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Editorial Notes

AMENDMENTS

2021—Pub. L. 117–81, div. A, title XVII, §1701(i)(8)(A), (l)(2), Dec. 27, 2021, 135 Stat. 2142, 2144, which directed amendment of this analysis by substituting “[Reserved]” for “Foreign Acquisitions” and starting section number 3881 in item for chapter 283 and by adding item for chapter 287 and striking out former item for chapter 287 “Socioeconomic Programs”, was executed by amending this analysis as directed, notwithstanding that other amendments by section 1701(i) and (l) of Pub. L. 117–81 were directed to Pub. L. 116–283, and not to the Code directly, and that such amendments are effective as if included in title XVIII of Pub. L. 116–283.

Pub. L. 117–81, div. A, title XVII, §1701(i)(5)(A), (B)(ii), Dec. 27, 2021, 135 Stat. 2141, made similar amendments, resulting in the substitution of “[Reserved]” for “Rapid Acquisition Procedures” and starting section number 3601 in item for chapter 253. Section 1701(i)(5)(B)(ii) amended Pub. L. 116–283, div. A, title XVIII, §1824(b), Jan. 1, 2021, 134 Stat. 4205, which had added the item for chapter 253, while section 1701(i)(5)(A) amended this analysis directly.

Pub. L. 117–81, div. A, title XVII, §1701(g), Dec. 27, 2021, 135 Stat. 2140, substituted “3061”, “3101”, and “3131”, for “3021”, “3051”, and “3101”, respectively, in items for chapters 203, 205, and 207, added item for chapter 247 and struck out former item for chapter 247 “Acquisition of Commercial Items”, substituted “3571” for “3551” in item for chapter 251, added items for chapters 257 and 258 and struck out former item for chapter 257 “Contracts for Long-Term Lease or Charter of Vessels, Aircraft, and Combat”, and substituted “Provisions” for “Requirements” in item for subpart D of part V.

Pub. L. 116–283, div. A, title XVIII, §§1841(a)(2), 1856(a), Jan. 1, 2021, 134 Stat. 4243, 4273, as amended by Pub. L. 117–81, div. A, title XVII, §1701(i)(9)(A), (u)(1), Dec. 27, 2021, 135 Stat. 2142, 2150, added items for subpart E and chapters 301 to 307 and item for Reserved chapter 343 and struck out former items for subpart E “special categories of contracting: major defense acquisition programs and major systems” including chapters 301 “Major Defense Acquisition Programs”, 303 “Weapon Systems Development and Related Matters”, and 305 “Other Matters Relating to Major Systems” and item for chapter 343 “Acquisition of Services”.

Pub. L. 116–283, div. A, title XVIII, §§1808(a)(4), 1811(a), 1816(a), 1821(a)(4), 1824(b), 1825(l), 1831(l),

1833(a)(2), 1846(a), 1851(d)(2), 1866(a), 1872(b)(2), 1873(f), 1880(b), 1881(b), 1882(a)(2), Jan. 1, 2021, 134 Stat. 4159, 4164, 4181, 4195, 4205, 4208, 4217, 4226, 4247, 4279, 4289, 4290, 4293, substituted “SERVICE, SUPPLY, AND PROPERTY” for “SERVICE, SUPPLY, AND PROCUREMENT” in heading of part IV and “Miscellaneous Provisions Relating to Property” for “Miscellaneous Procurement Provisions” in item for chapter 141, struck out items for chapters 137 “Procurement Generally”, 139 “Research and Development”, 140 “Procurement of Commercial Products and Commercial Services”, 142 “Procurement Technical Assistance Cooperative Agreement Program”, 144 “Major Defense Acquisition Programs”, 144B “Weapon Systems Development and Related Matters”, 148 “National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion”, and 149 “Defense Acquisition System”, added items for chapters 221 to 225, 241 to 244, 253, 257, 271, 272, and 275, item for subpart F and chapters 321 to 327, and items for chapters 341, 381 to 385, and 387 to 389 and struck out former items for chapters 221 “Planning and Solicitation Generally”, 223 “Planning and Solicitation Relating to Particular Items or Services”, 241 “Awarding of Contracts”, 243 “Specific Types of Contracts”, 253 “Emergency and Rapid Acquisitions”, 271 “Truthful Cost or Pricing Data”, 275 “Proprietary Contractor Data and Technical Data”, and 285 “Small Business Programs”, former item for subpart F “special categories of contracting: research, development, test, and evaluation” including chapters 321 “Research and Development Generally”, 323 “Innovation”, 325 “Department of Defense Laboratories”, 327 “Research and Development Centers and Facilities”, and 329 “Operational Test and Evaluation; Developmental Test and Evaluation”, and former items for chapters 341 “Contracting for Performance of Civilian Commercial or Industrial Type Functions”, 381 “Defense Industrial Base Generally”, 383 “Loan Guarantee Programs”, and 385 “Procurement Technical Assistance Cooperative Agreement Program”.

