

full deployment decision within five years after funds were first obligated for the program.”

2009—Subsec. (d)(2)(A). Pub. L. 111–84 substituted “a full deployment decision” for “initial operational capability”.

Subsec. (f)(3). Pub. L. 111–23 substituted “have been determined, with the concurrence of the Director of Cost Assessment and Program Evaluation, to be reasonable” for “are reasonable”.

2008—Subsec. (a). Pub. L. 110–417, § 812(c)(1), inserted “or other major information technology investment program” after “major automated information system program” and “or information technology investment” after “the major automated information system”.

Subsec. (b). Pub. L. 110–417, § 812(c)(2), inserted “or other major information technology investment program” after “major automated information system program” in introductory provisions and “or information technology investment” after “automated information system” in pars. (1) and (2).

Subsec. (d)(1), (2). Pub. L. 110–417, § 812(c)(3)(A), inserted “or other major information technology investment program” after “major automated information system program” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 110–417, § 812(c)(3)(B)(i), added subpar. (A) and struck out former subpar. (A) which read as follows: “the system failed to achieve initial operational capability within five years of milestone A approval.”

Subsec. (d)(2)(B), (C). Pub. L. 110–417, § 812(c)(3)(B)(ii), (iii), inserted “or section 2445b(d) of this title, as applicable” before semicolon at end.

Subsec. (d)(2)(D). Pub. L. 110–417, § 812(c)(3)(B)(iv), inserted “or major information technology investment” after “major automated information system” and “or section 2445b(d) of this title, as applicable” before period at end.

Subsec. (e). Pub. L. 110–417, § 812(c)(4), inserted “or other major information technology investment program” after “major automated information system program” in introductory provisions.

Subsec. (f). Pub. L. 110–417, § 812(c)(5)(A), inserted “or other major information technology investment program” after “major automated information system program” in introductory provisions.

Subsec. (f)(1). Pub. L. 110–417, § 812(c)(5)(B), inserted “or information technology investment” after “automated information system”.

Subsec. (f)(2). Pub. L. 110–417, § 812(c)(5)(C), inserted “or information technology investment” after “the system”.

Subsec. (f)(3). Pub. L. 110–417, § 812(c)(5)(D), inserted “or information technology investment, as applicable,” after “the program and system”.

§ 2445d. Construction with other reporting requirements

In the case of a major automated information system program covered by this chapter that is also treatable as a major defense acquisition program for which reports would be required under chapter 144 of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.

(Added Pub. L. 109–364, div. A, title VIII, § 816(a)(1), Oct. 17, 2006, 120 Stat. 2326; amended Pub. L. 111–84, div. A, title VIII, § 817(a), Oct. 28, 2009, 123 Stat. 2408.)

AMENDMENTS

2009—Pub. L. 111–84 substituted “of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major

defense acquisition program covered by such chapter 144.” for “of this title, no reports on the program are required under such chapter if the requirements of this chapter with respect to the program are met.”

GUIDANCE REQUIRED

Pub. L. 111–84, div. A, title VIII, § 817(b), Oct. 28, 2009, 123 Stat. 2408, provided that: “Not later than 180 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

“(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

“(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.”

CHAPTER 145—CATALOGING AND STANDARDIZATION

Sec.	
2451.	Defense supply management.
2452.	Duties of Secretary of Defense.
2453.	Supply catalog: distribution and use.
2454.	Supply catalog: new or obsolete items.
[2455.]	Repealed.]
2456.	Coordination with General Services Administration.
2457.	Standardization of equipment with North Atlantic Treaty Organization members.
2458.	Inventory management policies.

AMENDMENTS

1990—Pub. L. 101–510, div. A, title III, § 323(a)(2), title XIII, § 1331(6), Nov. 5, 1990, 104 Stat. 1530, 1673, struck out item 2455 “Reports to Congress” and added item 2458.

1982—Pub. L. 97–295, § 1(30)(B), Oct. 12, 1982, 96 Stat. 1296, added item 2457.

