

§ 2348. Inventories of supplies not to be increased

Inventories of supplies for elements of the armed forces may not be increased for the purpose of transferring supplies under the authority of this subchapter.

(Added Pub. L. 96-323, §2(a), Aug. 4, 1980, 94 Stat. 1018, §2328; amended Pub. L. 97-22, §11(a)(8), July 10, 1981, 95 Stat. 138; renumbered §2348, Pub. L. 99-145, title XIII, §1304(a)(1), Nov. 8, 1985, 99 Stat. 741; Pub. L. 99-661, div. A, title XI, §1104(e), Nov. 14, 1986, 100 Stat. 3965; Pub. L. 101-189, div. A, title IX, §931(e)(1), Nov. 29, 1989, 103 Stat. 1535.)

AMENDMENTS

1989—Pub. L. 101-189 substituted “this subchapter” for “this chapter”.

1986—Pub. L. 99-661 struck out “to military forces of any North Atlantic Treaty Organization country or any North Atlantic Treaty Organization subsidiary body” after “chapter”.

1985—Pub. L. 99-145 renumbered section 2328 of this title as this section.

1981—Pub. L. 97-22 substituted “this chapter” for “this Act”.

§ 2349. Overseas Workload Program

(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

(1) could adversely affect the military preparedness of the armed forces; or

(2) would violate the terms of an international agreement to which the United States is a party.

(d) DEFINITION.—In this section, the term “major non-NATO ally” has the meaning given that term in section 2350a(i)(2) of this title.

(Added Pub. L. 103-160, div. A, title XIV, §1431(a)(1), Nov. 30, 1993, 107 Stat. 1832; amended Pub. L. 108-375, div. A, title X, §1084(d)(18), Oct. 28, 2004, 118 Stat. 2062.)

PRIOR PROVISIONS

A prior section 2349, added Pub. L. 96-323, §2(a), Aug. 4, 1980, 94 Stat. 1018, §2330; renumbered §2349, Pub. L. 99-145, title XIII, §1304(a)(3), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101-189, div. A, title IX, §931(e)(1), Nov. 29, 1989, 103 Stat. 1535, directed Secretary of Defense to submit a report to Congress annually relating to agreements under this chapter, prior to repeal by Pub. L. 101-510, §1301(11).

Provisions similar to those in this section were contained in Pub. L. 101-510, div. A, title XIV, §1465, Nov.

5, 1990, 104 Stat. 1700, as amended, which was set out as a note under section 2341 of this title, prior to repeal by Pub. L. 103-160, §1431(b)(1). Other prior similar provisions, formerly set out under section 2341 of this title, were contained in the following authorization or appropriation acts:

Pub. L. 102-396, title IX, §9130, Oct. 6, 1992, 106 Stat. 1935, as amended by Pub. L. 103-160, div. A, title XIV, §1431(b)(2), Nov. 30, 1993, 107 Stat. 1833.

Pub. L. 102-172, title VIII, §8122, Nov. 26, 1991, 105 Stat. 1205.

Pub. L. 101-511, title VIII, §8003, Nov. 5, 1990, 104 Stat. 1873.

Pub. L. 100-180, div. A, title X, §1021, Dec. 4, 1987, 101 Stat. 1143.

AMENDMENTS

2004—Subsec. (d). Pub. L. 108-375 substituted “section 2350a(i)(2)” for “section 2350a(i)(3)”.

[§ 2349a. Repealed. Pub. L. 112-239, div. A, title X, § 1076(g)(3), Jan. 2, 2013, 126 Stat. 1955]

Section, added Pub. L. 103-337, div. A, title XIII, §1317(i)(1), Oct. 5, 1994, 108 Stat. 2902, required annual report from 1996 to 2000 regarding non-NATO cross-servicing and acquisition actions.

§ 2350. Definitions

In this subchapter:

(1) The term “logistic support, supplies, and services” means food, billeting, transportation (including airlift), petroleum, oils, lubricants, clothing, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), storage services, use of facilities, training services, spare parts and components, repair and maintenance services, calibration services, and port services. Such term includes temporary use of general purpose vehicles and other nonlethal items of military equipment which are not designated as significant military equipment on the United States Munitions List promulgated pursuant to section 38(a)(1) of the Arms Export Control Act.

(2) The term “North Atlantic Treaty Organization subsidiary bodies” means—

(A) any organization within the meaning of the term “subsidiary bodies” in article I of the multilateral treaty on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, signed at Ottawa on September 20, 1951 (TIAS 2992; 5 UST 1087); and

(B) any international military headquarters or organization to which the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty, signed at Paris on August 28, 1952 (TIAS 2978; 5 UST 870), applies.

(3) The term “military region” means the geographical area of responsibility assigned to the commander of a unified combatant command (excluding Europe and adjacent waters).

(4) The term “transfer” means selling (whether for payment in currency, replacement-in-kind, or exchange of supplies or services of equal value), leasing, loaning, or otherwise temporarily providing logistic support, supplies, and services under the terms of a cross-servicing agreement.

(Added Pub. L. 96-323, §2(a), Aug. 4, 1980, 94 Stat. 1019, §2331; renumbered §2350, Pub. L. 99-145,

title XIII, §1304(a)(3), Nov. 8, 1985, 99 Stat. 741; amended Pub. L. 99-661, div. A, title XI, §1104(f), Nov. 14, 1986, 100 Stat. 3965; Pub. L. 100-26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 101-189, div. A, title IX, §931(e)(1), Nov. 29, 1989, 103 Stat. 1535; Pub. L. 103-337, div. A, title XIII, §1317(h), Oct. 5, 1994, 108 Stat. 2901; Pub. L. 105-85, div. A, title XII, §1222, Nov. 18, 1997, 111 Stat. 1937.)

