

**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.

**§ 3016. Chapter 137 legacy provisions**

In this part, the term “chapter 137 legacy provisions” means the following sections of this title: sections 3002, 3004, 3011–3015, 3041, 3063–3069, 3134, 3151–3157, 3201–3208, 3221–3227, 3241, 3243, 3249, 3252, 3301–3309, 3321–3323, 3344, 3345, 3371–3375, 3377, 3401, 3403, 3405, 3406, 3501–3511, 3531–3535, 3571, 3572, 3573, 3701–3708, 3741–3750, 3761, 3771–3775, 3781–3786, 3791, 3794, 3801–3807, 3841, 3842, 3847, 3881, 3901, 3902, 4202(b), 4324, 4325, 4501, 4502, 4505, 4506, 4507, 4576, 4657, 4660, 4751, 4752, and 8751.

(Added Pub. L. 116-283, div. A, title XVIII, §1806(b)(7), Jan. 1, 2021, 134 Stat. 4154.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 3016 was renumbered section 7016 of this title.

Another prior section 3016 was renumbered section 7018 of this title.

Prior sections 3017 and 3018 were renumbered sections 7017 and 7018 of this title, respectively.

Another prior section 3018, added Pub. L. 85-861, §1(59)(A), Sept. 2, 1958, 72 Stat. 1462, prescribed compensation of General Counsel of Department of the Army, prior to repeal by Pub. L. 88-426, title III, §305(40)(A), Aug. 14, 1964, 78 Stat. 427, eff. first day of first pay period beginning on or after July 1, 1964.

A prior section 3019 was renumbered section 7019 of this title.

Another prior section 3019 was renumbered section 7038 of this title.

A prior section 3020 was renumbered section 7020 of this title.

A prior section 3021 was renumbered section 7021 of this title.

Another prior section 3021 was renumbered section 10302 of this title.

Prior sections 3022 to 3024, 3031, and 3032 were renumbered sections 7022 to 7024, 7031, and 7032 of this title, respectively.

A prior section 3033 was renumbered section 7033 of this title.

Another prior section 3033 was renumbered section 10302 of this title.

A prior section 3034 was renumbered section 7034 of this title.

Another prior section 3034 was renumbered section 7033 of this title.

A prior section 3035 was renumbered section 7035 of this title.

Another prior section 3035 was renumbered section 7034 of this title.

Prior sections 3036 and 3037 were renumbered sections 7036 and 7037 of this title, respectively.

A prior section 3038 was renumbered section 7038 of this title.

Another prior section 3038, act Aug. 10, 1956, ch. 1041, 70A Stat. 164, charged Chief of Engineers with responsibility for Army construction, real estate acquisition and management, and the operation of water, gas, electric, and sewer utilities, prior to repeal by Pub. L. 89-718, §25(a), Nov. 2, 1966, 80 Stat. 1119.

A prior section 3039, act Aug. 10, 1956, ch. 1041, 70A Stat. 165, §3040; Pub. L. 95-485, title VIII, §805(a), Oct.

20, 1978, 92 Stat. 1621; renumbered §3039 and amended Pub. L. 99-433, title V, §502(f)(2), Oct. 1, 1986, 100 Stat. 1042, related to deputy and assistant chiefs of branches, prior to repeal by Pub. L. 114-328, div. A, title V, §502(n)(1), Dec. 23, 2016, 130 Stat. 2103.

Another prior section 3039, act Aug. 10, 1956, ch. 1041, 70A Stat. 164, related to Inspector General and Provost Marshal General, prior to repeal by Pub. L. 99-433, §502(f)(1). See section 7020 of this title.

A prior section 3040, acts Aug. 10, 1956, ch. 1041, 70A Stat. 159, §3015; Aug. 6, 1958, Pub. L. 85-599, §12, 72 Stat. 521; renumbered §3040, Oct. 1, 1986, Pub. L. 99-433, title V, §501(a)(1), 100 Stat. 1034; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to National Guard Bureau, Chief of Bureau, appointment and acting Chief, prior to repeal by Pub. L. 103-337, div. A, title IX, §904(b)(1), (d), Oct. 5, 1994, 108 Stat. 2827, effective at the end of the 90-day period beginning on Oct. 5, 1994. See sections 10501, 10502, and 10505 of this title.

**Statutory Notes and Related Subsidiaries**

## 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.

**SUBCHAPTER III—DEFINITIONS RELATING TO MAJOR SYSTEMS AND MAJOR DEFENSE ACQUISITION PROGRAMS**

## Sec.

3041. Major system.

3042. Major defense acquisition program.

**§ 3041. Major system**

(a) IN GENERAL.—In this part (other than in sections 4292(e) and 4321), the term “major system” means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property.

(b) SYSTEM CONSIDERED TO BE A MAJOR SYSTEM.—A system shall be considered a major system if—

(1) the conditions of subsection (c) or (d), as applicable, are satisfied; or

(2) the system is designated a “major system” by the head of the agency responsible for the system.

(c) DEPARTMENT OF DEFENSE SYSTEMS.—

(1) IN GENERAL.—For purposes of subsection (b), a system for which the Department of Defense is responsible shall be considered a major system if—

(A) the total expenditures for research, development, test, and evaluation for the system are estimated to be more than \$115,000,000 (based on fiscal year 1990 constant dollars); or

(B) the eventual total expenditure for procurement for the system is estimated to be more than \$540,000,000 (based on fiscal year 1990 constant dollars).

