

CHAPTER 105-ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

§ 2120. Definitions

In this chapter:

[See main edition for text of (1) to (3)]

(As amended Pub. L. 98-94, title XII, § 1268(13), Sept. 24, 1983, 97 Stat. 706.)

AMENDMENTS

1983—Pub. L. 98-94 substituted a colon for a dash following “In this chapter” in the material preceding par. (1).

§ 2121. Establishment

[See main edition for text of (a) to (c)]

(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of \$579 per month. That rate shall be increased annually by the Secretary of Defense effective on July 1 of each year by an amount (rounded to the next highest multiple of \$1) equal to—

(1) the amount of such stipend (as previously adjusted (if at all)), multiplied by

(2) the overall percentage of the adjustment (if such adjustment is an increase) in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends.

(As amended Pub. L. 98-94, title IX, § 935(a), Sept. 24, 1983, 97 Stat. 682.)

AMENDMENTS

1983—Subsec. (d). Pub. L. 98-94 amended subsec. (d) generally, substituting “a stipend at the rate of \$579 per month” for “a stipend at the rate in effect under paragraph (1)(B) of section 751(g) of the Public Health Service Act (42 U.S.C. 2941(g)) for students in the National Health Service Corps Scholarship program” and adding provision relating to an annual increase in the rate by the Secretary of Defense effective on July 1 of each year.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 935(b) of Pub. L. 98-94 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1983.”

CHAPTER 106-EDUCATIONAL ASSISTANCE FOR ENLISTED MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE

§ 2134. Reports to Congress

The Secretary of Defense shall submit a report to the Congress every three months stating the number of members of the Selected Reserve of the Ready Reserve receiving educational assistance under this chapter at the time of such report and listing each unit of the Selected Reserve of the Ready Reserve to which any such member is assigned at the time of such report.

(As amended Pub. L. 98-94, title XII, § 1268(14), Sept. 24, 1983, 97 Stat. 707.)

AMENDMENTS

1983—Pub. L. 98-94 struck out provision requiring the first report under this section to be submitted not later than Dec. 31, 1977.

CHAPTER 107-EDUCATIONAL ASSISTANCE FOR PERSONS ENLISTING FOR ACTIVE DUTY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2005 of this title; title 38 section 1622.

§ 2141. Educational assistance program: establishment

REPAYMENT OF LOANS FOR SERVICE IN THE ARMED FORCES: AUTHORIZATION, CRITERIA, ETC.

Section 902 of Pub. L. 96-342, as amended by Pub. L. 97-86, title IV, § 406, Dec. 1, 1981, 95 Stat. 1106; Pub. L. 98-94, title X, § 1034, Sept. 24, 1983, 97 Stat. 672, provided that:

[See main edition for text of (1) to (f)]

“(g) The authority provided under this section shall apply only in the case of persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an Armed Force or enlist or reenlist for service on active duty after September 30, 1980, and before October 1, 1984.”

PART IV-SERVICE, SUPPLY, AND PROCUREMENT

CHAPTER 131-PLANNING AND COORDINATION

§ 2208. Working-capital funds

[See main edition for text of (a) to (c)]

(d) The Secretary of Defense may provide capital for working-capital funds by capitalizing inventories. In addition, such amounts may be appropriated for the purpose of providing capital for working-capital funds as have been specifically authorized by law.

[See main edition for text of (e) to (i)]

(As amended Pub. L. 98-94, title XII, § 1204(a), Sept. 24, 1983, 97 Stat. 683.)

AMENDMENTS

1983—Subsec. (d). Pub. L. 98-94 substituted “In addition, such amounts may be appropriated for the purpose of providing capital for working-capital funds as have been specifically authorized by law” for “If this method does not, in the determination of the Secretary of Defense, provide adequate amounts of working capital, such amounts as may be necessary may be appropriated for that purpose”.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1204(b) of Pub. L. 98-94 provided that: “The amendment made by subsection (a) [amending this section] shall apply only with respect to appropriations for fiscal years beginning after September 30, 1984.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2210, 2213, 4621, 7227, 9621 of this title; title 40 section 484.

CHAPTER 133-FACILITIES FOR RESERVE COMPONENTS

§ 2233a. Limitation on certain projects; authority to carry out small projects with operation and maintenance funds

(a)(1) Except as provided in paragraph (2), an expenditure or contribution in an amount in

excess of \$400,000 may not be made under section 2233 of this title for any facility until the Secretary of Defense has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the location, nature, and estimated cost of the facility and a period of 21 days has passed after receipt of such notification.

[See main edition for text of (2); (b)]

(As amended Pub. L. 98-115, title VII, § 702, Oct. 11, 1983, 97 Stat. 782.)

AMENDMENTS

1983—Subsec. (a)(1). Pub. L. 98-115 substituted "\$400,000" for "\$200,000".