REFERENCES IN TEXT

Section 38(a)(1) of the Arms Export Control Act, referred to in par. (1), is classified to section 2778(a)(1) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1997—Par. (1). Pub. L. 105-85, in second sentence, substituted “other nonlethal items of military equipment which are not designated as significant military equipment on the United States Munitions List promulgated” for “other items of military equipment not designated as part of the United States Munitions List”.

1994—Par. (1). Pub. L. 103-337, §1317(h)(1), inserted “(including airlift)” after “transportation”, “calibration services,” after “maintenance services,” and “Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act.” at end.

Par. (4). Pub. L. 103-337, §1317(h)(2), added par. (4).

1989—Pub. L. 101-189 substituted “this subchapter” for “this chapter” in introductory provisions.

1987—Pub. L. 100-26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in pars. (1) and (3) and substituted lowercase letter.

1986—Par. (3). Pub. L. 99-661 added par. (3).

1985—Pub. L. 99-145 renumbered section 2331 of this title as this section.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable with regard to any acquisition or transfer of logistic support, supplies, and services under authority of this subchapter that is initiated after Oct. 5, 1994, see section 1317(j) of Pub. L. 103-337, set out as a note under section 2341 of this title.

SUBCHAPTER II—OTHER COOPERATIVE AGREEMENTS

- Sec.
- 2350a. Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries.
- 2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment.
- 2350c. Cooperative military airlift agreements: allied countries.
- 2350d. Cooperative logistic support agreements: NATO countries.
- 2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense.
- 2350f. Procurement of communications support and related supplies and services.
- 2350g. Authority to accept use of real property, services, and supplies from foreign countries in connection with mutual defense agreements and occupational arrangements.
- 2350h. Memorandums of agreement: Department of Defense ombudsman for foreign signatories.
- 2350i. Foreign contributions for cooperative projects.
- 2350j. Burden sharing contributions by designated countries and regional organizations.

- Sec.
- 2350k. Relocation within host nation of elements of armed forces overseas.
- 2350l. Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations.
- 2350m.¹ Participation in European program on multilateral exchange of surface transportation services.
- 2350n. North Atlantic Treaty Organization Joint Force Command.
- 2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services.
- 2350p. Reciprocal patient movement agreements.
- 2350m.¹ Execution of projects under the North Atlantic Treaty Organization Security Investment Program.

AMENDMENT OF ANALYSIS

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1844(b)(2)(A), Jan. 1, 2021, 134 Stat. 4151, 4246, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this analysis is amended by striking item 2350l. See 2021 Amendment note below.

AMENDMENTS

2021—Pub. L. 116-283, div. A, title XII, §§1202(b), 1203(b), 1204(b), title XVIII, §1844(b)(2)(A), div. B, title XXV, §2503(b), Jan. 1, 2021, 134 Stat. 3910-3912, 4246, 4310, added items 2350m “Participation in European program on multilateral exchange of surface transportation services”, 2350o, 2350p, and 2350m “Execution of projects under the North Atlantic Treaty Organization Security Investment Program”, and struck out item 2350l “Cooperative agreements for reciprocal use of test facilities: foreign countries and international organizations”.

2019—Pub. L. 116-92, div. A, title XII, §1249(b), Dec. 20, 2019, 133 Stat. 1664, added item 2350n.

2016—Pub. L. 114-328, div. A, title XII, §1241(o)(7), Dec. 23, 2016, 130 Stat. 2512, struck out item 2350m “Participation in multinational military centers of excellence”.

2008—Pub. L. 110-417, [div. A], title XII, §1232(a)(2), Oct. 14, 2008, 122 Stat. 4639, added item 2350m.

2001—Pub. L. 107-107, div. A, title XII, §§1212(e)(2), 1213(b), Dec. 28, 2001, 115 Stat. 1250, 1251, substituted “Cooperative research and development agreements: NATO organizations; allied and friendly foreign countries” for “Cooperative research and development projects: allied countries” in item 2350a and added item 2350l.

1996—Pub. L. 104-106, div. A, title XIII, §1332(a)(2), Feb. 10, 1996, 110 Stat. 484, added item 2350k.

1993—Pub. L. 103-160, div. A, title XIV, §1402(b), Nov. 30, 1993, 107 Stat. 1826, added item 2350j.

1991—Pub. L. 102-190, div. A, title X, §1047(b), Dec. 5, 1991, 105 Stat. 1468, added item 2350i.

Pub. L. 102-25, title VII, §704(a)(9), Apr. 6, 1991, 105 Stat. 119, made clarifying amendment to directory language of Pub. L. 101-510, div. A, title XIV, §1451(b)(2), Nov. 5, 1990, 104 Stat. 1693. See 1990 Amendment note below.

1990—Pub. L. 101-510, div. A, title XIV, §1452(a)(2), Nov. 5, 1990, 104 Stat. 1694, added item 2350h.

Pub. L. 101-510, div. A, title XIV, §1451(b)(2), Nov. 5, 1990, 104 Stat. 1693, as amended by Pub. L. 102-25, title VII, §704(a)(9), Apr. 6, 1991, 105 Stat. 119, added item 2350g.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1844(b)(2)(A) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for de-

¹ So in original. There are two sections 2350m.