

Pub. L. 99-661, div. A, title IX, formerly title IV, § 957(b), Nov. 14, 1986, 100 Stat. 3955, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273, provided that: “Section 2416 of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 1987.”

§ 2417. Administrative costs

The Director of the Defense Logistics Agency may use, out of the amount appropriated for a fiscal year for operation and maintenance for the procurement technical assistance program authorized by this chapter, an amount not exceeding three percent of such amount to defray the expenses of administering the provisions of this chapter during such fiscal year.

(Added Pub. L. 101-510, div. A, title VIII, § 814(a)(1)(B), Nov. 5, 1990, 104 Stat. 1596.)

PRIOR PROVISIONS

A prior section 2417 was renumbered section 2420 of this title.

EFFECTIVE DATE

Pub. L. 101-510, div. A, title VIII, § 814(b), Nov. 5, 1990, 104 Stat. 1597, provided that: “Section 2417 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal year 1991 and each fiscal year thereafter.”

§ 2418. Authority to provide certain types of technical assistance

(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include technical assistance relating to contracts entered into with (1) Federal departments and agencies other than the Department of Defense, and (2) State and local governments.

(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.

(c) An eligible entity assisted by the Department of Defense under this chapter also may furnish education on the requirements applicable to small businesses under the regulations issued under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and on compliance with those requirements.

(Added Pub. L. 102-484, div. D, title XLII, § 4236(a)(1)(B), Oct. 23, 1992, 106 Stat. 2691; amended Pub. L. 113-291, div. A, title VIII, § 823(b), Dec. 19, 2014, 128 Stat. 3436.)

REFERENCES IN TEXT

The Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, referred to in subsec. (b), is division D of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2658. For complete classification of division D to the Code, see Short Title note set out under section 2500 of this title and Tables.

PRIOR PROVISIONS

A prior section 2418 was renumbered section 2420 of this title.

AMENDMENTS

2014—Subsec. (c). Pub. L. 113-291 added subsec. (c).

§ 2419. Advancing small business growth

(a) **CONTRACT CLAUSE REQUIRED.**—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall require the clause described in paragraph (2) to be included in each covered contract awarded by the Department of Defense.

(2) The clause described in this paragraph is a clause that—

(A) requires the contractor to acknowledge that acceptance of the contract may cause the business to exceed the applicable small business size standards (established pursuant to section 3(a) of the Small Business Act) for the industry concerned and that the contractor may no longer qualify as a small business concern for that industry; and

(B) encourages the contractor to develop capabilities and characteristics typically desired in contractors that are competitive as an other-than-small business in that industry.

(b) **AVAILABILITY OF ASSISTANCE.**—Covered small businesses may be provided assistance as part of any procurement technical assistance furnished pursuant to this chapter.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered contract” means a contract—

(A) awarded to a qualified small business concern as defined pursuant to section 3(a) of the Small Business Act; and

(B) with an estimated annual value—

(i) that will exceed the applicable receipt-based small business size standard; or

(ii) if the contract is in an industry with an employee-based size standard, that will exceed \$70,000,000.

(2) The term “covered small business” means a qualified small business concern as defined pursuant to section 3(a) of the Small Business Act that has entered into a contract with the Department of Defense that includes a contract clause described in subsection (a)(2).

(Added Pub. L. 113-66, div. A, title XVI, § 1611(a)(1)(B), Dec. 26, 2013, 127 Stat. 946.)

REFERENCES IN TEXT

Section 3(a) of the Small Business Act, referred to in subsecs. (a)(2)(A) and (c)(1)(A), (2), is classified to section 632(a) of Title 15, Commerce and Trade.

PRIOR PROVISIONS

A prior section 2419 was renumbered section 2420 of this title.

§ 2420. Regulations

The Secretary of Defense shall prescribe regulations to carry out this chapter.

(Added Pub. L. 98-525, title XII, § 1241(a)(1), Oct. 19, 1984, 98 Stat. 2606, § 2416; renumbered § 2417, Pub. L. 99-500, § 101(c) [title X, § 957(a)(1)(A)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-174, and Pub. L. 99-591, § 101(c) [title X, § 957(a)(1)(A)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-174, and Pub. L. 99-661, div. A, title IX, formerly title IV, § 957(a)(1)(A), Nov. 14, 1986, 100 Stat. 3954, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987,

101 Stat. 273; renumbered §2418, Pub. L. 101-510, div. A, title VIII, §814(a)(1)(A), Nov. 5, 1990, 104 Stat. 1596; renumbered §2419, Pub. L. 102-484, div. D, title XLII, §4236(a)(1)(A), Oct. 23, 1992, 106 Stat. 2691; renumbered §2420, Pub. L. 113-66, div. A, title XVI, §1611(a)(1)(A), Dec. 26, 2013, 127 Stat. 946.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2013—Pub. L. 113-66 renumbered section 2419 of this title as this section.

