

95 Stat. 1120; Nov. 5, 1990, Pub. L. 101-510, div. A, title XIV, §1484(b)(3), (f)(2), (g)(2), (h)(3), 104 Stat. 1716, 1717; Oct. 29, 1992, Pub. L. 102-572, title IX, §902(b)(1), 106 Stat. 4516, authorized the President, upon declaration of war by Congress or declaration of national emergency by the President or by Congress, to prescribe regulations to control excessive profits on defense contracts during period of such war or national emergency, prior to repeal by Pub. L. 103-355, title II, §2102(a), Oct. 13, 1994, 108 Stat. 3309.

[§ 2383. Renumbered § 4508]

Editorial Notes

PRIOR PROVISIONS

A prior section 2383, added Pub. L. 100-456, div. A, title VIII, §805(a)(1), Sept. 29, 1988, 102 Stat. 2010; amended Pub. L. 102-190, div. A, title X, §1061(a)(13), Dec. 5, 1991, 105 Stat. 1473; Pub. L. 103-355, title II, §2401, Oct. 13, 1994, 108 Stat. 3324, related to quality control in procurement of critical aircraft and ship spare or repair parts, prior to repeal by Pub. L. 104-106, div. A, title VIII, §803(a), Feb. 10, 1996, 110 Stat. 390.

Another prior section 2383, act Aug. 10, 1956, ch. 1041, 70A Stat. 137, permitted Secretary of a military department to make emergency purchases of war material abroad, and provided that such material may be admitted free of duty, prior to repeal by Pub. L. 87-456, title III, §303(c), May 24, 1962, 76 Stat. 78.

[§ 2384. Renumbered § 4753]

[§ 2384a. Renumbered § 3242]

§ 2385. Arms and ammunition: immunity from taxation

No tax on the sale or transfer of firearms, pistols, revolvers, shells, or cartridges may be imposed on such articles when bought with funds appropriated for a military department.

(Aug. 10, 1956, ch. 1041, 70A Stat. 137.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2385	5:171w.	Jan. 6, 1951, ch. 1213, subch. VII, §706, 64 Stat. 1236.

The words “No * * * may be” are substituted for the words “None * * * shall be subject to any”. The words “by any Act” are omitted as surplusage.

[§ 2386. Renumbered § 3793]

§ 2387. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life

(a) IN GENERAL.—Each contract entered into by the Secretary of Defense for the provision of a contract working dog shall require, and shall contain a contract term, that the dog be transferred to the 341st Training Squadron and assigned for veterinary screening and care in accordance with section 2583 of this title after the service life of the dog has terminated as described in subsection (b) for reclassification as a military animal and placement for adoption in accordance with such section.

(b) SERVICE LIFE.—The service life of a contract working dog has terminated and the dog is available for transfer to the 341st Training Squadron pursuant to a contract under sub-

section (a) only if the contracting officer concerned has determined that—

(1) the final contractual obligation of the dog preceding such transfer is with the Department of Defense; and

(2) the dog cannot be used by another department or agency of the Federal Government due to age, injury, or performance.

(c) CONTRACT WORKING DOG.—In this section, the term “contract working dog” means a dog—

(1) that performs a service for the Department of Defense pursuant to a contract; and

(2) that is trained and kenneled by an entity that provides such a dog pursuant to such a contract.

(Added Pub. L. 114-328, div. A, title III, §342(a)(1), Dec. 23, 2016, 130 Stat. 2082, §2410r; amended Pub. L. 116-92, div. A, title III, §372(f), Dec. 20, 2019, 133 Stat. 1331; renumbered §2387, Pub. L. 116-283, div. A, title XVIII, §1882(b), Jan. 1, 2021, 134 Stat. 4293.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2387, added Pub. L. 85-861, §1(45), Sept. 2, 1958, 72 Stat. 1458, related to limitation on procurement of table and kitchen equipment for officers’ quarters, prior to repeal by Pub. L. 114-328, div. A, title VIII, §833(b)(4)(A), Dec. 23, 2016, 130 Stat. 2285.

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2410r of this title as this section.

2019—Subsec. (a). Pub. L. 116-92 inserted “, and shall contain a contract term,” after “shall require” and “and assigned for veterinary screening and care in accordance with section 2583 of this title” after “341st Training Squadron” and substituted “such section” for “section 2583 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

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 a note preceding section 3001 of this title.

§ 2388. Security clearances for facilities of certain companies

(a) AUTHORITY.—If the senior management official of a covered company does not have a security clearance, the Secretary of Defense may grant a security clearance to a facility of such company only if the following criteria are met:

(1) The company has appointed a senior officer, director, or employee of the company who has a security clearance at the level of the security clearance of the facility to act as the senior management official of the company with respect to such facility.

(2) Any senior management official, senior officer, or director of the company who does not have such a security clearance will not have access to any classified information, including with respect to such facility.

