

TITLE 10--ARMED FORCES

Subtitle A--General Military Law

PART IV--SERVICE, SUPPLY, AND PROCUREMENT

CHAPTER 148--NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL
BASE, DEFENSE
REINVESTMENT, AND DEFENSE CONVERSION

SUBCHAPTER V--MISCELLANEOUS TECHNOLOGY BASE POLICIES AND
PROGRAMS

Sec. 2539b. Availability of samples, drawings, information, equipment, materials, and certain services

(a) Authority.--The Secretary of Defense and the secretaries of the military departments, under regulations prescribed by the Secretary of Defense and when determined by the Secretary of Defense or the Secretary concerned to be in the interest of national defense, may each--

(1) sell, rent, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any person or entity;

(2) sell, rent, or lend government equipment or materials to any person or entity—

(A) for use in independent research and development programs, subject to the condition that the equipment or material be used exclusively for such research and development; or

(B) for use in demonstrations to a friendly foreign government; and

(3) make available to any person or entity, at an appropriate fee, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

(b) Confidentiality of Test Results.--The results of tests performed with services made available under subsection (a)(3) are confidential and may not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

(c) Fees.--Fees for services made available under subsection (a)(3) shall be established in the regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(d) Use of Fees.--Fees received for services made available under subsection (a)(3) may be credited to the appropriations or other funds of the activity making such services available.

(Added Pub. L. 103-160, div. A, title VIII, Sec. 822(b)(1), Nov. 30, 1993, 107 Stat 1705, Sec. 2541; renumbered Sec. 2539b, Pub. L. 103-337, div. A, title X, Sec. 1070(a)(13)(A), Oct. 5, 1994, 108 Stat. 2856; amended Pub. L. 103-355, title III, Sec. 3022, Oct. 13, 1994, 108 Stat. 3333; Pub. L. 104-106, div. A, title VIII, Sec. 804, div. D, title XLIII, Sec. 4321(a)(8), Feb. 10, 1996, 110 Stat. 390, 671.)

Prior Provisions

Prior sections 2540 and 2541 were renumbered sections 2539a and 2539b of this title, respectively.

Amendments

1996--Subsec. (a). Pub. L. 104-106, Sec. 4321(a)(8), made technical correction to Pub. L. 103-355, Sec. 3022. See 1994 Amendment note below. Subsec. (c). Pub. L. 104-106, Sec. 804, inserted "and indirect" after "recoup the direct". 1994--Pub. L. 103-337 renumbered section 2541 of this title as this section. Subsec. (a). Pub. L. 103-355, Sec. 3022, as amended by Pub. L. 104- 106, Sec. 4321(a)(8), inserted "rent," after "sell," in par. (1) and ", rent," after "sell" in par. (2).

Effective Date of 1996 Amendment

Section 4321(a) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Oct. 13, 1994, and as if included in Pub. L. 103-355 as enacted.