

(C) the articles or services can be substantially manufactured or performed by the industrial facility concerned with only incidental subcontracting;

(D) it is in the public interest to manufacture the articles or perform the services;

(E) the Secretary determines that the sale of the articles or services will not interfere with the military mission of the industrial facility concerned; and

(F) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the industrial facility concerned for the Department of Defense.

(2) The Secretary of Defense may waive the condition in paragraph (1)(A) and subsection (a)(1) that an article or service must be not available from a United States commercial source in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.

(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to provide the articles or services.

(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

(2) In the sale of articles and services under this section, the Secretary shall—

(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

(C) develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the articles or services sold.

(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be credited to the funds, including working capital funds and operation and maintenance funds, incurring the costs of manufacture or performance.

(f) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

(g) DEFINITIONS.—In this section:

(1) The term “advance incremental funding”, with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the manufacture

of the articles or the performance of the services, as the case may be; and

(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

(2) The term “not available”, with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality or within the time required.

(3) The term “variable costs”, with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

(B) in the case of services, the extent of the services sold.

(Added Pub. L. 103-337, div. A, title III, §339(a)(1), Oct. 5, 1994, 108 Stat. 2718, §2553; amended Pub. L. 106-65, div. A, title III, §331(a)(2), (b), Oct. 5, 1999, 113 Stat. 566, 567; renumbered §2563, Pub. L. 106-398, §1 [[div. A], title X, §1033(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; Pub. L. 107-107, div. A, title III, §343(a), Dec. 28, 2001, 115 Stat. 1061; Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2)(B). Pub. L. 115-232 substituted “section 7543” for “section 4543”.

2001—Subsec. (c)(1)(B). Pub. L. 107-107, §343(a)(1), substituted “as provided in paragraph (3)” for “in any case of willful misconduct or gross negligence”.

Subsec. (c)(3). Pub. L. 107-107, §343(a)(2), added par. (3).

2000—Pub. L. 106-398 renumbered section 2553 of this title as this section.

1999—Subsec. (c). Pub. L. 106-65, §331(a)(2), designated existing provisions as par. (1), redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), and added par. (2).

Subsec. (g)(2), (3). Pub. L. 106-65, §331(b), added par. (2) and redesignated former par. (2) as (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE

Pub. L. 103-337, div. A, title III, §339(b), Oct. 5, 1994, 108 Stat. 2720, provided that: “Section 2553 [now 2563] of title 10, United States Code, as added by subsection (a), shall take effect on April 1, 1995.”

§ 2564. Provision of support for certain sporting events

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the

commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—The Secretary of Defense may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the armed forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 277 of this title and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before September 23, 1996.

(2) The Special Olympics.

(3) The Paralympics.

(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

(A) that—

(i) is held in the United States or any of its territories or commonwealths;

(ii) is governed by the International Paralympic Committee; and

(iii) is sanctioned by the United States Olympic Committee;

(B) for which participation exceeds 100 amateur athletes; and

(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability.

(d) TERMS AND CONDITIONS.—The Secretary of Defense may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 275 and 276 of this title.

(f) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of sup-

port for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed \$1,000,000.

(Added Pub. L. 104-201, div. A, title III, §367(a), Sept. 23, 1996, 110 Stat. 2496, §2554; amended Pub. L. 105-85, div. A, title X, §1073(a)(56), (c)(2)(A), Nov. 18, 1997, 111 Stat. 1903, 1904; renumbered §2564, Pub. L. 106-398, §1 [[div. A], title X, §1033(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; Pub. L. 110-181, div. A, title III, §372(a), Jan. 28, 2008, 122 Stat. 81; Pub. L. 115-91, div. A, title X, §1051(a)(20), Dec. 12, 2017, 131 Stat. 1561.)

Editorial Notes

AMENDMENTS

2017—Subsec. (b)(3). Pub. L. 115-91, §1051(a)(20)(A), substituted “section 277” for “section 377”.

Subsec. (e). Pub. L. 115-91, §1051(a)(20)(D), substituted “sections 275 and 276” for “sections 375 and 376”. Directory language which read “by striking sections 375 and 376” was executed as if it had read “by striking sections 375 and 376”, to reflect the probable intent of Congress.

Pub. L. 115-91, §1051(a)(20)(B), (C), redesignated subsec. (f) as (e) and struck out former subsec. (e) which required reports on assistance provided under this section.

Subsecs. (f), (g). Pub. L. 115-91, §1051(a)(20)(C), redesignated subsecs. (f) and (g) as (e) and (f), respectively.

2008—Subsec. (c)(4), (5). Pub. L. 110-181, §372(a)(1), added pars. (4) and (5).

Subsec. (g). Pub. L. 110-181, §372(a)(2), added subsec. (g).

2000—Pub. L. 106-398 renumbered section 2554 of this title as this section.

