

§ 4126. Use of federally funded research and development centers

(a) **LIMITATION ON USE OF CENTERS.**—Except as provided in subsection (b), the Secretary of Defense may not place work with a federally funded research and development center unless such work is within the purpose, mission, and general scope of effort of such center as established in the sponsoring agreement of the Department of Defense with such center.

(b) **EXCEPTION FOR APPLIED SCIENTIFIC RESEARCH.**—This section does not apply to a federally funded research and development center that performs applied scientific research under laboratory conditions.

(c) **LIMITATION ON CREATION OF NEW CENTERS.**—(1) The head of an agency may not obligate or expend amounts appropriated to the Department of Defense for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

(A) the head of the agency submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

(B) a period of 60 days beginning on the date such report is received by Congress has elapsed.

(2) In this subsection, the term “head of an agency” has the meaning given such term in section 3004 of this title.

(d) **IDENTIFICATION TO CONGRESS OF FFRDC WORKLOAD EFFORT.**—After the close of a fiscal year, and not later than January 1 of the next year, the Secretary shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report setting forth the actual obligations and the actual man-years of effort expended at each federally funded research and development center during that fiscal year.

(Added Pub. L. 99-500, §101(c) [title X, §912(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-146, and Pub. L. 99-591, §101(c) [title X, §912(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-146, §2367; Pub. L. 99-661, div. A, title IX, formerly title IV, §912(a)(1), Nov. 14, 1986, 100 Stat. 3925, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 102-190, div. A, title II, §256(a)(1), Dec. 5, 1991, 105 Stat. 1330; Pub. L. 104-106, div. A, title XV, §1502(a)(9), Feb. 10, 1996, 110 Stat. 503; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 107-314, div. A, title X, §1041(a)(12), Dec. 2, 2002, 116 Stat. 2645; renumbered §4126, 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; Pub. L. 116-283, div. A, title XVIII, §§1844(b)(1), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4245, 4294; Pub. L. 117-81, div. A, title XVII, §1701(u)(5)(B), Dec. 27, 2021, 135 Stat. 2154.)

Editorial Notes

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 added identical sections.

AMENDMENTS

2021—Pub. L. 116-283, §1844(b)(1), which directed the renumbering of section 2367 of this title as section 4147 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 2367 of this title as this section.

Subsec. (c)(2). Pub. L. 116-283, §1883(b)(2), substituted “section 3004” for “section 2302(1)”.

2002—Subsec. (d). Pub. L. 107-314, §1041(a)(12), struck out designations for pars. (1) and (2) and text of par. (1). Prior to amendment par. (1) read as follows: “In the documents provided to Congress by the Secretary of Defense in support of the budget submitted by the President under section 1105 of title 31 for any fiscal year, the Secretary shall set forth the proposed amount of the man-years of effort to be funded by the Department of Defense for each federally funded research and development center for the fiscal year covered by that budget.”

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (d)(2). Pub. L. 104-106 substituted “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the” for “the Committees on Armed Services and the Committees on Appropriations of the Senate and”.

1991—Subsec. (d). Pub. L. 102-190 added subsec. (d).

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.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title II, §256(a)(2), Dec. 5, 1991, 105 Stat. 1330, provided that:

“(A) Paragraph (1) of subsection (d) of section 2367 of title 10, United States Code [now 10 U.S.C. 4126], as added by paragraph (1), shall take effect with respect to the budget submitted for fiscal year 1994.

“(B) Paragraph (2) of such subsection shall take effect with respect to fiscal year 1992.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (d) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Pub. L. 114-328, div. A, title II, §235, Dec. 23, 2016, 130 Stat. 2064, which authorized the Secretary of Defense to carry out a pilot program on disclosure of certain sensitive information to federally funded research and development centers of the Department of Defense, was repealed by Pub. L. 118-159, div. A, title VIII, §811(a)(1)(E), Dec. 23, 2024, 138 Stat. 1979.

§ 4127. Defense Innovation Unit

(a) **ESTABLISHMENT.**—There is established in the Department of Defense a Defense Innovation Unit (referred to in this section as the “Unit”).

