

PRIOR PROVISIONS

Prior sections 3072 to 3075 were renumbered sections 7072 to 7075 of this title, respectively.

Prior sections 3076 to 3080 were repealed by Pub. L. 103-337, div. A, title XVI, §§1661(a)(3)(A), 1691, Oct. 5, 1994, 108 Stat. 2980, 3026, effective Dec. 1, 1994, except as otherwise provided.

Section 3076, act Aug. 10, 1956, ch. 1041, 70A Stat. 170, related to composition of Army Reserve. See section 10104 of this title.

Section 3077, act Aug. 10, 1956, ch. 1041, 70A Stat. 170, related to composition of Army National Guard of United States. See section 10105 of this title.

Section 3078, act Aug. 10, 1956, ch. 1041, 70A Stat. 171, provided that Army National Guard is a component of Army while in service of United States. See section 10106 of this title.

Section 3079, act Aug. 10, 1956, ch. 1041, 70A Stat. 171, related to status of Army National Guard of United States when not in Federal service. See section 10107 of this title.

Section 3080, added Pub. L. 86-603, §1(2)(A), July 7, 1960, 74 Stat. 357, related to authority of officers of Army National Guard of United States with respect to Federal status. See section 10215 of this title.

Prior sections 3081, 3082, 3083, and 3084 were renumbered sections 7081, 10542, 7083, and 7084 of this title, respectively.

AMENDMENTS

2021—Pub. L. 116-283, §1807(g)(1), renumbered section 2229b of this title as this section.

Subsec. (b)(2). Pub. L. 116-283, §813, substituted “a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential” for “a summary of organizational and legislative changes and emerging assessment methodologies since the last assessment, and a discussion of the”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1807(g)(1) of 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.

CHAPTER 205—DEFENSE ACQUISITION SYSTEM

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PRIOR PROVISIONS

A prior chapter 205 “DEFENSE ACQUISITION SYSTEM”, as added by Pub. L. 115-232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1826, and consisting of reserved section 3051, was repealed by Pub. L. 116-283, div. A, title XVIII, §1808(a)(1), Jan. 1, 2021, 134 Stat. 4159.

AMENDMENTS

2021—Pub. L. 116-283, div. A, title XVIII, §§1808(a)(1), (3)(B), (c)(3), Jan. 1, 2021, 134 Stat. 4159, 4160, transferred chapter 149 of this title to this chapter, renumbered items 2545, 2546, 2546a, 2547, and 2548 as 3101, 3103, 3102, 3104, and 3105, respectively, moved item 3102 so as to follow item 3101, added items 3105 and 3106, and struck

¹ So in original. Probably should be followed by a period.

out former item 3105 (as renumbered from 2548) “Performance assessments of the defense acquisition system”.

§ 3101. Definitions

In this chapter, the term “acquisition” has the meaning provided in section 131 of title 41.

(Added Pub. L. 111-383, div. A, title VIII, §861(a), Jan. 7, 2011, 124 Stat. 4288, §2545; amended Pub. L. 113-291, div. A, title X, §1071(a)(11), Dec. 19, 2014, 128 Stat. 3505; renumbered §3101 and amended Pub. L. 116-283, div. A, title XVIII, §1808(a)(2), (b)(1), Jan. 1, 2021, 134 Stat. 4159, 4160.)

CODIFICATION

Section 2545 of this title, which was transferred to this section by Pub. L. 116-283, §1808(a)(2), was also transferred in large part to section 3001 of this title by Pub. L. 116-283, §1806(a)(2)-(4).

AMENDMENTS

2021—Pub. L. 116-283, §1808(b)(1), substituted “In this chapter, the term” for “In this chapter:”, par. (1) designation, and “The term” and struck out pars. (2) to (4) which defined “defense acquisition system”, “element of the defense acquisition system”, and “acquisition workforce”.

Pub. L. 116-283, §1808(a)(2), renumbered section 2545 of this title as this section.

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.

DIGITAL MODERNIZATION OF ANALYTICAL AND DECISION-SUPPORT PROCESSES FOR MANAGING AND OVERSEEING DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS

Pub. L. 116-283, div. A, title VIII, §836, Jan. 1, 2021, 134 Stat. 3756, provided that:

“(a) DIGITAL DATA MANAGEMENT AND ANALYTICS CAPABILITIES.—

“(1) IN GENERAL.—The Secretary of Defense shall iteratively develop and integrate advanced digital data management and analytics capabilities, consistent with private sector best practices, that—

“(A) integrate all aspects of the defense acquisition system, including the development of capability requirements, research, design, development, testing, evaluation, acquisition, management, operations, and sustainment of systems;

“(B) facilitate the management and analysis of all relevant data generated during the development of capability requirements, research, design, development, testing, evaluation, acquisition, operations, and sustainment of systems;

“(C) enable the use of such data to inform further development, acquisition, management and oversight of such systems, including portfolio management; and

“(D) include software capabilities to collect, transport, organize, manage, make available, and analyze relevant data throughout the life cycle of defense acquisition programs, including any data needed to support individual and portfolio management of acquisition programs.

