

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2021 AMENDMENT**

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 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

EFFECTIVE DATE

Pub. L. 114-328, div. A, title VIII, §806(a)(2), Dec. 23, 2016, 130 Stat. 2259, provided that: “Subchapter II of chapter 144B of title 10, United States Code [see, now, this subchapter], as added by paragraph (1), shall take effect on January 1, 2017.”

§ 4422. Weapon system component or technology prototype projects: oversight

(a) **ESTABLISHMENT.**—The Secretary of each military department shall establish an oversight board or identify a similar existing group of senior advisors for managing prototype projects for weapon system components and other technologies and subsystems, including the use of funds for such projects, within the military department concerned.

(b) **MEMBERSHIP.**—Each oversight board shall be comprised of senior officials with—

(1) expertise in requirements; research, development, test, and evaluation; acquisition; sustainment; or other relevant areas within the military department concerned;

(2) awareness of technology development activities and opportunities in the Department of Defense, industry, and other sources; and

(3) awareness of the component capability requirements of major weapon systems, including scheduling and fielding goals for such component capabilities.

(c) **FUNCTIONS.**—The functions of each oversight board are as follows:

(1) To issue a strategic plan every three years that prioritizes the capability and weapon system component portfolio areas for conducting prototype projects, based on assessments of—

(A) high priority warfighter needs;

(B) capability gaps or readiness issues with major weapon systems;

(C) opportunities to incrementally integrate new components into major weapon systems based on commercial technology or science and technology efforts that are expected to be sufficiently mature to prototype within three years; and

(D) opportunities to reduce operation and support costs of major weapon systems.

(2) To annually recommend funding levels for weapon system component or technology development and prototype projects across capability or weapon system component portfolios.

(3) To annually recommend to the service acquisition executive of the military department concerned specific weapon system com-

ponent or technology development and prototype projects, subject to the requirements and limitations in section 4423 of this title.

(4) To ensure projects are managed by experts within the Department of Defense who are knowledgeable in research, development, test, and evaluation and who are aware of opportunities for incremental deployment of component capabilities and other technologies to major weapon systems or directly to support warfighting capabilities.

(5) To ensure projects are conducted in a manner that allows for appropriate experimentation and technology risk.

(6) To ensure projects have a plan for technology transition of the prototype into a fielded system, program of record, or operational use, as appropriate, upon successful achievement of technical and project goals.

(7) To ensure necessary technical, contracting, and financial management resources are available to support each project.

(8) To submit to the congressional defense committees a semiannual notification that includes the following:

(A) each weapon system component or technology prototype project initiated during the preceding six months, including an explanation of each project and its required funding.

(B) the results achieved from weapon system component prototype and technology projects completed and tested during the preceding six months.

(Added Pub. L. 114-328, div. A, title VIII, §806(a)(1), Dec. 23, 2016, 130 Stat. 2257, §2447b; renumbered §4422 and amended Pub. L. 116-283, div. A, title XVIII, §1851(c)(1), (2), Jan. 1, 2021, 134 Stat. 4272.)

Editorial Notes**AMENDMENTS**

2021—Pub. L. 116-283, §1851(c)(1), renumbered section 2447b of this title as this section.

Subsec. (c)(3). Pub. L. 116-283, §1851(c)(2), substituted “section 4423” for “section 2447c”.

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EFFECTIVE DATE

Section effective Jan. 1, 2017, see section 806(a)(2) of Pub. L. 114-328, set out as a note under section 4421 of this title.

§ 4423. Requirements and limitations for weapon system component or technology prototype projects

(a) **LIMITATION ON PROTOTYPE PROJECT DURATION.**—A prototype project shall be completed within two years of its initiation.

(b) **MERIT-BASED SELECTION PROCESS.**—A prototype project shall be selected by the service acquisition executive of the military department concerned through a merit-based selection

process that identifies the most promising, innovative, and cost-effective prototypes that address one or more of the elements set forth in subsection (c)(1) of section 4422 of this title and are expected to be successfully demonstrated in a relevant environment.

(c) **TYPE OF TRANSACTION.**—Prototype projects shall be funded through contracts, cooperative agreements, or other transactions.

