

X, § 1061(a)(11), Dec. 5, 1991, 105 Stat. 1473; Pub. L. 103-355, title IV, § 4102(e), title VIII, § 8105(c), Oct. 13, 1994, 108 Stat. 3340, 3392; Pub. L. 111-350, § 5(b)(24), Jan. 4, 2011, 124 Stat. 3844; Pub. L. 113-66, div. A, title VIII, § 813, Dec. 26, 2013, 127 Stat. 808; Pub. L. 115-232, div. A, title VIII, § 836(e)(3), Aug. 13, 2018, 132 Stat. 1869.)

AMENDMENT OF SUBSECTION (d)

*Pub. L. 115-232, div. A, title VIII, § 836(e)(3), (h), Aug. 13, 2018, 132 Stat. 1869, 1874, provided that, effective Jan. 1, 2020, subject to a savings provision, subsection (d) of this section is amended by striking “commercial items (as defined in section 103 of title 41)” and inserting “commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)”. See 2018 Amendment note below.*

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-232 substituted “commercial products or commercial services (as defined in sections 103 and 103a, respectively, of title 41)” for “commercial items (as defined in section 103 of title 41)”.

2013—Subsec. (b). Pub. L. 113-66 substituted “on a publicly accessible website to the maximum extent practicable” for “in a file available for public inspection”.

2011—Subsec. (d). Pub. L. 111-350 substituted “section 134 of title 41” for “section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” and “section 103 of title 41” for “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”.

1994—Subsec. (d). Pub. L. 103-355 substituted “greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))” for “above the small purchase amount established in section 2304(g) of this title.” in second sentence and inserted at end “The requirement shall not apply in the case of a subcontract for the acquisition of commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”.

1991—Subsec. (d). Pub. L. 102-190 substituted “Federal Government” for “Federal government”.

1990—Subsec. (d). Pub. L. 101-510 added subsec. (d).

1987—Subsec. (c). Pub. L. 100-180 inserted “The term” after each par. designation and revised first word in quotes in each par. to make initial letter of such word lowercase.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.

[§ 2394. Renumbered § 2922a]

CODIFICATION

Another section 2394 was renumbered section 2395 of this title.

[§ 2394a. Renumbered § 2922b]

**§ 2395. Availability of appropriations for procurement of technical military equipment and supplies**

Funds appropriated to the Department of Defense for the procurement of technical military

equipment and supplies remain available until spent.

(Added Pub. L. 97-258, § 2(b)(4)(B), Sept. 13, 1982, 96 Stat. 1052, § 2394; renumbered § 2395 and amended Pub. L. 97-295, § 1(28)(A), Oct. 12, 1982, 96 Stat. 1291.)

HISTORICAL AND REVISION NOTES  
1982 ACT (PUB. L. 97-258)

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2394 .....	31:649c(1).	Aug. 10, 1956, ch. 1041, § 40(1), 70A Stat. 636; Nov. 17, 1971, Pub. L. 92-156, § 201(b), 85 Stat. 424.

The words “Unless otherwise provided in the appropriation Act concerned” are omitted as unnecessary and for consistency. The word “Funds” is substituted for “moneys” for consistency in title 10. The word “military” is added before “public” for clarity. The words “including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles” are omitted as included in “technical military equipment”.

1982 ACT (PUB. L. 97-295)

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2395 .....	10:2394.	Sept. 13, 1982, Pub. L. 97-258, § 2(b)(4)(B), 96 Stat. 1053.

This redesignates 10:2394 (enacted by Pub. L. 97-258) as 10:2395 because of the enactment of another 10:2394 by Pub. L. 97-214, § 6(a)(1), July 12, 1982, 96 Stat. 171, and amends the section generally to eliminate the words “and the construction of military public works” because of section 10(b)(5) of the Military Construction Codification Act (Pub. L. 97-214, July 12, 1982, 96 Stat. 176) which struck corresponding words from the source statute for 10:2394 subsequent to Apr. 15, 1982, the cut-off date prescribed by section 4(a) of Pub. L. 97-258, section 2(b)(4)(B) of which enacted 10:2394.

CODIFICATION

Another section 2395 was renumbered section 2396 of this title.

AMENDMENTS

1982—Pub. L. 97-295 struck out “and the construction of military public works” after “supplies”.

**§ 2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries**

(a) An advance under an appropriation to the Department of Defense may be made to pay for—

- (1) compliance with laws and ministerial regulations of a foreign country;
- (2) rent in a foreign country for periods of time determined by local custom;
- (3) tuition; and
- (4) public service utilities.

(b)(1) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service of the Navy, an officer of an armed force of the United States accountable for public money may ad-