

United States Code [now 10 U.S.C. 3249] (as added by subsection (a)), shall take effect on April 1, 1985.”

§ 3252. Requirements for information relating to supply chain risk

(a) **AUTHORITY.**—Subject to subsection (b), the head of a covered agency may—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(b) **DETERMINATION AND NOTIFICATION.**—The head of a covered agency may exercise the authority provided in subsection (a) only after—

(1) consulting with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, in unclassified or classified form, that—

(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

(A) a summary of the risk assessment that serves as the basis for the written determination required by paragraph (2); and

(B) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(c) **LIMITATION ON DISCLOSURE.**—If the head of a covered agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information—

(1) no action undertaken by the agency head under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court; and

(2) the agency head shall—

(A) notify appropriate parties of a covered procurement action and the basis for such action only to the extent necessary to effectuate the covered procurement action;

(B) notify other Department of Defense components or other Federal agencies responsible for procurements that may be subject to the same or similar supply chain risk, in a manner and to the extent consistent with the requirements of national security; and

(C) ensure the confidentiality of any such notifications.

(d) **DEFINITIONS.**—In this section:

(1) **HEAD OF A COVERED AGENCY.**—The term “head of a covered agency” means each of the following:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(2) **COVERED PROCUREMENT ACTION.**—The term “covered procurement action” means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualification standards established in accordance with the requirements of section 3243 of this title for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(3) **COVERED PROCUREMENT.**—The term “covered procurement” means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3206(a)(3)(B) of this title, or an evaluation factor, as provided in section 3206(b)(1) of this title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 3406(d)(3) of this title, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) **SUPPLY CHAIN RISK.**—The term “supply chain risk” means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(5) **COVERED SYSTEM.**—The term “covered system” means a national security system, as that term is defined in section 3552(b)(6) of title 44.

(6) **COVERED ITEM OF SUPPLY.**—The term “covered item of supply” means an item of information technology (as that term is defined in section 11101 of title 40) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) in the case of a covered system included in the National Intelligence Program or the Military Intelligence Program, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the congressional defense committees; and

(B) in the case of a covered system not otherwise included in subparagraph (A), the congressional defense committees.

(Added Pub. L. 115-232, div. A, title VIII, §881(a)(1), Aug. 13, 2018, 132 Stat. 1910, §2339a; amended Pub. L. 116-92, div. A, title XVII, §1731(a)(43), Dec. 20, 2019, 133 Stat. 1814; renumbered §3252 and amended Pub. L. 116-283, div. A, title X, §1081(a)(36), title XVIII, §1813(g), Jan. 1, 2021, 134 Stat. 3872, 4181; Pub. L. 118-159, div. A, title VIII, §841, Dec. 23, 2024, 138 Stat. 1990.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3252, added Pub. L. 110-181, div. A, title VI, §671(a)(1), Jan. 28, 2008, 122 Stat. 181; amended Pub. L. 110-417, [div. A], title VI, §615(b), Oct. 14, 2008, 122 Stat. 4485; Pub. L. 111-84, div. A, title VI, §616(2), Oct. 28, 2009, 123 Stat. 2354; Pub. L. 111-383, div. A, title VI, §616(2), Jan. 7, 2011, 124 Stat. 4238, related to bonus to encourage Army personnel to refer persons for enlistment in the Army, prior to repeal by Pub. L. 114-92, div. A, title VI, §618(a), Nov. 25, 2015, 129 Stat. 840.

Another prior section 3252, act Aug. 10, 1956, ch. 1041, 70A Stat. 177, provided that temporary enlistments could be made only in the Army without specification of component, prior to repeal by Pub. L. 90-235, §2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

A prior section 3253, acts Aug. 10, 1956, ch. 1041, 70A Stat. 177; Pub. L. 87-143, §1(1), Aug. 17, 1961, 75 Stat. 364; Pub. L. 90-235, §2(a)(2)(A), Jan. 2, 1968, 81 Stat. 756; Pub. L. 96-513, title V, §512(3), Dec. 12, 1980, 94 Stat. 2929, provided that, in peace time, Army enlistment was available only to citizens and persons lawfully admitted to the United States for permanent residence, prior to repeal by Pub. L. 109-163, div. A, title V, §542(b)(1), Jan. 6, 2006, 119 Stat. 3253.

