

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.

§ 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.)

Editorial Notes

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (a), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

CODIFICATION

The text of subssecs. (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 subssecs. (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 subssecs. (d) and (e) of section 3105 of this title as subssecs. (a) and (b), respectively, of this section.

Statutory Notes and Related Subsidiaries

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.

Sec.

- 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.¹
- 3138. Obligations for contract services: reporting in budget object classes.

Editorial Notes

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 4141 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; Pub. L. 117-81, div. A, title XVII, §1701(d)(1), Dec. 27, 2021, 135 Stat. 2136.)

HISTORICAL AND REVISION NOTES

1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2361	31:649c(2).	Aug. 10, 1956, ch. 1041, § 40(2), 70A Stat. 636; Nov. 17, 1971, Pub. L. 92-156, § 201(b), 85 Stat. 424.

The words “Unless otherwise provided in the appropriation Act concerned” are omitted as unnecessary and for consistency. The word “Funds” is substituted for “moneys” for consistency in title 10.

1988 ACT

Subsection (a) is based on section 2361 of this title. Subsection (b) is based on Pub. L. 99-190, §101(b) [title VIII, §8015], Dec. 19, 1985, 99 Stat. 1185, 1205.

Editorial Notes

AMENDMENTS

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

Subsec. (b)(1). Pub. L. 117-81, which directed the substitution of “section 4141” for “section 2353”, could not

¹Section omitted by Pub. L. 117-81 without corresponding amendment of chapter analysis.

be executed because of the intervening amendment by Pub. L. 116-283, §1883(b)(2). See note below.

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

1988—Pub. L. 100-370 renumbered section 2361 of this title as section 2351, designated such provisions as subsec. (a), and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116-283 have taken effect, see section 1701(a)(3) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.)

HISTORICAL AND REVISION NOTES
1982 ACT (PUB. L. 97-258)

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2394	31:649c(1).	Aug. 10, 1956, ch. 1041, §40(1), 70A Stat. 636; Nov. 17, 1971, Pub. L. 92-156, §201(b), 85 Stat. 424.

The words “Unless otherwise provided in the appropriation Act concerned” are omitted as unnecessary and for consistency. The word “Funds” is substituted for “moneys” for consistency in title 10. The word “military” is added before “public” for clarity. The words “including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles” are omitted as included in “technical military equipment”.

1982 ACT (PUB. L. 97-295)

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2395	10:2394.	Sept. 13, 1982, Pub. L. 97-258, §2(b)(4)(B), 96 Stat. 1053.

This redesignates 10:2394 (enacted by Pub. L. 97-258) as 10:2395 because of the enactment of another 10:2394 by Pub. L. 97-214, §6(a)(1), July 12, 1982, 96 Stat. 171, and amends the section generally to eliminate the words “and the construction of military public works” because of section 10(b)(5) of the Military Construction Codification Act (Pub. L. 97-214, July 12, 1982, 96 Stat. 176) which struck corresponding words from the source statute for 10:2394 subsequent to Apr. 15, 1982, the cut-off date prescribed by section 4(a) of Pub. L. 97-258, section 2(b)(4)(B) of which enacted 10:2394.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2395 of this title as this section.

1982—Pub. L. 97-295 struck out “and the construction of military public works” after “supplies”.

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.

§ 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.)

HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99-190, §101(b) [title VIII, §8005(e), (h), (l)], Dec. 19, 1985, 99 Stat. 1185, 1202.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2410a of this title as this section.

2003—Pub. L. 108-136, §1005(b)(1), amended section catchline generally, substituting “Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property” for “Severable service contracts for periods crossing fiscal years”.

Subsec. (a). Pub. L. 108-136, §1005(a), inserted “(1)” before “The Secretary of Defense”, substituted “for a purpose described in paragraph (2)” for “for procurement of severable services”, and added par. (2).

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.