

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

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 8752 of this title.

§ 4025. Prizes for advanced technology achievements

(a) **AUTHORITY.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the service acquisition executive for each military department, may carry out programs to award cash prizes and other types of prizes, including procurement contracts and other agreements, that the Secretary determines are appropriate to recognize outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that—

(1) have the potential for application to the performance of the military missions of the Department of Defense; or

(2) demonstrate management practices that improve the schedule or performance, reduce the costs, or otherwise support the transition of technology into acquisition programs or operational use.

(b) **COMPETITION REQUIREMENTS.**—Each program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes and for the selection of recipients of procurement contracts and other agreements. The process shall include the widely-advertised solicitation of submissions.

(c) **LIMITATIONS.**—(1) No prize competition may result in the award of a prize with a fair market value of more than \$10,000,000 without the approval of the Under Secretary of Defense for Research and Engineering.

(2) No prize competition may result in the award of more than \$1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Research and Engineering.

(3) No prize competition may result in the award of a solely nonmonetary prize with a fair market value of more than \$10,000 without the approval of the Under Secretary of Defense for Research and Engineering.

(d) **RELATIONSHIP TO OTHER AUTHORITY.**—A program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of an official referred to in that subsection.

(e) **ACCEPTANCE OF FUNDS.**—In addition to such sums as may be appropriated or otherwise made available to the Secretary to award prizes under

this section, the Secretary may accept funds or nonmonetary items from other departments and agencies of the Federal Government, from State and local governments, and from the private sector, to award prizes under this section. The Secretary may not give any special consideration to any private sector entity in return for a donation.

(f) **USE OF PRIZE AUTHORITY.**—Use of prize authority under this section shall be considered the use of competitive procedures for the purposes of chapter 221 of this title.

(g) **CONGRESSIONAL NOTICE.**—

(1) **IN GENERAL.**—Not later than 15 days after a procurement contract or other agreement that exceeds a fair market value of \$10,000,000 is awarded under the authority under a program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees written notice of such award.

(2) **CONTENTS.**—Each notice submitted under paragraph (1) shall include—

(A) the value of the relevant procurement contract or other agreement, as applicable, including all options;

(B) if applicable, a summary of the management practice that contributed to an improvement to schedule or performance or a reduction in cost relating to the transition of technology;

(C) an identification of any program executive officer (as defined in section 1737 of this title) responsible for implementation or oversight of research results, technology development, prototype development, or management practices (as applicable) for which an award was made under this section, and a brief summary of lessons learned by such program executive officer in carrying out such implementation or oversight;

(D) a brief description of the research result, technology development, or prototype for which such procurement contract or other agreement, as applicable, was awarded; and

(E) an explanation of the benefit to the performance of the military mission of the Department of Defense resulting from the award.

(Added Pub. L. 106-65, div. A, title II, §244(a), Oct. 5, 1999, 113 Stat. 552, §2374a; amended Pub. L. 107-314, div. A, title II, §248(a), Dec. 2, 2002, 116 Stat. 2502; Pub. L. 108-136, div. A, title X, §1031(a)(20), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 109-163, div. A, title II, §257, Jan. 6, 2006, 119 Stat. 3184; Pub. L. 109-364, div. A, title II, §212, Oct. 17, 2006, 120 Stat. 2119; Pub. L. 111-84, div. A, title II, §253, Oct. 28, 2009, 123 Stat. 2243; Pub. L. 111-383, div. A, title IX, §901(j)(4), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 113-66, div. A, title II, §263, Dec. 26, 2013, 127 Stat. 726; Pub. L. 113-291, div. A, title II, §211, Dec. 19, 2014, 128 Stat. 3324; Pub. L. 114-92, div. A, title X, §1079(a), Nov. 25, 2015, 129 Stat. 999; Pub. L. 114-328, div. A, title X, §1081(c)(6), Dec. 23, 2016, 130 Stat. 2420; Pub. L. 115-91, div. A, title II, §213, Dec. 12, 2017, 131 Stat. 1324; Pub. L. 115-232, div. A, title X, §1081(a)(21), Aug. 13, 2018, 132 Stat. 1984; Pub. L. 116-92, div. A, title II, §215, Dec. 20, 2019, 133 Stat. 1257; renumbered §4025 and amended Pub.

L. 116-283, div. A, title XVIII, §§1841(b)(1), 1842(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4244, 4294; Pub. L. 117-81, div. A, title VIII, §822, title XVII, §1701(q)(1), (u)(2)(B), (3)(B), Dec. 27, 2021, 135 Stat. 1825, 2148, 2151, 2152; Pub. L. 117-263, div. A, title VIII, §844, Dec. 23, 2022, 136 Stat. 2719.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4025 was renumbered section 7375 of this title.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, §844(1), substituted “development that—” for “development that”, inserted par. (1) designation before “have the potential”, substituted “Defense; or” for “Defense.”, and added par. (2).

Subsec. (b). Pub. L. 117-263, §844(2), struck out “of research results, technology developments, and prototypes” before period at end.

Subsec. (d). Pub. L. 117-263, §844(3), struck out “to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects” before period at end.

