designated under section 4121(b) of this title.

(Added Pub. L. 114-92, div. A, title II, §211(a), Nov. 25, 2015, 129 Stat. 764, §2368; amended Pub. L. 115-232, div. A, title II, §231, Aug. 13, 2018, 132 Stat. 1690; Pub. L. 116-92, div. A, title XVII, §1731(a)(45), Dec. 20, 2019, 133 Stat. 1814; renum-

bered §4124 and amended Pub. L. 116-283, div. A, title XVIII, §1843(b)(1), (d), as added Pub. L. 117-81, div. A, title XVII, §1701(u)(4)(A), (C), Dec. 27, 2021, 135 Stat. 2153; Pub. L. 116-283, div. A, title XVIII, §§1844(b)(1), (c), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4245, 4246, 4294; Pub. L. 117-81, div. A, title II, §215(d)(12), title XVII, §1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 1594, 2154; Pub. L. 118-31, div. A, title II, §214, Dec. 22, 2023, 137 Stat. 184.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, referred to in subsec. (d)(2), is section 219 of Pub. L. 110-417, [div. A], title II, Oct. 14, 2008, 122 Stat. 4389, which was set out as a note under section 2358 of this title, prior to repeal by Pub. L. 115-91, div. A, title II, §220(c)(1), Dec. 12, 2017, 131 Stat. 1333. Provisions similar to those in former section 219 of Pub. L. 110-417 are now contained in section 4123 of this title.

#### AMENDMENTS

2023—Subsec. (f)(2). Pub. L. 118-31 inserted dash after “local government, that” and subpar. (A) designation before “assists” and added subpars. (B) and (C).

2021—Pub. L. 116-283, §1844(b)(1), which directed the renumbering of section 2368 of this title as section 4146 instead of this section, was repealed by Pub. L. 117-81, §1701(u)(5)(B), effective as if included therein, so that such renumbering was no longer directed.

Pub. L. 116-283, §1843(b)(1), as added by Pub. L. 117-81, §1701(u)(4)(A), renumbered section 2368 of this title as this section.

Subsec. (b)(3)(B)(ii). Pub. L. 116-283, §1843(d), as added by Pub. L. 117-81, §1701(u)(4)(C), substituted “2563, 4001, 4021, 4831, and 4062” for “2358, 2371, 2511, 2539b, and 2563”. Former section 1844(c)(1) of Pub. L. 116-283, which directed substitution of “4001, 4002, 4831, 4892,” for “2358, 2371, 2511, 2539b,” was repealed by Pub. L. 117-81, §1701(u)(5)(B), effective as if included in title XVIII of Pub. L. 116-283.

Subsec. (d)(2). Pub. L. 116-283, §1844(c)(2), which directed substitution of “section 4103 of this title.” for “section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note).”, was repealed by Pub. L. 117-81, §1701(u)(5)(B), effective as if included in title XVIII of Pub. L. 116-283.

Subsec. (h)(3). Pub. L. 117-81, §215(d)(12), which directed amendment of section “2124(h)(3)” of this title by substituting “designated under section 4121(b) of this title” for “designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2358 note)”, was executed by making the substitution in subsec. (h)(3) of this section to reflect the probable intent of Congress.

2019—Subsec. (f)(1). Pub. L. 116-92 substituted “transaction” for “transition”.

2018—Subsecs. (f) to (h). Pub. L. 115-232 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 215 of Pub. L. 117-81 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 a note under section 4091 of this title.

Amendment by section 1701(u)(4)(A), (C), (5)(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.

#### § 4125. Functions of Defense research facilities

(a) FUNCTIONS OF DEFENSE RESEARCH FACILITIES.—The Secretary of Defense shall ensure, to the maximum extent practicable—

(1) that Defense research facilities are assigned broad mission requirements rather than specific hardware needs;

(2) that appropriate personnel of such facilities are assigned to serve as consultants on component and support system standardization;

(3) that the managers of such facilities have broad latitude to choose research and development projects based on awareness of activities throughout the technology domain, including within the Federal Government, the Department of Defense, public and private research institutions and universities, and the global commercial marketplace;

(4) that technology position and issue papers prepared by Defense research facilities are readily available to all components of the Department of Defense and to contractors who submit bids or proposals for Department of Defense contracts;

(5) that, in order to promote increased consideration of technological issues early in the development process, any technological assessment made by a Defense research facility shall be provided to the Defense Technical Information Center repository to support acquisition decisions; and

(6) that, in light of Defense research facilities being funded by the public, Defense research facilities are broadly authorized and encouraged to support national technological development goals and support technological missions of other departments and agencies of the Federal Government, when such support is determined by the Secretary of Defense to be in the best interests of the Federal Government.

