Subsec. (a)(7). Pub. L. 114–92, §313(3), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations as required by section 433 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1612)."

Pub. L. 114–92, §313(1), (2), redesignated par. (9) as (7) and struck out former par. (7) which read as follows: "An estimate of the types and quantities of energy consumed by the Department of Defense and members of the armed forces and civilian personnel residing or working on military installations during the preceding fiscal year, including a breakdown of energy consumption by user groups and types of energy, energy costs, and the quantities of renewable energy produced or procured by the Department."

Subsec. (a)(8). Pub. L. 114-92, §313(2), redesignated par. (10) as (8). Former par. (8) redesignated (6).

Subsec. (a)(9). Pub. L. 114–92, §313(4), amended par. (9) generally. Prior to amendment, par. (9) read as follows: "Details of utility outages at military installations including the total number and locations of outages, the financial impact of the outage, and measures taken to mitigate outages in the future at the affected location and across the Department of Defense."

Pub. L. 114-92, §313(2) redesignated par. (11) as (9). Former par. (9) redesignated (7).

Subsec. (a)(10). Pub. L. 114-92, §313(2), redesignated par. (12) as (10). Former par. (10) redesignated (8).

Subsec. (a)(11). Pub. L. 114-92, §313(5) added par. (11). Former par. (11) redesignated (9).

Subsec. (a)(12). Pub. L. 114-92, §313(2), redesignated par. (12) as (10).

2014—Subsec. (b)(1). Pub. L. 113–291 substituted "Energy, Installations, and Environment" for "Operational Energy Plans and Programs".

2013—Subsec. (a)(1). Pub. L. 112–239, §1076(d)(6)(A), substituted "section 553" for "section 533".

Subsec. (b)(1). Pub. L. 112–239, \$1076(c)(3)(A), (d)(6)(B), substituted "Assistant Secretary of Defense for" for "Director of" and "section 138c" for "section 139b".

Subsec. (b)(2)(G). Pub. L. 112-239, §1076(c)(3)(B), substituted "Assistant Secretary" for "Director" in two places.

2011—Subsec. (a). Pub. L. 112–81, §2826, in introductory provisions, substituted "Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following: for "As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:".

Subsec. (a)(3). Pub. L. 112-81, §2822(d)(1), inserted "whether the project incorporates energy security into its design," after "through the duration of each such mechanism.".

Subsec. (a)(4). Pub. L. 112-81, §2824(b)(2), added par. (4). Former par. (4) redesignated (5). Pub. L. 111-383, §2832(c)(1), substituted "energy per-

Pub. L. 111-383, \$2832(c)(1), substituted 'energy performance master plan' for 'energy performance plan'. Subsec. (a)(5) to (9). Pub. L. 112-81, \$2824(b)(1), redesignated pars. (4) to (8) as (5) to (9), respectively. Subsec. (a)(10). Pub. L. 112-81, \$2824(b)(1), redesignated pars. (4) to (8) as (5) to (9), respectively.

Subsec. (a)(10). Pub. L. 112-81, §2824(b)(1), redesignated par. (9) as (10). Former par. (10) redesignated (11). Pub. L. 112-81, §2822(d)(3), added par. (10). Former par. (10) redesignated (11).

Subsec. (a)(11). Pub. L. 112-81, §2824(b)(1), redesignated par. (10) as (11). Former par. (11) redesignated (12).

Pub. L. 112–81, §2822(d)(2), redesignated par. (10) as (11).

Subsec. (a)(12). Pub. L. 112–81, $\S 2824(b)(1)$, redesignated par. (11) as (12).

Subsec. (b)(2)(E). Pub. L. 112-81, \$314(b)(2), added subpar. (E). Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 112–81, $\S342(2)$, added subpar. (F). Former subpar. (F) redesignated (G).

Pub. L. 112–81, $\S314(b)(1)$, redesignated subpar. (E) as

Subsec. (b)(2)(G). Pub. L. 112–81, $\S 342(1)$, redesignated subpar. (F) as (G).

Subsec. (b)(4). Pub. L. 112–81, §2821(b)(4), struck out par. (4) which read as follows: "In this subsection, the term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms."

2009—Subsec. (a). Pub. L. 111–84, in par. (1), inserted "section 2911(e) of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b)," after "(Public Law 109–58),", added pars. (2), (3), (9), and (10), and redesignated former pars. (2) to (6) as (4) to (8), respectively.

2008—Pub. L. 110-417, §331(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: "Annual report".

Subsec. (a). Pub. L. 110–417, §2832, in heading substituted "Annual Report Related to Installations Energy Management" for "Report Required", in par. (1) inserted ", the Energy Independence and Security Act of 2007 (Public Law 110–140)," after "(Public Law 109–58)", and added par. (6).

