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**CHANGES MADE TO DEFENSE ACQUISITION WORKFORCE
IMPROVEMENT ACT (DAWIA)
(AS CODIFIED IN THE U.S. CODE) BY THE
NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2004,
PUBLIC LAW 108-136,
117 STAT. 1392 (NOV. 24, 2003)**

REVISION CODING:

ADDITIONS are indicated by Text –
(On screen – red lettering with double underlining
When printed – double underlining)

DELETIONS are indicated by ~~Text~~–
(On screen and when printed - ~~Strikethrough~~)

**Version 1.1
(Corrected Copy – Jan. 2004)**

EDITOR'S NOTES

1. The editor regrets that an error appeared in Version 1.0 of this document. For readers who have Version 1.0, the following pen and ink changes can be made which will correct the error in Version 1.0. This correction has been made in Version 1.1

Version 1.0 reads as follows:

§ 1734. Career development

(e) (2) The Secretary of Defense shall establish a procedure under which the assignment of each person assigned to a critical acquisition position shall be reviewed on a case-by-case basis, by the acquisition career program board of the department concerned, for the purpose of determining ...

Change it to read:

§ 1734. Career development

(e)(2) The Secretary of Defense shall establish a procedure under which the assignment of each person assigned to a critical acquisition position shall be reviewed on a case-by-case basis, ~~by the acquisition career program board of the department concerned~~, for the purpose of determining ...

REASON: In subsection (e)(2), the text “, by the acquisition career program board of the department concerned,” was STRIKEN from the DAWIA by amendments in PL 108-136. Version 1.0 erroneously showed that the text was added.

2. A few minor formatting changes have been made in Version 1.1 that do not impact on the substance of the DAWIA.
3. A table of contents for the entire Chapter 87 – Defense Acquisition Workforce - has been added to Version 1.1.
4. Readers are encouraged to notify the editor by email to library@dau.mil if they have any concerns or suggestions on improving this document.

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- (1764. Repealed.)
- 1764. Authority to establish different minimum requirements. (New § 1764)

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SUBCHAPTER I – GENERAL AUTHORITIES AND RESPONSIBILITIES

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- 1701. Management policies.
- 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.
- 1703. ~~Director of Acquisition Education, Training, and Career Development.~~ (Repealed)
- 1704. Service acquisition executives: authorities and responsibilities.
- 1705. ~~Directors of Acquisition Career Management in the military departments.~~ (Repealed)
- 1706. ~~Acquisition career program boards.~~ (Repealed)
- 1707. ~~Personnel in the Office of the Secretary of Defense and in the Defense Agencies.~~ (Repealed)

ACKER LIBRARY N.B.:

Table of Sections amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 836, Nov. 24, 2003, 117 Stat. 1392.

§ 1701. Management policies

(a) Policies and procedures.--The Secretary of Defense shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in acquisition positions in the Department of Defense.

(b) Uniform implementation.--The Secretary shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established in accordance with this chapter are uniform in their implementation throughout the Department of Defense.

CREDIT(S)

(Added Pub.L.101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1638.)

Current through P.L. 108-99, approved 10-15-03

END OF DOCUMENT

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§ 1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities

Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall carry out all powers, functions, and duties of the Secretary of Defense with respect to the acquisition workforce in the Department of Defense. The Under Secretary shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented throughout the Department of Defense. The Under Secretary shall prescribe policies and requirements for the educational programs of the defense acquisition university structure established under section 1746 of this title.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1638, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 105-261, Div. A, Title VIII, § 815, Oct. 17, 1998, 112 Stat. 2088; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), (3)(A), Dec. 28, 2001, 115 Stat. 1225.)

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§ 1703. ~~Director of Acquisition Education, Training, and Career Development~~

~~The Under Secretary of Defense for Acquisition, Technology, and Logistics shall appoint a Director of Acquisition Education, Training, and Career Development within the office of the Under Secretary to assist the Under Secretary in the performance of his duties under this chapter.~~

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(a), Nov. 24, 2003, 117 Stat. 1392.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

10 U.S.C. § 1703

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§ 1704. Service acquisition executives: authorities and responsibilities

Subject to the authority, direction, and control of the Secretary of the military department concerned, the service acquisition executive for each military department shall carry out all powers, functions, and duties of the Secretary concerned with respect to the acquisition workforce within the military department concerned and shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented in that department.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639.)

10 U.S.C. § 1704

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§ 1705. ~~Directors of Acquisition Career Management in the military departments~~

~~There shall be a Director of Acquisition Career Management for each military department within the office of the service acquisition executive to assist the executive in the performance of his duties under this chapter. The Secretary of the Navy, acting through the service acquisition executive, may appoint separate directors for the Navy and the Marine Corps.~~

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(a), Nov. 24, 2003, 117 Stat. 1392.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639.)

10 U.S.C.. § 1705

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§ 1706. Acquisition career program boards

~~(a) Establishment.~~ The Secretary of each military department, acting through the service acquisition executive, shall establish an acquisition career program board to advise the service acquisition executive in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for an Acquisition Corps under section 1731 of this title.

~~(b) Composition of board.~~ Each acquisition career program board shall include the Director of Acquisition Career Management (or his representative), the Assistant Secretary with responsibility for manpower (or his representative), and the military and civilian senior officials with responsibility for personnel development in the various acquisition career fields. The service acquisition executive (or his representative) shall be the head of the board.

~~(c) Subordinate boards.~~ The Secretary of a military department may establish a subordinate board structure in the department to which functions of the acquisition career program board may be delegated.

