

where the use occurred, that would not have been incurred if such use had not occurred; and

(B) may include costs of labor, materials, facilities, utilities, equipment, supplies, and any other resources of the test facility that are consumed or damaged in connection with—

- (i) the use; or
- (ii) the maintenance of the test facility for purposes of the use.

(2) The term “indirect cost”, with respect to the use of a test facility pursuant to a memorandum or other agreement under subsection (a)—

(A) means any item of cost that is not easily and readily identified to a specific unit of work or output within the test facility where the use occurred; and

(B) may include general and administrative expenses for such activities as supporting base operations, manufacturing, supervision, procurement of office supplies, and utilities that are accumulated costs allocated among several users.

(3) The term “test facility” means a range or other facility at which testing of defense equipment may be carried out.

(Added Pub. L. 107-107, div. A, title XII, §1213(a), Dec. 28, 2001, 115 Stat. 1250.)

§ 2350m. Participation in multinational military centers of excellence

(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence for purposes of—

- (1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or
- (2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

(b) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

(d) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(e) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

- (i) a description of such multinational military center of excellence;
- (ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and
- (iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

(f) MULTINATIONAL MILITARY CENTER OF EXCELLENCE DEFINED.—In this section, the term “multinational military center of excellence” means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

- (1) enhance education and training;
- (2) improve interoperability and capabilities;
- (3) assist in the development of doctrine; and
- (4) validate concepts through experimentation.

(Added Pub. L. 110-417, [div. A], title XII, § 1232(a)(1), Oct. 14, 2008, 122 Stat. 4637; amended Pub. L. 112-239, div. A, title X, § 1076(f)(25), Jan. 2, 2013, 126 Stat. 1953.)

AMENDMENTS

2013—Subsec. (e)(1). Pub. L. 112-239 substituted “Not later than October 31 each year” for “Not later than October 31, 2009, and annually thereafter”.

EFFECTIVE DATE

Pub. L. 110-417, [div. A], title XII, § 1232(c), Oct. 14, 2008, 122 Stat. 4639, provided that: “The amendments made by this section [enacting this section] shall take effect on October 1, 2008”.

CHAPTER 139—RESEARCH AND DEVELOPMENT

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| Sec. | |
| 2351. | Availability of appropriations. |
| [2352. | Repealed.] |
| 2353. | Contracts: acquisition, construction, or furnishing of test facilities and equipment. |
| 2354. | Contracts: indemnification provisions. |
| [2355 to 2357. | Repealed.] |
| 2358. | Research and development projects. |
| 2359. | Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation. |
| [2359a. | Repealed.] |
| 2359b. | Defense Acquisition Challenge Program. |
| 2360. | Research and development laboratories: contracts for services of university students. |
| 2361. | Award of grants and contracts to colleges and universities: requirement of competition. |
| 2362. | Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education. |
| [2363. | Repealed.] |
| 2364. | Coordination and communication of defense research activities and technology domain awareness. |
| 2365. | Global Research Watch Program. |
| 2366. | Major systems and munitions programs: survivability testing and lethality testing required before full-scale production. |
| 2366a. | Major defense acquisition programs: determination required before Milestone A approval. |
| 2366b. | Major defense acquisition programs: certification required before Milestone B approval. |
| 2367. | Use of federally funded research and development centers. |
| 2368. | Centers for Science, Technology, and Engineering Partnership. |
| [2369 to 2370a. | Repealed.] |
| 2371. | Research projects: transactions other than contracts and grants. |
| 2371a. | Cooperative research and development agreements under Stevenson-Wydler Technology Innovation Act of 1980. |
| 2371b. | Authority of the Department of Defense to carry out certain prototype projects. |
| 2372. | Independent research and development and bid and proposal costs: payments to contractors. |
| 2373. | Procurement for experimental purposes. |
| 2374. | Merit-based award of grants for research and development. |

Sec.

