

**[§ 2518. Renumbered § 4834]****Editorial Notes****PRIOR PROVISIONS**

A prior section 2518 was renumbered section 2522 of this title and subsequently repealed.

**[§ 2519. Renumbered § 4833]****[§ 2520. Repealed. Pub. L. 104–106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454]**

Section, added Pub. L. 103–337, div. A, title XI, § 1113(b), Oct. 5, 1994, 108 Stat. 2865, related to Navy Reinvestment Program.

**[SUBCHAPTER IV—REPEALED]****[§ 2521. Renumbered § 4841]****Editorial Notes****PRIOR PROVISIONS**

A prior section 2521, added Pub. L. 102–484, div. D, title XLII, § 4231(a), Oct. 23, 1992, 106 Stat. 2686, related to National Defense Manufacturing Technology Program, prior to repeal by Pub. L. 104–106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454.

Another prior section 2521, added Pub. L. 102–190, div. A, title VIII, § 821(a), Dec. 5, 1991, 105 Stat. 1426, defined terms for purposes of former chapter 150 of this title, prior to repeal and restatement in section 2491 (now 4801) of this title by Pub. L. 102–484, §§ 4202(a), 4203(a).

Another prior section 2521 was renumbered section 2540 of this title and subsequently repealed.

**[§ 2522. Renumbered § 4845]****Editorial Notes****PRIOR PROVISIONS**

A prior section 2522, added Pub. L. 102–190, div. A, title VIII, § 823(a)(1), Dec. 5, 1991, 105 Stat. 1435, § 2518; renumbered § 2522 and amended Pub. L. 102–484, div. D, title XLII, § 4232(a), (b), Oct. 23, 1992, 106 Stat. 2687, related to defense advanced manufacturing technology partnerships, prior to repeal by Pub. L. 104–106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454.

Another prior section 2522, added Pub. L. 101–189, div. A, title VIII, § 841(b)(1), Nov. 29, 1989, 103 Stat. 1512, § 2508; amended Pub. L. 101–510, div. A, title VIII, § 821(a), Nov. 5, 1990, 104 Stat. 1597; Pub. L. 102–25, title VII, § 701(g)(3), Apr. 6, 1991, 105 Stat. 115; renumbered § 2522, Pub. L. 102–190, div. A, title VIII, § 821(b)(1), Dec. 5, 1991, 105 Stat. 1431, required an annual defense critical technologies plan, prior to repeal by Pub. L. 102–484, § 4202(a).

**[§§ 2523, 2524. Repealed. Pub. L. 104–106, div. A, title X, § 1081(f), Feb. 10, 1996, 110 Stat. 454]**

Section 2523, added Pub. L. 101–510, div. A, title VIII, § 823(a)(3), Nov. 5, 1990, 104 Stat. 1602, § 2517; amended Pub. L. 102–190, div. A, title VIII, § 824(a), Dec. 5, 1991, 105 Stat. 1436; renumbered § 2523 and amended Pub. L. 102–484, div. D, title XLII, § 4233(a), (b), Oct. 23, 1992, 106 Stat. 2687; Pub. L. 103–160, div. A, title IX, § 904(d)(1), title XI, § 1182(b)(2), title XIII, § 1315(d), Nov. 30, 1993, 107 Stat. 1728, 1772, 1787, related to manufacturing extension programs.

A prior section 2523, added Pub. L. 102–190, div. A, title VIII, § 821(a), Dec. 5, 1991, 105 Stat. 1427, related to defense dual-use critical technology partnerships, prior to repeal and restatement in section 2511 (now 4831) of this title by Pub. L. 102–484, §§ 4202(a), 4221(a).

Section 2524, added Pub. L. 102–484, div. D, title XLII, § 4234(a), Oct. 23, 1992, 106 Stat. 2687; amended Pub. L.

103–35, title II, § 201(g)(9), May 31, 1993, 107 Stat. 100; Pub. L. 103–160, div. A, title XIII, §§ 1314, 1315(e), Nov. 30, 1993, 107 Stat. 1786, 1788; Pub. L. 103–337, div. A, title X, § 1070(b)(10), title XI, §§ 1114(b), (c), 1115(d), Oct. 5, 1994, 108 Stat. 2857, 2867–2869; Pub. L. 104–106, div. A, title XV, § 1503(a)(27), Feb. 10, 1996, 110 Stat. 512, related to defense dual-use assistance extension program.

A prior section 2524 was renumbered section 2513 of this title and was subsequently repealed.

**[§ 2525. Renumbered § 2521]****Editorial Notes****PRIOR PROVISIONS**

A prior section 2525 was renumbered section 2517 of this title and was subsequently repealed.

A prior section 2526 was renumbered section 4834 of this title.

