

**Editorial Notes****PRIOR PROVISIONS**

A prior section 3062 was renumbered section 7062 of this title.

**AMENDMENTS**

2021—Pub. L. 117–81, §1701(j), amended text of section enacted by Pub. L. 116–283, §1807(b)(1), by substituting “is required by section 2202 of this title to prescribe” for “shall prescribe”.

Pub. L. 117–81, §1701(b)(2)(A), amended directory language of Pub. L. 116–283, §1807(b)(1), which enacted this section.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2021 AMENDMENT**

Amendment by Pub. L. 117–81 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.

**PILOT PROGRAM ON MILITARY WORKING DOG AND EXPLOSIVES DETECTION CANINE HEALTH AND EXCELLENCE**

Pub. L. 117–81, div. A, title III, §381, Dec. 27, 2021, 135 Stat. 1671, as amended by Pub. L. 117–263, div. A, title III, §386(a), Dec. 23, 2022, 136 Stat. 2544, provided that:

“(a) **PILOT PROGRAM.**—Not later than September 31, 2022, the Secretary of Defense shall carry out a pilot program to ensure the health and excellence of explosives detection military working dogs. Under such pilot program, the Secretary shall consult with domestic breeders of working dog lines, covered institutions of higher education, and covered national domestic canine associations, to—

“(1) facilitate the presentation, both in a central location and at regional field evaluations in the United States, of domestically-bred explosives detection military working dogs for assessment for procurement by the Department of Defense, at a rate of at least 250 canines presented per fiscal year;

“(2) facilitate the delivery and communication to domestic breeders, covered institutions of higher education, and covered national domestic canine associations, of information regarding—

“(A) any specific needs or requirements for the future acquisition by the Department of explosives detection military working dogs; and

“(B) any factors identified as relevant to the success or failure of explosives detection military working dogs presented for assessment pursuant to this section;

“(3) collect information on the biological and health factors of explosives detection military working dogs procured by the Department, and make such information available for academic research and to domestic breeders;

“(4) collect and make available genetic and phenotypic information, including canine rearing and training data for study by domestic breeders and covered institutions of higher education, for the further development of working canines that are bred, raised, and trained domestically; and

“(5) evaluate current Department guidance for the procurement of military working dogs to ensure that pricing structures and procurement requirements for foreign and domestic canine procurements accurately account for input cost differences between foreign and domestic canines.

“(b) **TERMINATION.**—The authority to carry out the pilot program under subsection (a) shall terminate on October 1, 2025.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘covered institution of higher education’ means an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with demonstrated expertise in veterinary medicine for working canines.

“(2) The term ‘covered national domestic canine association’ means a national domestic canine association with demonstrated expertise in the breeding and pedigree of working canine lines.

“(3) The term ‘explosives detection military working dog’ means a canine that, in connection with the work duties of the canine performed for the Department of Defense, is certified and trained to detect odors indicating the presence of explosives in a given object or area, in addition to the performance of such other duties for the Department as may be assigned.”

**RESTRICTION ON DEPARTMENT OF DEFENSE PROCUREMENT OF CERTAIN ITEMS CONTAINING PERFLUOROOCTANE SULFONATE OR PERFLUOROOCTANOIC ACID**

Pub. L. 116–283, div. A, title III, §333, Jan. 1, 2021, 134 Stat. 3531, provided that:

“(a) **PROHIBITION.**—The Department of Defense may not procure any covered item that contains perfluorooctane sulfonate (PFOS) or perfluorooctanoic acid (PFOA).

“(b) **DEFINITIONS.**—In this section, the term ‘covered item’ means—

“(1) nonstick cookware or cooking utensils for use in galleys or dining facilities; and

“(2) upholstered furniture, carpets, and rugs that have been treated with stain-resistant coatings.

“(c) **EFFECTIVE DATE.**—This section shall take effect on April 1, 2023.”

**§ 3063. Covered agencies**

For purposes of any provision of law referring to this section, the agencies named in this section are the following:

- (1) The Department of Defense.
- (2) The Department of the Army.
- (3) The Department of the Navy.
- (4) The Department of the Air Force.
- (5) The Coast Guard.
- (6) The National Aeronautics and Space Administration.

(Added and amended Pub. L. 116–283, div. A, title XVIII, §1807(c)(1), (2), Jan. 1, 2021, 134 Stat. 4157.)

**Editorial Notes****CODIFICATION**

The text of pars. (1) to (6) of section 2303(a) of this title, which were transferred to this section by Pub. L. 116–283, §1807(c)(2), was based on act Aug. 10, 1956, ch. 1041, 70A Stat. 128; Pub. L. 85–568, title III, §301(b), July 29, 1958, 72 Stat. 432; Pub. L. 98–369, div. B, title VII, §2722(b)(1)(C), (D), July 18, 1984, 98 Stat. 1187.

**PRIOR PROVISIONS**

A prior section 3063 was renumbered section 7063 of this title.

**AMENDMENTS**

2021—Pars. (1) to (6). Pub. L. 116–283, §1807(c)(2), transferred pars. (1) to (6) of section 2303(a) of this title to this section.