§ 2451. Defense supply management

(a) The Secretary of Defense shall develop a single catalog system and related program of standardizing supplies for the Department of Defense.

(b) In cataloging, the Secretary shall name, describe, classify, and number each item recurrently used, bought, stocked, or distributed by the Department of Defense, so that only one distinctive combination of letters or numerals, or both, identifies the same item throughout the Department of Defense. Only one identification may be used for each item for all supply functions from purchase to final disposal in the field or other area. The catalog may consist of a number of volumes, sections, or supplements. It shall include all items of supply and, for each item, information needed for supply operations, such as descriptive and performance data, size, weight, cubage, packaging and packing data, a standard quantitative unit of measurement, and other related data that the Secretary determines to be desirable.

(c) In standardizing supplies the Secretary shall, to the highest degree practicable—

(1) standardize items used throughout the Department of Defense by developing and using single specifications, eliminating over-

lapping and duplicate specifications, and reducing the number of sizes and kinds of items that are generally similar;

(2) standardize the methods of packing, packaging, and preserving such items; and

(3) make efficient use of the services and facilities for inspecting, testing, and accepting such items.

(d) The Secretary shall coordinate with the Administrator of General Services to enable the use of commercial identifiers for commercial items within the Federal cataloging system.

(Aug. 10, 1956, ch. 1041, 70A Stat. 138; Pub. L. 85-861, §33(a)(13), Sept. 2, 1958, 72 Stat. 1565; Pub. L. 108-136, div. A, title III, §341, Nov. 24, 2003, 117 Stat. 1448.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2451(a)	5:173.	July 1, 1952, ch. 539, §2,
2451(b)	5:173b(a).	4, 66 Stat. 318, 319; 1953
2451(c)	5:173b(b).	Reorg. Plan No. 6, §1(a) (as applicable to Defense Supply Management Agency), eff. June 30, 1953, 67 Stat. 638.

In subsection (a), the words “for the Department of Defense” are inserted for clarity. 5:173 (1st sentence) is omitted as impliedly repealed by section 2 of 1953 Reorganization Plan No. 6, effective June 30, 1953, 67 Stat. 638.

In subsection (b), the words “or any of the departments thereof”, “in such manner”, “original”, and “necessary or” are omitted as surplusage. The words “throughout the Department of Defense” are substituted for the words “either within a bureau or service, between bureaus or services, or between the departments”. The word “recurrently” is substituted for the word “repetitively”. The words “Only one identification may” are substituted for the words “The single item identification shall”.

In subsection (c), the words “the most” are omitted as surplusage. The words “to the highest degree practicable” are substituted for the words “achieve the highest practicable degree possible” and “The greatest practicable degree of standardization * * * shall be achieved”.

1958 ACT

The change makes clear that clauses (2) and (3) apply to all items, whether or not standardized, used throughout the Department of Defense.

AMENDMENTS

2003—Subsec. (d). Pub. L. 108-136 added subsec. (d).
1958—Subsec. (c). Pub. L. 85-861 substituted “such” for “standardized” in cl. (2), and “such” for “those” in cl. (3).

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

DEFENSE-WIDE ELECTRONIC MALL SYSTEM FOR SUPPLY PURCHASES

Pub. L. 105-261, div. A, title III, §332, Oct. 17, 1998, 112 Stat. 1968, provided that:

“(a) ELECTRONIC MALL SYSTEM DEFINED.—In this section, the term ‘electronic mall system’ means an electronic system for displaying, ordering, and purchasing supplies and materiel available from sources within the Department of Defense and from the private sector.

“(b) DEVELOPMENT AND MANAGEMENT.—(1) Using systems and technology available in the Department of Defense as of the date of the enactment of this Act [Oct. 17, 1998], the Joint Electronic Commerce Program Office of the Department of Defense shall develop a single, defense-wide electronic mall system, which shall provide a single, defense-wide electronic point of entry and a single view, access, and ordering capability for all Department of Defense electronic catalogs. The Secretary of each military department and the head of each Defense Agency shall provide to the Joint Electronic Commerce Program Office the necessary and requested data to ensure compliance with this paragraph.

