

- (12) The term “commercial component”.
 (13) The term “component”.

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1806(b)(1), (2), Jan. 1, 2021, 134 Stat. 4153.)

Editorial Notes

CODIFICATION

The text of par. (3) of section 2302 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1806(b)(2), was based on Pub. L. 103–355, title I, § 1502(1), Oct. 13, 1994, 108 Stat. 3296; Pub. L. 104–106, div. D, title XLIII, § 4321(b)(3), Feb. 10, 1996, 110 Stat. 672; Pub. L. 111–350, § 5(b)(8), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 115–232, div. A, title VIII, § 836(c)(1), Aug. 13, 2018, 132 Stat. 1864.

PRIOR PROVISIONS

A prior section 3011 was renumbered section 7011 of this title.

Another prior section 3011 was renumbered section 7012 of this title.

AMENDMENTS

2021—Pub. L. 116–283, § 1806(b)(2), transferred par. (3) of section 2302 of this title to this section, realigned margin, struck out par. (3) designation at beginning, substituted “In any chapter 137 legacy provision, the following” for “The following” in introductory provisions, and redesignated subpars. (A) to (M) as pars. (1) to (13), respectively.

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.

§ 3012. Competitive procedures

In this part, the term “competitive procedures” means procedures under which the head of an agency enters into a contract pursuant to full and open competition. Such term also includes—

- (1) procurement of architectural or engineering services conducted in accordance with chapter 11 of title 40;
- (2) the competitive selection for award of science and technology proposals resulting from a general solicitation and the peer review or scientific review (as appropriate) of such proposals;
- (3) the procedures established by the Administrator of General Services for the multiple award schedule program of the General Services Administration if—

(A) participation in the program has been open to all responsible sources; and

(B) orders and contracts under such program result in the lowest overall cost alternative to meet the needs of the United States;

(4) procurements conducted in furtherance of section 15 of the Small Business Act (15 U.S.C. 644) as long as all responsible business concerns that are entitled to submit offers for such procurements are permitted to compete; and

(5) a competitive selection of research proposals resulting from a general solicitation

and peer review or scientific review (as appropriate) solicited pursuant to section 9 of the Small Business Act (15 U.S.C. 638).

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1806(b)(1), (3), Jan. 1, 2021, 134 Stat. 4153.)

Editorial Notes

CODIFICATION

The text of par. (2) of section 2302 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1806(b)(3), was based on act Aug. 10, 1956, ch. 1041, 70A Stat. 127; Pub. L. 98–369, div. B, title VII, § 2722(a), July 18, 1984, 98 Stat. 1186; Pub. L. 98–577, title V, § 504(b)(3), Oct. 30, 1984, 98 Stat. 3087; Pub. L. 99–661, div. A, title XIII, § 1343(a)(13), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100–26, § 7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 107–217, § 3(b)(2), Aug. 21, 2002, 116 Stat. 1295; Pub. L. 115–91, div. A, title II, § 221, Dec. 12, 2017, 131 Stat. 1333.

PRIOR PROVISIONS

A prior section 3012 was renumbered section 7012 of this title.

Another prior section 3012 was renumbered section 3013 of this title and subsequently repealed.

AMENDMENTS

2021—Pub. L. 116–283, § 1806(b)(3), transferred par. (2) of section 2302 of this title to this section, realigned margin, struck out par. (2) designation at beginning, substituted “In this part, the term” for “The term” in introductory provisions, redesignated subpars. (A) to (E) as pars. (1) to (5), respectively, and, in par. (3), redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively.

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.

§ 3013. Technical data

In any chapter 137 legacy provision, the term “technical data” means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer software documentation) relating to supplies procured by an agency. Such term does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration.

(Added and amended Pub. L. 116–283, div. A, title XVIII, § 1806(b)(1), (4), Jan. 1, 2021, 134 Stat. 4153.)

Editorial Notes

CODIFICATION

The text of par. (4) of section 2302 of this title, which was transferred to this section and amended by Pub. L. 116–283, § 1806(b)(4), was based on Pub. L. 98–525, title XII, § 1211, Oct. 19, 1984, 98 Stat. 2589; Pub. L. 100–26, § 7(k)(2), Apr. 21, 1987, 101 Stat. 284.

PRIOR PROVISIONS

A prior section 3013 was renumbered section 7013 of this title.

Another prior section 3013, acts Aug. 10, 1956, ch. 1041, 70A Stat. 157, § 3012; Sept. 2, 1958, Pub. L. 85–861, § 1(57),

72 Stat. 1462; Sept. 7, 1962, Pub. L. 87-651, title II, §211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88-426, title III, §§305(2), 306(j)(1), 78 Stat. 422, 431; Nov. 2, 1966, Pub. L. 89-718, §22, 80 Stat. 1118; renumbered §3013, Oct. 1, 1986, Pub. L. 99-433, title V, §501(a)(2), 100 Stat. 1034, related to Secretary of the Army, powers and duties, and delegations, prior to repeal by Pub. L. 99-433, §501(a)(5).