**[SUBCHAPTER V—REPEALED]****[§ 2531. Renumbered § 4851]****[§ 2532. Renumbered § 4852]****[§ 2533. Renumbered § 4861]****[§ 2533a. Renumbered § 4862]****[§ 2533b. Renumbered § 4863]****[§ 2533c. Renumbered § 4872]****[§ 2533d. Repealed. Pub. L. 116–283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293]**

Section, added Pub. L. 116–283, div. A, title VIII, § 841(a), Jan. 1, 2021, 134 Stat. 3762; amended Pub. L. 117–81, div. A, title VIII, § 851(a), Dec. 27, 2021, 135 Stat. 1844, related to additional requirements pertaining to printed circuit boards.

**Editorial Notes****CODIFICATION**

Pub. L. 117–81, div. A, title XVII, § 1701(e)(2)(A), Dec. 27, 2021, 135 Stat. 2138, attempted to transfer this section to chapter 385 of this title, insert it after section 4872, redesignate it as section 4873, and amend subsec. (a)(2) by striking “section 2338” and inserting “section 3573”, all of which was to take effect immediately after the amendments made by title XVIII of Pub. L. 116–283 took effect, pursuant to section 1701(a)(3) of Pub. L. 117–81, set out in an Effective Date of 2021 Amendment note preceding section 3001 of this title. However, this chapter, which included this section, was repealed by Pub. L. 116–283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, pursuant to Pub. L. 116–283, div. A, title XVIII, § 1801(d), Jan. 1, 2021, 134 Stat. 4151, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

Prior to repeal, this section read as follows:

**§ 2533d. Additional requirements pertaining to printed circuit boards****(a) IN GENERAL.—**

(1) Beginning on the date determined under paragraph (3), the Secretary of Defense may not acquire a covered printed circuit board from a covered nation.

(2) Paragraph (1) shall not apply with respect to any acquisition of supplies or services below the micro-purchase threshold under section 2338 of this title.

(3) Paragraph (1) shall take effect on January 1, 2027.

## (b) WAIVER.—

(1) The Secretary may waive the prohibition under subsection (a) if the Secretary determines in writing that—

(A) there are no significant national security concerns regarding counterfeiting, quality, or unauthorized access created by such waiver;

(B) the waiver is required to support national security; and

(C) a covered printed circuit board of satisfactory quality and sufficient quantity, in the required form, cannot be procured as and when needed from nations other than a covered nation at reasonable cost, excluding comparisons with non-market economies.

(2) Not later than 10 days after the Secretary provides a waiver under paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notice setting forth the reasoning for the waiver, together with a copy of the waiver itself.

## (c) DEFINITIONS.—In this section:

(1) COVERED NATION.—The term “covered nation” means—

(A) the Democratic People’s Republic of North Korea;

(B) the People’s Republic of China;

(C) the Russian Federation; and

(D) the Islamic Republic of Iran.

(2) COVERED PRINTED CIRCUIT BOARD.—The term “covered printed circuit board” means any specified type of partially manufactured or complete bare printed circuit board or fully or partially assembled printed circuit board that—

(A) performs a mission critical function in any product or service that is not a commercial product or commercial service; or

(B) is a component of—

(i) a defense security system; or

(ii) a system, other than a defense security system, that transmits or stores information and which the Secretary identifies as national security sensitive in the contract under which such printed circuit board is acquired.

(3) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(4) COMMERCIAL PRODUCT; COMMERCIAL SERVICE; COMMERCIALLY AVAILABLE OFF-THE SHELF ITEM.—The terms “commercial product”, “commercial service”, and “commercially available off-the-shelf item” have the meanings given such terms in sections 103, 103a, and 104 of title 41, respectively.

(5) DEFENSE SECURITY SYSTEM.—

(A) The term “defense security system” means an information system (including a telecommunications system) used or operated by the Department of Defense, by a contractor of the Department, or by another organization on behalf of the Department, the function, operation, or use of which—

(i) involves command and control of an armed force;

(ii) involves equipment that is an integral part of a weapon or weapon system; or

(iii) subject to subparagraph (B), is critical to the direct fulfillment of military missions.

(B) Subparagraph (A)(iii) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(6) SPECIFIED TYPE.—The term “specified type” means a printed circuit board that is—

(A) a component of an electronic device that facilitates the routing, connecting, transmitting or securing of data and is commonly connected to a network, and

(B) any other end item, good, or product specified by the Secretary in accordance with subsection (d)(2).

## (d) RULEMAKING.—

(1) The Secretary may issue rules providing that subsection (a) may not apply with respect to an acquisition of commercial products, commercial services, and commercially available off-the-shelf items if—

(A) the contractor is capable of meeting minimum requirements that the Secretary deems necessary to provide for the security of national security networks and weapon systems; including, at a minimum, compliance with section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 2302 note); and

(B) either—

(i) the Government and the contractor have agreed to a contract requiring the contractor to take certain actions to ensure the integrity and security of the item, including protecting the item from unauthorized access, use, disclosure, disruption, modification, or destruction; or

(ii) the Secretary has determined that the contractor has adopted such procedures, tools, and methods for identifying the sources of components of such item, based on commercial best practices, that meet or exceed the applicable trusted supply chain and operational security standards of the Department of Defense.

