

of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend a quantity or quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.

(Added Pub. L. 98-525, title XII, §1233(a), Oct. 19, 1984, 98 Stat. 2600.)

#### EFFECTIVE DATE

Pub. L. 98-525, title XII, §1233(b), Oct. 19, 1984, 98 Stat. 2601, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act [Oct. 19, 1984].”

### § 2385. Arms and ammunition: immunity from taxation

No tax on the sale or transfer of firearms, pistols, revolvers, shells, or cartridges may be imposed on such articles when bought with funds appropriated for a military department.

(Aug. 10, 1956, ch. 1041, 70A Stat. 137.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2385 .....	5:171w.	Jan. 6, 1951, ch. 1213, subch. VII, §706, 64 Stat. 1236.

The words “No \* \* \* may be” are substituted for the words “None \* \* \* shall be subject to any”. The words “by any Act” are omitted as surplusage.

### § 2386. Copyrights, patents, designs, etc.; acquisition

Funds appropriated for a military department available for making or procuring supplies may be used to acquire any of the following if the acquisition relates to supplies or processes produced or used by or for, or useful to, that department:

- (1) Copyrights, patents, and applications for patents.
- (2) Licenses under copyrights, patents, and applications for patents.
- (3) Design and process data, technical data, and computer software.
- (4) Releases for past infringement of patents or copyrights or for unauthorized use of technical data or computer software.

(Aug. 10, 1956, ch. 1041, 70A Stat. 137; Pub. L. 86-726, §3, Sept. 8, 1960, 74 Stat. 855; Pub. L. 103-355, title III, §3063, Oct. 13, 1994, 108 Stat. 3337; Pub. L. 104-106, div. A, title VIII, §813, Feb. 10, 1996, 110 Stat. 395.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2386 .....	31:649b.	Aug. 1, 1953, ch. 305, §609, 67 Stat. 350.

The words “equipment, and materials” are omitted as covered by the word “supplies”. The word “hereafter” is omitted as executed. The words “may be used” are substituted for the words “shall \* \* \* be available”. The words “if the acquisition relates to”

are substituted for 31:649b (1st 8 words of last sentence). In clauses (1), (2), and (4), the word “patents” is substituted for the words “letters patent”.

#### AMENDMENTS

1996—Par. (3). Pub. L. 104-106 amended par. (3) generally, substituting “Design and process data, technical data, and computer software” for “Technical data and computer software”.

1994—Pars. (3), (4). Pub. L. 103-355 added pars. (3) and (4) and struck out former pars. (3) and (4) which read as follows:

“(3) Designs, processes, and manufacturing data.

“(4) Releases, before suit is brought, for past infringement of patents or copyrights.”

1960—Pub. L. 86-726 inserted “or copyrights” after “patents” in cl. (4).

### [§ 2387. Repealed. Pub. L. 114-328, div. A, title VIII, §833(b)(4)(A), Dec. 23, 2016, 130 Stat. 2285]

Section, added Pub. L. 85-861, §1(45), Sept. 2, 1958, 72 Stat. 1458, related to limitation on procurement of table and kitchen equipment for officers’ quarters.

### [§ 2388. Renumbered § 2922]

### § 2389. Ensuring safety regarding insensitive munitions

The Secretary of Defense shall ensure, to the extent practicable, that insensitive munitions under development or procurement are safe throughout development and fielding when subject to unplanned stimuli.

(Added Pub. L. 107-107, div. A, title VIII, §834(a)(1), Dec. 28, 2001, 115 Stat. 1191.)

#### PRIOR PROVISIONS

A prior section 2389, added Pub. L. 89-696, §1(1), Oct. 19, 1966, 80 Stat. 1056; amended Pub. L. 100-370, §1(h)(1), July 19, 1988, 102 Stat. 847, related to purchases from Commodity Credit Corporation and price adjustments for contracts for procurement of milk, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(4), Nov. 30, 1993, 107 Stat. 1704.

#### REPORT REQUIREMENT

Pub. L. 107-107, div. A, title VIII, §834(b), Dec. 28, 2001, 115 Stat. 1191, directed the Secretary of Defense to submit to committees of Congress a report on insensitive munitions at the same time that the budgets for fiscal years 2003 through 2005 were submitted.

### § 2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense

(a)(1) Except as provided in subsections (b) and (c), the sale outside the Department of Defense of any defense article designated or otherwise classified as Prepositioned Material Configured to Unit Sets, as decrement stock, or as Prepositioned War Reserve Stocks for United States Forces is prohibited.

(2) In this section, the term “decrement stock” means such stock as is needed to bring the armed forces from a peacetime level of readiness to a combat level of readiness.

(b) The President may authorize the sale outside the Department of Defense of a defense article described in subsection (a) if—

- (1) he determines that there is an international crisis affecting the national security of the United States and the sale of such arti-