

“(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).

“(4) In interpreting or defining under paragraph (1), the Under Secretary shall seek recommendations from the panel described in subsection (b)(4).

“(f) DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.—[Amended section 342(b) of Pub. L. 103-337, formerly set out as a note under section 2358 of this title.]

“(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ‘science and technology reinvention laboratory’ means a science and technology reinvention laboratory designated under section 4121(b) of title 10, United States Code.”

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of Defense for research, development, test, and evaluation, to fund certain military construction projects, was repealed by Pub.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 section 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