(b) DIRECTOR AND DEPUTY DIRECTOR.—There is a Director of the Unit who shall be appointed by the Secretary of Defense from among persons with substantial experience in innovation and commercial technology, as determined by the Secretary.

(c) AUTHORITY OF DIRECTOR.—The Director is the head of the Unit. The Director—

(1) shall serve as a principal staff assistant to the Secretary of Defense on matters within the responsibility of the Unit;

(2) shall report directly to the Secretary without intervening authority; and

(3) may communicate views on matters within the responsibility of the Unit directly to the Secretary without obtaining the approval or concurrence of any other official within the Department of Defense.

(d) RESPONSIBILITIES.—The Unit shall have the following responsibilities:

(1) Seek out, identify, and support development of and experimentation with commercial technologies that have the potential to be implemented within the Department of Defense.

(2) Accelerate the adoption or integration of commercial technologies within the Department of Defense to transform military capacity and capabilities.

(3) Serve as the principal liaison between the Department of Defense and individuals and entities in the national security innovation base, including entrepreneurs, startups, commercial technology companies, and venture capital sources.

(4) Carry out programs, projects, and other activities to strengthen the national security innovation base.

(5) Coordinate and harmonize the activities of other organizations and elements of the Department of Defense on matters relating to commercial technologies, dual use technologies, and the innovation of such technologies.

(6) Coordinate and advise efforts among elements of the Department of Defense on matters relating to the development, procurement, and fielding of nontraditional capabilities.

(7) Coordinate with the Joint Staff and the commanders of the combatant commands to identify operational challenges that have the potential to be addressed through the use of nontraditional capabilities, including dual-use technologies, that are being developed and financed in the commercial sector.

(8) Using funds made available to the Unit—

(A) select projects to be carried out by one or more of the service-level innovation organizations;

(B) allocate funds to service-level innovation organizations to carry out such projects; and

(C) monitor the execution of such projects by the service-level innovation organizations.

(9) Serve as the principal liaison between the Department of Defense, nontraditional defense contractors, investors in nontraditional defense companies, and departments and agencies of the Federal Government pursuing¹ non-

traditional capabilities similar to those pursued by the Department.

(10) Lead engagement with industry, academia, and other nongovernment entities to develop—

(A) domestic capacity with respect to innovative, commercial, and dual-use technologies and the use of nontraditional defense contractors; and

(B) the capacity of international allies and partners of the United States with respect to such technologies and the use of such contractors.

(11) Carry out such other activities as the Secretary of Defense determines appropriate.

(e) SUPPORT FOR MULTI-STAKEHOLDER PARTNERSHIPS.—

(1) The Director shall identify and support multi-stakeholder research and innovation partnerships that—

(A) have the potential to generate technologies, processes, products, or other solutions that address national defense or security needs; and

(B) have as an objective the technology transfer or commercialization of the work product generated by the partnership, which may include work product that incorporates Government-developed intellectual property licensed to the partnership in accordance with paragraph (3).

(2) Support provided by the Director to a multi-stakeholder research and innovation partnership under this subsection may include—

(A) providing funding or other resources to the partnership;

(B) participating in the partnership;

(C) providing technical and technological advice and guidance to the partnership;

(D) suggesting and introducing other participants for inclusion in the partnership;

(E) providing the partnership with insight into desired solutions for defense and security needs; and

(F) such other forms of support as the Director determines appropriate.

(3) To the extent the Director determines appropriate, the Director shall seek to actively inform potential participants in multi-stakeholder research and innovation partnerships of the availability of Government-developed intellectual property that may be licensed to the partnership.

(4) On an annual basis, the Director shall submit to the Secretary of Defense and the congressional defense committees a report on the activities, advances, outcomes, and work product of the multi-stakeholder research and innovation partnerships supported under this subsection.

(f) DEFINITIONS.—In this section:

(1) The term “multi-stakeholder research and innovation partnership” means a partnership composed of any combination of two or more of the following:

(A) Universities, colleges, or other institutions of higher education with research and innovation capability.