“(2) REQUIREMENTS.—The capabilities developed under paragraph (1) shall—

“(A) be accessible to, and useable by, individuals throughout the Department of Defense who have responsibilities relating to activities described in clauses (A) through (C) of paragraph (1);

“(B) enable the development, use, curation, and maintenance of original form and real-time digital systems by—

“(i) ensuring shared access to data within the Department;

“(ii) supplying data to digital engineering models for use in the defense acquisition, sustainment, and portfolio management processes; and

“(iii) supplying data to testing infrastructure and software to support automated approaches for testing, evaluation, and deployment throughout the defense acquisition, sustainment, and portfolio management processes; and

“(C) feature—

“(i) improved data management and sharing processes;

“(ii) timely, high-quality, transparent, and actionable analyses; and

“(iii) analytical models and simulations.

“(3) ENABLING DATA INFRASTRUCTURE, TOOLS, AND PROCESSES.—In developing the capability required under paragraph (1), the Secretary of Defense shall—

“(A) move supporting processes and the data associated with such processes from analog to digital format, including planning and reporting processes;

“(B) make new and legacy data more accessible to, and usable by, appropriate employees and contractors (at any tier) of the Department of Defense and members of the Armed Forces, including through migration of program and other documentation into digital formats;

“(C) modernize the query, collection, storage, retrieval, reporting, and analysis capabilities for stakeholders within the Department, including research entities, Program Management Offices, analytic organizations, oversight staff, and decision makers;

“(D) automate data collection and storage to minimize or eliminate manual data entry or manual reporting;

“(E) enable employees and other appropriate users to access data from all relevant data sources, including through—

“(i) streamlining data access privileges;

“(ii) sharing of appropriate data between and among Federal Government and contractor information systems; and

“(iii) enabling timely and continuous data collection and sharing from all appropriate personnel, including contractors;

“(F) modernize existing enterprise information systems to enable interoperability consistent with technical best practices; and

“(G) provide capabilities and platforms to enable continuous development and integration of software using public and private sector best practices.

“(b) PORTFOLIO MANAGEMENT.—The Secretary of Defense shall establish capabilities for robust, effective, and data-driven portfolio management described in subsection (a)(1)(C), using the capability established in this section, to improve the Department of Defense-wide assessment, management, and optimization of the investments in weapon systems of the Department, including through consolidation of duplicate or similar weapon system programs.

“(c) DEMONSTRATION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of Defense shall carry out activities to demonstrate the capability required under subsection (a).

“(2) ACTIVITY SELECTION.—Not later than July 15, 2021, the Secretary of Defense shall select decision support processes and individual acquisition programs to participate in the demonstration activities under paragraph (1), including—

“(A) decision support processes, including—

“(i) portfolio management as described in subsection (b);

“(ii) one or more acquisition data management test cases; and

“(iii) one or more development and test modeling and simulation test cases to demonstrate the ability to collect data from tests and oper-

ations in the field, and feed the data back into models and simulations for better software development and testing;

“(B) individual acquisition programs representing—

“(i) one or more defense business systems;

“(ii) one or more command and control systems;

“(iii) one or more middle tier of acquisition programs;

“(iv) programs featuring a cost-plus contract type, and a fixed-price contract type, and a transaction authorized under section 2371 or 2371b of title 10, United States Code; and

“(v) at least one program in each military department.

“(3) EXECUTION OF DEMONSTRATION ACTIVITIES.—As part of the demonstration activities under paragraph (1), the Secretary shall—

“(A) conduct a comparative analysis that assesses the risks and benefits of the digital management and analytics capability used in each of the programs participating in the demonstration activities relative to the traditional data collection, reporting, exposing, and analysis approaches of the Department;

“(B) ensure that the intellectual property strategy for each of the programs participating in the demonstration activities is best aligned to meet the goals of the program; and

“(C) develop a workforce and infrastructure plan to support any new policies and guidance implemented in connection with the demonstration activities, including any policies and guidance implemented after the completion of such activities.

“(d) POLICIES AND GUIDANCE REQUIRED.—Not later than March 15, 2022, based on the results of the demonstration activities carried out under subsection (c), the Secretary of Defense shall issue or modify policies and guidance to—

“(1) promote the use of digital data management and analytics capabilities; and

“(2) address roles, responsibilities, and procedures relating to such capabilities.

“(e) STEERING COMMITTEE.—

“(1) IN GENERAL.—The Secretary of Defense shall establish a steering committee to assist the Secretary in carrying out subsections (a) through (c).

“(2) MEMBERSHIP.—The steering committee shall be composed of the following members or their designees:

“(A) The Deputy Secretary of Defense.

“(B) The Chief Information Officer.

“(C) The Director of Cost Assessment and Program Evaluation.

“(D) The Under Secretary of Defense for Research and Engineering.

