

ity, but only to the extent specified in the memorandum or other agreement.

(c) DETERMINATION OF INDIRECT COSTS; DELEGATION OF AUTHORITY.—(1) The Secretary of Defense 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	Repealed.]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, 2356.	Repealed.]
2357.	Technology protection features activities.

Sec.	
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.
2359a.	Defense Research and Development Rapid Innovation Program.
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.	Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
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.
2366c.	Major defense acquisition programs: submissions to Congress on Milestone C.
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 costs: allowable costs.
2372a.	Bid and proposal costs: allowable costs.
2373.	Procurement for experimental purposes.
2374.	Merit-based award of grants for research and development.
2374a.	Prizes for advanced technology achievements.
[2374b.	Repealed.]

#### AMENDMENTS

2018—Pub. L. 115–232, div. A, title II, §§ 223(b), 224(a)(2), Aug. 13, 2018, 132 Stat. 1683, 1684, added items 2357 and 2359a.

2017—Pub. L. 115–91, div. A, title II, § 220(b), title X, § 1081(a)(33), Dec. 12, 2017, 131 Stat. 1333, 1596, added item 2363 and inserted a period at end of items 2372 and 2372a.

2016—Pub. L. 114–328, div. A, title VIII, §§ 808(c)(2), 824(a)(2), (b)(2), title XI, § 1122(a)(2), Dec. 23, 2016, 130 Stat. 2266, 2277, 2279, 2455, added items 2358a, 2366c, 2372, and 2372a and struck out former item 2372 “Independent research and development and bid and proposal costs: payments to contractors”.

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 be-