(2) ADJUSTMENT AUTHORITY.—Authority for the Secretary of Defense to adjust amounts and the base fiscal year in effect under this subsection is provided in section 4202(b) of this title.

(d) CIVILIAN AGENCY SYSTEMS.—For purposes of subsection (b), a system for which a civilian agency is responsible shall be considered a major system if total expenditures for the system are estimated to exceed the greater of—

(1) \$750,000 (based on fiscal year 1980 constant dollars); or

(2) the dollar threshold for a “major system” established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled “Major Systems Acquisitions”.

(Added and amended Pub. L. 116-283, div. A, title XVIII, § 1806(c), Jan. 1, 2021, 134 Stat. 4154.)

#### Editorial Notes

##### CODIFICATION

The text of par. (5) of section 2302 of this title, which was transferred to this section, redesignated as subsecs. (a) and (b), and amended by Pub. L. 116-283, § 1806(c)(2), was based on Pub. L. 98-525, title XII, § 1211, Oct. 19, 1984, 98 Stat. 2589; Pub. L. 100-26, § 7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 104-201, div. A, title VIII, § 805(a)(1), Sept. 23, 1996, 110 Stat. 2605.

The text of subsecs. (a) and (b) of section 2302d of this title, which were transferred to this section, redesignated as subsecs. (c) and (d), respectively, and amended by Pub. L. 116-283, § 1806(c)(3), was based on Pub. L. 104-201, div. A, title VIII, § 805(a)(2), Sept. 23, 1996, 110 Stat. 2605; Pub. L. 105-85, div. A, title X, § 1073(a)(41), Nov. 18, 1997, 111 Stat. 1902.

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 1806(c)(2)(A), redesignated par. (5) of section 2302 of this title as subsec. (a) of this section, realigned margin, inserted heading, and substituted “In this part (other than in sections 4292(e) and 4321), the term” for “The term”. Former third sentence of subsec. (a) designated (b).

Subsec. (b). Pub. L. 116-283, § 1806(c)(2)(B), (C), after transfer of section 2302(5) of this title to subsec. (a) of this section, designated third sentence of subsec. (a) as (b), inserted heading, and substituted “system if—” and pars. (1) and (2) for “system if (A) the conditions of section 2302d of this title are satisfied, or (B) the system is designated a ‘major system’ by the head of the agency responsible for the system.”

Subsec. (c). Pub. L. 116-283, § 1806(c)(3), redesignated subsec. (a) of section 2302d of this title as subsec. (c) of this section, substituted “subsection (b)” for “section 2302(5) of this title” in introductory provisions, designated existing provisions as par. (1) and inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

Subsec. (d). Pub. L. 116-283, § 1806(c)(3), redesignated subsec. (b) of section 2302d of this title as subsec. (d) of this section and substituted “subsection (b)” for “section 2302(5) of this title” in introductory provisions.

#### Statutory Notes and Related Subsidiaries

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#### § 3042. Major defense acquisition program

For the definition of the term “major defense acquisition program” for purposes of this part, see section 4201 of this title.

(Added Pub. L. 116-283, div. A, title XVIII, § 1806(c)(1), Jan. 1, 2021, 134 Stat. 4154.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 3061 was renumbered section 7061 of this title.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### CHAPTER 203—GENERAL MATTERS

##### Sec.

3061.	[Reserved].
3062.	Regulations.
3063.	Covered agencies.
3064.	Applicability of chapter 137 legacy provisions.
3065.	Assignment and delegation of procurement functions and responsibilities: delegation within agency.
3066.	Assignment and delegation of procurement functions and responsibilities: procurements for or with other agencies.
3067.	Approval required for military department termination or reduction in participation in joint acquisition programs.
3068.	Inapplicability of certain laws.
3069.	Buy-to-budget acquisition: end items.
3070.	Limitation on acquisition of excess supplies.
3071.	[Reserved].
3072.	Comptroller General assessment of acquisition programs and efforts.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior chapter 203 “GENERAL 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 3021, was repealed by Pub. L. 116-283, div. A, title XVIII, § 1807(a), Jan. 1, 2021, 134 Stat. 4156.

##### AMENDMENTS

2022—Pub. L. 117-263, div. A, title VIII, § 812(b), Dec. 23, 2022, 136 Stat. 2706, substituted “efforts” for “initiatives” in item 3072.

2021—Pub. L. 117-81, div. A, title XVII, § 1701(f)(3), Dec. 27, 2021, 135 Stat. 2139, inserted “of” after “Applicability” in item 3064.

#### Statutory Notes and Related Subsidiaries

##### INTERNAL CONTROLS FOR DEPARTMENT OF DEFENSE PROCUREMENTS THROUGH GSA CLIENT SUPPORT CENTERS

Pub. L. 108-375, div. A, title VIII, § 802, Oct. 28, 2004, 118 Stat. 2004, as amended by Pub. L. 109-313, § 2(c)(2), Oct. 6, 2006, 120 Stat. 1735; Pub. L. 116-92, div. A, title IX, § 902(38), Dec. 20, 2019, 133 Stat. 1547, provided that:

“(a) INITIAL INSPECTOR GENERAL REVIEW AND DETERMINATION.—(1) Not later than March 15, 2005, the Inspector General of the Department of Defense and the Inspector General of the General Services Administration shall jointly—

“(A) review—

“(i) the policies, procedures, and internal controls of each GSA Client Support Center; and

“(ii) the administration of those policies, procedures, and internal controls; and

“(B) for each such Center, determine in writing whether—

“(i) the Center is compliant with defense procurement requirements;