

being set forth in Enclosure 3 to that directive (captioned “CAAS Exemptions”).

(Added Pub. L. 105-261, div. A, title IX, §911(a)(1), Oct. 17, 1998, 112 Stat. 2097, §2212; amended Pub. L. 106-65, div. A, title X, §1066(a)(17), Oct. 5, 1999, 113 Stat. 771; renumbered §3138, Pub. L. 116-283, div. A, title XVIII, §1809(i)(1), Jan. 1, 2021, 134 Stat. 4162.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2212 of this title as this section.

1999—Subsec. (f)(2), (3). Pub. L. 106-65 substituted “as of October 17, 1998” for “as of the date of the enactment of this section” and “after October 17, 1998,” for “after the date of the enactment of this section”.

Subsec. (f)(4). Pub. L. 106-65, §1066(a)(17)(B), substituted “as of October 17, 1998” for “as of the date of the enactment of this section”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Under Secretary of Defense for Acquisition and Technology deemed to refer to Under Secretary of Defense for Acquisition, Technology, and Logistics, pursuant to section 911(a)(1) of Pub. L. 106-65, formerly set out as a note under section 133 of this title.

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.

CHAPTER 209—OPERATIONAL CONTRACT SUPPORT

Subchapter		Sec.
I.	Joint Policies on Requirements Definition, Contingency Program Management, and Contingency Contracting ..	3151
II.	[Reserved]	

Editorial Notes

PRIOR PROVISIONS

A prior chapter 209 “OPERATIONAL CONTRACT SUPPORT”, as added by Pub. L. 115-232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1827, and consisting of reserved section 3151, was repealed by Pub. L. 116-283, div. A, title XVIII, §1810(a), Jan. 1, 2021, 134 Stat. 4162.

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XVII, §1701(i)(2)(A), Dec. 27, 2021, 135 Stat. 2141, amended Pub. L. 116-283, div. A, title XVIII, §1810(a), Jan. 1, 2021, 134 Stat. 4162, which added this analysis, by substituting “[Reserved]” for “Other Provisions Relating to Operational Contract Support” in item for subchapter II.

Statutory Notes and Related Subsidiaries

RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR OPERATIONAL CONTRACT SUPPORT

Pub. L. 112-239, div. A, title VIII, §843, Jan. 2, 2013, 126 Stat. 1845, provided that:

“(a) **GUIDANCE REQUIRED.**—Not later than one year after the date of the enactment of this Act [Jan. 2, 2013], the Secretary of Defense shall develop and issue guidance establishing the chain of authority and responsibility within the Department of Defense for pol-

icy, planning, and execution of operational contract support.

“(b) **ELEMENTS.**—The guidance under subsection (a) shall, at a minimum—

“(1) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in subsection (a);

“(2) identify for each official, office, and component specified under paragraph (1)—

“(A) requirements for policy, planning, and execution of contract support for operational contract support, including, at a minimum, requirements in connection with—

“(i) coordination of functions, authorities, and responsibilities related to operational contract support, including coordination with relevant Federal agencies;

“(ii) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

“(iii) determinations of capability requirements for nonacquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements; and

“(iv) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for operational contract support (including an assessment [of] whether or not such exercises will include contractors); and

“(B) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under subparagraph (A); and

“(3) ensure that the chain of authority and responsibility described in subsection (a) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.”

COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION

Pub. L. 112-81, div. A, title VIII, §844(a), (b), Dec. 31, 2011, 125 Stat. 1515, which authorized the Secretary of Defense to establish goals for competition in contracts for procurement of property or services to be used outside the United States in support of a contingency operation and to develop processes to measure and monitor such competition and required annual review of such contracts, was repealed by Pub. L. 118-159, div. A, title VIII, §811(a)(2)(A), Dec. 23, 2024, 138 Stat. 1979.

