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AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, §1081(d)(1), Dec. 12, 2017, 131 Stat. 1599, amended directory language of Pub. L. 114-328, §217(a)(2), effective Dec. 23, 2016, and as if included in Pub. L. 114-328 as enacted. See 2016 Amendment note below.

Pub. L. 115-91, div. A, title VIII, §§803(b), 836(a)(2), 851(a)(2), 861(a)(2), 871(a)(2), Dec. 12, 2017, 131 Stat. 1455, 1473, 1492, 1494, 1497, added items 2302e, 2313b, 2322a, 2329, and 2337a.

Pub. L. 115-91, div. A, title VIII, §802(a)(2), Dec. 12, 2017, 131 Stat. 1451, which directed amendment of the table of sections for this chapter by adding item 2322 at the end, was executed by adding item 2322 after item 2321, to reflect the probable intent of Congress.

2016—Pub. L. 114-328, div. A, title VIII, §§821(b), 833(b)(5)(B), Dec. 23, 2016, 130 Stat. 2276, 2285, added item 2338 and struck out item 2302c “Implementation of electronic commerce capability”.

Pub. L. 114-328, div. A, title II, §217(a)(2), Dec. 23, 2016, 130 Stat. 2051, as amended by Pub. L. 115-91, div. A, title X, §1081(d)(1), Dec. 12, 2017, 131 Stat. 1599, added item 2339.

2014—Pub. L. 113-291, div. A, title III, §351(c)(1), Dec. 19, 2014, 128 Stat. 3347, struck out item 2336 “Intergovernmental support agreements with State and local governments”.

2013—Pub. L. 112-239, div. A, title III, §331(b), title VIII, §823(a)(2), Jan. 2, 2013, 126 Stat. 1697, 1832, added items 2336 and 2337.

2011—Pub. L. 112-81, div. A, title VIII, §805(b), 823(b), Dec. 31, 2011, 125 Stat. 1486, 1503, added items 2313a and 2335.

2009—Pub. L. 111-23, title I, §101(b)(2), May 22, 2009, 123 Stat. 1709, added item 2334.

2008—Pub. L. 110-181, div. A, title X, §1063(a)(10), Jan. 28, 2008, 122 Stat. 322, added item 2333 and struck out former item 2333 “Joint policies on requirements definition, contingency contracting, and program management”.

2006—Pub. L. 109-364, div. A, title VIII, §854(a)(2), Oct. 17, 2006, 120 Stat. 2346, added item 2333.

Pub. L. 109-163, div. A, title VIII, §812(a)(2), Jan. 6, 2006, 119 Stat. 3378, substituted “Procurement of contract services: management structure” for “Procurement of services: management structure” in item 2330.

2002—Pub. L. 107-347, title II, §210(a)(2), Dec. 17, 2002, 116 Stat. 2934, added item 2332.

Pub. L. 107-314, div. A, title VIII, §801(a)(2), Dec. 2, 2002, 116 Stat. 2602, added item 2308.

2001—Pub. L. 107-107, div. A, title VIII, §801(g)(2), Dec. 28, 2001, 115 Stat. 1178, added items 2330, 2330a, and 2331 and struck out former item 2331 “Contracts for professional and technical services”.

2000—Pub. L. 106-398, §1 [[div. A], title VIII, §802(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-205, added item 2306c.

1998—Pub. L. 105-261, div. A, title X, §1069(a)(3), Oct. 17, 1998, 112 Stat. 2135, substituted “electronic commerce capability” for “FACNET capability” in item 2302c.

1997—Pub. L. 105-85, div. A, title VIII, §804(a)(2), title X, §1073(a)(48)(B), Nov. 18, 1997, 111 Stat. 1833, 1903, substituted “contracts: acquisition of property” for “contracts” in item 2306b and added item 2325.

1996—Pub. L. 104-201, div. A, title VIII, §805(b), Sept. 23, 1996, 110 Stat. 2606, added item 2302d.

