

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

his direction, to any other officer or official of that agency, any power under this chapter.”

1984—Pub. L. 98-577 struck out “(a)” before “Except as provided in” and struck out subsec. (b) which related to delegation of authority by heads of procuring activities of agencies of certain functions.

Pub. L. 98-525 designated existing provisions as subsec. (a) and added subsec. (b).

Pub. L. 98-369 inserted provision relating to the exception provided in section 2304(d)(2) of this title and struck out provision that the power to make determinations and decisions under cls. (11)–(16) of section 2304(a) of this title could not be delegated, but that the power to make a determination or decision under section 2304(a)(11) of this title could be delegated to any other officer or official of that agency who was responsible for procurement, and only for contracts requiring the expenditure of not more than \$5,000,000.

1981—Pub. L. 97-86 struck out in first sentence cl. (1) designation and cl. (2) relating to authorizing of contracts in excess of three years under section 2306(g) of this title, and in second sentence substituted “\$5,000,000” for “\$100,000”.

1968—Pub. L. 90-378 designated provisions after “the power to make determinations and decisions” as cl. (1) and added cl. (2).

1962—Pub. L. 87-653 substituted “delegated to any other officer” for “delegated only to a chief officer” and “\$100,000” for “\$25,000”.

1958—Pub. L. 85-800 struck out “, or section 2307(a)” after “of section 2304(a)” in first sentence.

#### 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 OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 8752 of this title.

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 applicable with respect to any solicitation for bids or proposals issued after Mar. 31, 1985, see section 2751 of Pub. L. 98-369, set out as a note under section 4751 of this title.

##### EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-653, §1(h), Sept. 10, 1962, 76 Stat. 529, provided that: “The amendments made by this Act [amending this section and sections 2304, 2306, and 2310 (now 4751) of this title] shall take effect on the first day of the third calendar month which begins after the date of enactment of this Act [Sept. 10, 1962].”

#### § 3066. Assignment and delegation of procurement functions and responsibilities: procurements for or with other agencies

Subject to section 3065 of this title, to facilitate the procurement of property and services covered by any provision of this part that is a chapter 137 legacy provision by each agency named in section 3063 of this title for any other agency, and to facilitate joint procurement by those agencies—

(1) the head of an agency may delegate functions and assign responsibilities relating to procurement to any officer or employee within such agency;

(2) the heads of two or more agencies may by agreement delegate procurement functions

and assign procurement responsibilities from one agency to another of those agencies or to an officer or civilian employee of another of those agencies; and

(3) the heads of two or more agencies may create joint or combined offices to exercise procurement functions and responsibilities.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1807(d)(2)(A), (D), Jan. 1, 2021, 134 Stat. 4158.)

#### Editorial Notes

##### CODIFICATION

The text of subsec. (b) of section 2311 of this title, which was transferred first to section 3065(b) of this title and then to this section and amended by Pub. L. 116-283, §1807(d)(1), (2)(A), (D), was based on Pub. L. 103-355, title I, §1503(a)(1), Oct. 13, 1994, 108 Stat. 3296.

##### PRIOR PROVISIONS

A prior section 3066, acts Aug. 10, 1956, ch. 1041, 70A Stat. 167; Sept. 2, 1958, Pub. L. 85-861, §33(a)(19), 72 Stat. 1565, authorized President, by and with consent of Senate, to make temporary appointments in grades of general and lieutenant general from officers of Army on active duty in any grade above brigadier general and specified number of positions in each such grade, prior to repeal by Pub. L. 96-513, title II, §201, title VII, §701, Dec. 12, 1980, 94 Stat. 2878, 2955, effective Sept. 15, 1981. See section 601 of this title.

##### AMENDMENTS

2021—Pub. L. 116-283, §1807(d)(2)(D), transferred subsec. (b) of section 3065 of this title to this section, and, in introductory provisions, struck out subsec. (b) designation and heading “Procurements For or With Other Agencies” at beginning and substituted “Subject to section 3065 of this title” for “Subject to subsection (a)”, “covered by any provision of this part that is a chapter 137 legacy provision” for “covered by this chapter”, and “section 3063” for “section 2303”.

#### 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.

#### § 3067. Approval required for military department termination or reduction in participation in joint acquisition programs

(a) APPROVAL OF TERMINATIONS AND REDUCTIONS OF JOINT ACQUISITION PROGRAMS.—The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition and Sustainment from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

(b) REQUIRED CONTENT OF REGULATIONS.—The regulations shall include the following provisions:

(1) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.