

for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

(e) **AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.**—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1033(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-258.)

PRIOR PROVISIONS

A prior section 2541 was renumbered section 2551 of this title.

Another prior section 2541 was renumbered section 2539b of this title.

§ 2541a. Fees charged and collected

(a) **FEE REQUIRED.**—The Secretary of Defense shall assess a fee for providing a loan guarantee under this subchapter.

(b) **AMOUNT OF FEE.**—The amount of the fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee.

(c) **SPECIAL ACCOUNT.**—(1) Such fees shall be credited to a special account in the Treasury.

(2) Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

(3)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed \$500,000 in any fiscal year, for those expenses.

(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A).

(Added Pub. L. 106-398, §1 [[div. A], title X, §1033(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-259.)

§ 2541b. Administration

(a) **AGREEMENTS REQUIRED.**—The Secretary of Defense may enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity may, under this subchapter—

- (1) process applications for loan guarantees;
- (2) administer repayment of loans; and
- (3) provide any other services to the Secretary to administer this subchapter.

(b) **TREATMENT OF COSTS.**—The costs of such agreements shall be considered, for purposes of the special account established under section 2541a(c), to be costs of administrative expenses of the Department of Defense that are attrib-

utable to the loan guarantee program under this subchapter.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1033(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-259.)

§ 2541c. Transferability, additional limitations, and definition

The following provisions of subchapter VI of this chapter apply to guarantees issued under this subchapter:

(1) Section 2540a, relating to transferability of guarantees.

(2) Subsections (b) and (c) of section 2540b, providing limitations.

(3) Section 2540d(2), providing a definition of the term “cost”.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1033(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; amended Pub. L. 107-107, div. A, title X, §1048(a)(24), Dec. 28, 2001, 115 Stat. 1224.)

AMENDMENTS

2001—Pub. L. 107-107 substituted “subchapter” for “subtitle” in two places in introductory provisions.

§ 2541d. Reports

The Secretary of Defense shall require each qualified commercial firm for which a loan is guaranteed under this subchapter to submit to the Secretary a report on the improvements financed or refinanced with the loan. The report shall include an assessment of the value of the improvements for the protection of the critical infrastructure of that commercial firm. The Secretary shall prescribe the time for submitting the report.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1033(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-260; amended Pub. L. 108-136, div. A, title X, §1031(a)(25), Nov. 24, 2003, 117 Stat. 1598.)

PRIOR PROVISIONS

Prior sections 2542 to 2550 were renumbered sections 2552 to 2560 of this title, respectively.

AMENDMENTS

2003—Pub. L. 108-136 struck out subsec. (a) designation and heading and struck out subsec. (b) which directed that the Secretary of Defense annually submit to Congress a report on the loan guarantee program under this subchapter.

CHAPTER 149—DEFENSE ACQUISITION SYSTEM

Sec. 2545.	Definitions.
2546.	Civilian management of the defense acquisition system.
2547.	Acquisition-related functions of chiefs of the armed forces.
2548.	Performance assessments of the defense acquisition system.

PRIOR PROVISIONS

A prior chapter 149, comprised of sections 2511 to 2518, relating to manufacturing technology, was repealed, except for sections 2517 and 2518, by Pub. L. 102-484, div. D, title XLII, §4202(a), Oct. 23, 1992, 106 Stat. 2659. Sections 2517 and 2518 of that chapter were renumbered sections 2523 and 2522, respectively, of this chapter by

Pub. L. 102-484, div. D, title XLII, §§ 4232(a), 4233(a), Oct. 23, 1992, 106 Stat. 2687, and were subsequently repealed.

Another prior chapter 149, comprised of section 2511, was successively renumbered chapter 150 of this title, comprised of section 2521, then chapter 152 of this title, comprised of section 2540 et seq.

A prior chapter 150, comprised of sections 2521 to 2526, relating to development of dual-use critical technologies, was repealed, except for sections 2524 to 2526, by Pub. L. 102-484, div. D, title XLII, § 4202(a), Oct. 23, 1992, 106 Stat. 2659. Sections 2524, 2525, and 2526 of that chapter were renumbered sections 2513, 2517, and 2518, respectively, of this chapter by Pub. L. 102-484, div. D, title XLII, §§ 4223(a), 4227(a), 4228, Oct. 23, 1992, 106 Stat. 2681, 2685. Section 2513 of this chapter was subsequently repealed.

