§ 3249. Advocates for competition

Each advocate for competition designated pursuant to section 1705(a) of title 41 for an agency named in section 3063 of this title shall be a general or flag officer if a member of the armed forces or in a position classified above GS–15 pursuant to section 5108 of title 5, if a civilian employee and shall be designated to serve for a minimum of two years.


Editorial Notes

Prior Provisions

A prior section 3251 was renumbered section 7131 of this title.

Amendments

2021—Pub. L. 116–283, §1813(f), renumbered section 3218 of this title as this section and substituted “‘section 3063’ for ‘‘section 2303(a)’’. 2013—Pub. L. 115–232 substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2011—Subsec. (a)(2). Pub. L. 111–350, §5(b)(17)(A), substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2010—Pub. L. 111–350, §5(b)(17)(B), substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2009—Pub. L. 111–350, §5(b)(17)(C), substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2008—Pub. L. 110–417 substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2004—Pub. L. 108–280 substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

2003—Pub. L. 108–87 substituted “Each advocate for competition designated pursuant to section 1705(a) of title 41 for” for “‘(b) Each advocate for competition of’” and “‘in a position classified above GS–15 pursuant to the General Schedule (or in a comparable or comparable position classified above GS–16 or above under the General Schedule (or in a comparable or under another schedule)’” and struck out subsec. (a) which related to designation of an officer or employee of the Defense Logistics Agency to serve as the advocate for competition of the agency.

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.

Effective Date

Pub. L. 98–525, title XII, §1216(c)(1), Oct. 19, 1984, 98 Stat. 2599, provided that: “Section 2318 of title 10, United States Code (as added by subsection (a)), shall take effect on April 1, 1984.”

§ 3252. Requirements for information relating to supply chain risk

(a) Authority.—Subject to subsection (b), the head of a covered agency may—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(b) Determination and Notification.—The head of a covered agency may exercise the authority provided in subsection (a) only after—

(1) obtaining a joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence and Security, that there is a significant supply chain risk to a covered system;

(2) making a determination in writing, in unclassified or classified form, with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, that—

(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

(A) the information required by section 3248(e)(2) of this title;

(B) the joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense as specified in paragraph (1); and

(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and

(D) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

1 See Change of Name note below.