

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 3070. Limitation on acquisition of excess supplies**

(a) **TWO-YEAR SUPPLY.**—The Secretary of Defense may not incur any obligation against a stock fund of the Department of Defense for the acquisition of any item of supply if that acquisition is likely to result in an on-hand inventory (excluding war reserves) of that item of supply in excess of two years of operating stocks.

(b) **EXCEPTIONS.**—The head of a procuring activity may authorize the acquisition of an item of supply in excess of the limitation contained in subsection (a) if that activity head determines in writing—

(1) that the acquisition is necessary to achieve an economical order quantity and will not result in an on-hand inventory (excluding war reserves) in excess of three years of operating stocks and that the need for the item is unlikely to decline during the period for which the acquisition is made; or

(2) that the acquisition is necessary for purposes of maintaining the industrial base or for other reasons of national security.

(Added Pub. L. 102-190, div. A, title III, §317(a), Dec. 5, 1991, 105 Stat. 1338, §2213; renumbered §3070, Pub. L. 116-283, div. A, title XVIII, §1807(g)(1), Jan. 1, 2021, 134 Stat. 4159.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 3070 was renumbered section 7070 of this title.

A prior section 3071, acts Aug. 10, 1956, ch. 1041, 70A Stat. 169; Sept. 7, 1962, Pub. L. 87-649, §6(a)(2), (3), 76 Stat. 494; Nov. 8, 1967, Pub. L. 90-130, §1(8)(C), 81 Stat. 374, prescribed composition of Women's Army Corps and provided for a Director, a Deputy Director, and other positions for Women's Army Corps, prior to repeal by Pub. L. 95-485, title VIII, §820(b), Oct. 20, 1978, 92 Stat. 1627.

## AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2213 of this title as this section.

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**§ 3072. Comptroller General assessment of acquisition programs and initiatives**

(a) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall submit to the congressional defense committees an annual assessment of selected acquisition programs and initiatives of the Department of Defense by March 30th of each year from 2020 through 2023.

(b) **ANALYSES TO BE INCLUDED.**—The assessment required under subsection (a) shall include—

(1) a macro analysis of how well acquisition programs and initiatives are performing and reasons for that performance;

(2) a discussion of selected organizational, policy, and legislative changes, as determined appropriate by the Comptroller General, and the potential implications for execution and oversight of programs and initiatives; and

(3) specific analyses of individual acquisition programs and initiatives.

(c) **ACQUISITION PROGRAMS AND INITIATIVES TO BE CONSIDERED.**—The assessment required under subsection (a) shall consider the following programs and initiatives:

(1) Selected weapon systems, as determined appropriate by the Comptroller General.

(2) Selected information technology systems and initiatives, including defense business systems, networks, and software-intensive systems, as determined appropriate by the Comptroller General.

(3) Selected prototyping and rapid fielding activities and initiatives, as determined appropriate by the Comptroller General.

(Added Pub. L. 115-232, div. A, title VIII, §833(a), Aug. 13, 2018, 132 Stat. 1858, §2229b; renumbered §3072 and amended Pub. L. 116-283, div. A, title VIII, §813, title XVIII, §1807(g)(1), Jan. 1, 2021, 134 Stat. 3749, 4159.)

**Editorial Notes**

## 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”.

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## 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**

Sec.	
3101.	Definitions.
3102.	Customer-oriented acquisition system.
3103.	Civilian management of the defense acquisition system.
3104.	Acquisition-related functions of chiefs of the armed forces.
3105.	Elements of the defense acquisition system: performance assessments.
3106.	Elements of the defense acquisition system: performance goals <sup>1</sup>

**Editorial Notes**

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

**Statutory Notes and Related Subsidiaries**

## 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—

<sup>1</sup> So in original. Probably should be followed by a period.