“(2) The Defense Logistics Agency, under the direction of the Joint Electronic Commerce Program Office, shall be responsible for maintaining the defense-wide electronic mall system developed under paragraph (1).

“(c) ROLE OF CHIEF INFORMATION OFFICER.—The Chief Information Officer of the Department of Defense shall be responsible for—

“(1) overseeing the elimination of duplication and overlap among Department of Defense electronic catalogs; and

“(2) ensuring that such catalogs utilize technologies and formats compliant with the requirements of subsection (b).

“(d) IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the Chief Information Officer shall develop and provide to the congressional defense committees [Committees on Armed Services and Appropriations of Senate and House of Representatives]—

“(1) an inventory of all existing and planned electronic mall systems in the Department of Defense; and

“(2) a schedule for ensuring that each such system is compliant with the requirements of subsection (b).”

STANDARDIZATION AND INTEROPERABILITY OF NATO WEAPONS

Pub. L. 94-361, title VIII, §803, July 14, 1976, 90 Stat. 930, which expressed the sense of Congress that the weapons systems of the NATO Allies be standardized and interoperable, that this goal would be facilitated by inter-allied procurement of arms and closer intra-European collaboration in arms procurement, and directed the Secretary of Defense to negotiate with the Allies toward these ends and to report to Congress on actions and programs undertaken to achieve them, was repealed and restated in section 2457 of this title by Pub. L. 97-295, §§1(30)(A), 6(b), Oct. 12, 1982, 96 Stat. 1294, 1314.

Pub. L. 94-106, title VIII, §814(a), (b), Oct. 7, 1975, 89 Stat. 540, as amended by Pub. L. 94-361, title VIII, §802, July 14, 1976, 90 Stat. 930, which had provided that it was the policy of the United States that the equipment of our armed forces in Europe be standardized or at least interoperable with that of our NATO Allies, directed the Secretary of Defense to carry out procurement policies toward this end and to report to Congress on any agreements with the Allies involving exchange of equipment manufactured in the United States for equipment manufactured outside it, authorized the Secretary to find such agreements contrary to the public interest and required him to report on the procurement of any major weapons system not in accord with these policies, was repealed and restated in section 2457 of this title by Pub. L. 97-295, §§1(30)(A), 6(b), Oct. 12, 1982, 96 Stat. 1294, 1314.

Pub. L. 93-365, title III, §302(c), Aug. 5, 1974, 88 Stat. 402, as amended by Pub. L. 94-106, title VIII, §814(c), Oct. 7, 1975, 89 Stat. 540; Pub. L. 97-252, title XI, §1121, Sept. 8, 1982, 96 Stat. 754, which had directed the Secretary of Defense to assess the costs and possible loss of effectiveness from the failure of the NATO Allies to standardize equipment, to suggest standardization actions, and to report these matters to the Allies and Congress and to Congress annually on them and results obtained with the Allies, was repealed and restated in

section 2457 of this title by Pub. L. 97-295, §§1(30)(A), 6(b), Oct. 12, 1982, 96 Stat. 1294, 1314.

§ 2452. Duties of Secretary of Defense

The Secretary of Defense shall—

(1) develop and maintain the supply catalog, and the standardization program, described in section 2451 of this title;

(2) direct and coordinate progressive use of the supply catalog in all supply functions within the Department of Defense from the determination of requirements through final disposal;

(3) direct, review, and approve—

(A) the naming, description, and pattern of description of all items;

(B) the screening, consolidation, classification, and numbering of descriptions of all items; and

(C) the publication and distribution of the supply catalog;

(4) maintain liaison with industry advisory groups to coordinate the development of the supply catalog and the standardization program with the best practices of industry and to obtain the fullest practicable cooperation and participation of industry in developing the supply catalog and the standardization program;