Prior sections 3254 to 3256 were repealed by Pub. L. 90-235, §2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

Section 3254, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for temporary enlistments in the Army during war or emergency.

Section 3255, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, provided for recruiting campaigns to obtain enlistments in the Regular Army.

Section 3256, act Aug. 10, 1956, ch. 1041, 70A Stat. 178, set forth qualifications for and term of enlistments in the Regular Army and the grade in which such enlistments were made.

A prior section 3258 was renumbered section 7138 of this title.

Prior sections 3259 to 3261 were repealed by Pub. L. 103-337, div. A, title XVI, §§1662(b)(3), 1691, Oct. 5, 1994, 108 Stat. 2990, 3026, effective Dec. 1, 1994.

Section 3259, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to transfers in grade of enlisted members of Army National Guard of United States to Army Reserve. See section 12105 of this title.

Section 3260, act Aug. 10, 1956, ch. 1041, 70A Stat. 179, provided that enlisted members of Army National Guard of United States are transferred to Army Reserve upon withdrawal as members of Army National Guard. See section 12106 of this title.

Section 3261, acts Aug. 10, 1956, ch. 1041, 70A Stat. 179; Sept. 2, 1958, Pub. L. 85-861, §33(a)(20), 72 Stat. 1565; Oct. 4, 1961, Pub. L. 87-378, §3, 75 Stat. 808, related to enlistment in Army National Guard of United States. See section 12107 of this title.

A prior section 3262 was renumbered section 7142 of this title.

Another prior section 3262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 180; Sept. 2, 1958, Pub. L. 85-861, §1(71), 72 Stat. 1464, provided for extension of enlistment of members of the Army needing medical care or hospitalization, prior to repeal by Pub. L. 90-235, §2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

A prior section 3263, Pub. L. 85-861, §1(71)(B), Sept. 2, 1958, 72 Stat. 1465; Pub. L. 87-649, §14c(4), Sept. 7, 1962, 76 Stat. 501, provided for voluntary extension of enlistments in the Army, prior to repeal by Pub. L. 90-235, §2(a)(2)(B), Jan. 2, 1968, 81 Stat. 756.

A prior section 3264, added Pub. L. 107-107, div. A, title V, §541(a)(1), Dec. 28, 2001, 115 Stat. 1109, related to an 18-month enlistment pilot program to increase participation of prior service persons in Selected Reserve and to provide assistance in building pool of participants in Individual Ready Reserve, prior to repeal by Pub. L. 107-314, div. A, title V, §531(c), Dec. 2, 2002, 116 Stat. 2544.

Prior sections 3281 to 3283 were renumbered sections 7151 to 7153 of this title, respectively.

Prior sections 3284 to 3300 were repealed by Pub. L. 96-513, title II, §204, title VII, §701, Dec. 12, 1980, 94 Stat. 2880, 2955, effective Sept. 15, 1981.

Section 3284, act Aug. 10, 1956, ch. 1041, 70A Stat. 181, provided that appointments in commissioned grades in Regular Army be made by President, by and with the advice and consent of Senate. See section 531 of this title.

Section 3285, acts Aug. 10, 1956, ch. 1041, 70A Stat. 181; Sept. 2, 1958, Pub. L. 85-861, §1(72), 72 Stat. 1465, prescribed eligibility requirements for original appointment in a commissioned grade in Regular Army, except in Medical Corps or Dental Corps and except a graduating cadet. See section 532 of this title.

Section 3286, acts Aug. 10, 1956, ch. 1041, 70A Stat. 181; Sept. 2, 1958, Pub. L. 85-861, §1(73), 72 Stat. 1465, prescribed age limitations for original appointment in a commissioned grade in Regular Army, except in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 532 of this title.

Section 3287, acts Aug. 10, 1956, ch. 1041, 70A Stat. 182; Sept. 2, 1958, Pub. L. 85-861, §1(74), 72 Stat. 1466, provided service credit, in the discretion of the Secretary of the Army, for a person originally appointed in a commissioned grade in the Regular Army, except the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, with appointment and service credit restrictions on persons who were cadets at the United States Military, Naval, or Air Force Academies but were not graduated, and a disallowance of service credits under this section for persons who graduated from one of these Academies. See section 533 of this title.

