

contracts, property management contracts, leases, or other agreements that support and advance the policies and purposes of this chapter, for the following activities:

- (A) Recapitalization of plant and equipment.
- (B) Environmental remediation.
- (C) Promotion of commercial business ventures.
- (D) Other activities approved by the Secretary.

(9) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in eligible facilities made available for purposes of the ARMS Initiative.

(10) To reduce or eliminate the cost of asset disposal that would be incurred if property at an eligible facility was declared excess to the needs of the Department of the Army.

(c) AVAILABILITY OF FACILITIES.—The Secretary may make any eligible facility available for the purposes of the ARMS Initiative.

(d) CONSIDERATION FOR LEASES.—Section 1302 of title 40 shall not apply to uses of property or facilities in accordance with the ARMS Initiative.

(e) PROGRAM SUPPORT.—(1) Funds appropriated for purposes of the ARMS Initiative may be used for administrative support and management.

(2) A full annual accounting of such expenses for each fiscal year shall be provided to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives not later than March 30 of the following fiscal year.

(Added Pub. L. 106-398, §1 [[div. A], title III, §344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-68; amended Pub. L. 108-178, §4(b)(5), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 109-163, div. A, title III, §323(d), Jan. 6, 2006, 119 Stat. 3194.)

#### AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-163 struck out “in manufacturing processes that are” after “having the skills”.

2003—Subsec. (d). Pub. L. 108-178 substituted “Section 1302 of title 40” for “Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

### § 4554. Property management contracts and leases

(a) IN GENERAL.—In the case of each eligible facility that is made available for the ARMS Initiative, the Secretary—

- (1) shall make full use of facility use contracts, leases, and other such commercial contractual instruments as may be appropriate;
- (2) shall evaluate, on the basis of efficiency, cost, emergency mobilization requirements,

and the goals and purposes of the ARMS Initiative, the procurement of services from the property manager, including maintenance, operation, modification, infrastructure, environmental restoration and remediation, and disposal of ammunition manufacturing assets, and other services; and

(3) may, in carrying out paragraphs (1) and (2)—

(A) enter into contracts, and provide for subcontracts, for terms up to 25 years, as the Secretary considers appropriate and consistent with the needs of the Department of the Army and the goals and purposes of the ARMS Initiative; and

(B) use procedures that are authorized to be used under section 2304(c)(5) of this title when the contractor or subcontractor is a source specified in law.

(b) CONSIDERATION FOR USE.—(1) To the extent provided in a contract entered into under this section for the use of property at an eligible facility that is accountable under the contract, the Secretary may accept consideration for such use that is, in whole or in part, in a form other than—

- (A) rental payments; or
- (B) revenue generated at the facility.

(2) Forms of consideration acceptable under paragraph (1) for a use of an eligible facility or any property at an eligible facility include the following:

- (A) The improvement, maintenance, protection, repair, and restoration of the facility, the property, or any property within the boundaries of the installation where the facility is located.
- (B) Reductions in overhead costs.
- (C) Reductions in product cost.
- (D) The demilitarization and storage of conventional ammunition.

(3) The authority under paragraph (1) may be exercised without regard to section 3302(b) of title 31 and any other provision of law.

(Added Pub. L. 106-398, §1 [[div. A], title III, §344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-69; amended Pub. L. 109-163, div. A, title III, §323(b), Jan. 6, 2006, 119 Stat. 3194.)

#### AMENDMENTS

2006—Subsec. (b)(2)(D). Pub. L. 109-163 added subpar. (D).

#### IMPLEMENTATION REPORT

Pub. L. 106-398, §1 [[div. A], title III, §344(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-71, provided that, not later than July 1, 2001, the Secretary of Defense was to submit to the congressional defense committees a report on the procedures and controls implemented to carry out this section.

### § 4555. ARMS Initiative loan guarantee program

(a) PROGRAM AUTHORIZED.—Subject to subsection (b), the Secretary may carry out a loan guarantee program to encourage commercial firms to use eligible facilities under this chapter. Under any such program, the Secretary may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity to use an eligible facility under this chapter.