1997—Pub. L. 105-85, §1073(c)(2)(A), made technical amendment to directory language of Pub. L. 104-201, §367(a), which enacted this section.

Subsec. (c)(1). Pub. L. 105-85, §1073(a)(56), substituted “September 23, 1996” for “the date of the enactment of this Act”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

References to the United States Olympic Committee deemed to refer to the United States Olympic and Paralympic Committee, see section 220502(c) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-85, div. A, title X, §1073(c), Nov. 18, 1997, 111 Stat. 1904, provided that the amendment made by that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE, ACCOUNT

Pub. L. 104-208, div. A, title V, §5802, Sept. 30, 1996, 110 Stat. 3009-522, as amended by Pub. L. 110-181, div. A, title III, §372(b), Jan. 28, 2008, 122 Stat. 82, provided

that: “There is hereby established on the books of the Treasury an account, ‘Support for International Sporting Competitions, Defense’ (hereinafter referred to in this section as the ‘Account’) to be available until expended for logistical and security support for international sporting competitions and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code, (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty in connection with providing such support): *Provided*, That there shall be credited to the Account: (a) unobligated balances of the funds appropriated in Public Laws 103-335 [108 Stat. 2605] and 104-61 [109 Stat. 642] under the headings ‘Summer Olympics’; (b) any reimbursements received by the Department of Defense in connection with support to the 1993 World University Games; the 1994 World Cup Games; and the 1996 Games of the XXVI Olympiad held in Atlanta, Georgia; (c) any reimbursements received by the Department of Defense after the date of enactment of this Act [Sept. 30, 1996] for logistical and security support provided to international sporting competitions; and (d) amounts specifically appropriated to the Account, all to remain available until expended: *Provided further*, That none of the funds made available to the Account may be obligated until 15 days after the congressional defense committees [Committee on Armed Services and Subcommittee on National Security of the Committee on Appropriations of the House of Representatives and Committee on Armed Services and Subcommittee on Defense of the Committee on Appropriations of the Senate] have been notified in writing by the Secretary of Defense as to the purpose for which these funds will be obligated.”

§ 2564a. Provision of assistance for adaptive sports programs; members of the armed forces; certain veterans

(a) PROGRAM AUTHORIZED.—(1) The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for—

(A) any member of the armed forces who is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

(B) any veteran (as defined in section 101 of title 38), during the one-year period following the veteran’s date of separation, who—

(i) is on the Temporary Disability Retirement List or Permanently Disabled Retirement List;

(ii) is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

(iii) was enrolled in the program authorized under this section prior to the veteran’s date of separation.

(2) In establishing the military adaptive sports program, the Secretary of Defense shall—

(A) consult with the Secretary of Veterans Affairs; and

(B) avoid duplicating programs conducted by the Secretary of Veterans Affairs under section 521A of title 38.

(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of

planning, developing, managing, and implementing adaptive sports programming for members and veterans described in subsection (a).

(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

(1) for the purposes specified in subsection (b); and

(2) for such related activities and expenses as the Secretary of Defense may authorize.

(Added Pub. L. 112-81, div. A, title V, § 589(a), Dec. 31, 2011, 125 Stat. 1437; amended Pub. L. 116-92, div. A, title V, § 592(a)–(c)(1), Dec. 20, 2019, 133 Stat. 1414, 1415.)

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92, § 592(c)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Provision of assistance for adaptive sports programs for members of the armed forces”.

Subsec. (a)(1). Pub. L. 116-92, § 592(a), substituted “for—” and subpars. (A) and (B) for “for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.”

Subsec. (b). Pub. L. 116-92, § 592(b), inserted “and veterans” after “members”.

§ 2565. Nuclear test monitoring equipment: furnishing to foreign governments

(a) AUTHORITY TO TRANSFER TITLE TO OR OTHERWISE PROVIDE NUCLEAR TEST MONITORING EQUIPMENT.—Subject to subsection (b), the Secretary of Defense may—

(1) transfer title or otherwise provide to a foreign government (A) equipment for the monitoring of nuclear test explosions, and (B) associated equipment;

(2) as part of any such conveyance or provision of equipment, install such equipment on foreign territory or in international waters; and

(3) inspect, test, maintain, repair, or replace any such equipment.

(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be provided to a foreign government under subsection (a) only pursuant to the terms of an agreement between the United States and the foreign government receiving the equipment in which the recipient foreign government agrees—

(1) to provide the United States with timely access to the data produced, collected, or generated by the equipment; and

(2) to permit the Secretary of Defense to take such measures as the Secretary considers necessary to inspect, test, maintain, repair, or replace that equipment, including access for purposes of such measures.

(c) REPORT.—Promptly after entering into any agreement under subsection (b), the Secretary of Defense shall submit to Congress a report on the agreement. The report shall identify the country with which the agreement was made, the anticipated costs to the United States to be in-