(3) The company has certified to the Secretary that the senior officer, director, or employee appointed under paragraph (1) has the authority to act on behalf of the company

with respect to such facility independent of any senior management official, senior officer, or director described in paragraph (2).

(4) The facility meets all of the requirements to be granted a security clearance other than any requirement relating to the senior management official of the company having an appropriate security clearance.

(b) COVERED COMPANY.—In this section, the term “covered company” means a company that has entered into a contract or agreement with the Department of Defense, assists the Department, or requires a facility to process classified information.

(Added Pub. L. 115–91, div. A, title XVI, §1621(a), Dec. 12, 2017, 131 Stat. 1732, §2410s; amended Pub. L. 115–232, div. A, title X, §1081(a)(23), Aug. 13, 2018, 132 Stat. 1984; renumbered §2388, Pub. L. 116–283, div. A, title XVIII, §1882(b), Jan. 1, 2021, 134 Stat. 4293.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2388 was renumbered section 2922 of this title.

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 2410s of this title as this section.

2018—Pub. L. 115–232 struck out period at end of section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

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 a note preceding section 3001 of this title.

§ 2389. Ensuring safety regarding insensitive munitions

The Secretary of Defense shall ensure, to the extent practicable, that insensitive munitions under development or procurement are safe throughout development and fielding when subject to unplanned stimuli.

(Added Pub. L. 107–107, div. A, title VIII, §834(a)(1), Dec. 28, 2001, 115 Stat. 1191.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2389, added Pub. L. 89–696, §1(1), Oct. 19, 1966, 80 Stat. 1056; amended Pub. L. 100–370, §1(h)(1), July 19, 1988, 102 Stat. 847, related to purchases from Commodity Credit Corporation and price adjustments for contracts for procurement of milk, prior to repeal by Pub. L. 103–160, div. A, title VIII, §821(a)(4), Nov. 30, 1993, 107 Stat. 1704.

Statutory Notes and Related Subsidiaries

REPORT REQUIREMENT

Pub. L. 107–107, div. A, title VIII, §834(b), Dec. 28, 2001, 115 Stat. 1191, directed the Secretary of Defense to submit to committees of Congress a report on insensitive munitions at the same time that the budgets for fiscal years 2003 through 2005 were submitted.

§ 2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense

(a)(1) Except as provided in subsections (b) and (c), the sale outside the Department of Defense of any defense article designated or otherwise classified as Prepositioned Material Configured to Unit Sets, as decrement stock, or as Prepositioned War Reserve Stocks for United States Forces is prohibited.

(2) In this section, the term “decrement stock” means such stock as is needed to bring the armed forces from a peacetime level of readiness to a combat level of readiness.

(b) The President may authorize the sale outside the Department of Defense of a defense article described in subsection (a) if—

(1) he determines that there is an international crisis affecting the national security of the United States and the sale of such article is in the best interests of the United States; and

(2) he reports to the Congress not later than 60 days after the transfer of such article a plan for the prompt replenishment of the stocks of such article and the planned budget request to begin implementation of that plan.

(c)(1) Nothing in this section shall preclude the sale of stocks which have been designated for replacement, substitution, or elimination or which have been designated for sale to provide funds to procure higher priority stocks.

(2) Nothing in this section shall preclude the transfer or sale of equipment to other members of the North Atlantic Treaty Organization.

(Added Pub. L. 95–485, title VIII, §815(a), Oct. 20, 1978, 92 Stat. 1625, §975; amended Pub. L. 100–26, §7(k)(3), Apr. 21, 1987, 101 Stat. 284; renumbered §2390, Pub. L. 101–189, div. A, title XVI, §1622(b)(1), Nov. 29, 1989, 103 Stat. 1604.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2390, added Pub. L. 95–79, title VIII, §815(a), July 30, 1977, 91 Stat. 337; amended Pub. L. 96–470, title I, §104(a), Oct. 19, 1980, 94 Stat. 2238; Pub. L. 96–513, title V, §511(80), Dec. 12, 1980, 94 Stat. 2927, directed Secretary of Defense to request each commissioned officer, and each civilian employee above grade GS–12, who was scheduled for retirement and who was or had been at any time within one year prior to such scheduled retirement, assigned to, or employed in, military procurement to submit suggestions for methods to improve procurement policies, prior to repeal by Pub. L. 98–94, title XII, §1259(a), Sept. 24, 1983, 97 Stat. 703.

AMENDMENTS

1989—Pub. L. 101–189 renumbered section 975 of this title as this section.

1987—Subsec. (a)(2). Pub. L. 100–26 inserted “the term” after “In this section,”.

§ 2391. Military base reuse studies and community planning assistance

(a) REUSE STUDIES.—Whenever the Secretary of Defense or the Secretary of the military department concerned publicly announces that a military installation is a candidate for closure or that a final decision has been made to close