

2000—Pub. L. 106-398, §1 [[div. A], title III, §342(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-65, added item 4541.

1993—Pub. L. 103-160, div. A, title I, §158(a)(2), title VIII, §828(a)(5), Nov. 30, 1993, 107 Stat. 1582, 1713, struck out items 4531 “Authorization”, 4533 “Army ration”, 4534 “Subsistence supplies: contract stipulations; place of delivery on inspection”, 4535 “Exceptional subsistence supplies: purchase without advertising”, 4537 “Military surveys and maps: assistance of United States mapping agencies”, 4538 “Unserviceable ammunition: exchange and reclamation”, and 4541 “Gratuitous services of officers of the Army Reserve” and added item 4543.

1986—Pub. L. 99-500, §101(c) [title IX, §9036(b)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-108, and Pub. L. 99-591, §101(c) [title IX, §9036(b)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-108; Pub. L. 99-661, div. A, title XII, §1203(a)(2), Nov. 14, 1986, 100 Stat. 3969, amended analysis identically adding item 4542.

1982—Pub. L. 97-258, §2(b)(9)(A), Sept. 13, 1982, 96 Stat. 1056, added item 4541.

1970—Pub. L. 91-482, §2A, Oct. 21, 1970, 84 Stat. 1082, struck out item 4539 “Horses and mules”.

**[§ 4531. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(2), Nov. 30, 1993, 107 Stat. 1707]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 253, authorized Secretary of the Army to procure materials and facilities necessary to maintain and support the Army.

**§ 4532. Factories and arsenals: manufacture at**

The Secretary of the Army shall have supplies needed for the Department of the Army made in factories or arsenals owned by the United States, so far as those factories or arsenals can make those supplies on an economical basis.

(Aug. 10, 1956, ch. 1041, 70A Stat. 254; Pub. L. 113-291, div. A, title III, § 323(a), Dec. 19, 2014, 128 Stat. 3343.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4532(a) .....	5:181-4(e).	June 28, 1950, ch. 383, §101(e), 64 Stat. 264.
4532(b) .....	50:55.	R.S. 1666.

The words “Except as otherwise provided by law”, in 5:181-4(e), are omitted, since there is no law within the scope of the exception. The word “made” is substituted for the words “manufactured or produced”. The words “United States” are substituted for the word “Government”, in 5:181-4(e). The words “which he considers” are substituted for the words “as, in his judgment”, in 50:55. The words “useless or”, in 50:55, are omitted as surplusage.

AMENDMENTS

2014—Pub. L. 113-291 struck out “; abolition of” after “manufacture at” in section catchline, struck out subsec. (a) designation before “The Secretary”, and struck out subsec. (b) which read as follows: “The Secretary may abolish any United States arsenal that he considers unnecessary”.

SALE OF ARSENAL

Act Mar. 3, 1875, ch. 174, 18 Stat. 510, authorized the sale of the arsenal at Detroit, Michigan.

**[§§ 4533 to 4535. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(3)-(5), Nov. 30, 1993, 107 Stat. 1707]**

Section 4533, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, related to purchases of army rations.

Section 4534, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, related to subsistence supplies, contract stipulations, and place of delivery on inspection.

Section 4535, act Aug. 10, 1956, ch. 1041, 70A Stat. 254, provided that exceptional subsistence supplies could be purchased without advertising.

**§ 4536. Equipment: post bakeries, schools, kitchens, and mess halls**

Money necessary for the following items for the use of enlisted members of the Army may be spent from appropriations for regular supplies:

- (1) Equipment for post bakeries.
- (2) Furniture, textbooks, paper, and equipment for post schools.
- (3) Tableware and mess furniture for kitchens and mess halls.

(Aug. 10, 1956, ch. 1041, 70A Stat. 254.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4536 .....	10:1334.	June 13, 1890, ch. 423 (1st proviso under “Quartermaster’s Department”), 26 Stat. 152.

The words “Money necessary \* \* \* may be spent” are substituted for the words “There may be expended \* \* \* the amounts required”. The word “bakeries” is substituted for the words “bake house to carry on post bakeries”. The words “each and all” are omitted as surplusage.

**[§§ 4537, 4538. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(6), (7), Nov. 30, 1993, 107 Stat. 1707]**

Section 4537, acts Aug. 10, 1956, ch. 1041, 70A Stat. 254; Nov. 2, 1966, Pub. L. 89-718, §8(a), 80 Stat. 1117; Dec. 12, 1980, Pub. L. 96-513, title V, §512(14), 94 Stat. 2930, authorized Secretary of the Army to obtain assistance of United States mapping agencies in making and developing military surveys and maps.

Section 4538, acts Aug. 10, 1956, ch. 1041, 70A Stat. 255; Dec. 12, 1980, Pub. L. 96-513, title V, §512(15), 94 Stat. 2930, related to exchange and reclamation of unserviceable ammunition.

**[§ 4539. Repealed. Pub. L. 91-482, § 1(a), Oct. 21, 1970, 84 Stat. 1082]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 255, provided for purchase of horses and mules in open market at Army posts, within maximum prices prescribed by Secretary of the Army.

