

facility of the Navy Resale and Services Support Office that began operating before October 1, 1989.

(Added Pub. L. 101–189, div. A, title III, §323(a), Nov. 29, 1989, 103 Stat. 1414.)

§ 2424. Procurement of supplies and services from exchange stores outside the United States

(a) **AUTHORITY.**—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

(b) **LIMITATIONS.**—(1) A contract may not be entered into under subsection (a) in an amount in excess of \$100,000.

(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the stocks of the exchange store on hand as of the date the contract is entered into with that exchange store.

(3) A contract entered into with an exchange store under subsection (a) may not provide for the procurement of services not regularly provided by that exchange store.

(c) **EXCEPTION.**—Paragraphs (1) and (2) of subsection (b) do not apply to contracts for the procurement of soft drinks that are manufactured in the United States. The Secretary of Defense shall prescribe in regulations the standards and procedures for determining whether a particular beverage is a soft drink and whether the beverage was manufactured in the United States.

(Added Pub. L. 101–189, div. A, title III, §324(a), Nov. 29, 1989, 103 Stat. 1414; amended Pub. L. 103–355, title III, §3066, Oct. 13, 1994, 108 Stat. 3337; Pub. L. 104–106, div. D, title XLIII, §4321(b)(17), Feb. 10, 1996, 110 Stat. 673; Pub. L. 109–163, div. A, title VI, §671, Jan. 6, 2006, 119 Stat. 3319.)

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 substituted “\$100,000” for “\$50,000”.

1996—Subsec. (c). Pub. L. 104–106 inserted heading and substituted “particular beverage” for “particular drink” and “beverage was” for “drink was”.

1994—Subsec. (c). Pub. L. 103–355 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

For effective date and applicability of amendment by Pub. L. 104–106, see section 4401 of Pub. L. 104–106, set out as a note under section 2220 of this title.

OPERATION OF STARS AND STRIPES BOOKSTORES OVERSEAS BY MILITARY EXCHANGES

Pub. L. 103–160, div. A, title III, §353, Nov. 30, 1993, 107 Stat. 1627, provided that:

“(a) **REQUIREMENT.**—The Secretary of Defense shall provide for the commencement, not later than October 1, 1994, of the operation of Stars and Stripes bookstores outside of the United States by the military exchanges.

“(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out subsection (a).”

[CHAPTER 144—REPEALED]

[§ 2430. Repealed. Pub. L. 116–283, div. A, title XVIII, § 1846(f)(8), Jan. 1, 2021, 134 Stat. 4251]

Section, added Pub. L. 100–26, §7(b)(2)(A), Apr. 21, 1987, 101 Stat. 279; amended Pub. L. 102–484, div. A, title VIII, §817(b), Oct. 23, 1992, 106 Stat. 2455; Pub. L. 104–106, div. A, title XV, §1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 111–23, title II, §206(b), May 22, 2009, 123 Stat. 1728; Pub. L. 113–291, div. A, title X, §1071(f)(18), Dec. 19, 2014, 128 Stat. 3511; Pub. L. 114–92, div. A, title VIII, §825(a), Nov. 25, 2015, 129 Stat. 907; Pub. L. 114–328, div. A, title VIII, §§807(b), 847(a), Dec. 23, 2016, 130 Stat. 2261, 2292; Pub. L. 115–91, div. A, title VIII, §831, title X, §1081(a)(38), Dec. 12, 2017, 131 Stat. 1467, 1596; Pub. L. 116–283, div. A, title XVIII, §1846(c)(1), (d)(1), (f)(1), Jan. 1, 2021, 134 Stat. 4248–4250, defined major defense acquisition program. See sections 4201, 4202(a), and 4204 of this title.

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 a note preceding section 3001 of this title.

[§ 2430a. Renumbered § 4203]

[§ 2431. Renumbered § 4205]

[§ 2431a. Renumbered § 4211]

[§ 2431b. Renumbered § 4212]

[§ 2432. Renumbered § 4351]

Editorial Notes

CODIFICATION

As originally enacted, Pub. L. 116–283, div. A, title XVIII, §1849(b)–(k), Jan. 1, 2021, 134 Stat. 4259–4264, transferred individual subsecs. of this section to section 4350 et seq. of this title, and section 1849(l) of Pub. L. 116–283 subsequently repealed this section. Pub. L. 117–81, div. A, title XVII, §1701(o)(1)–(5), Dec. 27, 2021, 135 Stat. 2146, 2147, amended section 1849 of Pub. L. 116–283, effective as if included therein, so that the individual transfers were eliminated and this section was transferred as a whole to section 4351 of this title. However, the repeal of this section by section 1849(l) (which was redesignated as section 1849(e)) of Pub. L. 116–283 was not eliminated and therefore could not be executed given the transfer of this section to section 4351 of this title.