(b) **ADVANCED BUDGET AUTHORITY.**—Loan guaranties under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(c) **PROGRAM ADMINISTRATION.**—(1) The Secretary may enter into an agreement with any of the officials named in paragraph (2) under which that official may, for the purposes of this section—

(A) process applications for loan guaranties;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary to administer the loan guarantee program.

(2) The officials referred to in paragraph (1) are as follows:

(A) The Administrator of the Small Business Administration.

(B) The head of any appropriate agency in the Department of Agriculture, including—

(i) the Administrator of the Farmers Home Administration; and

(ii) the Administrator of the Rural Development Administration.

(3) Each official authorized to do so under an agreement entered into under paragraph (1) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the official administers.

(4) To the extent practicable, each official processing loan guarantee applications under this section pursuant to an agreement entered into under paragraph (1) shall use the same processing procedures as the official uses for processing loan guarantee applications under other loan guarantee programs that the official administers.

(d) **LOAN LIMITS.**—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed—

(1) \$20,000,000, with respect to any single borrower; and

(2) \$320,000,000 with respect to all borrowers.

(e) **TRANSFER OF FUNDS.**—The Secretary may transfer to an official providing services under subsection (c), and that official may accept, such funds as may be necessary to administer the loan guarantee program under this section.

(Added Pub. L. 106-398, §1 [[div. A], title III, §344(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-70.)

#### CHAPTER 435—ISSUE OF SERVICEABLE MATERIAL TO ARMED FORCES

Sec.	
4561.	Rations.
4562.	Clothing.
4563.	Clothing: replacement when destroyed to prevent contagion.
4564.	Navy and Marine Corps: camp equipment and transportation; when on shore duty with Army.
4565.	Colors, standards, and guidons of demobilized organizations: disposition.

#### § 4561. Rations

(a) The President may prescribe the components, and the quantities thereof, of the Army

ration. He may direct the issue of equivalent articles in place of the prescribed components whenever, in his opinion, economy and the health and comfort of the members of the Army so require.

(b) Under the direction of the Secretary of the Army, the branch, office, or officer designated by him shall issue the components of the Army ration.

(c) An enlisted member of the Army on active duty is entitled to one ration daily. The emergency ration, when issued, is in addition to the regular ration.

(d) Fresh or preserved fruits, milk, butter, and eggs necessary for the proper diet of the sick in hospitals shall be provided under regulations prescribed by the Surgeon General and approved by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 255.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4561(a) .....	10:724.	R.S. 1141 (as applicable to issue); June 28, 1950, ch. 383, §402(a), 64 Stat. 272.
4561(b) .....	10:1195a (as applicable to issue).	Feb. 2, 1901, ch. 192, §40, 31 Stat. 758.
4561(c) .....	10:716b.	R.S. 1293; July 16, 1892, ch. 195 (last 15 words before proviso under "Subsistence of the Army"), 27 Stat. 178.
4561(d) .....	10:725.	Mar. 2, 1907, ch. 2511 (1st proviso under "Subsistence Department"), 34 Stat. 1165.
	10:726.	R.S. 1175.

In subsection (a), the words "the components, and the quantities thereof" are substituted for the words "the kinds and quantities of the component articles". The words "substitutive" and "a due regard" are omitted as surplusage.

In subsection (b), the words "the components of the Army ration" are substituted for the words "such supplies as enter into the composition of the ration".

In subsection (c), the words "on active duty" are inserted for clarity. The words "under such regulations as may be prescribed by the Secretary of the Army", in 10:725, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words "or reserve", "prescribed for use on emergent occasions", and "furnished", in 10:725, are omitted as surplusage.

In subsection (d), the words "Such quantities of" and "may be allowed" are omitted as surplusage.

#### DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to prescribe uniform military ration applicable to Army delegated to Secretary of Defense by section 3(a) of Ex. Ord. No. 12781, Nov. 20, 1991, 56 F.R. 59203, set out as a note under section 301 of Title 3, The President.

#### § 4562. Clothing

The President may prescribe the quantity and kind of clothing to be issued annually to members of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 256.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4562 .....	10:831.	R.S. 1296 (less 1st 9 words).