

Subchapter	Sec.
II. [Reserved]	4551

4571, was repealed by Pub. L. 116-283, div. A, title XVIII, §1857(a), Jan. 1, 2021, 134 Stat. 4276.

Another prior chapter 345 was renumbered chapter 725 of this title.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 343 “ACQUISITION OF SERVICES”, consisting of reserved section 4541, was repealed by Pub. L. 116-283, div. A, title XVIII, §1856(b), Jan. 1, 2021, 134 Stat. 4273.

Another prior chapter 343 was renumbered chapter 723 of this title.

AMENDMENTS

Pub. L. 117-81, div. A, title XVII, §1701(i)(9)(B), Dec. 27, 2021, 135 Stat. 2142, generally amended the text inserted by Pub. L. 116-283, div. A, title XVIII, §1856(j), Jan. 1, 2021, 134 Stat. 4276, which added this chapter, resulting in substitution of “[RESERVED]” for “ACQUISITION OF SERVICES OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS” in chapter heading and “[Reserved]” for “Contractors Performing Private Security Functions in Areas of Combat Operations or Other Significant Military Operations” in item for subchapter I and for “Standards and Certification for Private Security” in item for subchapter II.

SUBCHAPTER I—[RESERVED]

Sec.	
4541.	[Reserved].

Editorial Notes

AMENDMENTS

Pub. L. 117-81, div. A, title XVII, §1701(i)(9)(B), Dec. 27, 2021, 135 Stat. 2142, generally amended the text inserted by Pub. L. 116-283, div. A, title XVIII, §1856(j), Jan. 1, 2021, 134 Stat. 4276, which added this subchapter, resulting in substitution of “[RESERVED]” for “CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS OR OTHER SIGNIFICANT MILITARY OPERATIONS” in subchapter heading and no change in item 4541.

SUBCHAPTER II—[RESERVED]

Sec.	
4551.	[Reserved].

Editorial Notes

AMENDMENTS

Pub. L. 117-81, div. A, title XVII, §1701(i)(9)(B), Dec. 27, 2021, 135 Stat. 2142, generally amended the text inserted by Pub. L. 116-283, div. A, title XVIII, §1856(j), Jan. 1, 2021, 134 Stat. 4276, which added this subchapter, resulting in substitution of “[RESERVED]” for “STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS” in subchapter heading and no change in item 4551.

CHAPTER 345—ACQUISITION OF INFORMATION TECHNOLOGY

Sec.	
4571.	Information technology acquisition: planning and oversight processes.
4572.	[Reserved].
4573.	[Reserved].
4574.	[Reserved].
4575.	[Reserved].
4576.	Requirement for consideration of certain matters during acquisition of noncommercial computer software.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 345 “ACQUISITION OF INFORMATION TECHNOLOGY”, consisting of reserved section

Statutory Notes and Related Subsidiaries

GUIDANCE ON ACQUISITION OF BUSINESS SYSTEMS

Pub. L. 114-92, div. A, title VIII, §883(e), Nov. 25, 2015, 129 Stat. 947, provided that: “The Secretary of Defense shall issue guidance for major automated information systems acquisition programs to promote the use of best acquisition, contracting, requirement development, systems engineering, program management, and sustainment practices, including—

“(1) ensuring that an acquisition program baseline has been established within two years after program initiation;

“(2) ensuring that program requirements have not changed in a manner that increases acquisition costs or delays the schedule, without sufficient cause and only after maximum efforts to reengineer business processes prior to changing requirements;

“(3) policies to evaluate commercial off-the-shelf business systems for security, resilience, reliability, interoperability, and integration with existing inter-related systems where such system integration and interoperability are essential to Department of Defense operations;

“(4) policies to work with commercial off-the-shelf business system developers and owners in adapting systems for Department of Defense use;

“(5) policies to perform Department of Defense legacy system audits to determine which systems are related to or rely upon the system to be replaced or integrated with commercial off-the-shelf business systems;

“(6) policies to perform full backup of systems that will be changed or replaced by the installation of commercial off-the-shelf business systems prior to installation and deployment to ensure reconstitution of the system to a functioning state should it become necessary;

“(7) policies to engage the research and development activities and laboratories of the Department of Defense to improve acquisition outcomes; and

“(8) policies to refine and improve developmental and operational testing of business processes that are supported by the major automated information systems.”

DESIGNATION OF MILITARY DEPARTMENT ENTITY RESPONSIBLE FOR ACQUISITION OF CRITICAL CYBER CAPABILITIES

Pub. L. 114-92, div. A, title XVI, §1645, Nov. 25, 2015, 129 Stat. 1117, provided that:

“(a) DESIGNATION.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall designate an entity within a military department to be responsible for the acquisition of each critical cyber capability described in paragraph (2).