(b) DEFINITIONS.—In this section, the term “Defense research facility” means a Department of Defense facility which performs or contracts for the performance of—

(1) basic research; or

(2) applied research known as exploratory development.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1843(b)(2), as added Pub. L. 117-81, div. A, title XVII, §1701(u)(4)(A), Dec. 27, 2021, 135 Stat. 2153.)

#### CODIFICATION

The text of subsecs. (b) and (c) of section 2364 of this title, which were transferred to this section and redesignated as subsecs. (a) and (b), respectively, by Pub. L. 116-283, §1843(b)(2), was based on Pub. L. 99-661, div. A, title II, §234(c)(1), Nov. 14, 1986, 100 Stat. 3848; Pub. L. 100-26, §§3(1)(A), 7(a)(9), Apr. 21, 1987, 101 Stat. 273, 278; Pub. L. 100-180, div. A, title XII, §1231(10)(A), Dec. 4, 1987, 101 Stat. 1160; Pub. L. 104-106, div. A, title VIII, §805, Feb. 10, 1996, 110 Stat. 390; Pub. L. 113-291, div. A, title II, §213, Dec. 19, 2014, 128 Stat. 3325; Pub. L. 114-92,

div. A, title II, §214(a)(2), Nov. 25, 2015, 129 Stat. 768; Pub. L. 116-283, div. A, title XVIII, §1844(d), Jan. 1, 2021, 134 Stat. 4246; Pub. L. 117-81, div. A, title XVII, §1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 2154.

#### AMENDMENTS

2021—Subsecs. (a), (b). Pub. L. 116-283, §1843(b)(2), as added by Pub. L. 117-81, §1701(u)(4)(A), transferred subsecs. (b) and (c) of section 2364 of this title to this section and redesignated them as subsecs. (a) and (b), respectively.

#### 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 Effective Date note below.

##### EFFECTIVE DATE

Section and 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 an Effective Date of 2021 Amendment note preceding section 3001 of this title.

##### SPECIFICATION OF CERTAIN DUTIES OF THE DEFENSE TECHNICAL INFORMATION CENTER

Pub. L. 115-232, div. A, title IX, §905, Aug. 13, 2018, 132 Stat. 1922, as amended by Pub. L. 116-283, div. A, title XVIII, §1842(c)(2), Jan. 1, 2021, 134 Stat. 4244, provided that:

“(a) IN GENERAL.—In addition to any other duties specified for the Defense Technical Information Center by law, regulation, or Department of Defense directive or instruction, the duties of the Center shall include the following:

“(1) To execute the Global Research Watch Program under section 4066 of title 10, United States Code.

“(2) To develop and maintain datasets and other data repositories on research and engineering activities being conducted within the Department.

“(b) ACTION PLAN.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan of action for the commencement by the Defense Technical Information Center of the duties specified in subsection (a).”

##### COORDINATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY RESEARCH AND DEVELOPMENT

Pub. L. 100-180, div. A, title II, §218(b)(2), Dec. 4, 1987, 101 Stat. 1053, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 103-160, div. A, title IX, §904(f), Nov. 30, 1993, 107 Stat. 1729; Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, provided that: “The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

“(A) coordinate the research and development activities of the Department of Defense relating to high-temperature superconductivity; and

“(B) ensure that such research and development—

“(i) is carried out in coordination with the high-temperature superconductivity research and development activities of the Department of Energy (including the national laboratories of the Department of Energy), the National Science Foundation, the National Institute of Standards and Technology, and the National Aeronautics and Space Administration; and

“(ii) complements rather than duplicates such activities.”