[§ 2433. Repealed. Pub. L. 116–283, div. A, title XVIII, § 1850(l), Jan. 1, 2021, 134 Stat. 4271]

Section, added Pub. L. 97–252, title XI, §1107(a)(1), Sept. 8, 1982, 96 Stat. 741, §139b; amended Pub. L. 98–94, title XII, §1268(1), Sept. 24, 1983, 97 Stat. 705; Pub. L. 98–525, title XII, §1242(b), Oct. 19, 1984, 98 Stat. 2607; Pub. L. 99–145, title XIII, §1303(a)(2), Nov. 8, 1985, 99 Stat. 738; renumbered §2433 and amended Pub. L. 99–433, title I, §§101(a)(5), 110(d)(14), (g)(8), Oct. 1, 1986, 100 Stat. 995, 1003, 1004; Pub. L. 99–500, §101(c) [title X, §961(b)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–176, and Pub. L. 99–591, §101(c) [title X, §961(b)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–176; Pub. L. 99–661, div. A, title IX, formerly title IV, §961(b), Nov. 14, 1986, 100 Stat. 3956, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100–26, §7(b)(4), (k)(7), Apr. 21, 1987, 101 Stat. 279, 284; Pub. L. 100–180, div. A, title XIII, §1314(a)(1), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101–189, div. A, title VIII, §811(a), Nov. 29, 1989, 103 Stat. 1490;

Pub. L. 101-510, div. A, title XIV, §1484(k)(10), Nov. 5, 1990, 104 Stat. 1719; Pub. L. 102-484, div. A, title VIII, §817(d), Oct. 23, 1992, 106 Stat. 2456; Pub. L. 103-35, title II, §201(i)(2), May 31, 1993, 107 Stat. 100; Pub. L. 103-355, title III, §§3002(a)(2), 3003, Oct. 13, 1994, 108 Stat. 3328, 3329; Pub. L. 105-85, div. A, title VIII, §833, Nov. 18, 1997, 111 Stat. 1842; Pub. L. 108-375, div. A, title VIII, §801(a), (b)(1), Oct. 28, 2004, 118 Stat. 2004; Pub. L. 109-163, div. A, title VIII, §802(a)-(c), (d)(2), Jan. 6, 2006, 119 Stat. 3367-3370; Pub. L. 109-364, div. A, title II, §213(a), Oct. 17, 2006, 120 Stat. 2121; Pub. L. 110-181, div. A, title IX, §942(e), Jan. 28, 2008, 122 Stat. 288; Pub. L. 110-417, [div. A], title VIII, §811(c), Oct. 14, 2008, 122 Stat. 4522; Pub. L. 111-23, title II, §206(a)(3), May 22, 2009, 123 Stat. 1728; Pub. L. 111-84, div. A, title X, §1073(c)(4), Oct. 28, 2009, 123 Stat. 2474; Pub. L. 111-383, div. A, title X, §1075(b)(34), Jan. 7, 2011, 124 Stat. 4371; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840; Pub. L. 116-283, div. A, title XVIII, §1850(b)(1), (c), (d), (e)(1), (f), (g)(1), (h)(1), (i)(1), Jan. 1, 2021, 134 Stat. 4265-4269, related to unit cost reports. See sections 4371 to 4375 of this title.

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 a note preceding section 3001 of this title.

[§ 2433a. Repealed. Pub. L. 116-283, div. A, title XVIII, § 1850(I), Jan. 1, 2021, 134 Stat. 4271]

Section, added Pub. L. 111-23, title II, §206(a)(1), May 22, 2009, 123 Stat. 1726; amended Pub. L. 111-383, div. A, title X, §1075(b)(35), Jan. 7, 2011, 124 Stat. 4371; Pub. L. 112-81, div. A, title VIII, §§801(e)(4), 831, Dec. 31, 2011, 125 Stat. 1484, 1503; Pub. L. 112-239, div. A, title VIII, §813, Jan. 2, 2013, 126 Stat. 1829; Pub. L. 116-283, div. A, title XVIII, §1850(j)(1), (2), (k)(1), Jan. 1, 2021, 134 Stat. 4269, 4270, related to critical cost growth in major defense acquisition programs. See sections 4376 and 4377 of this title.

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 a note preceding section 3001 of this title.