Section 3288, acts Aug. 10, 1956, ch. 1041, 70A Stat. 183; Aug. 21, 1957, Pub. L. 85-155, title I, §101(7), 71 Stat. 376; Sept. 2, 1958, Pub. L. 85-861, §1(75), 72 Stat. 1466, provided for determination of grade of a person originally appointed as a commissioned officer in Regular Army, except in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 533 of this title.

Section 3289, act Aug. 10, 1956, ch. 1041, 70A Stat. 183, provided that no person be originally appointed as a first lieutenant in Regular Army in Medical Corps until he passes an examination of his professional fitness before an examining board composed of at least three officers of Medical Corps designated by Secretary of the Army. See section 532 of this title.

Section 3290, act Aug. 10, 1956, ch. 1041, 70A Stat. 183, provided that an original appointment in Regular

Army in Medical Service Corps be made only in grade of second lieutenant and from members of Regular Army, reserves not in an inactive status, or graduates of an accredited school of pharmacy or optometry, or of a school or college who hold a degree in a science allied to medicine or any other degree approved by Surgeon General. See section 532 of this title.

Section 3291, acts Aug. 10, 1956, ch. 1041, 70A Stat. 183; Aug. 21, 1957, Pub. L. 85-155, title I, §101(8), 71 Stat. 376; Sept. 30, 1966, Pub. L. 89-609, §1(4), 80 Stat. 852, prescribed eligibility requirements for an original appointment in Regular Army in Army Nurse Corps or Army Medical Specialist Corps in grade of second lieutenant, first lieutenant, and captain and provided for determination of years of service creditable for promotion. See section 532 of this title.

Section 3292, act Aug. 10, 1956, ch. 1041, 70A Stat. 184, provided that original appointments in commissioned grades in Regular Army in Judge Advocate General's Corps be made from officers of Regular Army in other branches, reserve commissioned officers assigned to Judge Advocate General's Corps, or qualified civilian graduates of accredited law schools. See section 532 of this title.

Section 3293, act Aug. 10, 1956, ch. 1041, 70A Stat. 184, provided that no person in civil life be originally appointed as a chaplain in Regular Army unless he has passed an examination prescribed by President as to his morale, mental, and physical qualifications. See section 532 of this title.

Section 3294, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Sept. 2, 1958, Pub. L. 85-861, §1(77), 72 Stat. 1467, provided that original appointments in Regular Army be made in grades of first lieutenant through colonel in Medical Corps or Dental Corps as the Army requires, from qualified doctors of medicine, osteopathy, or dentistry who are citizens of the United States and have such other qualifications as the Secretary of the Army prescribes, with specific additional eligibility requirements for a doctor of osteopathy, and that officers so appointed receive service credit for determining grade, position on a promotion list, seniority in grade in Regular Army, and eligibility for promotion. See section 532 of this title.

Section 3295, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Sept. 2, 1958, Pub. L. 85-861, §1(78), 72 Stat. 1467, provided for determination of the place on a promotion list of name of each person who is originally appointed in a commissioned grade in Regular Army and whose name is to be carried on a promotion list, other than persons appointed in Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps. See section 624 of this title.

Section 3296, acts Aug. 10, 1956, ch. 1041, 70A Stat. 184; Aug. 21, 1957, Pub. L. 85-155, title I, §101(10), 71 Stat. 377; Aug. 6, 1958, Pub. L. 85-600, §1(5), 72 Stat. 522; June 4, 1968, Pub. L. 90-329, 82 Stat. 170; Oct. 20, 1978, Pub. L. 95-485, title VIII, §820(d)(2), 92 Stat. 1627; Oct. 30, 1978, Pub. L. 95-551, §2, 92 Stat. 2069, provided for promotion lists in Regular Army for all commissioned officers in grades below brigadier general on active list, with exceptions, which officers are known as "promotion-list officers", a separate list for Chaplains and each of the several branches of Army Medical Department, and determination of place on list upon transfer or promotion. See section 624 of this title.

Section 3297, acts Aug. 10, 1956, ch. 1041, 70A Stat. 185; Aug. 21, 1957, Pub. L. 85-155, title I, §101(11), 71 Stat. 377; July 12, 1960, Pub. L. 86-616, §1(1), 74 Stat. 386; Oct. 20, 1978, Pub. L. 95-485, title VIII, §820(d)(3), 92 Stat. 1627, provided for selection boards to recommend promotion-list officers and brigadier generals of Regular Army for promotion in Regular Army. See section 611 et seq. of this title.

