

[§ 2356. Repealed. Pub. L. 104-106, div. A, title VIII, § 802(a), Feb. 10, 1996, 110 Stat. 390]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 135; Sept. 2, 1958, Pub. L. 85-861, §1(43A), 72 Stat. 1457; July 18, 1984, Pub. L. 98-369, div. B, title VII, §2727(d), 98 Stat. 1195; Dec. 4, 1987, Pub. L. 100-180, div. A, title XII, §1231(18)(B), 101 Stat. 1161, related to delegations of authority under sections 1584, 2353, 2354, and 2355 of this title.

[§ 2357. Repealed. Pub. L. 101-510, div. A, title XIII, § 1301(11), Nov. 5, 1990, 104 Stat. 1668]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 135, required Secretary of each military department to report to Congress on contracts for research and development.

§ 2358. Research and development projects

(a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department may engage in basic research, applied research, advanced research, and development projects that—

(1) are necessary to the responsibilities of such Secretary's department in the field of research and development; and

(2) either—

(A) relate to weapon systems and other military needs; or

(B) are of potential interest to the Department of Defense.

(b) **AUTHORIZED MEANS.**—The Secretary of Defense or the Secretary of a military department may perform research and development projects—

(1) by contract, cooperative agreement, or grant, in accordance with chapter 63 of title 31;

(2) through one or more military departments;

(3) by using employees and consultants of the Department of Defense;

(4) by mutual agreement with the head of any other department or agency of the Federal Government;

(5) by transactions (other than contracts, cooperative agreements, and grants) entered into pursuant to section 2371 or 2371b of this title; or

(6) by purchases through procurement for experimental purposes pursuant to section 2373 of this title.

(c) **REQUIREMENT OF POTENTIAL DEPARTMENT OF DEFENSE INTEREST.**—Funds appropriated to the Department of Defense or to a military department may not be used to finance any research project or study unless the project or study is, in the opinion of the Secretary of Defense or the Secretary of that military department, respectively, of potential interest to the Department of Defense or to such military department, respectively.

(d) **ADDITIONAL PROVISIONS APPLICABLE TO COOPERATIVE AGREEMENTS.**—Additional authorities, conditions, and requirements relating to certain cooperative agreements authorized by this section are provided in sections 2371 and 2371a of this title.

(Added Pub. L. 87-651, title II, §208(a), Sept. 7, 1962, 76 Stat. 523; amended Pub. L. 97-86, title IX,

§910, Dec. 1, 1981, 95 Stat. 1120; Pub. L. 100-370, §1(g)(3), July 19, 1988, 102 Stat. 846; Pub. L. 103-160, div. A, title VIII, §827(a), Nov. 30, 1993, 107 Stat. 1712; Pub. L. 103-355, title I, §1301(a), Oct. 13, 1994, 108 Stat. 3284; Pub. L. 104-201, div. A, title II, §267(c)(2), Sept. 23, 1996, 110 Stat. 2468; Pub. L. 115-91, div. A, title VIII, §862, Dec. 12, 2017, 131 Stat. 1494.)

HISTORICAL AND REVISION NOTES
1962 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2358	5:171c(b)(2), (3).	July 26, 1947, ch. 343, §203(b)(2), (3); added Aug. 6, 1958, Pub. L. 85-599, §9(a) (3d and 4th pars.), 72 Stat. 520.

5 U.S.C. 171c(b)(3) is omitted as unnecessary since the authorization for appropriations is implied in 5 U.S.C. 171c(b)(2).

1988 ACT

In the existing text of 10 U.S.C. 2358, the bill would in two instances strike the phrase "or his designee" appearing after "Secretary of Defense" (section 1(g)(3)). The change is made for consistency in the Code, and no substantive change is intended. The committee notes that the Secretary of Defense has general authority to delegate functions under 10 U.S.C. 113(d).

Subsection (b) is based on Pub. L. 91-441, title II, §204, Oct. 7, 1970, 84 Stat. 908.

AMENDMENTS

2017—Subsec. (b)(5), (6). Pub. L. 115-91 added pars. (5) and (6).

1996—Subsec. (d). Pub. L. 104-201 substituted "sections 2371 and 2371a" for "section 2371".

1994—Pub. L. 103-355 amended section generally, inserting reference to development projects in section catchline, and in text specifying that relevant Secretary may perform research and development projects in accordance with chapter 63 of title 31, and adding subsec. (d) relating to additional provisions applicable to cooperative agreements.

1993—Pub. L. 103-160 amended section generally. Prior to amendment, section read as follows:

"(a) **IN GENERAL.**—Subject to approval by the President, the Secretary of Defense may engage in basic and applied research projects that are necessary to the responsibilities of the Department of Defense in the field of basic and applied research and development and that relate to weapons systems and other military needs. Subject to approval by the President, the Secretary may perform assigned research and development projects—

"(1) by contract with, or by grant to, educational or research institutions, private businesses, or other agencies of the United States;

"(2) through one or more of the military departments; or

"(3) by using employees and consultants of the Department of Defense.

"(b) **REQUIREMENT OF POTENTIAL MILITARY RELATIONSHIP.**—Funds appropriated to the Department of Defense may not be used to finance any research project or study unless the project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation."

1988—Pub. L. 100-370 designated existing provisions as subsec. (a), inserted heading, struck out "or his designee" after "Secretary of Defense" and "President, the Secretary", and added subsec. (b).

1981—Par. (1). Pub. L. 97-86 substituted "by contract with, or by grant to," for "by contract with".

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.