Pub. L. 116–283, title X, §1081(a)(1)–(3), Jan. 1, 2021, 134 Stat. 3870, added second item for chapter 19 and item for chapter 113 and substituted “2375” for “2377” in item for chapter 140.

2019—Pub. L. 116–92, div. A, title XVII, §1731(a)(1), (2), Dec. 20, 2019, 133 Stat. 1812, as amended by Pub. L. 116–283, div. A, title X, §1081(c)(8), Jan. 1, 2021, 134 Stat. 3873, substituted “240a” for “251” in item for chapter 9A and “Cyber Scholarship Program” for “Information Security Scholarship Program” in item for chapter 112.

2018—Pub. L. 115–232, div. A, title VIII, §§801(b), 836(e)(12), Aug. 13, 2018, 132 Stat. 1831, 1870, substituted “Procurement of Commercial Products and Commercial Services” for “Procurement of Commercial Items” and “2377” for “2375” in item for chapter 140 and added item for part V containing items for subparts A to I and chapters 201 to 385.

2017—Pub. L. 115–91, div. A, title X, §1081(d)(4), Dec. 12, 2017, 131 Stat. 1600, amended directory language of Pub. L. 114–328, §805(a)(2). See 2016 Amendment note below.

Pub. L. 115–91, div. A, title X, §1002(a)(2), Dec. 12, 2017, 131 Stat. 1537, added item for chapter 9A.

2016—Pub. L. 114–328, div. A, title VIII, §846(2), title XII, §1241(o)(1), Dec. 23, 2016, 130 Stat. 2292, 2512, redesignated item for chapter 13 “The Militia” as 12 and substituted “246” for “311”, redesignated item for chapter 15 “Insurrection” as 13 and substituted “251” for “331”, redesignated item for chapter 17 “Arming of American Vessels” as 14 and substituted “261” for “351”, redesignated item for chapter 18 “Military Support for Civilian Law Enforcement Agencies” as 15 and substituted “271” for “371”, added item for chapter 16, and struck out item for chapter 144A “Major Automated Information System Programs”.

Pub. L. 114–328, div. A, title VIII, §805(a)(2), Dec. 23, 2016, 130 Stat. 2255, as amended by Pub. L. 115–91, div. A, title X, §1081(d)(4), Dec. 12, 2017, 131 Stat. 1600, added item for chapter 144B.

2015—Pub. L. 114–92, div. A, title X, §1081(a)(1), Nov. 25, 2015, 129 Stat. 1000, substituted “Cyber Matters” for “Cyber matters” in first item for chapter 19.

2014—Pub. L. 113-291, div. A, title XVI, §1632(d), Dec. 19, 2014, 128 Stat. 3640, added first item for chapter 19.

2013—Pub. L. 113-66, div. A, title X, §1091(a)(1), Dec. 26, 2013, 127 Stat. 875, substituted “Nuclear Posture” for “Nuclear posture” in item for chapter 24.

Pub. L. 112-239, div. A, title X, §1031(b)(2), Jan. 2, 2013, 126 Stat. 1918, added item for chapter 24.

