

Department of Defense of the procurement functions, and related functions, of the Department of Defense.

(Added Pub. L. 116-283, div. A, title XVIII, §1807(b)(1), Jan. 1, 2021, 134 Stat. 4157.)

PRIOR PROVISIONS

A prior section 3062 was renumbered section 7062 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

RESTRICTION ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING PERFLUOROOCCTANE SULFONATE OR PERFLUOROOCCTANOIC ACID

Pub. L. 116-283, div. A, title III, §333, Jan. 1, 2021, 134 Stat. 3531, provided that:

“(a) PROHIBITION.—The Department of Defense may not procure any covered item that contains perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA).

“(b) DEFINITIONS.—In this section, the term ‘covered item’ means—

“(1) nonstick cookware or cooking utensils for use in galleys or dining facilities; and

“(2) upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

“(c) EFFECTIVE DATE.—This section shall take effect on April 1, 2023.”

§ 3063. Covered agencies

For purposes of any provision of law referring to this section, the agencies named in this section are the following:

- (1) The Department of Defense.
- (2) The Department of the Army.
- (3) The Department of the Navy.
- (4) The Department of the Air Force.
- (5) The Coast Guard.
- (6) The National Aeronautics and Space Administration.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(c)(1), (2), Jan. 1, 2021, 134 Stat. 4157.)

CODIFICATION

The text of pars. (1) to (6) of section 2303(a) of this title, which were transferred to this section by Pub. L. 116-283, §1807(c)(2), was based on act Aug. 10, 1956, ch. 1041, 70A Stat. 128; Pub. L. 85-568, title III, §301(b), July 29, 1958, 72 Stat. 432; Pub. L. 98-369, div. B, title VII, §2722(b)(1)(C), (D), July 18, 1984, 98 Stat. 1187.

PRIOR PROVISIONS

A prior section 3063 was renumbered section 7063 of this title.

AMENDMENTS

2021—Pars. (1) to (6). Pub. L. 116-283, §1807(c)(2), transferred pars. (1) to (6) of section 2303(a) of this title to this section.

EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

§ 3064. Applicability of chapter 137 legacy provisions

(a) GENERAL APPLICABILITY.—Any provision of this part that is a chapter 137 legacy provision;¹ applies to the procurement by any by any² of the agencies named in section 3063 of this title, for its use or otherwise, of all property (other than land) and all services for which payment is to be made from appropriated funds.

(b) APPLICABILITY TO CONTRACTS FOR INSTALLATION OR ALTERATION.—The provisions of this part that are chapter 137 legacy provisions that apply to the procurement of property apply also to contracts for its installation or alteration.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(c)(1), (3), Jan. 1, 2021, 134 Stat. 4157.)

CODIFICATION

The text of subsec. (a) introductory provisions and subsec. (b) of section 2303 of this title, which were transferred to this section and amended by Pub. L. 116-283, §1807(c)(3), was based on act Aug. 10, 1956, ch. 1041, 70A Stat. 128; Pub. L. 98-369, div. B, title VII, §2722(b)(1)(A), (B), (3), July 18, 1984, 98 Stat. 1187.

PRIOR PROVISIONS

A prior section 3064 was renumbered section 7064 of this title.

AMENDMENTS

2021—Pub. L. 116-283, §1807(c)(3), transferred introductory provisions of subsec. (a) and subsec. (b) of section 2303 of this title to this section.

Subsec. (a). Pub. L. 116-283, §1807(c)(3)(A), inserted heading and substituted “Any provision of this part that is a chapter 137 legacy provision;” for “This chapter”, “by any of the agencies named in section 3063 of this title” for “of the following agencies”, and period for colon at end.

Subsec. (b). Pub. L. 116-283, §1807(c)(3)(B), inserted heading and substituted “The provisions of this part that are chapter 137 legacy provisions” for “The provisions of this chapter”.

EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

§ 3065. Assignment and delegation of procurement functions and responsibilities: delegation within agency

Except to the extent expressly prohibited by another provision of law, the head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under any provision of this part that is a chapter 137 legacy provision.

(Aug. 10, 1956, ch. 1041, 70A Stat. 132, §2311; Pub. L. 85-800, §11, Aug. 28, 1958, 72 Stat. 967; Pub. L. 87-653, §1(g), Sept. 10, 1962, 76 Stat. 529; Pub. L. 90-378, §3, July 5, 1968, 82 Stat. 290; Pub. L. 97-86, title IX, §§907(c), 909(f), Dec. 1, 1981, 95 Stat. 1117, 1120; Pub. L. 98-369, div. B, title VII, §2726, July 18, 1984, 98 Stat. 1194; Pub. L. 98-525, title XII, §1214, Oct. 19, 1984, 98 Stat. 2592; Pub. L. 98-577,

¹ So in original. The semicolon probably should not appear.