(2) The Secretary may issue rules specifying end items, goods, and products for which a printed circuit board that is a component thereof shall be a specified type if the Secretary has promulgated final regulations, after an opportunity for notice and comment that is not less than 12 months, implementing this section.

(3) In carrying out this section, the Secretary shall, to the maximum extent practicable, avoid imposing contractual certification requirements with respect to the acquisition of commercial products, commercial services, or commercially available off-the-shelf items.

(e) APPLICABILITY.—This section shall apply only with respect to contracts entered into after the issuance of a final rule implementing this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of Defense from entering into a con-

tract with an entity that connects to the facilities of a third party, for the purposes of backhaul, roaming, or interconnection arrangements, on the basis of the noncompliance by the third party with the provisions of this section or use of equipment or services that do not route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal 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.

##### TRUSTED SUPPLY

Pub. L. 116-283, div. A, title VIII, § 841(c), Jan. 1, 2021, 134 Stat. 3764, provided that: “The Secretary of Defense shall apply the requirements of section 224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2302 note [now 10 U.S.C. 4501 note prec.]) to the acquisition of covered printed circuit boards (as such term is defined under [former] section 2533d(c) of title 10, United States Code, as added by this section).”

#### [§ 2533e. Repealed. Pub. L. 116-283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293]

Section, added Pub. L. 117-81, div. A, title VIII, § 802(a)(1), Dec. 27, 2021, 135 Stat. 1812, related to prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations.

#### Editorial Notes

##### CODIFICATION

Pub. L. 117-81, div. A, title VIII, § 802(b)(1), Dec. 27, 2021, 135 Stat. 1813, attempted to transfer this section to the end of subchapter III of chapter 385 of this title and redesignate it as section 4875, to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283, pursuant to section 802(b)(3) of Pub. L. 117-81, set out as an Effective Date of 2021 Amendment note below. However, this chapter, which included this section, was repealed by Pub. L. 116-283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, pursuant to Pub. L. 116-283, div. A, title XVIII, § 1801(d), Jan. 1, 2021, 134 Stat. 4151, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

Prior to repeal, this section read as follows:

#### § 2533e. Prohibition on acquisition of personal protective equipment and certain other items from non-allied foreign nations

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense may not procure any covered item from any covered nation.

(b) APPLICABILITY.—Subsection (a) shall apply to prime contracts and subcontracts at any tier.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subsection (a) does not apply under the following circumstances:

(A) If the Secretary of Defense determines that covered materials of satisfactory quality and quantity, in the required form, cannot be procured as and when needed from nations other than covered nations to meet requirements at a reasonable price.

(B) The procurement of a covered item for use outside of the United States.

(C) Purchases for amounts not greater than \$150,000.

(2) LIMITATION.—A proposed procurement in an amount greater than \$150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception.

(d) DEFINITIONS.—In this section:

(1) COVERED ITEM.—The term “covered item” means an article or item of—

(A) personal protective equipment for use in preventing spread of disease, such as by exposure to infected individuals or contamination or infection by infectious material (including nitrile and vinyl gloves, surgical masks, respirator masks and powered air purifying respirators and required filters, face shields and protective eyewear, surgical and isolation gowns, and head and foot coverings) or clothing, and the materials and components thereof, other than sensors, electronics, or other items added to and not normally associated with such personal protective equipment or clothing; or

(B) sanitizing and disinfecting wipes, testing swabs, gauze, and bandages.

(2) COVERED NATION.—The term “covered nation” means—

(A) the Democratic People’s Republic of North Korea;

(B) the People’s Republic of China;

(C) the Russian Federation; and

(D) the Islamic Republic of Iran.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-81, div. A, title VIII, § 802(b)(3), Dec. 27, 2021, 135 Stat. 1814, provided that: “The transfer, redesignation, and amendments made by this subsection [renumbering this section as section 4875 of this title] shall take effect immediately after the amendments made by title XVIII of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 [Pub. L. 116-283] take effect [Jan. 1, 2022].”

##### EFFECTIVE DATE OF REPEAL

Repeal 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.

##### REFERENCES; SAVINGS PROVISION; RULE OF CONSTRUCTION

Pub. L. 117-81, div. A, title VIII, § 802(b)(4), Dec. 27, 2021, 135 Stat. 1814, provided that: “Sections 1883 through 1885 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) [set out as notes preceding section 3001 of this title] shall apply with respect to the transfers, redesignations, and amendments made under this subsection [see Effective Date of 2021 Amendment note above] as if such transfers, redesignations, and amendments were made under title XVIII of such Act.”