2011—Pub. L. 111-383, div. A, title VIII, §861(b), title X, §1075(b)(1), Jan. 7, 2011, 124 Stat. 4292, 4368, substituted “1030” for “1031” in item for chapter 53 and added item for chapter 149.

2009—Pub. L. 111-84, div. A, title X, §1073(a)(1), Oct. 28, 2009, 123 Stat. 2472, substituted “1580” for “1581” in item for chapter 81 and “2551” for “2541” in item for chapter 152.

2008—Pub. L. 110-181, div. A, title X, §1068(a)(4)(B), Jan. 28, 2008, 122 Stat. 326, substituted “Insurrection” for “Enforcement of the Laws to Restore Public Order” in item for chapter 15.

2006—Pub. L. 109-366, §3(a)(2), Oct. 17, 2006, 120 Stat. 2630, added item for chapter 47A.

Pub. L. 109-364, div. A, title VIII, §816(a)(2), title X, §1076(a)(4)(A), div. B, title XXVIII, §2851(c)(1), Oct. 17, 2006, 120 Stat. 2326, 2405, 2495, substituted “Enforcement of the Laws to Restore Public Order” for “Insurrection” in item for chapter 15 and added items for chapters 144A and 173.

2004—Pub. L. 108-375, div. A, title V, §532(e), title X, §1084(d)(1), Oct. 28, 2004, 118 Stat. 1900, 2061, substituted “480” for “481” in item for chapter 23, added item for chapter 107, and redesignated former item for chapter 107 as item for chapter 106A.

2003—Pub. L. 108-136, div. A, title IX, §921(d)(8), title X, §1045(a)(1), Nov. 24, 2003, 117 Stat. 1569, 1612, substituted “Geospatial-Intelligence” for “Imagery and Mapping” in item for chapter 22 and “2700” for “2701” in item for chapter 160.

2001—Pub. L. 107-107, div. A, title IX, §911(b), title X, §1048(a)(1), Dec. 28, 2001, 115 Stat. 1196, 1222, struck out period after “1111” in item for chapter 56 and added item for chapter 135.

2000—Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(2), title IX, §922(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-184, 1654A-236, added items for chapters 56 and 112.

1999—Pub. L. 106-65, div. A, title V, §586(c)(1), title VII, §721(c)(2), Oct. 5, 1999, 113 Stat. 638, 694, added item for chapter 50 and substituted “Deceased Personnel” for “Death Benefits” and “1471” for “1475” in item for chapter 75.

1997—Pub. L. 105-85, div. A, title III, §§355(c)(2), 371(a)(2), (c)(5), title V, §591(a)(2), title X, §§1073(a)(1), (2), 1074(d)(2), Nov. 18, 1997, 111 Stat. 1694, 1705, 1762, 1900, 1910, substituted “481” for “471” in item for chapter 23, added items for chapters 80 and 136, and substituted “2460” for “2461” in item for chapter 146, “Commissaries and Exchanges and Other Morale, Welfare, and Recreation Activities” for “Utilities and Services” in item for chapter 147, “2500” for “2491” in item for chapter 148, and “2541” for “2540” in item for chapter 152.

1996—Pub. L. 104-201, div. A, title XI, §1123(a)(1), (2), title XVI, §1633(c)(3), Sept. 23, 1996, 110 Stat. 2687, 2688, 2751, substituted “National Imagery and Mapping Agency” for “Miscellaneous Studies and Reports” and “441” for “451” in item for chapter 22, added item for chapter 23, substituted “Civilian Defense Intelligence Employees” for “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” in item for chapter 83, and struck out item for chapter 167 “Defense Mapping Agency”.

Pub. L. 104-106, div. A, title V, §§568(a)(2), 569(b)(2), title X, §1061(a)(2), (b)(2), Feb. 10, 1996, 110 Stat. 335, 351, 442, added items for chapters 76 and 88 and struck out items for chapters 89 “Volunteers Investing in Peace and Security” and 171 “Security and Control of Supplies”.

