

- (2) the frequency with which such performance assessments should be conducted;
- (3) goals, standards, tools, and metrics for use in conducting performance assessments;
- (4) the composition of the teams designated to perform performance assessments;
- (5) any phase-in requirements needed to ensure that qualified staff are available to perform performance assessments;
- (6) procedures for tracking the implementation of recommendations made pursuant to performance assessments;
- (7) procedures for developing and disseminating lessons learned from performance assessments; and
- (8) procedures for ensuring that information from performance assessments are retained electronically and are provided in a timely manner to the Under Secretary of Defense for Acquisition and Sustainment and the Director of the Office of Performance Assessment and Root Cause Analysis as needed to assist them in performing their responsibilities under this section.

(Added Pub. L. 111-383, div. A, title VIII, §861(a), Jan. 7, 2011, 124 Stat. 4289, §2548; amended Pub. L. 112-239, div. A, title X, §1076(d)(5), (f)(30), Jan. 2, 2013, 126 Stat. 1951, 1953; Pub. L. 115-91, div. A, title X, §1081(a)(41), Dec. 12, 2017, 131 Stat. 1596; Pub. L. 116-92, div. A, title IX, §902(79), Dec. 20, 2019, 133 Stat. 1553; renumbered §3105 and amended Pub. L. 116-283, div. A, title XVIII, §1808(a)(2), (b)(3), (c)(1)(A), (2), Jan. 1, 2021, 134 Stat. 4159, 4160.)

AMENDMENTS

2021—Pub. L. 116-283, §1808(a)(2), (c)(2), renumbered section 2548 of this title as this section and substituted “Elements of the defense acquisition system: performance assessments” for “Performance assessments of the defense acquisition system” in section catchline.

Subsec. (b)(2)(B)(i). Pub. L. 116-283, §1808(b)(3), substituted “sections 3701 through 3708” for “section 2306a”.

Subsecs. (d), (e). Pub. L. 116-283, §1808(c)(1)(A), transferred subsecs. (d) and (e) of this section to section 3106 of this title.

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.

§ 3106. Elements of the defense acquisition system: performance goals

(a) PERFORMANCE GOALS UNDER GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The annual performance plan prepared by the Department of Defense pursuant to section 1115 of title 31 shall include appropriate performance goals for elements of the defense acquisition system.

(b) REPORTING REQUIREMENT.—The annual report prepared by the Secretary of Defense pursuant to section 1116 of title 31 shall address the Department’s success in achieving performance goals established pursuant to such section for elements of the defense acquisition system.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1808(c)(1), Jan. 1, 2021, 134 Stat. 4160.)

CODIFICATION

The text of subsecs. (d) and (e) of section 2548 of this title, which were transferred first to section 3105(d) and (e) of this title and then to this section, redesignated as subsecs. (a) and (b), respectively, and amended by Pub. L. 116-283, §1808(a)(2), (c)(1), was based on Pub. L. 111-383, div. A, title VIII, §861(a), Jan. 7, 2011, 124 Stat. 4289; amended Pub. L. 112-239, div. A, title X, §1076(d)(5), (f)(30)(B), (C), Jan. 2, 2013, 126 Stat. 1951, 1953; Pub. L. 115-91, div. A, title X, §1081(a)(41), Dec. 12, 2017, 131 Stat. 1596.

AMENDMENTS

2021—Pub. L. 116-283, §1808(c)(1)(B), redesignated subsecs. (d) and (e) of section 3105 of this title as subsecs. (a) and (b), respectively, of 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.

CHAPTER 207—BUDGETING AND APPROPRIATIONS

- Sec. 3131. Availability of appropriations.
- 3132. Availability of appropriations for procurement of technical military equipment and supplies.
- 3133. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property.
- 3134. Allocation of appropriations.
- 3135. Comparable budgeting for common procurement weapon systems.
- 3136. Defense Modernization Account.
- 3137. Procurement of contract services: specification of amounts requested in budget.
- 3138. Obligations for contract services: reporting in budget object classes.

PRIOR PROVISIONS

A prior chapter 207 “BUDGETING AND APPROPRIATIONS MATTERS”, as added by Pub. L. 115-232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1826, and consisting of reserved section 3101, was repealed by Pub. L. 116-283, div. A, title XVIII, §1809(a), Jan. 1, 2021, 134 Stat. 4160.

§ 3131. Availability of appropriations

(a) Funds appropriated to the Department of Defense for research and development remain available for obligation for a period of two consecutive years.