Section 3298, acts Aug. 10, 1956, ch. 1041, 70A Stat. 185; Aug. 21, 1957, Pub. L. 85-155, title I, §101(12), 71 Stat. 377; Nov. 8, 1967, Pub. L. 90-130, §1(10)(A), 81 Stat. 375, provided for promotion from grade of second lieutenant to first lieutenant after 3 years of service, discharge under section 3814 of this title upon failure of promotion, and

filling vacancies for first lieutenants with second lieutenants prior to completion of 3 years of service. See section 630 of this title.

Section 3299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 186; Aug. 21, 1957, Pub. L. 85-155, title I, §101(13), 71 Stat. 377; Sept. 2, 1958, Pub. L. 85-861, §33(a)(21), 72 Stat. 1565; Nov. 8, 1967, Pub. L. 90-130, §1(10)(B), 81 Stat. 375, provided that promotion-list officers be promoted to regular grades of captain, major, and lieutenant colonel, after specified length of service or without regard to length of service in view of actual or anticipated vacancies if Secretary of the Army so directs, or be eliminated from active list under section 3303 of this title and a promotion-list officer who has twice been considered and not recommended for promotion to any one regular grade not be again considered for promotion under this section. See sections 631 and 632 of this title.

Section 3300, acts Aug. 10, 1956, ch. 1041, 70A Stat. 186; July 12, 1960, Pub. L. 86-616, §1(2), 74 Stat. 386, provided for selection board procedure when promotion-list officers in regular grade of first lieutenant, captain, or major are to be considered for promotion under section 3299 of this title. See section 611 et seq. of this title.

AMENDMENTS

2024—Subsec. (b)(1). Pub. L. 118-159, §841(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "obtaining a joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence and Security, that there is a significant supply chain risk to a covered system:"

Subsec. (b)(2). Pub. L. 118-159, §841(1)(B), struck out "with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment," after "in unclassified or classified form," in introductory provisions.

Subsec. (b)(3)(A). Pub. L. 118-159, §841(1)(C)(i), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the information required by section 3204(e)(2) of this title:"

Subsec. (b)(3)(B) to (D). Pub. L. 118-159, §841(1)(C)(ii), (iii), redesignated subpar. (D) as (B) and struck out former subpars. (B) and (C) which read as follows:

"(B) the joint recommendation by the Under Secretary of Defense for Acquisition and Sustainment and the Chief Information Officer of the Department of Defense as specified in paragraph (1);

"(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and"

Subsecs. (c) to (e). Pub. L. 118-159, §841(2), (3), redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: "The head of a covered agency may not delegate the authority provided in subsection (a) or the responsibility to make a determination under subsection (b) to an official below the level of the service acquisition executive for the agency concerned."

2021—Pub. L. 116-283, §1813(g), renumbered section 2339a of this title as this section.

Subsec. (b)(1). Pub. L. 116-283, §1081(a)(36), inserted "and Security" after "for Intelligence".

Subsec. (b)(3)(A). Pub. L. 116-283, §1813(g)(1), substituted "section 3204(e)(2)" for "section 2304(f)(3)".

Subsec. (e)(2)(A). Pub. L. 116-283, §1813(g)(2), substituted "section 3243" for "section 2319".

Subsec. (e)(3)(A). Pub. L. 116-283, §1813(g)(3)(A), substituted "section 3206(a)(3)(B)" for "section 2305(a)(1)(C)(ii)" and "section 3206(b)(1)" for "section 2305(a)(2)(A)".

Subsec. (e)(3)(B). Pub. L. 116-283, §1813(g)(3)(B), substituted "section 3406(d)(3)" for "section 2304(c)(d)(3)".

2019—Subsec. (e)(5). Pub. L. 116-92 substituted "section 3552(b)(6)" for "section 3542(b)".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1813(g) of 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 225—[Reserved]

Sec.
3271. [Reserved].

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81, div. A, title XVII, §1701(i)(3), Dec. 27, 2021, 135 Stat. 2141, amended Pub. L. 116-283, div. A, title XVIII, §1813(h), Jan. 1, 2021, 134 Stat. 4181, which added this analysis, by substituting “[Reserved]” for “PLANNING AND SOLICITATION RELATING TO PARTICULAR ITEMS OR SERVICES” in chapter heading.

Subpart C—Contracting Methods and Contract Types

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1827, added subpart heading.

