§ 2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries

(a) An advance under an appropriation to the Department of Defense may be made to pay for—

(1) compliance with laws and ministerial regulations of a foreign country;

(2) rent in a foreign country for periods of time determined by local custom;

(3) tuition; and

(4) public service utilities.

(b)(1) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service of the Navy, an officer of an armed force of the United States accountable for public money may advance amounts to a disbursing official of a friendly foreign country or members of an armed force of a friendly foreign country for—

(A) pay and allowances to members of the armed force of that country; and

(B) necessary supplies and services.

(2) An advance may be made under this subsection only if the President has made an agreement with the foreign country—

(A) requiring reimbursement to the United States for amounts advanced;

(B) requiring the appropriate authority of the country to advance amounts reciprocally to members of the armed forces of the United States; and

(C) containing any other provision the President considers necessary to carry out this subsection and to safeguard the interests of the United States.

(Added Pub. L. 97–258, §2(b)(4)(B), Sept. 13, 1982, 96 Stat. 1053, §2395; renumbered §2396 and amended Pub. L. 97–295, §1(28)(B), Oct. 12, 1982, 96 Stat. 1291; Pub. L. 105–85, div. A, title X, §1014(a), (b)(1), Nov. 18, 1997, 111 Stat. 1875; Pub. L. 107–296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

HISTORICAL AND REVISION NOTES

1982 ACT (PUB. L. 97–258)

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
2395(a)	31:529i.	July 13, 1955, ch. 358, §602, 69 Stat. 314.
2395(b)	31:529j.	Oct. 19, 1965, Pub. L. 89–265, 79 Stat. 989.

In subsection (a), the words ''On and after July 13, 1955'' are omitted as executed. The words ''An advance'' are substituted for ''section 529 of this title shall not apply in the case of payments'' because of the restatement.

In subsection (b), the words ''armed force of the United States'' are substituted for ''Army, Navy, Air Force, Marine Corps, or Coast Guard'' because of 10:101(4) and to avoid confusion with the phrase ''armed force of a friendly foreign country''.

In subsection (b)(1), before clause (A), the words ''the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy'' are substituted for ''the Secretary of the Treasury in their respective areas of responsibility'' because of 14:3 and 49:1655(b)(1) and (2). The words ''disbursing official'' are substituted for ''cashiers, disbursing officers'' for consistency with other titles of the United States Code and to eliminate unnecessary words.

1982 ACT (PUB. L. 97–295)

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
2396	10:2395.	Sept. 13, 1982, Pub. L. 97–258, §2(b)(4)(B), 96 Stat. 1053.

This redesignates 10:2395 as 10:2396 because of the redesignation of 10:2394 (enacted by Pub. L. 97–258) as 10:2395, and substitutes ''any other'' for ''another'' in subsec. (b)(2)(C).

Editorial Notes

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation'' in introductory provisions.

1997—Pub. L. 105–85, §1014(b)(1), inserted ''public utility services,'' after ''tuition,'' in section catchline.

Subsec. (a)(4). Pub. L. 105–85, §1014(a), added par. (4).

1982—Subsec. (b)(2)(C). Pub. L. 97–295 substituted ''any other'' for ''another''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of this title.

[§§ 2397 to 2397c. Repealed. Pub. L. 104–106, div. D, title XLIII, § 4304(b)(1), Feb. 10, 1996, 110 Stat. 664]

Section 2397, added Pub. L. 97–295, §1(29)(A), Oct. 12, 1982, 96 Stat. 1291; amended Pub. L. 99–145, title IX, §922, Nov. 8, 1985, 99 Stat. 693; Pub. L. 100–26, §7(j)(5), (k)(2), Apr. 21, 1987, 101 Stat. 283, 284; Pub. L. 102–25, title VII, §701(d)(6), Apr. 6, 1991, 105 Stat. 114; Pub. L. 102–484, div. A, title X, §1052(29), Oct. 23, 1992, 106 Stat. 2500; Pub. L. 103–355, title IV, §4401(d), title VIII, §8105(d), Oct. 13, 1994, 108 Stat. 3348, 3392, related to filing of certain reports by employees or former employees of defense contractors.

Section 2397a, added Pub. L. 99–145, title IX, §923(a)(1), Nov. 8, 1985, 99 Stat. 695; amended Pub. L. 100–26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 101–280, §10(b), May 4, 1990, 104 Stat. 162, related to requirements relating to private employment contacts between certain Department of Defense procurement officials and defense contractors.

Section 2397b, added Pub. L. 99–500, §101(c) [title X, §931(a)(1)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–156, and Pub. L. 99–591, §101(c) [title X, §931(a)(1)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–156; Pub. L. 99–661, div. A, title IX, formerly title IV, §931(a)(1), Nov. 14, 1986, 100 Stat. 3936, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 100–180, div. A, title VIII, §821, Dec. 4, 1987, 101 Stat. 1132; Pub. L. 103–355, title VIII, §8105(e), Oct. 13, 1994, 108 Stat. 3392, related to limitations on employment by contractors of certain former Department of Defense procurement officials.

Section 2397c, added Pub. L. 99–500, §101(c) [title X, §931(a)(1)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–159, and Pub. L. 99–591, §101(c) [title X, §931(a)(1)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–159; Pub. L. 99–661, div. A, title IX, formerly title IV, §931(a)(1), Nov. 14, 1986, 100 Stat. 3938, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 103–355, title VIII, §8105(f), Oct. 13, 1994, 108 Stat. 3392, related to requirements for defense contractors concerning former Department of Defense officials.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 4401 of Pub. L. 104–106, set out as an Effective Date of 1996 Amendment note under section 2220 of this title.