“(2) CRITICAL CYBER CAPABILITIES DESCRIBED.—The critical cyber capabilities described in this paragraph are the cyber capabilities that the Secretary considers critical to the mission of the Department of Defense, including the following:

“(A) The Unified Platform described in the Department of Defense document titled ‘The Department of Defense Cyber Strategy’ dated April 15, 2015.

“(B) A persistent cyber training environment.

“(C) A cyber situational awareness and battle management system.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees

[Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report containing the information described in paragraph (2).

“(2) CONTENTS.—The report under paragraph (1) shall include the following with respect to the critical cyber capabilities described in subsection (a)(2):

“(A) Identification of each critical cyber capability and the entity of a military department responsible for the acquisition of the capability.

“(B) Estimates of the funding requirements and acquisition timelines for each critical cyber capability.

“(C) An explanation of whether critical cyber capabilities could be acquired more quickly with changes to acquisition authorities.

“(D) Such recommendations as the Secretary may have for legislation or administrative action to improve the acquisition of, or to acquire more quickly, the critical cyber capabilities for which designations are made under subsection (a).”

SUPERVISION OF THE ACQUISITION OF CLOUD COMPUTING CAPABILITIES

Pub. L. 113-66, div. A, title IX, § 938, Dec. 26, 2013, 127 Stat. 835, provided that:

“(a) SUPERVISION.—

“(1) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense for Intelligence [now Under Secretary of Defense for Intelligence and Security], the Chief Information Officer of the Department of Defense, and the Chairman of the Joint Requirements Oversight Council, supervise the following:

“(A) Review, development, modification, and approval of requirements for cloud computing solutions for data analysis and storage by the Armed Forces and the Defense Agencies, including requirements for cross-domain, enterprise-wide discovery and correlation of data stored in cloud and non-cloud computing databases, relational and non-relational databases, and hybrid databases.

“(B) Review, development, modification, approval, and implementation of plans for the competitive acquisition of cloud computing systems or services to meet requirements described in subparagraph (A), including plans for the transition from current computing systems to systems or services acquired.

“(C) Development and implementation of plans to ensure that the cloud systems or services acquired pursuant to subparagraph (B) are interoperable and universally accessible and usable through attribute-based access controls.

“(D) Integration of plans under subparagraphs (B) and (C) with enterprise-wide plans of the Armed Forces and the Department of Defense for the Joint Information Environment and the Defense Intelligence Information Environment.

“(2) DIRECTION.—The Secretary shall provide direction to the Armed Forces and the Defense Agencies on the matters covered by paragraph (1) by not later than March 15, 2014.

“(b) INTEGRATION WITH INTELLIGENCE COMMUNITY EFFORTS.—The Secretary shall coordinate with the Director of National Intelligence to ensure that activities under this section are integrated with the Intelligence Community Information Technology Enterprise in order to achieve interoperability, information sharing, and other efficiencies.

“(c) LIMITATION.—The requirements of subparagraphs (B), (C), and (D) of subsection (a)(1) shall not apply to a contract for the acquisition of cloud computing capabilities in an amount less than \$1,000,000.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or affect the authorities or responsibilities of the Director of National Intelligence under section 102A of the National Security Act of 1947 (50 U.S.C. 3024).”

§ 4571. Information technology acquisition: planning and oversight processes

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to improve the planning and oversight processes for the acquisition of major automated information systems by the Department of Defense.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include—

(1) a documented process for information technology acquisition planning, requirements development and management, project management and oversight, earned value management, and risk management;

(2) the development of appropriate metrics that can be implemented and monitored on a real-time basis for performance measurement of—

(A) processes and development status of investments in major automated information system programs;

(B) continuous process improvement of such programs; and

(C) achievement of program and investment outcomes;

(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education in the planning, acquisition, execution, management, and oversight of information technology systems;

(4) a process to ensure sufficient resources and infrastructure capacity for test and evaluation of information technology systems;

(5) a process to ensure that military departments and Defense Agencies adhere to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of information technology programs and developments; and

(6) a process under which an appropriate Department of Defense official may intervene or terminate the funding of an information technology investment if the investment is at risk of not achieving major project milestones.

(Added Pub. L. 111-383, div. A, title VIII, § 805(a)(1), Jan. 7, 2011, 124 Stat. 4259, § 2223a; renumbered § 4571 and amended Pub. L. 116-283, div. A, title XVIII, § 1857(b), Jan. 1, 2021, 134 Stat. 4276.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1857(b)(2), amended section catchline generally. Prior to amendment, section catchline read as follows: “Information technology acquisition planning and oversight requirements”.

Pub. L. 116-283, § 1857(b)(1), renumbered section 2223a of this title as this section.

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.

PILOT PROGRAMS FOR DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE TO FACILITATE 5G DEPLOYMENT ON MILITARY INSTALLATIONS

Pub. L. 117-81, div. A, title II, § 233, Dec. 27, 2021, 135 Stat. 1614, provided that: