

by the Secretary of Defense to execute a project under subsection (a) may recognize the North Atlantic Treaty Organization project authorization amounts as budgetary resources to incur obligations against for the purposes of executing the project.

(e) **INSUFFICIENT CONTRIBUTIONS.**—(1) In the event that the North Atlantic Treaty Organization does not agree to contribute funding for all costs necessary for the Department of Defense to carry out a project under subsection (a), including necessary personnel costs of the construction agent designated by the Department of Defense, contract claims, and any conjunctive funding requirements that exceed the project authorization or standards of the North Atlantic Treaty Organization, the Secretary of Defense, upon determination that completion of the project is in the national interest of the United States, may fund such costs, and undertake such conjunctively funded requirements not otherwise authorized by law, using any unobligated funds available among funds appropriated for the Program for military construction.

(2) The use of funds under paragraph (1) from appropriations for the Program may be in addition to or in place of any other funding sources otherwise available for the purposes for which those funds are used.

(f) **AUTHORIZED EXPENDITURES DEFINED.**—In this section, the term “authorized expenditures” means project expenses for which the North Atlantic Treaty Organization has agreed to contribute funding.

(Added Pub. L. 116–283, div. B, title XXV, §2503(a), Jan. 1, 2021, 134 Stat. 4309; amended Pub. L. 117–81, div. A, title X, §1081(a)(29), Dec. 27, 2021, 135 Stat. 1921.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117–81 renumbered a second section 2350m of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 116–283, div. B, §2003, Jan. 1, 2021, 134 Stat. 4295, provided that: “Titles XXI through XXVII and title XXIX [see Tables for classification] shall take effect on the later of—

“(1) October 1, 2020; or

“(2) the date of the enactment of this Act [Jan. 1, 2021].”

#### [CHAPTER 139—REPEALED]

#### [§ 2351. Renumbered § 3131]

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2351, act Aug. 10, 1956, ch. 1041, 70A Stat. 133, related to policy, plans, and coordination relative to research and development on scientific problems relating to the national security, prior to repeal by Pub. L. 85–599, §3(d).

#### [§ 2352. Repealed. Pub. L. 114–92, div. A, title X, § 1078(c)(1), Nov. 25, 2015, 129 Stat. 999]

Section, added Pub. L. 108–136, div. A, title II, §232(a), Nov. 24, 2003, 117 Stat. 1422; amended Pub. L. 113–66, div.

A, title II, §211(a), (b), Dec. 26, 2013, 127 Stat. 703, related to the biennial strategic plan of the Defense Advanced Research Projects Agency.

A prior section 2352, acts Aug. 10, 1956, ch. 1041, 70A Stat. 133; Dec. 5, 1991, Pub. L. 102–190, div. A, title VIII, §803(a)(1), 105 Stat. 1414; Pub. L. 102–484, div. A, title X, §1053(4), Oct. 23, 1992, 106 Stat. 2501, required Secretary of military department to give notice to Congress of contracts performed over a period exceeding 10 years, prior to repeal by Pub. L. 104–106, div. A, title X, §1062(c)(1), Feb. 10, 1996, 110 Stat. 444.

#### [§ 2353. Renumbered § 4174]

#### [§ 2354. Renumbered § 3861]

#### [§ 2355. Repealed. Pub. L. 103–355, title II, § 2002(a), Oct. 13, 1994, 108 Stat. 3303]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 135, authorized Secretary of each military department to prescribe by regulation the extent of itemization, substantiation, or certification of vouchers for funds spent under research or development contracts prior to payment.

#### [§ 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. Renumbered § 4067]

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2357, 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, prior to repeal by Pub. L. 101–510, div. A, title XIII, §1301(11), Nov. 5, 1990, 104 Stat. 1668.

#### [§ 2358. Renumbered § 4001]

#### [§ 2358a. Renumbered § 4091]

#### [§ 2358b. Renumbered § 1766]

#### [§ 2358c. Repealed. Pub. L. 116–283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293]

Section, added Pub. L. 116–283, div. A, title XI, §1115(a), Jan. 1, 2021, 134 Stat. 3895, related to enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.

#### Editorial Notes

##### CODIFICATION

Pub. L. 117–81, div. A, title II, §215(d)(14), title XVII, §1701(e)(3)(A), Dec. 27, 2021, 135 Stat. 1595, 2138, attempted to transfer this section to subchapter II of chapter 303 of this title, insert it after section 4093 of this title, redesignate it as section 4094, and amend subsection (f) by striking “by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note)” and inserting “by section 4121(b) of this title”, all of which was to take effect immediately after the amendments made by title XVIII of Pub. L. 116–283 took effect, pursuant to section 1701(a)(3) of Pub. L. 117–81, set out in an Effective Date of 2021 Amendment note preceding section 3001 of this title.

However, this chapter, which included this section, was repealed by Pub. L. 116-283, div. A, title XVIII, §1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, pursuant to Pub. L. 116-283, div. A, title XVIII, §1801(d), Jan. 1, 2021, 134 Stat. 4151, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

Prior to repeal, this section read as follows:

**§ 2358c. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories**

(a) IN GENERAL.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term “science and technology reinvention laboratories of the Department of Defense” means the laboratories designated as science and technology reinven-

tion laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Repeal 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 an Effective Date of 2021 Amendment note preceding section 3001 of this title.

**[§ 2359. Renumbered § 4007]**

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2359, added Pub. L. 96-107, title VIII, §819(a)(1), Nov. 9, 1979, 93 Stat. 818, related to reports on salaries of officers of Federal contract research centers, prior to repeal by Pub. L. 101-510, div. A, title XIII, §1322(a)(5), Nov. 5, 1990, 104 Stat. 1671.

**[§ 2359a. Renumbered § 4061]**

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2359a, added Pub. L. 107-314, div. A, title II, §242(a)(1), Dec. 2, 2002, 116 Stat. 2494; amended Pub. L. 109-163, div. A, title II, §255(a), Jan. 6, 2006, 119 Stat. 3180; Pub. L. 109-364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 110-181, div. A, title II, §233, Jan. 28, 2008, 122 Stat. 46; Pub. L. 110-417, [div. A], title II, §253(b), Oct. 14, 2008, 122 Stat. 4402, related to Technology Transition Initiative, prior to repeal by Pub. L. 112-81, div. A, title II, §251(a)(1), Dec. 31, 2011, 125 Stat. 1347.

**[§ 2359b. Renumbered § 4062]**

**[§ 2360. Renumbered § 4143]**

**[§ 2361. Renumbered § 4141]**

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2361 was renumbered section 2351 of this title.

**[§ 2361a. Renumbered § 4142]**

**[§ 2362. Renumbered § 4144]**

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2362, added Pub. L. 99-145, title I, §123(a)(1), Nov. 8, 1985, 99 Stat. 599; amended Pub. L. 99-433, title I, §110(g)(4), Oct. 1, 1986, 100 Stat. 1004; Pub. L. 100-26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284, which related to testing requirements for wheeled or tracked armored vehicles, was repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(3), Nov. 30, 1993, 107 Stat. 1704.

**[§ 2363. Renumbered § 4123]**

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2363, added Pub. L. 99-145, title XIV, §1457(a), Nov. 8, 1985, 99 Stat. 762, related to encouragement of technology transfer, prior to repeal by Pub. L. 102-484, div. D, title XLII, §§4224(c), 4271(a)(2), Oct. 23, 1992, 106 Stat. 2683, 2695. See section 4832 of this title.