

Subsec. (b). Pub. L. 115-232, § 836(d)(6)(B), substituted “commercial services” for “commercial items”.

2016—Pub. L. 114-328, § 878(b)(1), which directed amendment of “Section 2380A of title 10” by striking out the section catchline and inserting “§2380a. Treatment of certain items as commercial items”, was executed by redesignating this section as section 2380a and substituting “Treatment of certain items as commercial items” for “Treatment of goods and services provided by nontraditional defense contractors as commercial items” in section catchline, to reflect the probable intent of Congress.

Pub. L. 114-328, § 878(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

#### 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.

### § 2380b. Treatment of commingled items purchased by contractors as commercial products

Notwithstanding section 2376(1) of this title, items valued at less than \$10,000 that are purchased by a contractor for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract shall be treated as a commercial product for purposes of this chapter.

(Added Pub. L. 114-328, div. A, title VIII, § 877(a), Dec. 23, 2016, 130 Stat. 2311, § 2380B; renumbered § 2380b and amended Pub. L. 115-232, div. A, title VIII, § 836(d)(7), (8)(G), Aug. 13, 2018, 132 Stat. 1868, 1869; Pub. L. 116-92, div. A, title XVII, § 1731(a)(47), Dec. 20, 2019, 133 Stat. 1815; Pub. L. 116-283, div. A, title XVIII, § 1821(b)(7)(A), (B), Jan. 1, 2021, 134 Stat. 4195, 4196.)

#### AMENDMENT OF SECTION

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1821(b)(7)(A), (B), Jan. 1, 2021, 134 Stat. 4151, 4195, 4196, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, chapter 247 of this title, as transferred and redesignated by section 1821(a)(1) of Pub. L. 116-283, and as reflecting the redesignation of sections within such chapter by section 1821(a)(2) of Pub. L. 116-283, is further amended—*

*(1) by striking the section catchline of the “final section of such chapter”, as transferred by section 1821(a) of Pub. L. 116-283, which final section is this section; and*

*(2) in the text following the section catchline, by striking “Notwithstanding section 2376(1)” and inserting “(c) Commingled Items Purchased by Contractors.—Notwithstanding section 3451(1)”.*

*As a result, this section becomes subsec. (c) of section 3457 of this title. See Effective Date of 2021 Amendment note below.*

#### AMENDMENTS

2021—Pub. L. 116-283 substituted subsec. (c) designation and heading for section designation and catchline.

2019—Pub. L. 116-92 inserted “section” before “2376(1) of this title” and substituted “purposes of” for “purposed of”.

2018—Pub. L. 115-232 renumbered section 2380B of this title as this section and substituted “commercial products” for “commercial items” in section catchline and “commercial product” for “commercial item” in text.

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

#### EFFECTIVE DATE OF 2018 AMENDMENT

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### CHAPTER 141—MISCELLANEOUS PROCUREMENT PROVISIONS

Sec.	
2381.	Contracts: regulations for bids.
[2382.]	Repealed.]
2383.	Contractor performance of acquisition functions closely associated with inherently governmental functions.
2384.	Supplies: identification of supplier and sources.
2384a.	Supplies: economic order quantities.
2385.	Arms and ammunition: immunity from taxation.
2386.	Copyrights, patents, designs, etc.; acquisition.
[2387.]	Repealed.]
[2388.]	Renumbered.]
2389.	Ensuring safety regarding insensitive munitions.
2390.	Prohibition on the sale of certain defense articles from the stocks of the Department of Defense.
2391.	Military base reuse studies and community planning assistance.
2392.	Prohibition on use of funds to relieve economic dislocations.
2393.	Prohibition against doing business with certain offerors or contractors.
[2394, 2394a.]	Renumbered.]
2395.	Availability of appropriations for procurement of technical military equipment and 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.
[2397 to 2398a.]	Repealed or Renumbered.]
2399.	Operational test and evaluation of defense acquisition programs.
2400.	Low-rate initial production of new systems.
2401.	Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.
2401a.	Lease of vehicles, equipment, vessels, and aircraft.
2402.	Prohibition of contractors limiting subcontractor sales directly to the United States.
[2403 to 2407.]	Repealed or Renumbered.]
2408.	Prohibition on persons convicted of defense-contract related felonies and related criminal penalty on defense contractors.
2409.	Contractor employees: protection from reprisal for disclosure of certain information.