1992—Pub. L. 102-484 renumbered section 2418 of this title as this section.

1990—Pub. L. 101-510 renumbered section 2417 of this title as this section.

1986—Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661, renumbered section 2416 of this title as this section.

CHAPTER 143—PRODUCTION BY MILITARY AGENCIES

Sec.

- 2421. Plantations and farms: operation, maintenance, and improvement.
- 2422. Bakery and dairy products: procurement outside the United States.
- 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office.
- 2424. Procurement of supplies and services from exchange stores outside the United States.

AMENDMENTS

1989—Pub. L. 101-189, div. A, title III, §§323(b), 324(b), Nov. 29, 1989, 103 Stat. 1414, 1415, added items 2423 and 2424.

1986—Pub. L. 99-661, div. A, title III, §312(b), Nov. 14, 1986, 100 Stat. 3852, added item 2422.

§ 2421. Plantations and farms: operation, maintenance, and improvement

(a) Appropriations for the subsistence of members of the Army, Navy, Air Force, or Marine Corps are available for expenditures necessary in the operation, maintenance, and improvement of any plantation or farm, outside the United States and under the jurisdiction of the Army, Navy, Air Force, or Marine Corps, as the case may be, for furnishing fresh fruits and vegetables to the armed forces. However, no land may be acquired under this subsection.

(b) Fruits and vegetables produced under subsection (a) that are over the amount furnished or sold to the armed forces or to civilians serving with the armed forces may be sold only outside the United States.

(c) Of the persons employed by the United States under subsection (a), only nationals of the United States are entitled to the benefits provided by laws relating to the employment, work, compensation, or other benefits of civilian employees of the United States.

(d) A plantation or farm covered by subsection (a) shall be operated, maintained, and improved by a private contractor or lessee, so far as practicable. Before using members of the Army, Navy, Air Force, or Marine Corps, as the case may be, the Secretary concerned must make a reasonable effort to make a contract or lease with a person in civil life for his services for that operation, maintenance, or improvement,

on terms advantageous to the United States. A determination by the Secretary as to the reasonableness of effort to make a contract or lease, and as to the advantageous nature of its terms, is final.

(e) SUNSET.—The authority under this section shall terminate on September 30, 2018.

(Aug. 10, 1956, ch. 1041, 70A Stat. 138; Pub. L. 114-328, div. A, title VIII, §833(a)(1), Dec. 23, 2016, 130 Stat. 2283.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2421(a)	10:1213 (less 1st and 2d provisos). 34:555a (less 1st and 2d provisos).	June 28, 1944, ch. 306; re-stated July 1, 1947, ch. 188, 61 Stat. 234; Oct. 31, 1951, ch. 654, §3(2), 65 Stat. 708.
2421(b)	10:1213 (2d proviso). 34:555a (2d proviso).	
2421(c)	10:1213 (1st proviso). 34:555a (1st proviso).	
2421(d)	10:1214. 34:555b.	

In subsection (a), the word “management”, in 10:1213 and 34:555a, is omitted as covered by the word “operation”. The word “members” is substituted for the word “personnel”. The word “may” is substituted for the word “shall”. The words “any and all” and “the purpose of” are omitted as surplusage.

In subsections (a) and (b), the word “continental” is omitted, since section 101(1) of this title defines the United States to include the States and the District of Columbia.

In subsection (b), the words “of the United States” are omitted as surplusage. The words “Fruits and vegetables produced under subsection (a)” are substituted for the words “That surplus production”.

In subsection (c), the words “nationals of the United States” are substituted for the words “American nationals”. The words “civil-service laws and other * * * of the United States” and “rights * * * or obligations” are omitted as surplusage.

In subsection (d), the words “after the termination of the present war” are omitted as executed. The word “by” is substituted for the words “through the instrumentality of”. The words “partnership, association” are omitted as covered by the definition of “person” in section 1 of title 1. The words “United States” are substituted for the word “Government”. The words “management”, “for that purpose”, and “or agreement” are omitted as surplusage.

AMENDMENTS

2016—Subsec. (e). Pub. L. 114-328 added subsec. (e).

§ 2422. Bakery and dairy products: procurement outside the United States

(a) The Secretary of Defense may authorize any element of the Department of Defense that procures bakery and dairy products for use by the armed forces outside the United States to procure any products described in subsection (b) through the use of procedures other than competitive procedures.

(b) The products referred to in subsection (a) are bakery or dairy products produced by the Army and Air Force Exchange Service in a facility outside the United States that began operating before July 1, 1986.

(Added Pub. L. 99-661, div. A, title III, §312(a), Nov. 14, 1986, 100 Stat. 3851.)