² So in original.

title V, §505, Oct. 30, 1984, 98 Stat. 3087; Pub. L. 103-355, title I, §1503(a)(1), Oct. 13, 1994, 108 Stat. 3296; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 116-92, div. A, title IX, §902(49), Dec. 20, 2019, 133 Stat. 1548; renumbered §3065 and amended Pub. L. 116-283, div. A, title XVIII, §1807(d)(1), (2)(A)–(C), (3), Jan. 1, 2021, 134 Stat. 4157, 4158.)

PRIOR PROVISIONS

A prior section 3065 was renumbered section 7065 of this title.

AMENDMENTS

2021—Pub. L. 116-283, §1807(d)(2)(C), (3), in section catchline, substituted “Assignment and delegation of procurement functions and responsibilities: delegation within agency” for “Emergency situations involving weapons of mass destruction” and, in text, struck out subsec. (a) designation and heading “In General” at beginning, and substituted “under any provision of this part that is a chapter 137 legacy provision” for “under this chapter”.

Pub. L. 116-283, §1807(d)(1), renumbered section 2311 of this title as this section.

Subsecs. (b), (c). Pub. L. 116-283, §1807(d)(2)(A), (B), transferred subsecs. (b) and (c) of this section to sections 3066 and 3067 of this title, respectively.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 3066. Assignment and delegation of procurement functions and responsibilities: procurements for or with other agencies

Subject to section 3065 of this title, to facilitate the procurement of property and services covered by any provision of this part that is a chapter 137 legacy provision by each agency named in section 3063 of this title for any other agency, and to facilitate joint procurement by those agencies—

(1) the head of an agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within such agency;

(2) the heads of two or more agencies may by agreement delegate procurement functions and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(d)(2)(A), (D), Jan. 1, 2021, 134 Stat. 4158.)

CODIFICATION

The text of subsec. (b) of section 2311 of this title, which was transferred first to section 3065(b) of this title and then to this section and amended by Pub. L. 116-283, §1807(d)(1), (2)(A), (D), was based on Pub. L. 103-355, title I, §1503(a)(1), Oct. 13, 1994, 108 Stat. 3296.

PRIOR PROVISIONS

A prior section 3066, acts Aug. 10, 1956, ch. 1041, 70A Stat. 167; Sept. 2, 1958, Pub. L. 85-861, §33(a)(19), 72 Stat.

1565, authorized President, by and with consent of Senate, to make temporary appointments in grades of general and lieutenant general from officers of Army on active duty in any grade above brigadier general and specified number of positions in each such grade, prior to repeal by Pub. L. 96-513, title II, §201, title VII, §701, Dec. 12, 1980, 94 Stat. 2878, 2955, effective Sept. 15, 1981. See section 601 of this title.

AMENDMENTS

2021—Pub. L. 116-283, §1807(d)(2)(D), transferred subsec. (b) of section 3065 of this title to this section, and, in introductory provisions, struck out subsec. (b) designation and heading “Procurements For or With Other Agencies” at beginning and substituted “Subject to section 3065 of this title” for “Subject to subsection (a)”, “covered by any provision of this part that is a chapter 137 legacy provision” for “covered by this chapter”, and “section 3063” for “section 2303”.

EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note preceding section 3001 of this title.

§ 3067. Approval required for military department termination or reduction in participation in joint acquisition programs

(a) APPROVAL OF TERMINATIONS AND REDUCTIONS OF JOINT ACQUISITION PROGRAMS.—The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition and Sustainment from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

(b) REQUIRED CONTENT OF REGULATIONS.—The regulations shall include the following provisions:

(1) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

(2) A provision that authorizes the Under Secretary of Defense for Acquisition and Sustainment to require a military department whose participation in a joint acquisition program has been approved for termination or substantial reduction to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(d)(2)(B), (E), Jan. 1, 2021, 134 Stat. 4158.)

CODIFICATION

The text of subsec. (c) of section 2311 of this title, which was transferred first to section 3065(c) of this title and then to this section and amended by Pub. L. 116-283, §1807(d)(1), (2)(B), (E), was based on Pub. L. 103-355, title I, §1503(a)(1), Oct. 13, 1994, 108 Stat. 3296; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 116-92, div. A, title IX, §902(49), Dec. 20, 2019, 133 Stat. 1548.

PRIOR PROVISIONS

A prior section 3067 was renumbered section 7067 of this title.