¹ So in original. Probably should be “pursuing”.

(B) Non-profit organizations that provide policy, research, outreach, operations, organizational, management, testing, evaluation, technology transfer, legal, financial, or advocacy expertise.

(C) For-profit commercial enterprises that may be publicly or privately owned, early stage or mature, and incorporated or operating by another ownership structure.

(D) Departments or agencies of the Federal Government with expertise, operations, or resources related to the objectives of the multi-stakeholder research and innovation partnership.

(2) The term “nontraditional capability” means a solution to an operational challenge that can significantly leverage commercial innovation or external capital with minimal dependencies on fielded systems.

(3) The term “nontraditional defense contractor” has the meaning given that term in section 3014 of this title.

(Added Pub. L. 118–31, div. A, title IX, §913(a)(1), Dec. 22, 2023, 137 Stat. 365; amended Pub. L. 118–159, div. A, title XVII, §1701(a)(43), Dec. 23, 2024, 138 Stat. 2206.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159 substituted “Defense Innovation Unit” for “Defense innovation unit” in section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE; IMPLEMENTATION

Section effective 180 days after Dec. 22, 2023, with additional implementation requirements, see section 913(b)(1), (2) of Pub. L. 118–31, set out as notes under section 1766 of this title.

§ 4128.¹ Laboratory Quality Enhancement 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 under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

(A) to review and make recommendations to the Secretary with respect to—

(i) existing policies and practices affecting the science and technology reinvention laboratories to improve the mission effectiveness of such laboratories;

(ii) new initiatives proposed by the science and technology reinvention laboratories; and

(iii) new interpretations of existing provisions of law that would enhance the ability of a director of a science and technology reinvention laboratory to manage the laboratory and discharge the mission of the laboratory;

(B) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and

(C) to conduct assessments or data analysis on the effectiveness of the authorities granted to the science and technology reinvention laboratories and such other issues as the Secretary determines to be appropriate.

(2) The program carried out pursuant to paragraph (1) shall be known as the “Laboratory Quality Enhancement Program”.

(b) PANELS.—The panels described in this subsection are the following:

(1) A panel on personnel, workforce development, and talent management.

(2) A panel on facilities, equipment, and infrastructure.

(3) A panel on research strategy, technology transfer, and industry and university partnerships.

(4) A panel on governance and oversight processes.

(c) COMPOSITION OF PANELS.—(1) Each panel described in paragraphs (1) through (3) of subsection (b) may be composed of subject matter and technical management experts from—

(A) laboratories and research centers of the Army, Navy, and Air Force;

(B) appropriate Defense Agencies;

(C) the Office of the Under Secretary of Defense for Research and Engineering; and

(D) such other entities as the Secretary determines to be appropriate.

(2) The panel described in subsection (b)(4) shall be composed of—

(A) at least one member from each of the science and technology reinvention laboratories; and

(B) such other members as the Secretary determines to be appropriate.

(d) GOVERNANCE OF PANELS.—(1) The chairperson of each panel established pursuant to subsection (a) shall be selected by the members of the respective panel.

(2) Each panel, in coordination with the Under Secretary of Defense for Research and Engineering, shall transmit to the Science and Technology Executive Committee of the Department of Defense such information or findings on topics requiring decision or approval as the panel considers appropriate.

(e) INTERPRETATION OF PROVISIONS OF LAW.—(1) The Under Secretary of Defense for Research and Engineering, acting under the guidance of the Secretary, shall issue regulations regarding the meaning, scope, implementation, and applicability of any provision of a statute relating to a science and technology reinvention laboratory.

(2) In interpreting or defining under paragraph (1), the Under Secretary shall, to the degree practicable, emphasize providing the maximum operational flexibility to the directors of the science and technology reinvention laboratories to discharge the missions of their laboratories.

(3) In interpreting or defining under paragraph (1), the Under Secretary shall, to the extent practicable, consult and coordinate with the secretaries of the military departments and such other agencies or entities as the Under Secretary considers relevant on any proposed revision to regulations under paragraph (1).

¹ Another section 4128 is set out after this section.