Subsec. (f). Pub. L. 117-263, §844(4), substituted “chapter 221” for “section 2304”.

Subsec. (g)(2)(B) to (E). Pub. L. 117-263, §844(5), added subpars. (B) and (C) and redesignated former subpars. (B) and (C) as (D) and (E), respectively.

2021—Pub. L. 116-283, §1842(b), which directed the renumbering of section 2374a of this title as section 4065 instead of this section, was amended by Pub. L. 117-81, §1701(q)(1), (u)(3)(B), effective as if included therein, so that such renumbering was no longer directed.

Pub. L. 116-283, §1841(b)(1), as amended by Pub. L. 117-81, §1701(u)(2)(B), renumbered section 2374a of this title as this section.

Subsec. (a). Pub. L. 117-81, §822(1), inserted “, including procurement contracts and other agreements,” after “other types of prizes”.

Subsec. (b). Pub. L. 117-81, §822(2), inserted “and for the selection of recipients of procurement contracts and other agreements” after “cash prizes”.

Subsec. (c)(1). Pub. L. 117-81, §822(3), inserted “with-out the approval of the Under Secretary of Defense for Research and Engineering” before period at end.

Subsec. (f). Pub. L. 116-283, §1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116-283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was not executed with respect to “section 2304”, which was redesignated as multiple sections.

Subsec. (g). Pub. L. 117-81, §822(4), added subsec. (g).

2019—Subsec. (a). Pub. L. 116-92 substituted “Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,” for “Assistant Secretary of Defense for Research and Engineering”.

2018—Subsec. (e). Pub. L. 115-232 substituted “Federal Government,” for “Federal Government.,”.

2017—Subsec. (a). Pub. L. 115-91, §213(1), substituted “and other types of prizes that the Secretary determines are appropriate to recognize” for “in recognition of”.

Subsec. (c)(1). Pub. L. 115-91, §213(2)(A), substituted “prize with a fair market value of” for “cash prize of”.

Subsec. (c)(2). Pub. L. 115-91, §213(2)(B), substituted “Under Secretary of Defense for Research and Engineering” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

Subsec. (c)(3). Pub. L. 115-91, §213(2)(C), added par. (3).

Subsec. (e). Pub. L. 115-91, §213(3), inserted “or non-monetary items” after “accept funds”, substituted “, from State and local governments, and from the pri-

vate sector” for “and from State and local governments”, and inserted at end “The Secretary may not give any special consideration to any private sector entity in return for a donation.”

Subsec. (f). Pub. L. 115-91, §213(4), amended subsec. (f) generally. Prior to amendment, text read as follows: “The authority to award prizes under subsection (a) shall terminate at the end of September 30, 2018.”

2016—Subsecs. (f), (g). Pub. L. 114-328, §1081(c)(6), made technical amendment to directory language of Pub. L. 114-92, §1079(a). See 2015 Amendment note below.

2015—Subsecs. (f), (g). Pub. L. 114-92, §1079(a), as amended by Pub. L. 114-328, §1081(c)(6), redesignated subsec. (g) as (f) and struck out former subsec. (f) which related to biennial reports.

2014—Subsec. (c)(1). Pub. L. 113-291, §211(a), substituted “No prize competition may result in the award of a cash prize of more than \$10,000,000.” for “The total amount made available for award of cash prizes in a fiscal year may not exceed \$10,000,000.”

Subsec. (e). Pub. L. 113-291, §211(b)(2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 113-291, §211(c)(3), substituted “BIENNIAL” for “ANNUAL” in heading.

Pub. L. 113-291, §211(b)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (f)(1). Pub. L. 113-291, §211(c)(1), substituted “every other year” for “each year” and “two fiscal years” for “fiscal year”.

Subsec. (f)(2). Pub. L. 113-291, §211(c)(2), substituted “a period of two fiscal years” for “a fiscal year” in introductory provisions.

Subsec. (g). Pub. L. 113-291, §211(b)(1), redesignated subsec. (f) as (g).

2013—Subsec. (f). Pub. L. 113-66 substituted “September 30, 2018” for “September 30, 2013”.

2011—Subsec. (a). Pub. L. 111-383 substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering”.

2009—Subsec. (f). Pub. L. 111-84 substituted “2013” for “2010”.

2006—Subsec. (a). Pub. L. 109-364, §212(a)(1), substituted “Director of Defense Research and Engineering and the service acquisition executive for each military department” for “Director of the Defense Advanced Research Projects Agency” and “programs” for “a program”.

Subsec. (b). Pub. L. 109-364, §212(a)(2)(A), substituted “Each program” for “The program”.

Subsec. (d). Pub. L. 109-364, §212(a)(2)(B), substituted “A program” for “The program” and “an official referred to in that subsection” for “the Director”.

Subsec. (e). Pub. L. 109-364, §212(c), reenacted heading without change and amended text generally. Prior to amendment, subsec. (e) required an annual report, which included the results of consultations between the Director and officials of the military departments, a description of goals, cash prizes, methods used for submissions, a description of resources, and a description of transition plans.