SUBCHAPTER I—JOINT POLICIES ON REQUIREMENTS DEFINITION, CONTINGENCY PROGRAM MANAGEMENT, AND CONTINGENCY CONTRACTING

Sec.	
3151.	Joint policy requirement.
3152.	Requirements definition matters covered.
3153.	Contingency program management matters covered.
3154.	Contingency contracting matters covered.
3155.	Training for personnel outside acquisition workforce.
3156.	Mission readiness exercises.
3157.	Definitions; applicability.

§ 3151. Joint policy requirement

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop joint policies for requirements definition, contingency program management, and contingency contracting during combat operations and post-conflict operations.

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1810(a), (b)(1), Jan. 1, 2021, 134 Stat. 4162, 4163.)

Editorial Notes

CODIFICATION

The text of subsec. (a) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1810(b)(1), was based on Pub. L. 109–364, div. A, title VIII, § 854(a)(1), Oct. 17, 2006, 120 Stat. 2343.

AMENDMENTS

2021—Pub. L. 116–283, § 1810(b)(1), transferred subsec. (a) of section 2333 of this title to this section and struck out subsec. (a) designation and heading “Joint Policy Requirement” at beginning.

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.

§ 3152. Requirements definition matters covered

The joint policy for requirements definition required by section 3151 of this title shall, at a minimum, provide for the following:

(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate experience and qualifications related to the definition of requirements to be satisfied through acquisition contracts (such as for delivery of products or services, performance of work, or accomplishment of a project), to act as head of requirements definition and coordination during combat operations, post-conflict operations, and contingency operations, if required, including leading a requirements review board involving all organizations concerned.

(2) An organizational approach to requirements definition and coordination during combat operations, post-conflict operations, and contingency operations that is designed to ensure that requirements are defined in a way that effectively implements United States Government and Department of Defense objectives, policies, and decisions regarding the allocation of resources, coordination of inter-agency efforts in the theater of operations, and alignment of requirements with the proper use of funds.

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1810(a), (b)(2), Jan. 1, 2021, 134 Stat. 4162, 4163.)

Editorial Notes

CODIFICATION

The text of subsec. (b) of section 2333 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1810(b)(2), was based on Pub. L. 109–364, div. A, title VIII, § 854(a)(1), Oct. 17, 2006, 120 Stat. 2343.

AMENDMENTS

2021—Pub. L. 116–283, § 1810(b)(2), transferred subsec. (b) of section 2333 of this title to this section and, in in-

troductory provisions, struck out subsec. (b) designation and heading “Requirements Definition Matters Covered” at beginning and substituted “section 3151 of this title” for “subsection (a)”.

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.

§ 3153. Contingency program management matters covered

The joint policy for contingency program management required by section 3151 of this title shall, at a minimum, provide for the following:

(1) The assignment of a senior commissioned officer or civilian member of the senior executive service, with appropriate program management experience and qualifications, to act as head of program management during combat operations, post-conflict operations, and contingency operations, including stabilization and reconstruction operations involving multiple United States Government agencies and international organizations, if required.

(2) A preplanned organizational approach to program management during combat operations, post-conflict operations, and contingency operations that is designed to ensure that the Department of Defense is prepared to conduct such program management.

(3) Identification of a deployable cadre of experts, with the appropriate tools and authority, and trained in processes under paragraph (6).

(4) Utilization of the hiring and appointment authorities necessary for the rapid deployment of personnel to ensure the availability of key personnel for sufficient lengths of time to provide for continuing program and project management.

(5) A requirement to provide training (including training under a program to be created by the Defense Acquisition University) to program management personnel in—

(A) the use of laws, regulations, policies, and directives related to program management in combat or contingency environments;

(B) the integration of cost, schedule, and performance objectives into practical acquisition strategies aligned with available resources and subject to effective oversight; and

(C) procedures of the Department of Defense related to funding mechanisms and contingency contract management.

(6) Appropriate steps to ensure that training is maintained for such personnel even when they are not deployed in a contingency operation.

(7) Such steps as may be needed to ensure jointness and cross-service coordination in the area of program management during contingency operations.