

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

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.

### 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.

- Sec.
- 2409a. Incentives and consideration for qualified training programs.
- 2410. Requests for equitable adjustment or other relief: certification.
- 2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.
- 2410b. Contractor inventory accounting systems: standards.
- [2410c. Renumbered.]
- 2410d. Subcontracting plans: credit for certain purchases.
- [2410e. Repealed.]
- 2410f. Debarment of persons convicted of fraudulent use of “Made in America” labels.
- 2410g. Advance notification of contract performance outside the United States.
- [2410h. Renumbered.]
- 2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel.
- 2410j. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers’ aides.
- 2410k. Defense contractors: listing of suitable employment openings with local employment service office.
- 2410l. Contracts for advisory and assistance services: cost comparison studies.
- 2410m. Retention of amounts collected from contractor during the pendency of contract dispute.
- 2410n. Products of Federal Prison Industries: procedural requirements.
- 2410o. Multiyear procurement authority: purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products.
- 2410p. Contracts: limitations on lead system integrators.
- 2410q. Multiyear contracts: purchase of electricity from renewable energy sources.
- 2410r. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.
- 2410s. Security clearances for facilities of certain companies.

AMENDMENT OF ANALYSIS

*Pub. L. 116–283, div. A, title XVIII, §§ 1801(d), 1882(a)(1), (c), Jan. 1, 2021, 134 Stat. 4151, 4293, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this analysis is amended as follows:*

*(1) The heading is amended to read as follows:*

**“PART 141—MISCELLANEOUS PROVISIONS RELATING TO PROPERTY”** [probably should be “CHAPTER 141”]; and

*(2) The table of sections is amended to read as follows:*

*Sec.*

*2385. Arms and ammunition: immunity from taxation.*

*2387. Contract working dogs: requirement to transfer animals to 341st Training Squadron after service life.*

*2388. Security clearances for facilities of certain companies.*

*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.*

*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.*

*See Effective Date of 2021 Amendment note below.*

AMENDMENTS

2021—Pub. L. 116–283, div. A, title XVIII, § 1882(a)(1), (c), Jan. 1, 2021, 134 Stat. 4293, amended analysis generally, substituting items 2385 to 2396 for former items 2381 to 2410s, and directed amendment of chapter heading by substituting “PART 141—MISCELLANEOUS PROVISIONS RELATING TO PROPERTY” for “CHAPTER 141—MISCELLANEOUS PROCUREMENT PROVISIONS” which was executed by substituting “MISCELLANEOUS PROVISIONS RELATING TO PROPERTY” for “MISCELLANEOUS PROCUREMENT PROVISIONS” to reflect the probable intent of Congress.

2019—Pub. L. 116–92, div. A, title VIII, § 864(b), Dec. 20, 2019, 133 Stat. 1523, added item 2409a.

2018—Pub. L. 115–232, div. A, title X, § 1081(a)(22), Aug. 13, 2018, 132 Stat. 1984, inserted period at end of item 2410s.

2017—Pub. L. 115–91, div. A, title XVI, § 1621(b), Dec. 12, 2017, 131 Stat. 1732, added item 2410s.

2016—Pub. L. 114–328, div. A, title III, § 342(a)(2), title VIII, § 833(b)(4)(B), Dec. 23, 2016, 130 Stat. 2082, 2285, added item 2410r and struck out item 2387 “Procurement of table and kitchen equipment for officers’ quarters: limitation on”.

2013—Pub. L. 112–239, div. A, title XVI, § 1671(c)(1), Jan. 2, 2013, 126 Stat. 2084, struck out item 2382 “Consolidation of contract requirements: policy and restrictions”.

2008—Pub. L. 110–181, div. A, title VIII, § 828(b), title X, § 1063(a)(11), Jan. 28, 2008, 122 Stat. 229, 322, inserted period at end of item 2410p and added item 2410q.

2006—Pub. L. 109–364, div. A, title VIII, § 807(a)(2), div. B, title XXVIII, § 2851(c)(2), Oct. 17, 2006, 120 Stat. 2315, 2495, added item 2410p and struck out items 2388 “Liquid fuels and natural gas: contracts for storage, handling, or distribution”, 2394 “Contracts for energy or fuel for military installations”, 2394a “Procurement of energy systems using renewable forms of energy”, 2398 “Procurement of gasohol as motor vehicle fuel”, 2398a “Procurement of fuel derived from coal, oil shale, and tar sands”, 2404 “Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority”, and 2410c “Preference for energy efficient electric equipment”.

Pub. L. 109–163, div. A, title VIII, § 815(d)(2), Jan. 6, 2006, 119 Stat. 3382, substituted “Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles” for “Requirement for authorization by law of certain contracts relating to vessels and aircraft” in item 2401.

2005—Pub. L. 109–58, title III, § 369(q)(2), Aug. 8, 2005, 119 Stat. 733, added item 2398a.

2004—Pub. L. 108–375, div. A, title VIII, § 804(a)(2), Oct. 28, 2004, 118 Stat. 2008, added item 2383.

2003—Pub. L. 108–136, div. A, title VIII, § 801(a)(2), title X, § 1005(b)(2), Nov. 24, 2003, 117 Stat. 1540, 1585, added item 2382 and substituted “Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property” for “Severable service contracts for periods crossing fiscal years” in item 2410a.

2002—Pub. L. 107–314, div. A, title VIII, § 826(b), title X, § 1062(a)(10)(B), Dec. 2, 2002, 116 Stat. 2617, 2650, transferred item 2410h “Acquisition fellowship program” to subchapter IV of chapter 87 as item 1747 and added item 2410o.

2001—Pub. L. 107–107, div. A, title VIII, § 811(a)(2), 834(a)(2), Dec. 28, 2001, 115 Stat. 1181, 1191, added items 2389 and 2410n.

1999—Pub. L. 106–65, div. A, title VIII, § 803(b)(2), Oct. 5, 1999, 113 Stat. 704, substituted “Acquisition of certain