Another prior section 3013 was renumbered section 3014 of this title and subsequently repealed.

AMENDMENTS

2021—Pub. L. 116-283, §1806(b)(4), transferred par. (4) of section 2302 of this title to this section, realigned margin, struck out par. (4) designation at beginning, and substituted “In any chapter 137 legacy provision, the term” for “The term”.

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.

§ 3014. Nontraditional defense contractor

In this part, the term “nontraditional defense contractor”, with respect to a procurement or with respect to a transaction authorized under section 4021(a) or 4022 of this title, means an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1806(b)(1), (5), Jan. 1, 2021, 134 Stat. 4153, 4154; Pub. L. 117-263, div. A, title X, §1081(a)(4), Dec. 23, 2022, 136 Stat. 2797.)

Editorial Notes

CODIFICATION

The text of par. (9) of section 2302 of this title, which was transferred to this section and amended by Pub. L. 116-283, §1806(b)(5), was based on Pub. L. 111-383, div. A, title VIII, §866(g)(1), Jan. 7, 2011, 124 Stat. 4298; Pub. L. 113-291, div. A, title X, §1071(a)(2)(B), Dec. 19, 2014, 128 Stat. 3504; Pub. L. 114-92, div. A, title VIII, §815(b), Nov. 25, 2015, 129 Stat. 896.

PRIOR PROVISIONS

A prior section 3014 was renumbered section 7014 of this title.

Another prior section 3014, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, §3013; Aug. 6, 1958, Pub. L. 85-599, §8(a), 72 Stat. 519; Sept. 2, 1958, Pub. L. 85-861, §1(58), 72 Stat. 1462; Aug. 14, 1964, Pub. L. 88-426, title III, §305(3), 78 Stat. 422; Dec. 1, 1967, Pub. L. 90-168, §2(12), 81 Stat. 523; Dec. 31, 1970, Pub. L. 91-611, title II, §211(a), 84 Stat. 1829; Nov. 9, 1979, Pub. L. 96-107, title VIII, §820(b), 93 Stat. 819; Sept. 24, 1983, Pub. L. 98-94, title XII, §1212(c)(1), 97 Stat. 687; renumbered §3014, Oct. 1, 1986, Pub. L. 99-433, title V, §501(a)(2), 100 Stat. 1034, related to Under Secretary and Assistant Secretaries of the Army, appointment, and duties, prior to repeal by Pub. L. 99-433, §501(a)(5).

Another prior section 3014 was renumbered section 3015 of this title and subsequently repealed.

AMENDMENTS

2022—Pub. L. 117-263 substituted “section 4021(a) or 4022” for “section 4002(a) or 4003”.

2021—Pub. L. 116-283, §1806(b)(5), transferred par. (9) of section 2302 of this title to this section, realigned margin, struck out par. (9) designation at beginning, and substituted “In this part, the term” for “The term” and “section 4002(a) or 4003” for “section 2371(a) or 2371b”.

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.

§ 3015. Simplified acquisition threshold

In this part:

(1) The term “simplified acquisition threshold” has the meaning provided that term in section 134 of title 41, except that, in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation or a humanitarian or peacekeeping operation, the term means an amount equal to two times the amount specified for that term in such section.

(2) The term “humanitarian or peacekeeping operation” means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing.

(Added and amended Pub. L. 116-283, div. A, title XVIII, §1806(b)(1), (6), Jan. 1, 2021, 134 Stat. 4153, 4154.)

Editorial Notes

CODIFICATION

The text of pars. (7) and (8) of section 2302 of this title, which were transferred to this section, redesignated as pars. (1) and (2), respectively, and amended by Pub. L. 116-283, §1806(b)(6), was based on Pub. L. 103-355, title I, §1502, Oct. 13, 1994, 108 Stat. 3296; Pub. L. 104-201, div. A, title VIII, §807(a), Sept. 23, 1996, 110 Stat. 2606; Pub. L. 105-85, div. A, title VIII, §803(b), Nov. 18, 1997, 111 Stat. 1832; Pub. L. 111-350, §5(b)(8)(C), Jan. 4, 2011, 124 Stat. 3843; Pub. L. 113-291, div. A, title X, §1071(a)(2)(A), Dec. 19, 2014, 128 Stat. 3504.

PRIOR PROVISIONS

A prior section 3015 was renumbered section 7015 of this title.

Another prior section 3015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, §3014; renumbered §3015, Oct. 1, 1986, Pub. L. 99-433, title V, §501(a)(2), 100 Stat. 1034, related to Comptroller and Deputy Comptroller of the Army, powers and duties, and appointment, prior to repeal by Pub. L. 99-433, §501(a)(5).

Another prior section 3015 was renumbered section 3040 of this title and subsequently repealed.

AMENDMENTS

2021—Pub. L. 116-283, §1806(b)(6), redesignated pars. (7) and (8) of section 2302 of this title as pars. (1) and (2), respectively, of this section and inserted introductory provisions.