Pub. L. 104-106, div. D, title XLI, §4105(a)(2), title XLIII, §4321(b)(6)(B), Feb. 10, 1996, 110 Stat. 647, 672, redesignated item 2304a, relating to contracts: prohibition on competition between Department of Defense and small businesses and certain other entities, as 2304e and added item 2305a.

1994—Pub. L. 103-355, title I, §§1004(a)(2), 1022(a)(2), 1501(b), 1503(a)(2), (b)(2), 1506(b), title II, §§2001(i), 2201(a)(2), title IV, §§4002(b), 4203(a)(2), title VIII, §8104(b)(2), title IX, §9002(b), Oct. 13, 1994, 108 Stat. 3253, 3260, 3296-3298, 3303, 3318, 3338, 3346, 3391, 3402, struck out items 2301 “Congressional defense procurement policy”, 2308 “Assignment and delegation of procurement functions and responsibilities”, 2325 “Preference for non-developmental items”, and 2329 “Production special tooling and production special test equipment: contract terms and conditions”, added items 2302a to 2302c, 2304a relating to task and delivery order contracts: general authority, 2304b to 2304d, and 2306b, and substituted “Contract financing” for “Advance payments” in item 2307, “Assignment and delegation of procurement functions and responsibilities” for “Delegation” in item 2311, and “Examination of records of contractor” for “Examination of books and records of contractor” in item 2313.

1993—Pub. L. 103-160, div. A, title VIII, §§828(a)(1), 848(a)(2), Nov. 30, 1993, 107 Stat. 1713, 1725, added item 2304a and struck out item 2317 “Encouragement of competition and cost savings”.

1992—Pub. L. 102-484, div. A, title VIII, §801(a)(2), (g)(2), title X, §1052(25)(B), div. D, title XLII, §4271(b)(2), Oct. 23, 1992, 106 Stat. 2442, 2445, 2500, 2695, struck out items 2322 “Limitation on small business set-asides” and 2330 “Integrated financing policy” and added items 2323 and 2323a.

1990—Pub. L. 101-510, div. A, title VIII, §§804(b), 834(a)(2), Nov. 5, 1990, 104 Stat. 1591, 1614, struck out item 2323 “Commercial pricing for spare or repair parts” and added item 2331.

1988—Pub. L. 100-456, div. A, title VIII, §801(a)(2), Sept. 29, 1988, 102 Stat. 2007, added item 2330.

1987—Pub. L. 100-180, div. A, title VIII, §810(a)(2), Dec. 4, 1987, 101 Stat. 1132, added item 2329.

Pub. L. 100-26, §7(a)(7)(B)(ii), (b)(9)(B), Apr. 21, 1987, 101 Stat. 278, 280, transferred item 2305a “Major programs: competitive alternative sources”, to chapter 144 as item 2438 and substituted “Release of technical data under Freedom of Information Act: recovery of costs” for “Release of technical data” in item 2328.

Pub. L. 100-26, §5(4), (6), made technical amendments to directory language of sections 926(a)(2) and 954(a)(2), respectively, of Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661. See 1986 Amendment note below.

1986—Pub. L. 99-661, div. A, title XIII, §1343(a)(12), Nov. 14, 1986, 100 Stat. 3993, substituted “competitors” for “competition” in item 2319.

Pub. L. 99-500, §101(c) [title X, §§907(a)(2), 908(d)(1)(B), 926(a)(2), 951(a)(2), 952(c)(2), 954(a)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-138, 1783-141, 1783-155, 1783-165, 1783-169, 1783-173, and Pub. L. 99-591, §101(c) [title X, §§907(a)(2), 908(d)(1)(B), 926(a)(2), 951(a)(2), 952(c)(2), 954(a)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-138, 3341-141, 3341-155, 3341-165, 3341-169, 3341-173; Pub. L. 99-661, div. A, title IX, formerly title IV, §§907(a)(2), 908(d)(1)(B), 926(a)(2), 951(a)(2), 952(c)(2), 954(a)(2), Nov. 14, 1986, 100 Stat. 3917, 3921, 3935, 3945, 3949, 3953, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; as amended by Pub. L. 100-26, §5(4), (6), Apr. 21, 1987, 101 Stat. 274, amended chapter analysis identically striking out “: cost or pricing data: truth in negotiations” after “contracts” in item 2306, substituting “spare or repair parts” for “supplies” in item 2323, and adding items 2306a and 2325 to 2328.