(5) establish, publish, review, and revise, within the Department of Defense, military specifications, standards, and lists of qualified products, and resolve differences between the military departments, bureaus, and services with respect to them;

(6) assign responsibility for parts of the cataloging and the standardization programs to the military departments, bureaus, and services within the Department of Defense, when practical and consistent with their capacity and interest in those supplies;

(7) establish time schedules for assignments made under clause (6); and

(8) make final decisions in all matters concerned with the cataloging and standardization programs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 139.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2452	5:173c.	July 1, 1952, ch. 539, §5, 66 Stat. 319; 1953 Reorg. Plan No. 6, §1(a) (as applicable to Defense Supply Management Agency), eff. June 30, 1953, 67 Stat. 638.

In clause (1), the word “establish” is omitted as surplusage.

In clause (2), the words “provided for herein” and “its departments, bureaus, and services” are omitted as surplusage.

In clauses (2) and (3), the words “provide for” are omitted as surplusage.

In clause (4), the words “establish and” and “established by sections 173-173i of this title” are omitted as surplusage.

In clause (5), the words “amend” and “promulgate” are omitted as surplusage.

In clause (6), the words “established by sections 173-173i of this title” are omitted as surplusage.

Clause (7) is substituted for 5:173c(f) (last 11 words).

In clause (8), the word “programs” is substituted for the words “authority established in sections 173-173i of this title”. The words “subject to review and modification by the Secretary of Defense” are omitted as surplusage.

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

Pub. L. 98-94, title XII, §1215, Sept. 24, 1983, 97 Stat. 688, as amended by Pub. L. 98-525, title XII, §1244, Oct. 19, 1984, 98 Stat. 2609; Pub. L. 103-35, title II, §204(b), May 31, 1993, 107 Stat. 102, provided that:

“(a) Not later than 120 days after the date of the enactment of this Act [Sept. 24, 1983], the Secretary of Defense shall issue regulations which—

“(1) except as provided in clause (2), prohibit the purchase of any spare part or replacement equipment when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

“(2) permit the purchase of such spare part or equipment (notwithstanding the prohibition contained in clause (1)) if the contracting officer for such part or equipment certifies in writing to the head of the procuring activity before the purchase is made that—

“(A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or

“(B) the national security interests of the United States require that such part or equipment be purchased despite the increase in price of such part or equipment.

“(b)(1) The Secretary shall publish the regulations issued under this section in the Federal Register.

“(2) The Secretary may provide in such regulations for the waiver of the prohibition in subsection (a)(1) and compliance with the requirements of subsection (a)(2) in the case of a purchase of any spare part or replacement equipment made or to be made through competitive procedures.

“(c) Not less than 30 days before the Secretary publishes such regulations in accordance with subsection (b), the Secretary shall submit the text of the proposed regulations to the Committees on Armed Services of the Senate and House of Representatives.”

REPORT ON MANAGEMENT OF ACQUISITION OF SPARE PARTS

Pub. L. 98-94, title XII, §1216, Sept. 24, 1983, 97 Stat. 688, directed Secretary of Defense to submit to Congress, by June 1, 1984, a comprehensive report on management by Department of Defense of acquisition of initial and replenishment spare parts and on status of efforts within Department (including particularly the Defense Logistics Agency and the military departments) to correct problems associated with increased costs of such parts, directed Secretary, not later than Dec. 1, 1983, to submit to Congress an interim report stating briefly the actions being taken by the Department to improve acquisition and management of spare parts, and directed Secretary to put into effect at the earliest practicable date policies and procedures to achieve a long-term solution to problems relating to excessive costs of, and long lead times in the acquisition of, initial and replenishment spare parts.

§ 2453. Supply catalog: distribution and use

The Secretary of Defense shall distribute the parts of the supply catalog described in section 2451 of this title as they are completed. Existing catalogs shall be replaced according to schedules established by the Secretary. After replacement