Pub. L. 109-163 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Promptly after the end of each fiscal year during which one or more prizes are awarded under the program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for that fiscal year. The report shall include the following:

“(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

“(2) The total amount of the prizes awarded.

“(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.”

Subsec. (f). Pub. L. 109-364, §212(b), substituted “2010” for “2007”.

2003—Subsec. (e). Pub. L. 108-136 inserted “during which one or more prizes are awarded under the pro-

gram under subsection (a)” after “each fiscal year” in introductory provisions.

2002—Subsec. (f). Pub. L. 107-314 substituted “September 30, 2007” for “September 30, 2003”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(q)(1), (u)(2)(B), (3)(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.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title X, §1081(c), Dec. 23, 2016, 130 Stat. 2419, provided that the amendment made by section 1081(c)(6) is effective as of Nov. 25, 2015, and as if included in Pub. L. 114-92 as enacted.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

PRIZE COMPETITION FOR TECHNOLOGY THAT DETECTS AND WATERMARKS USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

Pub. L. 118-31, div. A, title XV, §1543, Dec. 22, 2023, 137 Stat. 573, provided that:

“(a) ESTABLISHMENT.—Not later than 270 days after the date of the enactment of this Act [Dec. 22, 2023], under the authority of section 4025 of title 10, United States Code, the Secretary of Defense shall establish a prize competition designed to evaluate technology (including applications, tools, and models) for generative artificial intelligence detection and generative artificial intelligence watermarking, for the purposes of—

“(1) facilitating the research, development, testing, evaluation, and competition of such technologies to support the Secretaries of the military departments and the commanders of combatant commands in warfighting requirements; and

“(2) transitioning such technologies, including technologies developed pursuant to pilot programs, prototype projects, or other research and development programs, from the prototyping phase to production.

“(b) PARTICIPATION.—The participants in the prize competition under subsection (a) may include federally funded research and development centers, entities within the private sector, entities within the defense industrial base, institutions of higher education, Federal departments and agencies, and such other categories of participants as the Secretary of Defense considers appropriate.

“(c) DESIGNATION.—The prize competition under subsection (a) shall be known as the ‘Generative AI Detection and Watermark Competition’.

“(d) ADMINISTRATION.—The Under Secretary of Defense for Research and Engineering shall administer the prize competition under subsection (a).

“(e) FRAMEWORK.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the framework to be used in carrying out the prize competition under subsection (a).

“(f) ANNUAL BRIEFINGS.—Not later than October 1 of each year until the date of termination under subsection (g), the Secretary of Defense shall provide to the congressional defense committees a briefing on the results of the prize competition under subsection (a).

“(g) TERMINATION.—The authority to carry out the prize competition under subsection (a) shall terminate on December 31, 2025.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘generative artificial intelligence detection’ means, with respect to digital content, the positive identification of the use of generative artificial intelligence in the generation of such content.

“(2) The term ‘generative artificial intelligence watermarking’ means, with respect to digital content, embedding within such content data conveying attribution of the generation of such content to generative artificial intelligence.”

PRIZE COMPETITION TO IDENTIFY ROOT CAUSE OF PHYSIOLOGICAL EPISODES ON NAVY, MARINE CORPS, AND AIR FORCE TRAINING AND OPERATIONAL AIRCRAFT

Pub. L. 115-91, div. A, title X, §1089, Dec. 12, 2017, 131 Stat. 1605, as amended by Pub. L. 116-283, div. A, title XVIII, §1842(c)(1), Jan. 1, 2021, 134 Stat. 4244; Pub. L. 117-81, div. A, title XVII, §1701(u)(3)(C), Dec. 27, 2021, 135 Stat. 2152, provided that:

“(a) IN GENERAL.—Under the authority of section 4025 of title 10, United States Code, and section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, the Commandant of the Marine Corps, and the heads of any other appropriate Federal agencies that have experience in prize competitions, and when appropriate, in coordination with private organizations, may establish a prize competition designed to accelerate identification of the root cause or causes of, or find solutions to, physiological episodes experienced in Navy, Marine Corps, and Air Force training and operational aircraft.

“(b) EVALUATION OF PERSONNEL.—The Secretary of Defense, or the Secretary’s designee, shall select the person or persons to conduct the competition authorized in subsection (a) and evaluate any submissions.

“(c) LIMITATION.—The Secretary of Defense may not exercise the authority under subsection (a) before the date that is 15 days after the date on which the Secretary of Defense submits to [the] congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] certification in writing that the use of the authority will not compromise classified information, proprietary information, or intellectual property.”

§ 4026. Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980

The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 11 and 12 of such Act (15 U.S.C. 3710, 3710a).

(Added and amended Pub. L. 104-201, div. A, title II, §267(c)(1)(A), (B), Sept. 23, 1996, 110 Stat. 2468, §2371a; Pub. L. 105-85, div. A, title X, §1073(a)(50), Nov. 18, 1997, 111 Stat. 1903; renumbered §4026 and amended Pub. L. 116-283, div. A, title XVIII, §§1841(b)(1), 1844(b)(1), Jan. 1, 2021, 134 Stat. 4243,