

(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

(Added Pub. L. 104-106, div. A, title XIII, §1332(a)(1), Feb. 10, 1996, 110 Stat. 482; amended Pub. L. 107-314, div. A, title X, §1041(a)(11), Dec. 2, 2002, 116 Stat. 2645.)

#### AMENDMENTS

2002—Subsec. (d). Pub. L. 107-314 struck out heading and text of subsec. (d). Text read as follows: “Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

“(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

“(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.”

#### EFFECTIVE DATE

Pub. L. 104-106, div. A, title XIII, §1332(b), Feb. 10, 1996, 110 Stat. 484, provided that: “Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Feb. 10, 1996] and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.”

#### § 2350l. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations

(a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into a memorandum of understanding (or other formal agreement) with a foreign country or international organization to provide for the testing, on a reciprocal basis, of defense equipment (1) by the United States using test facilities of that country or organization, and (2) by that country or organization using test facilities of the United States.

(b) **PAYMENT OF COSTS.**—A memorandum or other agreement under subsection (a) shall provide that, when a party to the agreement uses a test facility of another party to the agreement, the party using the test facility is charged by the party providing the test facility in accordance with the following principles:

(1) The user party shall be charged the amount equal to the direct costs incurred by the provider party in furnishing test and evaluation services by the providing party’s officers, employees, or governmental agencies.

(2) The user party may also be charged indirect costs relating to the use of the test facility, but only to the extent specified in the memorandum or other agreement.

(c) **DETERMINATION OF INDIRECT COSTS; DELEGATION OF AUTHORITY.**—(1) The Secretary of De-

fense shall determine the appropriateness of the amount of indirect costs charged by the United States pursuant to subsection (b)(2).

(2) The Secretary may delegate the authority under paragraph (1) only to the Deputy Secretary of Defense and to one other official of the Department of Defense.

(d) **RETENTION OF FUNDS COLLECTED BY THE UNITED STATES.**—Amounts collected by the United States from a party using a test facility of the United States pursuant to a memorandum or other agreement under this section shall be credited to the appropriation accounts from which the costs incurred by the United States in providing such test facility were paid.

(e) **DEFINITIONS.**—In this section:

(1) The term “direct 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 easily and readily identified to a specific unit of work or output within the test facility 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. Renumbered § 344]

#### CHAPTER 139—RESEARCH AND DEVELOPMENT

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.
2358a.	Authorities for certain positions at science and technology reinvention laboratories.
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.