1985—Pub. L. 99-145, title IX, §§911(a)(2), 912(a)(2), Nov. 8, 1985, 99 Stat. 685, 686, added items 2305a and 2324.

1984—Pub. L. 98-577, title III, §302(c)(2), Oct. 30, 1984, 98 Stat. 3077, struck out item 2303a “Publication of proposed regulations”.

Pub. L. 98-525, title XII, §1217, Oct. 19, 1984, 98 Stat. 2599, added items 2303a and 2317 to 2323.

Pub. L. 98-369, div. B, title VII, §2727(a), July 18, 1984, 98 Stat. 1194, substituted “Congressional defense procurement policy” for “Declaration of policy” in item 2301, “Contracts: competition requirements” for “Purchases and contracts: formal advertising; exceptions” in item 2304, “Contracts: planning, solicitation, evaluation,

and award procedures” for “Formal advertisements for bids; time; opening; award; rejection” in item 2305, and “Kinds of contracts; cost or pricing data: truth in negotiation” for “Kinds of contracts” in item 2306.

1982—Pub. L. 97-295, §1(26)(B), Oct. 12, 1982, 96 Stat. 1291, added item 2316.

1981—Pub. L. 97-86, title IX, §908(a)(2), Dec. 1, 1981, 95 Stat. 1118, added item 2315.

1980—Pub. L. 96-513, title V, §511(75), Dec. 12, 1980, 94 Stat. 2926, inserted “formal” before “advertising” in item 2304.

§ 2301. Repealed. Pub. L. 103-355, title I, § 1501(a), Oct. 13, 1994, 108 Stat. 3296]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 127; Dec. 1, 1981, Pub. L. 97-86, title IX, §909(a), 95 Stat. 1118; July 18, 1984, Pub. L. 98-369, div. B, title VII, §2721, 98 Stat. 1185; Oct. 18, 1986, Pub. L. 99-500, §101(c) [title X, §925(a)], 100 Stat. 1783-82, 1783-153, and Oct. 30, 1986, Pub. L. 99-591, §101(c) [title X, §925(a)], 100 Stat. 3341-82, 3341-153; Nov. 14, 1986, Pub. L. 99-661, div. A, title IX, formerly title IV, §925(a), 100 Stat. 3933, renumbered title IX, Apr. 21, 1987, Pub. L. 100-26, §3(5), 101 Stat. 273; Oct. 23, 1992, Pub. L. 102-484, div. A, title VIII, §808(a), 106 Stat. 2449, related to Congressional defense procurement policy.

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 2302 of this title.

§ 2302. Definitions

In this chapter:

(1) The term “head of an agency” means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of Homeland Security, and the Administrator of the National Aeronautics and Space Administration.

(2) The term “competitive procedures” means procedures under which the head of an agency enters into a contract pursuant to full and open competition. Such term also includes—

(A) procurement of architectural or engineering services conducted in accordance with chapter 11 of title 40;

(B) the competitive selection for award of science and technology proposals resulting from a general solicitation and the peer review or scientific review (as appropriate) of such proposals;

(C) the procedures established by the Administrator of General Services for the multiple award schedule program of the General Services Administration if—

(i) participation in the program has been open to all responsible sources; and

(ii) orders and contracts under such program result in the lowest overall cost alternative to meet the needs of the United States;

(D) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C. 644) as long as all responsible business concerns that are entitled to submit offers for such procurements are permitted to compete; and

(E) a competitive selection of research proposals resulting from a general solicitation