

nance disposal sets, kits and outfits and explosive ordnance disposal tools, equipment, sets, kits, and outfits developed by the department.”

Pub. L. 116-92, § 1052(a)(1), redesignated par. (2) as (3). Subsec. (b)(4). Pub. L. 116-92, § 1052(a)(5), added par. (4).

Subsec. (d). Pub. L. 116-92, § 1052(b), added subsec. (d).

CHAPTER 137—PROCUREMENT GENERALLY

- Sec. [2301. Repealed.]
- 2302. Definitions.
- 2302a. Simplified acquisition threshold.
- 2302b. Implementation of simplified acquisition procedures.
- [2302c. Repealed.]
- 2302d. Major system: definitional threshold amounts.
- 2302e. Contract authority for development and demonstration of initial or additional prototype units.
- 2303. Applicability of chapter.
- [2303a. Repealed.]
- 2304. Contracts: competition requirements.
- 2304a. Task and delivery order contracts: general authority.
- 2304b. Task order contracts: advisory and assistance services.
- 2304c. Task and delivery order contracts: orders.
- 2304d. Task and delivery order contracts: definitions.
- 2304e. Contracts: prohibition on competition between Department of Defense and small businesses.
- 2305. Contracts: planning, solicitation, evaluation, and award procedures.
- 2305a. Design-build selection procedures.
- 2306. Kinds of contracts.
- 2306a. Cost or pricing data: truth in negotiations.
- 2306b. Multiyear contracts: acquisition of property.
- 2306c. Multiyear contracts: acquisition of services.
- 2307. Contract financing.
- 2308. Buy-to-budget acquisition: end items.
- 2309. Allocation of appropriations.
- 2310. Determinations and decisions.
- 2311. Assignment and delegation of procurement functions and responsibilities.
- 2312. Remission of liquidated damages.
- 2313. Examination of records of contractor.
- 2313a. Defense Contract Audit Agency: annual report.
- 2313b. Performance of incurred cost audits.
- 2314. Laws inapplicable to agencies named in section 2303 of this title.
- 2315. Law inapplicable to the procurement of automatic data processing equipment and services for certain defense purposes.
- 2316. Disclosure of identity of contractor.
- [2317. Repealed.]
- 2318. Advocates for competition.
- 2319. Encouragement of new competitors.
- 2320. Rights in technical data.
- 2321. Validation of proprietary data restrictions.
- 2322. Management of intellectual property matters within the Department of Defense.
- 2322a. Requirement for consideration of certain matters during acquisition of noncommercial computer software.
- [2323. Repealed.]
- 2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses.
- 2324. Allowable costs under defense contracts.
- 2325. Restructuring costs.
- 2326. Undefined contractual actions: restrictions.
- 2327. Contracts: consideration of national security objectives.
- 2328. Release of technical data under Freedom of Information Act: recovery of costs.

- Sec. 2329. Procurement of services: data analysis and requirements validation.
- 2330. Procurement of contract services: management structure.
- 2330a. Procurement of services: tracking of purchases.
- 2331. Procurement of services: contracts for professional and technical services.
- [2332. Repealed.]
- 2333. Joint policies on requirements definition, contingency program management, and contingency contracting.
- 2334. Independent cost estimation and cost analysis.
- 2335. Prohibition on collection of political information.
- [2336. Repealed.]
- 2337. Life-cycle management and product support.
- 2337a. Assessment, management, and control of operating and support costs for major weapon systems.
- 2338. Micro-purchase threshold.
- 2339. Prohibition on criminal history inquiries by contractors prior to conditional offer.
- 2339a. Requirements for information relating to supply chain risk.
- 2339b. Notification of Navy procurement production disruptions.
- 2339c. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts.

REPEAL OF CHAPTER

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1881(a), Jan. 1, 2021, 134 Stat. 4151, 4293, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this chapter is repealed.

AMENDMENTS

- 2021—Pub. L. 116-283, div. A, title VIII, §§ 803(b), 831(b), Jan. 1, 2021, 134 Stat. 3735, 3753, added items 2302e and 2339c and struck out former item 2302e “Contract authority for advanced development of initial or additional prototype units”.
- 2019—Pub. L. 116-92, div. A, title VIII, § 820(b), title XI, § 1123(b)(3), title XVII, § 1731(a)(39)(C), Dec. 20, 2019, 133 Stat. 1490, 1614, 1814, struck out “and certain other entities” after “businesses” in item 2304e and “and certain institutions of higher education” after “businesses” in item 2323a and added items 2339 and 2339b.
- 2018—Pub. L. 115-232, div. A, title VIII, §§ 812(a)(2)(B), (3)(B), 821(c)(2), 881(a)(2), Aug. 13, 2018, 132 Stat. 1846, 1847, 1853, 1913, struck out items 2323 “Contract goal for small disadvantaged businesses and certain institutions of higher education”, 2332 “Share-in-savings contracts”, and 2339 “Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories” and added item 2339a.
- 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 XLII, §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 2304a 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),