(b) Funds appropriated to the Department of Defense for research and development may be used—

(1) for the purposes of section 4141¹ of this title; and

(2) for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Department of Defense.

(Added Pub. L. 97-258, §2(b)(3)(B), Sept. 13, 1982, 96 Stat. 1052, §2361; renumbered §2351 and amended Pub. L. 100-370, §1(g)(1), July 19, 1988, 102 Stat. 846; renumbered §3131 and amended Pub. L. 116-283, div. A, title XVIII, §§1809(b), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4161, 4294.)

¹Reference reflects amendment made by section 1883(b)(2) of Pub. L. 116-283.

AMENDMENTS

2021—Pub. L. 116-283, §1809(b), renumbered section 2351 of this title as this section.

Subsec. (b)(1). Pub. L. 116-283, §1883(b)(2), substituted “section 4141” for “section 2353”.

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.

§ 3132. Availability of appropriations for procurement of technical military equipment and supplies

Funds appropriated to the Department of Defense for the procurement of technical military equipment and supplies remain available until spent.

(Added Pub. L. 97-258, §2(b)(4)(B), Sept. 13, 1982, 96 Stat. 1052, §2394; renumbered §2395 and amended Pub. L. 97-295, §1(28)(A), Oct. 12, 1982, 96 Stat. 1291; renumbered §3132, Pub. L. 116-283, div. A, title XVIII, §1809(c), Jan. 1, 2021, 134 Stat. 4161.)

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2395 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.

§ 3133. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property

(a) AUTHORITY.—(1) The Secretary of Defense, the Secretary of a military department, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into a contract for a purpose described in paragraph (2) for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

(2) The purpose of a contract described in this paragraph is as follows:

(A) The procurement of severable services.

(B) The lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement.

(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).

(Added Pub. L. 100-370, §1(h)(2), July 19, 1988, 102 Stat. 847, §2410a; amended Pub. L. 102-190, div. A, title III, §342, Dec. 5, 1991, 105 Stat. 1343; Pub. L. 104-324, title II, §214(b), Oct. 19, 1996, 110 Stat. 3915; Pub. L. 105-85, div. A, title VIII, §801(a), Nov. 18, 1997, 111 Stat. 1831; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-136, div. A, title X, §1005(a), (b)(1),

Nov. 24, 2003, 117 Stat. 1584; renumbered §3133, Pub. L. 116-283, div. A, title XVIII, §1809(d), Jan. 1, 2021, 134 Stat. 4161.)

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2410a 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.

§ 3134. Allocation of appropriations

(a) Appropriations available for procurement by an agency named in section 3063 of this title may, through administrative allotment, be made available for obligation for procurement by any other agency in amounts authorized by the head of the allotting agency and without transfer of funds on the books of the Department of the Treasury.

(b) A disbursing official of the allotting agency may make any disbursement chargeable to an allotment under subsection (a) upon a voucher certified by an officer or civilian employee of the procuring agency.

(c) For purposes of sections 3064 and 3066 of this title, this section shall be deemed to be a section of chapter 137 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 132, §2309; Pub. L. 97-258, §2(b)(1)(B), Sept. 13, 1982, 96 Stat. 1052; renumbered §3134 and amended Pub. L. 116-283, div. A, title XVIII, §1809(e), Jan. 1, 2021, 134 Stat. 4161.)

AMENDMENTS

2021—Pub. L. 116-283, §1809(e)(1), renumbered section 2309 of this title as this section.

Subsec. (a). Pub. L. 116-283, §1809(e)(2)(A), substituted “named in section 3063” for “named in section 2303”.

Subsec. (c). Pub. L. 116-283, §1809(e)(2)(B), added subsec. (c).

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.

§ 3135. Comparable budgeting for common procurement weapon systems

(a) MATTERS TO BE INCLUDED IN ANNUAL DEFENSE BUDGETS.—In preparing the defense budget for any fiscal year, the Secretary of Defense shall—

(1) specifically identify each common procurement weapon system included in the budget;

(2) take all feasible steps to minimize variations in procurement unit costs for any such system as shown in the budget requests of the different armed forces requesting procurement funds for the system; and

(3) identify and justify in the budget all such variations in procurement unit costs for common procurement weapon systems.

(b) COMPTROLLER.—The Secretary shall carry out this section through the Under Secretary of Defense (Comptroller).