

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 sys-

tem 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

EFFECTIVE DATE

Section and amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed im-

plementation 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.

§ 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;

“(ii) the Center is not compliant with defense procurement requirements, but the Center made significant progress during 2004 toward becoming compliant with defense procurement requirements; or

“(iii) neither of the conclusions stated in clauses (i) and (ii) is correct.

“(2) If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of such paragraph is correct in the case of a GSA Client Support Center, those Inspectors General shall, not later than March 15, 2006, jointly—

“(A) conduct a second review regarding that GSA Client Support Center as described in paragraph (1)(A); and

“(B) determine in writing whether that GSA Client Support Center is or is not compliant with defense procurement requirements.

“(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a GSA Client Support Center is compliant with defense procurement requirements if the GSA Client Support Center’s policies, procedures, and internal controls, and the manner in which they are administered, are adequate to ensure compliance of that Center with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

“(c) LIMITATIONS ON PROCUREMENTS THROUGH GSA CLIENT SUPPORT CENTERS.—(1) After March 15, 2005, and before March 16, 2006, no official of the Department of Defense may, except as provided in subsection (d) or (e), order, purchase, or otherwise procure property or services in an amount in excess of \$100,000 through any GSA Client Support Center for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

“(2) After March 15, 2006, no official of the Department of Defense may, except as provided in subsection (d) or (e), order, purchase, or otherwise procure property or services in an amount in excess of \$100,000 through any GSA Client Support Center that has not been determined under this section as being compliant with defense procurement requirements.

“(d) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—(1) No limitation applies under subsection (c) with respect to the procurement of property and services from a particular GSA Client Support Center during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition and Sustainment, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through that GSA Client Support Center.

“(2) A written determination with respect to a GSA Client Support Center under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary of Defense for Acquisition and Sustainment shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

“(e) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (c) shall cease to apply to a GSA Client Support Center on the date on which the Inspector General of the Department of Defense and the Inspector