EFFECTIVE DATE OF 1983 AMENDMENT

Section 702 of Pub. L. 98-115 provided in part that the amendment of this section by Pub. L. 98-115 is effective Oct. 1, 1983.

CHAPTER 137—PROCUREMENT GENERALLY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2323, 4504 of this title; title 40 section 474; title 41 section 403.

§ 2301. Declaration of policy

PROCUREMENT REQUIREMENTS FOR GOODS WHICH ARE NOT AMERICAN GOODS

Pub. L. 93-365, title VII, § 707, Aug. 5, 1974, 88 Stat. 406, provided that:

"(a) No funds authorized to be appropriated by this or any other Act may be obligated under a contract entered into by the Department of Defense after the date of the enactment of this Act [Aug. 5, 1974] for procurement of goods which are other than American goods unless, under regulations of the Secretary of Defense and subject to the determinations and exceptions contained in title III of the Act of March 3, 1933, as amended (47 Stat. 1520; 41 U.S.C. 10a, 10b), particularly known as the Buy American Act, there is adequate consideration given to—

"(1) the bids or proposals of firms located in labor surplus areas in the United States as designated by the Department of Labor which have offered to furnish American goods;

"(2) the bids or proposals of small business firms in the United States which have offered to furnish American goods;

"(3) the bids or proposals of all other firms in the United States which have offered to furnish American goods;

"(4) the United States balance of payments;

"(5) the cost of shipping goods which are other than American goods; and

"(6) any duty, tariff, or surcharge which may enter into the cost of using goods which are other than American goods.

"(b) For purposes of this section, the term 'goods which are other than American goods' means (1) an end product which has not been mined, produced, or manufactured in the United States, or (2) an end product manufactured in the United States but the cost of the components thereof which are not mined, produced, or manufactured in the United States exceeds the cost of components mined, produced, or manufactured in the United States."

§ 2304. Purchases and contracts: formal advertising; exceptions

SHIPBUILDING CLAIMS FOR CONTRACT PRICE ADJUSTMENTS

Pub. L. 98-212, title VII, § 787, Dec. 8, 1983, 97 Stat. 1453, provided that: "None of the funds available to

the Department of Defense shall be used to adjust any contract price for amounts set forth in any shipbuilding claim, request for equitable adjustment, or demand for payment or incurred due to the preparation, submission, or adjudication of any such shipbuilding claim, request, or demand under a contract entered into after the date of enactment of this Act [Dec. 8, 1983], arising out of events occurring more than eighteen months prior to the submission of such shipbuilding claim, request, or demand. For the purposes of this Act, the requirement for 'submission' of a shipbuilding claim, request, or demand is met only when the certification required in section 6(c)(1) of the Contracts Disputes Act of 1978 [41 U.S.C. 605(c)(1)] is provided and the shipbuilding claim, request, or demand is fully documented and substantiated in accordance with regulations to be promulgated by the Secretary of Defense."

WEAPON SYSTEM GUARANTEES; GOVERNMENT-AS-SOURCE EXCEPTION; WAIVER

Pub. L. 98-212, title VII, § 784, Dec. 8, 1983, 97 Stat. 1454, provided that:

"(a) Except as otherwise provided in this section, none of the funds appropriated by this or any other Act may be obligated or expended for the procurement of a weapon system unless the prime contractor or other contractors for such system provides the United States with written guarantees—

"(1) that the system and each component thereof were designed and manufactured so as to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor;

"(2) that the system and each component thereof, at the time they are provided to the United States, are free from all defects (in materials and workmanship) which would cause the system to fail to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor; and

"(3) that, in the event of a failure of the weapon system or a component to meet the conditions specified in clauses (1) and (2)—

"(A) the contractor will bear the cost of all work promptly to repair or replace such parts as are necessary to achieve the required performance requirements; or

"(B) if the contractor fails to repair or replace such parts promptly, as determined by the Secretary of Defense, the contractor will pay the costs incurred by the United States in procuring such parts from another source.

"(b) A written guarantee provided pursuant to subsection (a) shall not apply in the case of any weapon system or component thereof which has been furnished by the Government to a contractor.

"(c) The Secretary of Defense may waive the requirements of subsection (a) in the case of a weapon system if the Secretary—

"(1) determines that the waiver is necessary in the interest of the national defense or would not be cost-effective; and

"(2) notifies the Committees on Armed Services and Appropriations of the Senate and the House of Representatives in writing of his intention to waive such requirements with respect to such weapon system and includes in the notice an explanation of the reasons for the waiver.

"(d) The requirements for written guarantees provided in subsection (a) hereof shall apply only to contracts which are awarded after the date of enactment of this Act [Dec. 8, 1983] and shall not cover combat damage."