Subsec. (b). Pub. L. 110–417, §331(a), added subsec. (b)

Subsec. (b). Pub. L. 110-417, §331(a), added subsec. (b) and struck out former subsec. (b) which related to requirements for the initial report to be submitted by the Secretary of Defense.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of annual reports to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

§ 2926. Operational energy

- (a) OPERATIONAL ENERGY POLICY.—In carrying out section 2911(a) of this title, the Secretary of Defense shall ensure the types, availability, and use of operational energy promote the readiness of the armed forces for their military missions.
- (b) AUTHORITIES.—The Secretary of Defense may— $\,$
 - (1) require the Secretary of a military department or the commander of a combatant command to assess the energy supportability of systems, capabilities, and plans;
 - (2) authorize the use of energy security, cost of backup power, and energy resilience as factors in the cost-benefit analysis for procurement of operational equipment; and
 - (3) in selecting equipment that will use operational energy, give favorable consideration to the acquisition of equipment that enhances energy security, energy resilience, energy conservation, and reduces logistical vulnerabilities.
- (c) Functions of the Assistant Secretary of Defense for Energy, Installations, and Environment.—The Assistant Secretary of Defense for Energy, Installations, and Environment, in consultation with the heads of the appropriate Department of Defense components, shall—
 - (1) oversee the operational energy activities of the Department of Defense and oversee the investments of the Department in such activities:
 - (2) make recommendations to the Secretary regarding the policies and investments that affect the use of operational energy across the Department of Defense;

- (3) establish guidelines and recommend to the Secretary policy to improve warfighting capability through energy security and energy resilience:
- (4) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and
- (5) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (e)(4).
- (d) OPERATIONAL ENERGY STRATEGY.—(1) The Assistant Secretary of Defense for Energy, Installations, and Environment shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and the Defense Agencies.
- (2) The Secretary of each military department shall designate a senior official within each armed force under the jurisdiction of the Secretary who shall be responsible for operational energy plans and programs for that armed force. The officials so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to that official's armed force
- (3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.
- (4) By authority of the Secretary of Defense, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy. The Assistant Secretary shall make recommendations to the Secretary of Defense and Deputy Secretary of Defense and provide guidance to the Secretaries of the military departments and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.
- (5) Updates to the strategy required by paragraph (1) shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.
- (e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Assistant Secretary of Defense for Energy, Installations, and Environment shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.
- (2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with

- the strategy transmit their proposed budget for those activities for a fiscal year to the Assistant Secretary for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).
- (3) The Assistant Secretary shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Assistant Secretary with respect to the proposed budget, together with the certification of the Assistant Secretary regarding whether the proposed budget is adequate for implementation of the strategy.
- (4) Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that were reviewed by the Assistant Secretary under paragraph (3).
- (5) For each proposed budget covered by a report under paragraph (4) for which the certification of the Assistant Secretary under paragraph (3) is that the budget is not adequate for implementation of the strategy, the report shall include the following:
 - (A) A copy of the report set forth in paragraph (3).
 - (B) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budget.
 - (C) An appendix prepared by the Chairman of the Joint Chiefs of Staff describing—
 - (i) the progress made by the Joint Requirements Oversight Council in implementing the energy Key Performance Parameter; and
 - (ii) details regarding how operational energy is being addressed in defense planning, scenarios, support to strategic analysis, and resulting policy to improve combat capability.
 - (D) An appendix prepared by the Under Secretary for Defense for Acquisition and Sustainment certifying that and describing how the acquisition system is addressing operational energy in the procurement process, including long-term sustainment considerations, and how programs are extending combat capability as a result of these considerations.
 - (E) A separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Assistant Secretary in carrying out the duties of the Assistant Secretary.
 - (F) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.
- (6) For each proposed budget covered by a report under paragraph (4) for which the certification of the Assistant Secretary under paragraph (3) is that the budget is adequate for implementation of the strategy, the report shall include the items set forth in subparagraphs (C), (D), and (E) of paragraph (5).
- (f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military de-

partment shall submit to the Assistant Secretary of Defense for Energy, Installations, and Environment the results of all studies and initiatives conducted by the military department in connection with the operational energy strat-

(2) The Assistant Secretary shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Assistant Secretary to carry out the duties of the Assistant Secretary.

(Added and amended Pub. L. 113-291, div. A, title IX, §901(g)(1), Dec. 19, 2014, 128 Stat. 3464; Pub. L. 114-92, div. A, title X, §1081(a)(12), (b)(2), Nov. 25, 2015, 129 Stat. 1001; Pub. L. 115-232, div. A, title III, §314(a), Aug. 13, 2018, 132 Stat. 1711; Pub. L. 116-92, div. A, title III, §320(a)(1)(B), (c)(1), title IX, §902(83), Dec. 20, 2019, 133 Stat. 1306, 1307, 1553.)

