

(b) **DEFENSE RESEARCH FACILITY DEFINED.**—In this section, the term “Defense research facility” has the meaning given that term by section 4125(b) of this title.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1841(d), Jan. 1, 2021, 134 Stat. 4243; Pub. L. 117–81, div. A, title XVII, §1701(u)(2)(E), Dec. 27, 2021, 135 Stat. 2151; Pub. L. 118–31, div. A, title XVIII, §1801(a)(30), Dec. 22, 2023, 137 Stat. 685.)

Editorial Notes

CODIFICATION

The section catchline and text of subsec. (a) of section 2364 of this title, which were transferred to this section by Pub. L. 116–283, §1841(d)(1), were based on Pub. L. 99–661, div. A, title II, §234(c)(1), Nov. 14, 1986, 100 Stat. 3848; Pub. L. 100–26, §3(1)(A), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100–180, div. A, title XII, §1231(10)(B), Dec. 4, 1987, 101 Stat. 1160; Pub. L. 114–92, div. A, title II, §214(a)(1), (3), Nov. 25, 2015, 129 Stat. 767, 768; Pub. L. 115–91, div. A, title X, §1081(a)(34), Dec. 12, 2017, 131 Stat. 1596.

AMENDMENTS

2023—Subsec. (b). Pub. L. 118–31 substituted “section 4125(b) of this title” for “section 4142(b) of this title”.
2021—Pub. L. 116–283, §1841(d)(1), as amended by Pub. L. 117–81, §1701(u)(2)(E), transferred section catchline and subsec. (a) of section 2364 of this title to this section.

Subsec. (b). Pub. L. 116–283, §1841(d)(2), added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

EFFECTIVE DATE

Section and amendment by Pub. L. 116–283 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.

COLLABORATION BETWEEN DEFENSE LABORATORIES, INDUSTRY, AND ACADEMIA; OPEN CAMPUS PROGRAM

Pub. L. 115–232, div. A, title II, §222, Aug. 13, 2018, 132 Stat. 1682, provided that:

“(a) **COLLABORATION.**—The Secretary of Defense may carry out activities to prioritize innovative collaboration between Department of Defense science and technology reinvention laboratories, industry, and academia.

“(b) **OPEN CAMPUS PROGRAM.**—In carrying out subsection (a), the Secretary, acting through the Commander of the Air Force Research Laboratory, the Commander of the Army Research, Development and Engineering Command, and the Chief of Naval Research, or such other officials of the Department as the Secretary considers appropriate, may develop and implement an open campus program for the Department science and technology reinvention laboratories which shall be modeled after the open campus program of the Army Research Laboratory.”

[§ 4015. Omitted]

Editorial Notes

CODIFICATION

As enacted, Pub. L. 116–283, div. A, title XVIII, §1841(c), Jan. 1, 2021, 134 Stat. 4243, originally trans-

ferred section 2361 of this title to this section, to become effective Jan. 1, 2022. Subsequently, Pub. L. 117–81, div. A, title XVII, §1701(u)(2)(D), Dec. 27, 2021, 135 Stat. 2151, amended section 1841(c) of Pub. L. 116–283, effective as if included therein, so as to eliminate that transfer, thereby omitting this section before it took effect. Another amendment by Pub. L. 117–81 resulted in the transfer of section 2361 to section 4141 of this title.

SUBCHAPTER II—AGREEMENTS

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. A, title XVIII, §1841(c)(2), as added by Pub. L. 117–81, div. A, title XVII, §1701(u)(2)(D), Dec. 27, 2021, 135 Stat. 2151, added subchapter heading. Heading was editorially conformed to the style used in this title.

§ 4021. Research projects: transactions other than contracts and grants

(a) **ADDITIONAL FORMS OF TRANSACTIONS AUTHORIZED.**—The Secretary of Defense and the Secretary of each military department may enter into transactions (other than contracts, cooperative agreements, and grants) under the authority of this subsection in carrying out basic, applied, and advanced research projects. The authority under this subsection is in addition to the authority provided in section 4001 of this title to use contracts, cooperative agreements, and grants in carrying out such projects.

(b) **EXERCISE OF AUTHORITY BY SECRETARY OF DEFENSE.**—In any exercise of the authority in subsection (a), the Secretary of Defense shall act through the Defense Advanced Research Projects Agency, the Defense Innovation Unit, or any other element of the Department of Defense that the Secretary may designate.

(c) **ADVANCE PAYMENTS.**—The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31.

(d) **RECOVERY OF FUNDS.**—(1) A cooperative agreement for performance of basic, applied, or advanced research authorized by section 4001 of this title and a transaction authorized by subsection (a) may include a clause that requires a person or other entity to make payments to the Department of Defense or any other department or agency of the Federal Government as a condition for receiving support under the agreement or other transaction.

(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary of Defense, to the appropriate account established under subsection (f). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

(e) **CONDITIONS.**—The Secretary of Defense shall ensure that—

(1) to the maximum extent practicable, no cooperative agreement containing a clause under subsection (d) and no transaction entered into under subsection (a) provides for research that duplicates research being conducted under existing programs carried out by the Department of Defense; and