[§ 2434. Repealed. Pub. L. 114-328, div. A, title VIII, § 842(c)(1), Dec. 23, 2016, 130 Stat. 2290]

Section, added Pub. L. 98-94, title XII, §1203(a)(1), Sept. 24, 1983, 97 Stat. 682, §139c; renumbered §2434 and amended Pub. L. 99-433, title I, §§101(a)(5), 110(d)(15), (g)(9), Oct. 1, 1986, 100 Stat. 995, 1003, 1004; Pub. L. 99-661, div. A, title XII, §1208(a)-(c)(1), Nov. 14, 1986, 100 Stat. 3975; Pub. L. 100-26, §7(b)(5), Apr. 21, 1987, 101 Stat. 279; Pub. L. 100-180, div. A, title XIII, §1314(a)(1), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 100-456, div. A, title V, §525, Sept. 29, 1988, 102 Stat. 1975; Pub. L. 102-190, div. A, title VIII, §801(a), (b)(1), Dec. 5, 1991, 105 Stat. 1412; Pub. L. 103-355, title III, §3004, Oct. 13, 1994, 108 Stat. 3330; Pub. L. 104-106, div. A, title VIII, §814, Feb. 10, 1996, 110 Stat. 395; Pub. L. 107-107, div. A, title VIII, §821(a), Dec. 28, 2001, 115 Stat. 1181; Pub. L. 111-23, title I, §101(d)(5), May 22, 2009, 123 Stat. 1710; Pub. L. 111-383, div. A, title VIII, §814(e), Jan. 7, 2011, 124 Stat. 4267; Pub. L. 114-92, div. A, title VIII, §831(a)-(c)(1), Nov. 25, 2015, 129 Stat. 912, related to independent cost estimates.

[§ 2435. Renumbered § 4214]

[§ 2436. Renumbered § 4293]

Editorial Notes

PRIOR PROVISIONS

A prior section 2436, added Pub. L. 99-500, §101(c) [title X, §905(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-134, and Pub. L. 99-591, §101(c) [title X, §905(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-134; Pub. L. 99-661, div. A, title IX, formerly title IV, §905(a)(1), Nov. 14, 1986, 100 Stat. 3914; renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 100-26, §7(b)(7), Apr. 21, 1987, 101 Stat. 280; Pub. L. 100-180, div. A, title VIII, §803(c), title XII, §1231(14), Dec. 4, 1987, 101 Stat. 1125, 1160; Pub. L. 101-510, div. A, title XIV, §1484(h)(4), Nov. 5, 1990, 104 Stat. 1718, related to establishment and conduct of the defense enterprise program, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(5), Nov. 30, 1993, 107 Stat. 1704.

[§ 2437. Renumbered § 4321]

Editorial Notes

PRIOR PROVISIONS

A prior section 2437, added Pub. L. 99-500, §101(c) [title X, §906(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-135, and Pub. L. 99-591, §101(c) [title X, §906(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-135; Pub. L. 99-661, div. A, title IX, formerly title IV, §906(a)(1), Nov. 14, 1986, 100 Stat. 3915; renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 100-26, §7(b)(8), Apr. 21, 1987, 101 Stat. 280; Pub. L. 100-180, div. A, title VIII, §803(b), Dec. 4, 1987, 101 Stat. 1125; Pub. L. 100-224, §5(a)(3), Dec. 30, 1987, 101 Stat. 1538, related to designation of defense enterprise programs for milestone authorization, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(5), Nov. 30, 1993, 107 Stat. 1704.

[§ 2438. Renumbered § 4273]

Editorial Notes

PRIOR PROVISIONS

A prior section 2438, added Pub. L. 102-484, div. A, title VIII, §821(a)(1)(B), Oct. 23, 1992, 106 Stat. 2459; amended Pub. L. 103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728, required competitive prototyping of major weapon systems and subsystems prior to development under major defense acquisition program, prior to repeal by Pub. L. 103-355, title III, §3006(a), Oct. 13, 1994, 108 Stat. 3331.

Another prior section 2438 was renumbered section 2439 of this title and was subsequently repealed.

[§ 2439. Renumbered § 4236]

Editorial Notes

PRIOR PROVISIONS

A prior section 2439, added Pub. L. 99-145, title IX, §912(a)(1), Nov. 8, 1985, 99 Stat. 685, §2305a; amended Pub. L. 99-433, title I, §110(g)(3), Oct. 1, 1986, 100 Stat. 1004; renumbered §2438 and amended Pub. L. 100-26, §7(b)(9)(A), (k)(2), Apr. 21, 1987, 101 Stat. 280, 284; Pub. L. 101-510, div. A, title VIII, §805, Nov. 5, 1990, 104 Stat. 1591; renumbered §2439, Pub. L. 102-484, div. A, title VIII, §821(a)(1)(A), Oct. 23, 1992, 106 Stat. 2459, related to preparation of acquisition strategy for major programs and use of competitive alternative sources, prior to repeal by Pub. L. 103-355, title III, §3007(a), Oct. 13, 1994, 108 Stat. 3331.