Another prior chapter 150, comprised of section 2521, was renumbered chapter 152 of this title, comprised of section 2540 et seq.

§ 2545. Definitions

In this chapter:

(1) The term “acquisition” has the meaning provided in section 4(16)¹ of the Office of Federal Procurement Policy Act (41 U.S.C. 403(16)).

(2) The term “defense acquisition system” means the workforce engaged in carrying out the acquisition of property and services for the Department of Defense; the management structure responsible for directing and overseeing the acquisition of property and services for the Department of Defense; and the statutory, regulatory, and policy framework that guides the acquisition of property and services for the Department of Defense.

(3) The term “element of the defense acquisition system” means an organization that employs members of the acquisition workforce, carries out acquisition functions, and focuses primarily on acquisition.

(4) The term “acquisition workforce” has the meaning provided in section 101(a)(18) of this title.

(Added Pub. L. 111-383, div. A, title VIII, § 861(a), Jan. 7, 2011, 124 Stat. 4288.)

REFERENCES IN TEXT

Section 4(16) of the Office of Federal Procurement Policy Act, referred to in par. (1), means section 4(16) of Pub. L. 93-400, which was classified to section 403(16) of former Title 41, Public Contracts, and was repealed and restated as section 131 of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

PRIOR PROVISIONS

A prior section 2545 was renumbered section 2555 of this title.

SHORT TITLE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title VIII, § 860, Jan. 7, 2011, 124 Stat. 4287, provided that: “This subtitle [subtitle F (§§ 860-896) of title VIII of div. A of Pub. L. 111-383, enacting this chapter and sections 139e, 1701a, 1722b, 1748, 1762, and 2508 of this title, amending sections 101, 1723, 1746, 2302, 2500, 2501, 2505, and 2506 of this title, enacting provisions set out as notes under sections 1723, 1748, 2222, 2302, 2306a, 2330, and 2501 of this title, amending provisions set out as notes under section 2371 of this title and section 637 of Title 15, Commerce and Trade,

and repealing provisions set out as notes under sections 1701 and 1723 of this title] may be cited as the ‘Improve Acquisition Act of 2010’.”

§ 2546. Civilian management of the defense acquisition system

(a) RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subject to the authority, direction and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for the management of the defense acquisition system and shall exercise such control of the system and perform such duties as are necessary to ensure the successful and efficient operation of the defense acquisition system, including the duties enumerated and assigned to the Under Secretary elsewhere in this title.

(b) RESPONSIBILITY OF THE SERVICE ACQUISITION EXECUTIVES.—Subject to the direction of the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters pertaining to acquisition, and subject to the authority, direction, and control of the Secretary of the military department concerned, a service acquisition executive of a military department shall be responsible for the management of elements of the defense acquisition system in that military department and shall exercise such control of the system and perform such duties as are necessary to ensure the successful and efficient operation of such elements of the defense acquisition system.

(Added Pub. L. 111-383, div. A, title VIII, § 861(a), Jan. 7, 2011, 124 Stat. 4288.)

PRIOR PROVISIONS

A prior section 2546 was renumbered section 2556 of this title.

§ 2547. Acquisition-related functions of chiefs of the armed forces

(a) PERFORMANCE OF CERTAIN ACQUISITION-RELATED FUNCTIONS.—The Secretary of Defense shall ensure that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:

(1) The development of requirements for equipping the armed force concerned (subject, where appropriate, to validation by the Joint Requirements Oversight Council pursuant to section 181 of this title).

(2) The coordination of measures to control requirements creep in the defense acquisition system.

(3) The recommendation of trade-offs among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, to ensure acquisition programs deliver best value in meeting the approved military requirements.

(4) Termination of development or procurement programs for which life-cycle cost, schedule, and performance expectations are no longer consistent with approved military re-

¹ See References in Text note below.