

services in support of a contingency operation: competition and review” in section catchline.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment made to Pub. L. 116-283 by Pub. L. 117-81, resulting in omission of this section, applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and Effective Date note below.

#### EFFECTIVE DATE

Section 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.

### § 3172. [Reserved]

(Added Pub. L. 116-283, div. A, title XVIII, § 1810(d), Jan. 1, 2021, 134 Stat. 4164; amended Pub. L. 117-81, div. A, title XVII, § 1701(i)(2)(B), Dec. 27, 2021, 135 Stat. 2141.)

### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 117-81, § 1701(i)(2)(B), amended Pub. L. 116-283, § 1810(d), which enacted this section, by substituting “[Reserved]” for “Operational contract support: chain of authority and responsibility within Department of Defense” in section catchline.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment made to Pub. L. 116-283 by Pub. L. 117-81, resulting in omission of this section, applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and Effective Date note below.

#### EFFECTIVE DATE

Section 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.

## Subpart B—Acquisition Planning

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, § 801(a), Aug. 13, 2018, 132 Stat. 1827, added subpart heading.

### CHAPTER 221—PLANNING AND SOLICITATION GENERALLY

Sec.	
3201.	Full and open competition.
3202.	[Reserved].
3203.	Exclusion of particular source or restriction of solicitation to small business concerns.
3204.	Use of procedures other than competitive procedures.
3205.	Simplified procedures for small purchases.
3206.	Planning and solicitation requirements.
3207.	Assessment before contract for acquisition of supplies is entered into.
3208.	Planning for future competition in contracts for major systems.

Sec.

### Editorial Notes

#### PRIOR PROVISIONS

A prior chapter 221 “PLANNING AND SOLICITATION GENERALLY”, as added by Pub. L. 115-232, div. A, title VIII, § 801(a), Aug. 13, 2018, 132 Stat. 1827, and consisting of reserved section 3201, was repealed by Pub. L. 116-283, div. A, title XVIII, § 1811(b), Jan. 1, 2021, 134 Stat. 4164.

### Statutory Notes and Related Subsidiaries

#### MIDDLE TIER OF ACQUISITION FOR RAPID PROTOTYPING AND RAPID FIELDING

Pub. L. 116-92, div. A, title VIII, § 837, Dec. 20, 2019, 133 Stat. 1497, provided that:

“(a) REPORT.—Not later than December 15, 2019, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that includes the guidance required under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note [now 10 U.S.C. 3201 note prec., set out below]). The Under Secretary of Defense for Acquisition and Sustainment shall ensure such guidance includes the business case elements required by an acquisition program established pursuant to such guidance and the metrics required to assess the performance of such a program.

“(b) LIMITATION.—

“(1) IN GENERAL.—Beginning on December 15, 2019, if the Under Secretary of Defense for Acquisition and Sustainment has not submitted the report required under subsection (a), not more than 75 percent of the funds specified in paragraph (2) may be obligated or expended until the date on which the report required under subsection (a) has been submitted.

“(2) FUNDS SPECIFIED.—The funds specified in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense that remain unobligated as of December 15, 2019, for the following:

“(A) The execution of any acquisition program established pursuant to the guidance required under such section 804(a).

“(B) The operations of the Office of the Under Secretary of Defense for Research & Engineering.

“(C) The operations of the Office of the Under Secretary of Defense for Acquisition & Sustainment.

“(D) The operations of the Office of the Director of Cost Analysis and Program Evaluation.

“(E) The operations of the offices of the service acquisition executives of the military departments.”

Pub. L. 114-92, div. A, title VIII, § 804, Nov. 25, 2015, 129 Stat. 882, as amended by Pub. L. 114-328, div. A, title VIII, §§ 849(a), 864(b), 897, title X, § 1081(c)(2), Dec. 23, 2016, 130 Stat. 2293, 2304, 2327, 2419; Pub. L. 115-91, div. A, title VIII, § 866, Dec. 12, 2017, 131 Stat. 1495; Pub. L. 116-92, div. A, title IX, § 902(33), Dec. 20, 2019, 133 Stat. 1546; Pub. L. 116-283, div. A, title VIII, § 805, Jan. 1, 2021, 134 Stat. 3742, provided that:

“(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Nov. 25, 2015], the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Comptroller of the Department of Defense and the Vice Chairman of the Joint Chiefs of Staff, shall establish guidance for a ‘middle tier’ of acquisition programs that are intended to be completed in a period of two to five years.

“(b) ACQUISITION PATHWAYS.—The guidance required by subsection (a) shall cover the following two acquisition pathways:

“(1) RAPID PROTOTYPING.—The rapid prototyping pathway shall provide for the use of innovative tech-