**§ 4540. Architectural and engineering services**

(a) Whenever he considers that it is advantageous to the national defense and that existing facilities of the Department of the Army are inadequate, the Secretary of the Army may, by contract or otherwise, employ the architectural or engineering services of any person outside that Department for producing and delivering designs, plans, drawings, and specifications needed for any public works or utilities project of the Department.

(b) The fee for any service under this section may not be more than 6 percent of the estimated cost, as determined by the Secretary, of the project to which it applies.

(c) Sections 305, 3324, and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5 do not apply to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 255; Pub. L. 89-718, § 28, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 95-454, title VII, § 703(c)(3), title VIII, § 801(a)(3)(I), Oct. 13, 1978, 92 Stat. 1217, 1222; Pub. L. 96-513, title V, § 512(16), Dec. 12, 1980, 94 Stat. 2930.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4540(a) .....	5:221 (1st sentence, less last 15 words).	Aug. 7, 1939, ch. 511, § 2, 53 Stat. 1240.
4540(b) .....	5:221 (less 1st sentence).	
4540(c) .....	5:221 (last 15 words of 1st sentence).	

In subsection (a), the words “and providing that in the opinion” are omitted as covered by the words “whenever he considers”. The words “needed for” are substituted for the words “required for the accomplishment of”.

In subsection (c), reference is made in substance to the Classification Act of 1949, instead of the Classification Act of 1923 referred to in the source statute, since section 1106(a) of the Classification Act of 1949, 63 Stat. 972, provides that all references in other acts to the Classification Act of 1923 should be considered to refer to the Classification Act of 1949.

## AMENDMENTS

1980—Subsec. (c). Pub. L. 96-513 substituted “and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5” for “5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of title 5”.

1978—Subsec. (c). Pub. L. 95-454, § 801(a)(3)(I), inserted reference to subchapter VI of chapter 53 of title 5.

Pub. L. 95-454, § 703(c)(3), substituted “7204” for “7154”.

1966—Subsec. (c). Pub. L. 89-718 substituted “Sections 305, 3324, 5101-5115, 5331-5338, 5341, 5342, and 7154 of title 5” for “Sections 1071-1153 of title 5”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

## EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 703(c)(3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

Amendment by section 801(a)(3)(I) of Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of Title 5.

**§ 4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs**

(a) **ESTIMATE OF COSTS.**—The Secretary of the Army shall include in the budget justification documents submitted to Congress in support of the President’s budget for a fiscal year submitted under section 1105 of title 31 an estimate of the funds to be required in that fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals.

(b) **USE OF FUNDS.**—Funds appropriated to the Secretary of the Army for a fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals shall be used in such fiscal year only for such costs.

(c) **TREATMENT OF COSTS.**—(1) The Secretary of the Army shall not include unutilized and underutilized plant-capacity costs when evaluat-

ing the bid of an Army arsenal for purposes of the arsenal’s contracting to provide a good or service to a Government agency.

(2) When an Army arsenal is serving as a subcontractor to a private-sector entity with respect to a good or service to be provided to a Government agency, the cost charged by the arsenal shall not include unutilized and underutilized plant-capacity costs that are funded by a direct appropriation.

(d) **DEFINITIONS.**—In this section:

(1) The term “Army arsenal” means a Government-owned, Government-operated defense plant of the Department of the Army that manufactures weapons, weapon components, or both.

(2) The term “unutilized and underutilized plant-capacity costs” means the costs associated with operating and maintaining the facilities and equipment of an Army arsenal that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20 percent or less of available work days.

(Added Pub. L. 106-398, § 1 [[div. A], title III, § 342(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-64.)

## PRIOR PROVISIONS

A prior section 4541, added Pub. L. 97-258, § 2(b)(9)(B), Sept. 13, 1982, 96 Stat. 1056, authorized Secretary of the Army to accept gratuitous services of officers of the Army Reserve, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 822(d)(2), Nov. 30, 1993, 107 Stat. 1707. See section 10212 of this title.

**§ 4542. Technical data packages for large-caliber cannon: prohibition on transfers to foreign countries; exception**

(a) **GENERAL RULE.**—Funds appropriated to the Department of Defense may not be used—

(1) to transfer to a foreign country a technical data package for a defense item being manufactured or developed in an arsenal; or

(2) to assist a foreign country in producing such a defense item.

(b) **EXCEPTION.**—The Secretary of the Army may use funds appropriated to the Department of Defense to transfer a technical data package, or to provide assistance, described in subsection (a) if—

(1) the transfer or provision of assistance is to a friendly foreign country (as determined by the Secretary of Defense in consultation with the Secretary of State);

(2) the Secretary of the Army determines that such action—

(A) would have a clear benefit to the preservation of the production base for the production of cannon at the arsenal concerned; and

(B) would not transfer technology (including production techniques) considered unique to the arsenal concerned, except as provided in subsection (e); and

(3) the Secretary of Defense enters into an agreement with the country concerned described in subsection (c) or (d).

(c) **COPRODUCTION AGREEMENTS.**—An agreement under this subsection shall be in the form