CODIFICATION

Subsec. (c)(3) of section 138c of this title, which was transferred to subsec. (a) (now (c)) of this section by Pub. L. 113-291, §901(g)(1)(B), was based on Pub. L. 112-81, div. A, title III, §314(a), Dec. 31, 2011, 125 Stat. 1357. Subsecs. (d) to (f) of section 138c of this title, which were transferred to subsecs. (b) to (d) (now (d) to (f)), respectively, of this section by Pub. L. 113-291, §901(g)(1)(D), were based on Pub. L. 110-417, [div. A], title IX, \$902(a), Oct. 14, 2008, 122 Stat. 4564; amended Pub. L. 111–383, div. A, title IX, \$901(b)(7)(B)–(D), Jan. 7, 2011, 124 Stat. 4320; Pub. L. 112-81, div. A, title III, §311, Dec. 31, 2011, 125 Stat. 1351; Pub. L. 113-66, div. A, title III, §311, Dec. 26, 2013, 127 Stat. 728.

AMENDMENTS

2019—Pub. L. 116–92, \$320(c)(1), substituted "Operational energy" for "Operational energy activities" in section catchline.

Subsec. (d)(1). Pub. L. 116-92, §320(a)(1)(B), substituted "the Defense Agencies" for "Defense Agencies"

Subsec. (e)(5)(D). Pub. L. 116-92, §902(83), substituted "Under Secretary for Defense for Acquisition and Sustainment" for "Under Secretary of Defense for Acquisition, Technology, and Logistics"

2018—Subsecs. (a), (b). Pub. L. 115-232, §314(a)(2), added subsecs. (a) and (b). Former subsecs. (a) and (b) redesignated (c) and (d), respectively.

Subsec. (c). Pub. L. 115-232, §314(a)(3)(A), (B), substituted "Functions of the Assistant Secretary of Defense for Energy, Installations, and Environment'' for "Alternative Fuel Activities" in heading and "heads of the appropriate Department of Defense components" for "heads of the military departments and the Assistant Secretary of Defense for Research and Engineering" in introductory provisions.

Pub. L. 115-232, §314(a)(1), redesignated subsec. (a) as

(c). Former subsec. (c) redesignated (e). Subsec. (c)(1). Pub. L. 115-232, §314(a)(3)(C), substituted "oversee the operational energy activities" for

'lead the alternative fuel activities'.
Subsec. (c)(2). Pub. L. 115–232, §314(a)(3)(D), substituted "regarding the policies and investments that affect the use of operational energy across the Department of Defense" for "regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense'

Subsec. (c)(3). Pub. L. 115–232, §314(a)(3)(E), substituted "recommend to the Secretary policy to improve warfighting capability through energy security and energy resilience" for "prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense'

Subsec. (c)(5). Pub. L. 115-232, §314(a)(3)(F), substituted "subsection (e)(4)" for "subsection (c)(4)".

Subsecs. (d) to (f). Pub. L. 115-232, §314(a)(1), redesignated subsecs. (b) to (d) as (d) to (f), respectively.

2015—Pub. L. 114-92, §1081(a)(12), substituted "for Energy, Installations, and Environment" for "for Installations, Energy, and Environment" in subsecs. (a) to (d).

Subsec. (b)(4). Pub. L. 114-92, §1081(b)(2), amended directory language of Pub. L. 113-291, §901(g)(1)(F). See 2014 Amendment note below.

2014—Subsec. (a). Pub. L. 113–291, §901(g)(1)(E), inserted "of Defense for Installations, Energy, and Environment" after "The Assistant Secretary" in introductory provisions.

Pub. L. 113-291, §901(g)(1)(B)-(C)(ii), transferred subsec. (c)(3) of section 138c of this title to subsec. (a) of this section, inserted heading, and redesignated subpars. (A) to (E) as pars. (1) to (5), respectively. See Codification note above

Subsec. (a)(5). Pub. L. 113–291, $\S901(g)(1)(C)(iii)$, substituted "subsection (c)(4)" for "subsection (e)(4)".

Subsec. (b). Pub. L. 113-291, $\S 901(g)(1)(D)$, transferred subsec. (d) of section 138c of this title to subsec. (b) of this section. See Codification note above.

Subsec. (b)(1). Pub. L. 113–291, $\S 901(g)(1)(E)$, inserted "of Defense for Installations, Energy, and Environment" after "The Assistant Secretary".

Subsec. (b)(4). Pub. L. 113-291, §901(g)(1)(F), as amended by Pub. L. 114-92, §1081(b)(2), substituted "make recommendations to the Secretary of Defense and Deputy Secretary of Defense and provide guidance to the Secretaries of the military departments" for "provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments,

Subsec. (c). Pub. L. 113-291, §901(g)(1)(D), transferred subsec. (e) of section 138c of this title to subsec. (c) of this section. See Codification note above.