[§ 2398. Renumbered § 2922c]

[§ 2398a. Renumbered § 2922d]

[§ 2399. Renumbered § 4171]

Editorial Notes

PRIOR PROVISIONS

A prior section 2399, added Pub. L. 97–295, § 1(29)(A), Oct. 12, 1982, 96 Stat. 1293, which related to limitation on availability of appropriations to reimburse a contractor for the cost of commercial insurance, was repealed by Pub. L. 100–370, § 1(f)(2)(B), July 19, 1988, 102 Stat. 846, and was restated in section 2324(e)(1)(L) of this title (now 10 U.S.C. 3744(a)(12)) by section 1(f)(2)(A) of Pub. L. 100–370.

[§ 2400. Renumbered § 4231]

Editorial Notes

PRIOR PROVISIONS

A prior section 2400 was renumbered section 4864 of this title.

[§ 2401. Transferred]

Editorial Notes

CODIFICATION

Subsecs. (a) to (h) of this section were transferred to chapter 257 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(a), Jan. 1, 2021, 134 Stat. 4205. Subsecs. (a) and (b) of this section were renumbered as section 3671 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(b), Jan. 1, 2021, 134 Stat. 4206. Subsec. (c)(1) of this section was renumbered as section 3672(a) of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(d), Jan. 1, 2021, 134 Stat. 4207. Subsec. (c)(2) of this section was renumbered as section 3673 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(c), Jan. 1, 2021, 134 Stat. 4206. Subsec. (d) of this section was renumbered as section 3674 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(f)(1), Jan. 1, 2021, 134 Stat. 4207. Subsec. (e) of this section was renumbered as section 3672(b) of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(e), Jan. 1, 2021, 134 Stat. 4207. Subsec. (f) of this section was renumbered as section 3675 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(g)(1), Jan. 1, 2021, 134 Stat. 4208. Subsec. (g) of this section was renumbered as section 3676 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(h), Jan. 1, 2021, 134 Stat. 4208. Subsec. (h) of this section was renumbered as section 3677 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(i), Jan. 1, 2021, 134 Stat. 4208.

[§ 2401a. Transferred]

Editorial Notes

CODIFICATION

Subsec. (a) of this section was transferred to chapter 258 of this title and subsec. (b) of this section was transferred to chapter 257 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(a), Jan. 1, 2021, 134 Stat. 4205. Subsec. (a) of this section was renumbered as section 3681 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(k), Jan. 1, 2021, 134 Stat. 4208. Subsec. (b) of this section was renumbered as section 3678 of this title by Pub. L. 116–283, div. A, title XVIII, § 1825(j), Jan. 1, 2021, 134 Stat. 4208.

PRIOR PROVISIONS

A prior section 2401a was renumbered section 2350f of this title.

[§ 2402. Renumbered § 4655]

[§ 2403. Repealed. Pub. L. 105–85, div. A, title VIII, § 847(a), Nov. 18, 1997, 111 Stat. 1845]

Section, added Pub. L. 98–525, title XII, § 1234(a), Oct. 19, 1984, 98 Stat. 2601; amended Pub. L. 99–433, title I, § 110(g)(5), Oct. 1, 1986, 100 Stat. 1004; Pub. L. 100–26, § 7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 103–355, title II, § 2402, Oct. 13, 1994, 108 Stat. 3324; Pub. L. 104–106, div. A, title XV, § 1502(a)(21), Feb. 10, 1996, 110 Stat. 505, related to major weapon systems and contractor guarantees.

[§ 2404. Renumbered § 2922e]

[§ 2405. Repealed. Pub. L. 105–85, div. A, title VIII, § 810(a)(1), Nov. 18, 1997, 111 Stat. 1839]

Section, added Pub. L. 98–525, title XII, § 1234(a), Oct. 19, 1984, 98 Stat. 2604; amended Pub. L. 102–484, div. A, title VIII, § 813(c), Oct. 23, 1992, 106 Stat. 2453; Pub. L. 103–355, title II, § 2302(a), (b), Oct. 13, 1994, 108 Stat. 3321; Pub. L. 104–106, div. D, title XLIII, § 4321(b)(14), Feb. 10, 1996, 110 Stat. 673, related to limitation on adjustment of shipbuilding contracts.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 105–85, div. A, title VIII, § 810(b), Nov. 18, 1997, 111 Stat. 1839, provided that:

''(1) Except as provided in paragraph (2), the repeal made by subsection (a) [repealing this section] shall be effective with respect to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act [Nov. 18, 1997].

''(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

''(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 [see 41 U.S.C. 7101 et seq.] expired before such date;

''(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny the claim, request, or demand) denied or dismissed the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

''(C) the contractor released or releases the claim, request, or demand.''

[§ 2406. Repealed. Pub. L. 103–355, title II, § 2201(b)(1), Oct. 13, 1994, 108 Stat. 3318]

Section, added Pub. L. 99–145, title IX, § 917(a), Nov. 8, 1985, 99 Stat. 689; amended Pub. L. 99–500, § 101(c) [title X, § 943(a)(1)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–162, and Pub. L. 99–591, § 101(c) [title X, § 943(a)(1)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–162; Pub. L. 99–661, div. A, title IX, formerly title IV, § 943(a)(1), Nov. 14, 1986, 100 Stat. 3942, renumbered title IX, Pub. L. 100–26, § 3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100–180, div. A, title XII, § 1231(13), Dec. 4, 1987, 101 Stat. 1160, required contractor under covered contract with an agency to make cost and pricing data available to agency in timely manner.