**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.

**§ 3064. Applicability of chapter 137 legacy provisions**

(a) GENERAL APPLICABILITY.—Any provision of this part that is a chapter 137 legacy provision applies to the procurement by any of the agencies named in section 3063 of this title, for its use or otherwise, of all property (other than land) and all services for which payment is to be made from appropriated funds.

(b) APPLICABILITY TO CONTRACTS FOR INSTALLATION OR ALTERATION.—The provisions of this part that are chapter 137 legacy provisions that apply to the procurement of property apply also to contracts for its installation or alteration.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(c)(1), (3), Jan. 1, 2021, 134 Stat. 4157; Pub. L. 117-81, div. A, title XVII, §1701(b)(2)(B), Dec. 27, 2021, 135 Stat. 2132.)

**Editorial Notes**

**CODIFICATION**

The text of subsec. (a) introductory provisions and subsec. (b) of section 2303 of this title, which were transferred to this section and amended by Pub. L. 116-283, §1807(c)(3), was based on act Aug. 10, 1956, ch. 1041, 70A Stat. 128; Pub. L. 98-369, div. B, title VII, §2722(b)(1)(A), (B), (3), July 18, 1984, 98 Stat. 1187.

**PRIOR PROVISIONS**

A prior section 3064 was renumbered section 7064 of this title.

**AMENDMENTS**

2021—Pub. L. 116-283, §1807(c)(3), transferred introductory provisions of subsec. (a) and subsec. (b) of section 2303 of this title to this section.

Subsec. (a). Pub. L. 116-283, §1807(c)(3)(A), as amended by Pub. L. 117-81, §1701(b)(2)(B), inserted heading and substituted “Any provision of this part that is a chapter 137 legacy provision” for “This chapter”, “of the agencies named in section 3063 of this title” for “of the following agencies”, and period for colon at end.

Subsec. (b). Pub. L. 116-283, §1807(c)(3)(B), inserted heading and substituted “The provisions of this part that are chapter 137 legacy provisions” for “The provisions of this chapter”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2021 AMENDMENT**

Amendment by Pub. L. 117-81 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 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.

**§ 3065. Assignment and delegation of procurement functions and responsibilities: delegation within agency**

Except to the extent expressly prohibited by another provision of law, the head of an agency

may delegate, subject to his direction, to any other officer or official of that agency, any power under any provision of this part that is a chapter 137 legacy provision.

(Aug. 10, 1956, ch. 1041, 70A Stat. 132, §2311; Pub. L. 85-800, §11, Aug. 28, 1958, 72 Stat. 967; Pub. L. 87-653, §1(g), Sept. 10, 1962, 76 Stat. 529; Pub. L. 90-378, §3, July 5, 1968, 82 Stat. 290; Pub. L. 97-86, title IX, §§907(c), 909(f), Dec. 1, 1981, 95 Stat. 1117, 1120; Pub. L. 98-369, div. B, title VII, §2726, July 18, 1984, 98 Stat. 1194; Pub. L. 98-525, title XII, §1214, Oct. 19, 1984, 98 Stat. 2592; Pub. L. 98-577, title V, §505, Oct. 30, 1984, 98 Stat. 3087; Pub. L. 103-355, title I, §1503(a)(1), Oct. 13, 1994, 108 Stat. 3296; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 116-92, div. A, title IX, §902(49), Dec. 20, 2019, 133 Stat. 1548; renumbered §3065 and amended Pub. L. 116-283, div. A, title XVIII, §1807(d)(1), (2)(A)-(C), (3), Jan. 1, 2021, 134 Stat. 4157, 4158.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2311 .....	41:156(a) (less 1st sentence). 41:156(b).	Feb. 19, 1948, ch. 65, §7(a) (less 1st sentence), (b), 62 Stat. 24.

The words “in his discretion and” and “including the making of such determinations and decisions” are omitted as surplusage. The words “except the power to make determinations and decisions” are substituted for the words “Except as provided in subsection (b) of this section” and “The power of the agency head to make the determinations or decisions specified in paragraphs (12)-(16) of section 151(c) of this title and in section 154(a) of this title shall not be delegable”.

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 3065 was renumbered section 7065 of this title.

Provisions similar to those in this section were contained in section 2308 of this title prior to repeal by Pub. L. 103-355, §1503(b)(1).

**AMENDMENTS**

2021—Pub. L. 116-283, §1807(d)(2)(C), (3), in section catchline, substituted “Assignment and delegation of procurement functions and responsibilities: delegation within agency” for “Emergency situations involving weapons of mass destruction” and, in text, struck out subsec. (a) designation and heading “In General” at beginning, and substituted “under any provision of this part that is a chapter 137 legacy provision” for “under this chapter”.

Pub. L. 116-283, §1807(d)(1), renumbered section 2311 of this title as this section.

Subsecs. (b), (c). Pub. L. 116-283, §1807(d)(2)(A), (B), transferred subsecs. (b) and (c) of this section to sections 3066 and 3067 of this title, respectively.

2019—Subsec. (c)(1), (2)(B). Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

2001—Subsec. (c)(1), (2)(B). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

1994—Pub. L. 103-355 substituted “Assignment and delegation of procurement functions and responsibilities” for “Delegation” as section catchline and amended text generally. Prior to amendment, text read as follows: “Except as provided in section 2304(d)(2) of this title, the head of an agency may delegate, subject to