Subsec. (c)(1). Pub. L. 113-291, §901(g)(1)(E), inserted "of Defense for Installations, Energy, and Environment" after "The Assistant Secretary"

Subsec. (c)(4) to (6). Pub. L. 113–291, §901(g)(1)(G), amended pars. (4) to (6) generally. Prior to amendment, pars. (4) to (6) required the Secretary of Defense to report to Congress, by a certain date, on proposed budgets not certified by the Assistant Secretary under par. (3), including a separate statement of certain estimated expenditures and requested appropriations.

Subsec. (d). Pub. L. 113-291, §901(g)(1)(D), transferred subsec. (f) of section 138c of this title to subsec. (d) of this section. See Codification note above.

Subsec. (d)(1). Pub. L. 113–291, $\S 901(g)(1)(E)$, inserted "of Defense for Installations, Energy, and Environment" after "the Assistant Secretary".

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-92, div. A, title X, §1081(b), Nov. 25, 2015, 129 Stat. 1001, provided in part that the amendment made by section 1081(b) is effective as of Dec. 19, 2014, and as if included in Pub. L. 113-291 as enacted.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c)(4) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

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13, 2018, 132 Stat. 1825, added analysis for part V consist-			
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ing of items for subparts A to I and chapters 201 to 385. Capitalization in subpart headings is as it appears in the original.

REDESIGNATIONS BY PUB. L. 115–232 OF CHAPTERS AND SECTIONS IN FORMER SUBTITLES B TO D

Chapters 301 to 953 and sections 3001 to 9448 of this title, which formerly comprised subtitles B to D, were significantly redesignated by Pub. L. 115-232, div. A, title VIII, $\S\S 806-808$, Aug. 13, 2018, 132 Stat. 1832–1839. The chapter and section redesignations made by Pub. L. 115-232 throughout subtitles B to D of this title are shown in the following table:

Table Showing Redesignations Made by Pub. L. $115\mbox{--}232$

Title 10 Chapter or Section	Title 10
Chapter or Section	Chapter or Section
Before Redesignation	After Redesignation
Ch. 301	10 U.S.C. Ch. 701
3001	10 U.S.C. 7001
3001	10 U.S.C. Ch. 703
3011	10 U.S.C. 7011
3012	10 II S C 7012
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3016	10 U.S.C. 7015
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3018	10 U.S.C. 7018
3019	10 U.S.C. 7019
3020	10 U.S.C. 7020
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9951	10 II S C 7131
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3969	10 U.S.C. 7149
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3281	10 II S C 7151
2929	10 II S C 7159
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Ch 339	10 II S C Ch 719
Ch 333 3251 3258 3262 Ch 335 3281 3282 3282 3283 Ch 339 3446 Ch 341 3503 Ch 343	10 U.S.C. Ch. 701 10 U.S.C. Ch. 701 10 U.S.C. Ch. 703 10 U.S.C. 7011 10 U.S.C. 7011 10 U.S.C. 7012 10 U.S.C. 7013 10 U.S.C. 7013 10 U.S.C. 7014 10 U.S.C. 7015 10 U.S.C. 7015 10 U.S.C. 7016 10 U.S.C. 7017 10 U.S.C. 7018 10 U.S.C. 7019 10 U.S.C. 7019 10 U.S.C. 7020 10 U.S.C. 7021 10 U.S.C. 7022 10 U.S.C. 7022 10 U.S.C. 7022 10 U.S.C. 7023 10 U.S.C. 7024 10 U.S.C. 7024 10 U.S.C. 7024 10 U.S.C. 7025 10 U.S.C. 7031 10 U.S.C. 7031 10 U.S.C. 7031 10 U.S.C. 7031 10 U.S.C. 7034 10 U.S.C. 7034 10 U.S.C. 7035 10 U.S.C. 7036 10 U.S.C. 7036 10 U.S.C. 7036 10 U.S.C. 7037 10 U.S.C. 7036 10 U.S.C. 7036 10 U.S.C. 7036 10 U.S.C. 7036 10 U.S.C. 7037 10 U.S.C. 7061 10 U.S.C. 7062 10 U.S.C. 7063 10 U.S.C. 7063 10 U.S.C. 7063 10 U.S.C. 7063 10 U.S.C. 7064 10 U.S.C. 7065 10 U.S.C. 7065 10 U.S.C. 7067 10 U.S.C. 7068 10 U.S.C. 7069 10 U.S.C. 7069 10 U.S.C. 7070 10 U.S.C. 7075 10 U.S.C. 7073 10 U.S.C. 7073 10 U.S.C. 7074 10 U.S.C. 7073 10 U.S.C. 7075 10 U.S.C. 7071 10 U.S.C. 7075 10 U.S.C. 7071
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