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| 2374a. | Prizes for advanced technology achievements. |
| [2374b. | Repealed.] |

AMENDMENTS

2015—Pub. L. 114-92, div. A, title II, §§ 211(b), 214(b), title VIII, §§ 815(a)(2), 823(b), title X, § 1078(c)(2), Nov. 25, 2015, 129 Stat. 767, 769, 896, 903, 999, added items 2368 and 2371b, substituted “Coordination and communication of defense research activities and technology domain awareness” for “Coordination and communication of defense research activities” in item 2364 and “Major defense acquisition programs: determination required before Milestone A approval” for “Major defense acquisition programs: certification required before Milestone A approval” in item 2366a, and struck out item 2352 “Defense Advanced Research Projects Agency: biennial strategic plan”.

2013—Pub. L. 112-239, div. A, title X, § 1076(g)(4), Jan. 2, 2013, 126 Stat. 1955, struck out item 2374b “Prizes for achievements in promoting science, mathematics, engineering, or technology education”.

2011—Pub. L. 112-81, div. A, title VIII, § 801(e)(3), Dec. 31, 2011, 125 Stat. 1484, substituted “Major defense acquisition programs: certification required before Milestone A approval” for “Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval” in item 2366a and “Major defense acquisition programs: certification required before Milestone B approval” for “Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval” in item 2366b.

Pub. L. 112-81, div. A, title II, § 251(a)(2), (b), Dec. 31, 2011, 125 Stat. 1347, effective Oct. 1, 2013, struck out item 2359a “Technology Transition Initiative”.

2009—Pub. L. 111-84, div. A, title II, § 252(b), Oct. 28, 2009, 123 Stat. 2243, added item 2362.

2008—Pub. L. 110-417, [div. A], title VIII, § 813(c), Oct. 14, 2008, 122 Stat. 4527, added items 2366a and 2366b and struck out former items 2366a “Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval” and 2366b “Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval”.

Pub. L. 110-181, div. A, title IX, § 943(a)(2), Jan. 28, 2008, 122 Stat. 289, added item 2366b.

2006—Pub. L. 109-163, div. A, title VIII, § 801(b), Jan. 6, 2006, 119 Stat. 3367, added item 2366a.

2004—Pub. L. 108-375, div. A, title X, § 1005(b), Oct. 28, 2004, 118 Stat. 2036, struck out item 2370a “Medical countermeasures against biowarfare threats: allocation of funding between near-term and other threats”.

2003—Pub. L. 108-136, div. A, title II, §§ 231(b), 232(b), Nov. 24, 2003, 117 Stat. 1422, 1423, added items 2352 and 2365.

2002—Pub. L. 107-314, div. A, title II, §§ 242(a)(2), 243(b), 248(c)(2), Dec. 2, 2002, 116 Stat. 2495, 2498, 2503, added items 2359a, 2359b, and 2374b.

2000—Pub. L. 106-398, § 1 [[div. A], title IX, § 904(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-225, added item 2359. 1999—Pub. L. 106-65, div. A, title II, § 244(b), Oct. 5, 1999, 113 Stat. 552, added item 2374a.

1996—Pub. L. 104-201, div. A, title II, § 267(c)(1)(C), Sept. 23, 1996, 110 Stat. 2468, added item 2371a.

Pub. L. 104-106, div. A, title VIII, § 802(b), title X, §§ 1061(j)(2), 1062(c)(2), Feb. 10, 1996, 110 Stat. 390, 443, 444, struck out items 2352 “Contracts: notice to Congress required for contracts performed over period exceeding 10 years”, 2356 “Contracts: delegations”, and 2370 “Biological Defense Research Program”.

1994—Pub. L. 103-355, title I, § 1301(c), title II, § 2002(b), title III, § 3062(b), title VII, § 7203(a)(3), Oct. 13, 1994, 108 Stat. 3287, 3303, 3337, 3380, added item 2374, substituted in item 2358 “Research and development projects” for “Research projects” and in item 2371 “Research projects: transactions other than contracts and grants” for “Advanced research projects: cooperative agreements and other transactions”, and struck out item 2355 “Contracts: vouchering procedures” and item 2369 “Product evaluation activity”.