CHAPTER 241—AWARDING OF CONTRACTS

Sec.
3301. Basis of award and rejection.
3302. Sealed bids.
3303. Competitive proposals.
3304. Post-award debriefings.
3305. Pre-award debriefings.
3306. Encouragement of alternative dispute resolution.
3307. Antitrust violations.
3308. Protests.
3309. Prohibition on release of contractor proposals.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 241 “AWARDING OF CONTRACTS”, as added by Pub. L. 115-232, div. A, title VIII, §801(a), Aug. 13, 2018, 132 Stat. 1827, and consisting of reserved section 3301, was repealed by Pub. L. 116-283, div. A, title XVIII, §1816(b), Jan. 1, 2021, 134 Stat. 4182.

Statutory Notes and Related Subsidiaries

PILOT PROGRAM FOR ANYTHING-AS-A-SERVICE

Pub. L. 118-31, div. A, title VIII, §809, Dec. 22, 2023, 137 Stat. 320, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to explore the use of consumption-based solutions to address any defense need, hereafter ‘anything-as-a-service’, that is feasible to provide users on-demand access, quickly add newly released capabilities, and bill based on actual usage at fixed price units.

“(b) REQUIREMENTS.—A contract or other agreement for anything-as-a-service entered into under the pilot program shall require the outcomes of the capability to be measurable, including the cost and speed of delivery in comparison to using processes other than anything-as-a-service, at the regular intervals that are customary for the type of solution provided.

“(c) NOTICE.—With respect to each opportunity to participate in the pilot program established under subsection (a), the Secretary shall make publicly available a notice of such opportunity for not less than 60 days.

“(d) TIMING.—The Secretary shall, to the extent practicable, enter into a contract or other agreement under this section not later than 100 days after the date on which the Secretary, under subsection (c), makes publicly available a notice to participate in the pilot program established under this section.

“(e) EXEMPTIONS.—A contract or other agreement entered into under this section shall be exempt from the following:

“(1) The requirements of section 3702 of title 10, United States Code.

“(2) With respect to a modification to add new features or capabilities in an amount less than or equal to 25 percent of the total value of such contract or other agreement, the requirements of full and open competition (as defined in [former] section 2302 of title 10, United States Code [see 10 U.S.C. 3011]).

“(f) BRIEFING.—Not later than June 30, 2024, the Secretary of Defense shall provide a briefing to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the implementation of the pilot program.

“(g) ANYTHING-AS-A-SERVICE DEFINED.—In this section, the term ‘anything-as-a-service’ means a model under which a technology-supported capability is provided to the Department of Defense and may utilize any combination of software, hardware or equipment, data, and labor or services that provides a capability that is metered and billed based on actual usage at fixed price units.”

DEVELOPMENT OF PROCUREMENT ADMINISTRATIVE LEAD TIME

Pub. L. 115-91, div. A, title VIII, §886, Dec. 12, 2017, 131 Stat. 1505, as amended by Pub. L. 118-159, div. A, title XVII, §1701(d)(1), Dec. 23, 2024, 138 Stat. 2207, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall develop, make available for public comment, and finalize—

“(1) a definition of the term ‘procurement administrative lead time’ or ‘PALT’, to be applied Department of Defense-wide, that describes the amount of time from the date on which a solicitation is issued to the date of an initial award of a contract or task order of the Department of Defense; and

“(2) a plan for measuring and publicly reporting data on PALT for Department of Defense contracts and task orders above the simplified acquisition threshold.

“(b) REQUIREMENT FOR DEFINITION.—Unless the Secretary determines otherwise, the amount of time in the definition of PALT developed under subsection (a) shall—

“(1) begin on the date on which the initial solicitation is issued for a contract or task order of the Department of Defense by the Secretary of a military department or head of a Defense Agency; and

“(2) end on the date of the award of the contract or task order.

“(c) COORDINATION.—In developing the definition of PALT, the Secretary shall coordinate with—

“(1) the senior contracting official of each military department and Defense Agency to determine the variations of the definition in use across the Department of Defense and each military department and Defense Agency; and

“(2) the Administrator of the General Services Administration on modifying the existing data system of the Federal Government to determine the date on which the initial solicitation is issued.

“(d) USE OF EXISTING PROCUREMENT DATA SYSTEMS.—In developing the plan for measuring and publicly reporting data on PALT required by subsection (a), the