1994—Pub. L. 103-359, title V, §501(b)(2), Oct. 14, 1994, 108 Stat. 3429, substituted “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” for

“Defense Intelligence Agency Civilian Personnel” in item for chapter 83.

Pub. L. 103-355, title VIII, §8101(b), Oct. 13, 1994, 108 Stat. 3389, added item for chapter 140.

Pub. L. 103-337, div. A, title V, §554(a)(2), Oct. 5, 1994, 108 Stat. 2773, added item for chapter 22.

1993—Pub. L. 103-160, div. A, title VIII, §828(b)(1), Nov. 30, 1993, 107 Stat. 1713, struck out item for chapter 135 “Encouragement of Aviation”.

1992—Pub. L. 102-484, div. A, title XIII, §1322(a)(2), div. D, title XLII, §4271(b)(1), Oct. 23, 1992, 106 Stat. 2553, 2695, added items for chapters 89 and 148 and struck out former items for chapters 148 “Defense Industrial Base”, 149 “Manufacturing Technology”, and 150 “Development of Dual-Use Critical Technologies”.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(ii), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993, struck out item for chapter 85 “Procurement Management Personnel”.

Pub. L. 102-190, div. A, title VIII, §821(f), title X, §§1002(a)(2), 1061(a)(27)(A), title XI, §1112(b)(2), Dec. 5, 1991, 105 Stat. 1432, 1455, 1474, 1501, substituted “Defense Budget Matters” for “Regular Components” and inserted “221” in item for chapter 9, substituted “Original Appointments of Regular Officers in Grades Above Warrant Officer Grades” for “Appointments in Regular Components” in item for chapter 33, added item for chapter 33A, substituted “Manufacturing” for “Manufacturing” in item for chapter 149, added items for chapters 150 and 152, struck out item for former chapter 150 “Issue to Armed Forces” and struck out item for former chapter 151 “Issue of Serviceable Material Other Than to Armed Forces”.

Pub. L. 102-25, title VII, §701(e)(1), (2), Apr. 6, 1991, 105 Stat. 114, added item for chapter 85 and in item for chapter 108 inserted “2161”.

1990—Pub. L. 101-510, div. A, title II, §247(a)(2)(B), title V, §502(a)(2), title VIII, §823(b)(1), title IX, §911(b)(3), title XII, §1202(b), title XVIII, §1801(a)(2), Nov. 5, 1990, 104 Stat. 1523, 1557, 1602, 1626, 1656, 1757, added item for chapter 58, struck out item for chapter 85 “Procurement Management Personnel”, added item for chapter 87, substituted “Department of Defense Schools” for “Granting of Advanced Degrees at Department of Defense Schools” in item for chapter 108, substituted “Support of Science, Mathematics, and Engineering Education” for “National Defense Science and Engineering Graduate Fellowships” in item for chapter 111, added item for chapter 149 and redesignated former item for chapter 149 as item for chapter 150, and added item for chapter 172.

1989—Pub. L. 101-189, div. A, title VIII, §843(d)(2), title IX, §931(e)(2), title XVI, §1622(d)(2), Nov. 29, 1989, 103 Stat. 1517, 1535, 1605, substituted “Training and Education” for “Training” in item for part III, added item for chapter 111, and substituted “Cooperative Agreements” for “Acquisition and Cross-Servicing Agreements” in item for chapter 138.

1988—Pub. L. 100-456, div. A, title III, §§342(a)(2), 344(b)(2), title VIII, §821(b)(2), title XI, §1104(b), Sept. 29, 1988, 102 Stat. 1961, 1962, 2016, 2046, substituted “Support for” for “Cooperation With” and “Agencies” for “Officials” in item for chapter 18, substituted “Defense Industrial Base” for “Buy American Requirements” in item for chapter 148, substituted “Property Records and Report of Theft or Loss of Certain Property” for “Property Records” in item for chapter 161, and added item for chapter 171.