“(E) The Under Secretary of Defense for Acquisition and Sustainment.

“(F) The Director of Operational Test and Evaluation.

“(G) The Service Acquisition Executives.

“(H) The Director for Force Structure, Resources, and Assessment of the Joint Staff.

“(I) The Director of the Defense Digital Service.

“(J) Such other officials of the Department of Defense as the Secretary determines appropriate.

“(f) INDEPENDENT ASSESSMENTS.—

“(1) INITIAL ASSESSMENT.—

“(A) IN GENERAL.—The Defense Innovation Board, in consultation with the Defense Digital Service, shall conduct an independent assessment and cost-benefits analysis to identify recommended approaches for the implementation of subsections (a) through (c).

“(B) ELEMENTS.—The assessment under subparagraph (A) shall include the following:

“(i) A plan for the development and implementation of the capabilities required under subsection (a), including a plan for any procurement

that may be required as part of such development and implementation.

“(ii) An independent cost assessment of the total estimated cost of developing and implementing the capability, as well as an assessment of any potential cost savings.

“(iii) An independent estimate of the schedule for the development approach, and order of priorities for implementation of the capability, including a reasonable estimate of the dates on which the capability can be expected to achieve initial operational capability and full operational capability, respectively.

“(iv) A recommendation identifying the office or other organization of the Department of Defense that would be most appropriate to manage and execute the capability.

“(C) REPORT.—Not later than July 15, 2021, the Defense Innovation Board, in consultation with the Defense Digital Service, shall submit to the Secretary of Defense and the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the findings of the assessment under subparagraph (A), including the findings of the assessment with respect to each element specified in subparagraph (B).

“(2) SECOND ASSESSMENT.—

“(A) IN GENERAL.—Not later than March 15, 2023, the Defense Innovation Board and the Defense Science Board shall jointly complete an independent assessment of the progress of the Secretary in implementing subsections (a) through (c). The Secretary of Defense shall ensure that the Defense Innovation Board and the Defense Science Board have access to the resources, data, and information necessary to complete the assessment.

“(B) INFORMATION TO CONGRESS.—Not later than 30 days after the date on which the assessment under subparagraph (A) is completed, the Defense Innovation Board and the Defense Science Board shall jointly provide to the congressional defense committees—

“(i) a report summarizing the assessment; and

“(ii) a briefing on the findings of the assessment.

“(g) DEMONSTRATIONS AND BRIEFING.—

“(1) DEMONSTRATION OF IMPLEMENTATION.—Not later than October 20, 2021, the Secretary of Defense shall submit to the congressional defense committees a demonstration and briefing on the progress of the Secretary in implementing subsections (a) through (c). The briefing shall include an explanation of how the results of the demonstration activities carried out under subsection (c) will be incorporated into the policy and guidance required under subsection (d), particularly the policy and guidance of the members of the steering committee established under subsection (e).

“(2) BRIEFING ON LEGISLATIVE RECOMMENDATIONS.—Not later than February 1, 2022, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a briefing that identifies any changes to existing law that may be necessary to facilitate the implementation of subsections (a) through (c).

“(3) DEMONSTRATION OF PORTFOLIO MANAGEMENT.—In conjunction with the budget of the President for fiscal year 2023 (as submitted to Congress under section 1105(a) of title 21 [probably should be title “31”, United States Code), the Deputy Secretary of Defense shall schedule a demonstration of the portfolio management capability developed under subsection (b) with the congressional defense committees.”

§ 3102. Customer-oriented acquisition system

(a) OBJECTIVE.—It shall be the objective of the defense acquisition system to meet the needs of its customers in the most cost-effective manner

practicable. The acquisition policies, directives, and regulations of the Department of Defense shall be modified as necessary to ensure the development and implementation of a customer-oriented acquisition system.

(b) CUSTOMER.—The customer of the defense acquisition system is the armed force that will have primary responsibility for fielding the system or systems acquired. The customer is represented with regard to a major defense acquisition program by the Secretary of the military department concerned and the Chief of the armed force concerned.

(c) ROLE OF CUSTOMER.—The customer of a major defense acquisition program shall be responsible for balancing resources against priorities on the acquisition program and ensuring that appropriate trade-offs are made among cost, schedule, technical feasibility, and performance on a continuing basis throughout the life of the acquisition program.

(Added Pub. L. 114-92, div. A, title VIII, §802(a)(1), Nov. 25, 2015, 129 Stat. 878, §2546a; renumbered §3102 and amended Pub. L. 116-283, div. A, title XVIII, §1808(a)(2), (3)(A), Jan. 1, 2021, 134 Stat. 4159.)

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2546a of this title as this section and transferred it so as to appear after section 3101 of this title. Directory language transferring this section “within such section” was executed as if it had read “within such chapter”, meaning chapter 205 of this title, to reflect the probable intent of Congress.

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.

§ 3103. Civilian management of the defense acquisition system

(a) RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Subject to the authority, direction and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition and Sustainment 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 and Sustainment 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.