(d) **FUNDING LIMIT.**—(1) Each prototype project may not exceed a total amount of \$10,000,000 (based on fiscal year 2017 constant dollars), unless—

(A) the Secretary of the military department, or the Secretary's designee, approves a larger amount of funding for the project, not to exceed \$50,000,000; and

(B) the Secretary, or the Secretary's designee, submits to the congressional defense committees, within 30 days after approval of such funding for the project, a notification that includes—

(i) the project;

(ii) expected funding for the project; and

(iii) a statement of the anticipated outcome of the project.

(2) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in paragraph (1) on the basis of Department of Defense escalation rates.

(e) **RELATED PROTOTYPE AUTHORITIES.**—Prototype projects that exceed the duration and funding limits established in this section shall be pursued under the rapid prototyping process established by section 3602 of this title. In addition, nothing in this subchapter shall affect the authority to carry out prototype projects under section 4022 or any other section of this title related to prototyping.

(Added Pub. L. 114-328, div. A, title VIII, § 806(a)(1), Dec. 23, 2016, 130 Stat. 2258, § 2447c; renumbered § 4423 and amended Pub. L. 116-283, div. A, title XVIII, § 1851(c)(1), (3), Jan. 1, 2021, 134 Stat. 4272, 4273; Pub. L. 117-263, div. A, title X, § 1081(a)(5), Dec. 23, 2022, 136 Stat. 2797; Pub. L. 118-159, div. A, title VIII, § 804(c)(4), Dec. 23, 2024, 138 Stat. 1968.)

Editorial Notes

AMENDMENTS

2024—Subsec. (e). Pub. L. 118-159 substituted “section 3602 of this title” for “section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note)”.

2022—Subsec. (e). Pub. L. 117-263 substituted “section 4022” for “section 4003”.

2021—Pub. L. 116-283, § 1851(c)(1), renumbered section 2447c of this title as this section.

Subsec. (b). Pub. L. 116-283, § 1851(c)(3)(A), substituted “section 4422” for “section 2447b”.

Subsec. (e). Pub. L. 116-283, § 1851(c)(3)(B), substituted “section 4003” for “section 2371b”.

Statutory Notes and Related Subsidiaries

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EFFECTIVE DATE

Section effective Jan. 1, 2017, see section 806(a)(2) of Pub. L. 114-328, set out as a note under section 4421 of this title.

§ 4424. Mechanisms to speed deployment of successful weapon system component or technology prototypes

(a) **SELECTION OF PROTOTYPE PROJECT FOR PRODUCTION AND RAPID FIELDING.**—A weapon system component or technology prototype project may be selected by the service acquisition executive of the military department concerned for a follow-on production contract or other transaction without the use of competitive procedures, notwithstanding the requirements of sections 3201 through 3205 of this title, if—

(1) the follow-on production project addresses a high priority warfighter need or reduces the costs of a weapon system;

(2) competitive procedures were used for the selection of parties for participation in the original prototype project;

(3) the participants in the original prototype project successfully completed the requirements of the project; and

(4) a prototype of the system to be procured was demonstrated in a relevant environment.

(b) **SPECIAL TRANSFER AUTHORITY.**—(1) The Secretary of a military department may, as specified in advance by appropriations Acts, transfer funds that remain available for obligation in procurement appropriation accounts of the military department to fund the low-rate initial production of the rapid fielding project until required funding for full-rate production can be submitted and approved through the regular budget process of the Department of Defense.

(2) The funds transferred under this subsection to fund the low-rate initial production of a rapid fielding project shall be for a period not to exceed two years, the amount for such period may not exceed \$50,000,000, and the special transfer authority provided in this subsection may not be used more than once to fund procurement of a particular new or upgraded system.

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

(c) **NOTIFICATION TO CONGRESS.**—Within 30 days after the service acquisition executive of a military department selects a weapon system component or technology project for a follow-on production contract or other transaction, the service acquisition executive shall notify the congressional defense committees of the selection and provide a brief description of the rapid fielding project.

(Added Pub. L. 114-328, div. A, title VIII, § 806(a)(1), Dec. 23, 2016, 130 Stat. 2259, § 2447d; renumbered § 4424 and amended Pub. L. 116-283, div. A, title XVIII, § 1851(c)(1), (4), Jan. 1, 2021, 134 Stat. 4272, 4273.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1851(c)(1), renumbered section 2447d of this title as this section.