Pub. L. 100-370, §§1(c)(3), (e)(2), 2(a)(2), 3(a)(2), July 19, 1988, 102 Stat. 841, 845, 854, 855, added items for chapters 54, 134, 146, and 148.

1987—Pub. L. 100-180, div. A, title III, §332(c), title VII, §711(b), Dec. 4, 1987, 101 Stat. 1080, 1111, substituted “Humanitarian and Other Assistance” for “Humanitarian and Civic Assistance Provided in Conjunction With Military Operations” in item for chapter 20 and “Financial Assistance Programs” for “Scholarship Program” in item for chapter 105.

Pub. L. 100-26, §§7(c)(1), 9(b)(4), Apr. 21, 1987, 101 Stat. 280, 287, added item for chapter 21, substituted “Acqui-

sition and Cross-Servicing Agreements with NATO Allies and Other Countries” for “North Atlantic Treaty Organization Acquisition and Cross-Servicing Agreements” in item for chapter 138, substituted “Major Defense Acquisition Programs” for “Oversight of Cost Growth in Major Programs” and “2430” for “2431” in item for chapter 144, and substituted “2721” for “2701” in item for chapter 161.

1986—Pub. L. 99-661, div. A, title III, §333(a)(2), title XIII, §1343(a)(22), Nov. 14, 1986, 100 Stat. 3859, 3994, added item for chapter 20 and substituted “2341” for “2321” in item for chapter 138.

Pub. L. 99-499, title II, §211(a)(2), Oct. 17, 1986, 100 Stat. 1725, added item for chapter 160.

Pub. L. 99-433, title IV, §401(b), title VI, §605, Oct. 1, 1986, 100 Stat. 1030, 1075a, added items for chapters 2, 6, 38, and 144, inserted “and Functions” in item for chapter 3, substituted “Office of the Secretary of Defense” for “Department of Defense” in item for chapter 4, substituted “151” for “141” as the section number in the item for chapter 5, reenacted item for chapter 7 without change, and inserted “and Department of Defense Field Activities” in item for chapter 8.

Pub. L. 99-399, title VIII, §806(d)(2), Aug. 27, 1986, 100 Stat. 888, added item for chapter 110.

1985—Pub. L. 99-145, title VI, §671(a)(2), title IX, §924(a)(2), Nov. 8, 1985, 99 Stat. 663, 698, added items for chapters 85 and 109.

1984—Pub. L. 98-525, title VII, §705(a)(2), title XII, §1241(a)(2), Oct. 19, 1984, 98 Stat. 2567, 2606, substituted “Members of the Selected Reserve” for “Enlisted Members of the Selected Reserve of the Ready Reserve” in item for chapter 106 and added item for chapter 142.

1983—Pub. L. 98-94, title IX, §925(a)(2), title XII, §1268(15), Sept. 24, 1983, 97 Stat. 648, 707, added item for chapter 74, and substituted “or” for “and” in item for chapter 60.

1982—Pub. L. 97-295, §1(50)(D), Oct. 12, 1982, 96 Stat. 1300, added item for chapter 167.

Pub. L. 97-269, title V, §501(b), Sept. 27, 1982, 96 Stat. 1145, added item for chapter 8.

Pub. L. 97-214, §2(b), July 12, 1982, 96 Stat. 169, added item for chapter 169.

1981—Pub. L. 97-89, title VII, §701(a)(2), Dec. 4, 1981, 95 Stat. 1160, added item for chapter 83.

Pub. L. 97-86, title IX, §905(a)(2), Dec. 1, 1981, 95 Stat. 1116, added item for chapter 18.

