

**Editorial Notes**

AMENDMENTS

2021—Par. (1)(A). Pub. L. 116–283, §1081(d)(4)(A), made technical correction to directory language of Pub. L. 115–232, §836(a)(2)(B). See 2018 Amendment note below.

2018—Par. (1)(A). Pub. L. 115–232, as amended by Pub. L. 116–283, §1081(d)(4)(A), substituted “commercial product” for “commercial item”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116–283, div. A, title X, §1081(d), Jan. 1, 2021, 134 Stat. 3873, provided that the amendment made by section 1081(d)(4)(A) to section 836(a)(2)(B) of Pub. L. 115–232, which amended this section, is effective as of Aug. 13, 2018, and as if included in Pub. L. 115–232.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115–232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

**§ 105. Component**

In this subtitle, the term “component” means an item supplied to the Federal Government as part of an end item or of another component.

(Pub. L. 111–350, §3, Jan. 4, 2011, 124 Stat. 3680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105 .....	41:259(c)(14).	June 30, 1949, ch. 288, title III, §309(c)(14), as added Pub. L. 98–369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:264a (“component”).	June 30, 1949, ch. 288, title III, §314A (“component”), as added Pub. L. 103–355, title VIII, §8202, Oct. 13, 1994, 108 Stat. 3394.
	41:403(14).	Pub. L. 93–400, §4(14), as added Pub. L. 103–355, title VIII, §8001(a), Oct. 13, 1994, 108 Stat. 3386.

**§ 106. Federal Acquisition Regulation**

In this subtitle, the term “Federal Acquisition Regulation” means the regulation issued under section 1303(a)(1) of this title.

(Pub. L. 111–350, §3, Jan. 4, 2011, 124 Stat. 3680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106 .....	41:259(e).	June 30, 1949, ch. 288, title III, §309(e), as added Pub. L. 103–355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.

The defined term is made applicable to the subtitle because of the numerous references throughout the Office of Federal Procurement Policy Act (Public Law 93–400, 88 Stat. 796), restated in division B of this subtitle, and especially because of sections 6(a) and 25(c) of the Act, restated in sections 1121 and 1303, respectively.

**§ 107. Full and open competition**

In this subtitle, the term “full and open competition”, when used with respect to a procure-

ment, means that all responsible sources are permitted to submit sealed bids or competitive proposals on the procurement.

(Pub. L. 111–350, §3, Jan. 4, 2011, 124 Stat. 3680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107 .....	41:259(c)(4).	June 30, 1949, ch. 288, title III, §309(c)(4), as added Pub. L. 98–369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(6).	Pub. L. 93–400, §4(6), formerly §4(7), as added Pub. L. 98–369, title VII, §2731(3), July 18, 1984, 98 Stat. 1195; Pub. L. 98–577, title I, §102(1), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(6), Pub. L. 100–679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103–355, title VIII, §8001(b)(1)–(3), Oct. 13, 1994, 108 Stat. 3386.

**§ 108. Item and item of supply**

In this subtitle, the terms “item” and “item of supply”—

(1) mean an individual part, component, sub-assembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the system, including spare parts and replenishment spare parts; but

(2) do not include packaging or labeling associated with shipment or identification of an item.

(Pub. L. 111–350, §3, Jan. 4, 2011, 124 Stat. 3680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108 .....	41:259(c)(8), (9).	June 30, 1949, ch. 288, title III, §309(c)(8), (9), as added Pub. L. 98–369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98–577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103–355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.
	41:403(10) (“item”, “item of supply”).	Pub. L. 93–400, §4(10) (“item”, “item of supply”), formerly §4(11), as added Pub. L. 98–577, title I, §102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(10), Pub. L. 100–679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103–355, title VIII, §8001(b)(1), (2), (4), Oct. 13, 1994, 108 Stat. 3386.

**§ 109. Major system**

(a) IN GENERAL.—In this subtitle, the term “major system” means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. These elements may include hardware, equipment, software, or a combination of hardware, equipment, and software, but do not include construction or other improvements to real property.

(b) SYSTEM DEEMED TO BE MAJOR SYSTEM.—A system is deemed to be a major system if—

(1) the Department of Defense is responsible for the system and the total expenditures for research, development, testing, and evaluation for the system are estimated to exceed \$75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement exceeds \$300,000,000 (based on fiscal year 1980 constant dollars);

(2) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed the greater of \$750,000 (based on fiscal year 1980 constant dollars) or 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”; or

(3) the head of the agency responsible for the system designates the system a major system.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3680.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
109 .....	41:259(c)(7).  41:403(9).	June 30, 1949, ch. 288, title III, §309(c)(7), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.  Pub. L. 93-400, §4(9), formerly §4(10), as added Pub. L. 98-577, title I, §102(3), Oct. 30, 1984, 98 Stat. 3067; redesignated as §4(9), Pub. L. 100-679, §3(c), Nov. 17, 1988, 102 Stat. 4056; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

**§ 110. Nondevelopmental item**

In this subtitle, the term “nondevelopmental item” means—

(1) a commercial product;

(2) a previously developed item of supply that is in use by a department or agency of the Federal Government, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

(3) an item of supply described in paragraph (1) or (2) that requires only minor modification or modification of the type customarily available in the commercial marketplace to meet the requirements of the procuring department or agency; or

(4) an item of supply currently being produced that does not meet the requirements of paragraph (1), (2), or (3) solely because the item is not yet in use.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3680; Pub. L. 115-232, div. A, title VIII, §836(a)(2)(C), Aug. 13, 2018, 132 Stat. 1860.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110 .....	41:259(c)(12).  41:264a (“non-developmental item”).  41:403(13).	June 30, 1949, ch. 288, title III, §309(c)(12), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3299.  June 30, 1949, ch. 288, title III, §314A (“nondevelopmental item”), as added Pub. L. 103-355, title VIII, §8202, Oct. 13, 1994, 108 Stat. 3394.  Pub. L. 93-400, §4(13), as added Pub. L. 103-355, title VIII, §8001(a), Oct. 13, 1994, 108 Stat. 3385.

**Editorial Notes**

AMENDMENTS

2018—Par. (1). Pub. L. 115-232 substituted “commercial product” for “commercial item”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

**§ 111. Procurement**

In this subtitle, the term “procurement” includes all stages of the process of acquiring property or services, beginning with the process for determining a need for property or services and ending with contract completion and close-out.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111 .....	41:259(c)(1).  41:403(2).	June 30, 1949, ch. 288, title III, §309(c)(1), as added Pub. L. 98-369, title VII, §2711(a)(3), July 18, 1984, 98 Stat. 1180; Pub. L. 98-577, title V, §504(a)(4), Oct. 30, 1984, 98 Stat. 3086; Pub. L. 103-355, title I, §1551, Oct. 13, 1994, 108 Stat. 3298.  Pub. L. 93-400, §4(2), Aug. 30, 1974, 88 Stat. 797; Pub. L. 96-83, §3, Oct. 10, 1979, 93 Stat. 649; Pub. L. 98-191, §4, Dec. 1, 1983, 97 Stat. 1326; Pub. L. 103-355, title VIII, §8001(b)(1)-(3), Oct. 13, 1994, 108 Stat. 3386.

**§ 112. Procurement system**

In this subtitle, the term “procurement system” means the integration of the procurement process, the professional development of procurement personnel, and the management structure for carrying out the procurement function.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3681.)