1980—Pub. L. 96-513, title V, §§501(1), 511(29), (54)(B), (99), Dec. 12, 1980, 94 Stat. 2907, 2922, 2925, 2929, added item for chapter 32, substituted “531” for “541” as section number in item for chapter 33, substituted “34” for “35” as chapter number of chapter relating to appointments as reserve officers, added items for chapters 35 and 36, substituted “Reserve Components: Standards and Procedures for Retention and Promotion” for “Retention of Reserves” in item for chapter 51, added item for chapter 60, substituted “1251” for “1255” as section number in item for chapter 63, substituted “Retirement of Warrant Officers” for “Retirement” in item for chapter 65, substituted “1370” for “1371” as section number in item for chapter 69, amended item for chapter 73 to read: “Annuities Based on Retired or Retainer Pay”, and capitalized “Assistance”, “Persons”, “Enlisting”, “Active”, and “Duty” in item for chapter 107.

Pub. L. 96-450, title IV, §406(b), Oct. 14, 1980, 94 Stat. 1981, added item for chapter 108.

Pub. L. 96-342, title IX, §901(b), Sept. 8, 1980, 94 Stat. 1114, added item for chapter 107.

Pub. L. 96-323, §2(b), Aug. 4, 1980, 94 Stat. 1019, added item for chapter 138.

1977—Pub. L. 95-79, title IV, §402(b), July 30, 1977, 91 Stat. 330, added item for chapter 106.

1972—Pub. L. 92-426, §2(b), Sept. 21, 1972, 86 Stat. 719, added items for chapters 104 and 105.

Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed as directed in view of amendment by Pub. L. 87-381. See 1961 Amendment note below.

1968—Pub. L. 90-377, §2, July 5, 1968, 82 Stat. 288, added item for chapter 48.

1967—Pub. L. 90-83, §3(2), Sept. 11, 1967, 81 Stat. 220, struck out item for chapter 80 “Exemplary Rehabilitation Certificates”.

1966—Pub. L. 89-690, §2, Oct. 15, 1966, 80 Stat. 1017, added item for chapter 80.

1964—Pub. L. 88-647, title I, §101(2), title II, §201(2), Oct. 13, 1964, 78 Stat. 1064, 1069, added items for chapters 102 and 103.

1962—Pub. L. 87-651, title II, §203, Sept. 7, 1962, 76 Stat. 519, added item for chapter 4.

Pub. L. 87-649, §3(2), Sept. 7, 1962, 76 Stat. 493, added item for chapter 40.

1961—Pub. L. 87-381, §1(2), Oct. 4, 1961, 75 Stat. 810, substituted “Retired Serviceman’s Family Protection Plan” for “Annuities Based on Retired or Retainer Pay” in item for chapter 73.

1958—Pub. L. 85-861, §§1(21), (26), (33), 33(a)(4)(B), Sept. 2, 1958, 72 Stat. 1443, 1450, 1455, 1564, substituted “General Service Requirements” for “Service Requirements for Reserves” in item for chapter 37, “971” for “[No present sections]” in item for chapter 49, “Medical and Dental Care” for “Voting by Members of Armed Forces” in item for chapter 55, and struck out “Care of the Dead” and substituted “1475” for “1481” in item for chapter 75.

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

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Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title X, §1081(a)(1), Dec. 27, 2021, 135 Stat. 1919, struck out second item for chapter 19 “Cyber Matters”.

Pub. L. 116-283, div. A, title X, §1081(a)(1), Jan. 1, 2021, 134 Stat. 3870, added second item for chapter 19.

2019—Pub. L. 116-92, div. A, title XVI, §1631(a)(2)(B), title XVII, §1731(a)(1), Dec. 20, 2019, 133 Stat. 1742, 1812, substituted “240a” for “251” in item for chapter 9A and “Cyber and Information Operations Matters” for “Cyber Matters” in first item for chapter 19.

2017—Pub. L. 115-91, div. A, title X, §1002(a)(2), Dec. 12, 2017, 131 Stat. 1537, added item for chapter 9A.

2016—Pub. L. 114-328, div. A, title XII, §1241(o)(1), Dec. 23, 2016, 130 Stat. 2512, redesignated item for chapter 13 “The Militia” as 12 and substituted “246” for “311”, redesignated item for chapter 15 “Insurrection” as 13 and substituted “251” for “331”, redesignated item for chapter 17 “Arming of American Vessels” as 14 and sub-