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(a), Nov. 24, 2003, 117 Stat. 1392

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639.)

10 U.S.C.. § 1706

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~~§ 1707. Personnel in the Office of the Secretary of Defense and in the Defense Agencies~~

~~(a) Policies.~~ The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish and implement, in such manner as the Secretary considers appropriate, policies and procedures for the effective management, including accession, education, training, and career development, of persons serving in acquisition positions in the Office of the Secretary of Defense and the Defense Agencies. Such policies and procedures shall include (1) the establishment of one or more Acquisition Corps with respect to such persons, and (2) the establishment of an acquisition career program board (and any appropriate subordinate board structure) with respect to such persons. The Secretary shall ensure that, to the maximum extent practicable, such policies and procedures are as uniform as practicable with the policies established under this chapter for the military departments.

~~(b) Management.~~ The Director of Acquisition Education, Training, and Career Development appointed under section 1703 of this title shall serve as the Director of Acquisition Career Management for the Office of the Secretary of Defense and for the Defense Agencies.

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(a), Nov. 24, 2003, 117 Stat. 1392

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

10 U.S.C. § 1707

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- 1721. Designation of acquisition positions.
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- 1723. General education, training, and experience requirements.
- 1724. Contracting positions: qualification requirements.
- 1725. ~~Office of Personnel Management approval.~~ (Repealed)

ACKER LIBRARY N.B.:

Table of Sections amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 836, Nov. 24, 2003, 117 Stat. 1392 .

§ 1721. Designation of acquisition positions

(a) Designation.--The Secretary of Defense shall designate in regulations those positions in the Department of Defense that are acquisition positions for purposes of this chapter.

(b) Required positions.--In designating the positions under subsection (a), the Secretary shall include, at a minimum, all acquisition-related positions in the following areas:

- (1) Program management.
- (2) Systems planning, research, development, engineering, and testing.
- (3) Procurement, including contracting.
- (4) Industrial property management.
- (5) Logistics.
- (6) Quality control and assurance.
- (7) Manufacturing and production.
- (8) Business, cost estimating, financial management, and auditing.
- (9) Education, training, and career development.
- (10) Construction.
- (11) Joint development and production with other government agencies and foreign countries.

(c) Management headquarters activities.--The Secretary also shall designate as acquisition positions under subsection (a) those acquisition-related positions which are in management headquarters activities and in management headquarters support activities. For purposes of this subsection, the terms "management headquarters activities" and "management headquarters support activities" have the meanings given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities", dated November 12, 1996.

CREDIT(S)

(Added Pub.L. 101-51, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1640, and amended Pub.L. 102-25, Title VII, § 701(1)(1), Apr. 6, 1991, 105 Stat. 116; Pub.L. 105-85, Div. A, Title IX, § 912(f), Nov. 18, 1997, 111 Stat. 1862.)

10 U.S.C. § 1721

Current through P.L. 108-99, approved 10-15-03

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§ 1722. Career development

(a) Career paths.--The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall ensure that appropriate career paths for civilian and military personnel who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the armed forces to the most senior acquisition positions. The Secretary shall make available published information on such career paths.

(b) Limitation on preference for military personnel.--(1) The Secretary of Defense shall ensure that no requirement or preference for a member of the armed forces is used in the consideration of persons for acquisition positions, except as provided in the policy established under paragraph (2).

(2)(A) The Secretary shall establish a policy permitting a particular acquisition position to be specified as available only to members of the armed forces if a determination is made, under criteria specified in the policy, that a member of the armed forces is required for that position by law, is essential for performance of the duties of the position, or is necessary for another compelling reason.

(B) Not later than December 15 of each year, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Secretary a report that lists each acquisition position that is restricted to members of the armed forces under such policy and the recommendation of the Under Secretary as to whether such position should remain so restricted.

(c) Opportunities for civilians to qualify.--The Secretary of Defense shall ensure that civilian personnel are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior acquisition positions.

(d) Best qualified.--The Secretary of Defense shall ensure that the policies established under this chapter are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) [Repealed. Pub.L.107-107, Div. A, Title X, § 1048(e)(3), Dec. 28, 2001, 115 Stat. 1227]

(f) Assignments policy.--(1) The Secretary of Defense shall establish a policy on assigning military personnel to acquisition positions that provides for a balance between (A) the need for personnel to serve in career broadening positions, and (B) the need for requiring service in each such position for sufficient time to provide the stability necessary to effectively carry out the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(2) In implementing the policy established under paragraph (1), the Secretaries of the military departments shall provide, as appropriate, for longer lengths of assignments to acquisition positions than assignments to other positions.

(g) Performance appraisals.--The Secretary of each military department, acting through the service acquisition executive for that department, shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in an acquisition position by a person serving in an acquisition position in the same acquisition career field.

(h) Balanced workforce policy.--In the development of defense acquisition workforce policies under this chapter with respect to any civilian employees or applicants for employment, the Secretary of Defense or the Secretary of a military department (as applicable) shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1641, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), (e)(3), Dec. 28, 2001, 115 Stat. 1225, 1227.)

10 U.S.C. § 1722

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§ 1723. General education, training, and experience requirements

(a) Qualification requirements.--The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

(b) Limitation on credit for training or education.--Not more than one year of a period of time spent pursuing a program of academic training or education in acquisition may be counted toward fulfilling any requirement established under this chapter for a certain period of experience.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1642, and amended Pub.L. 104-201, Div. A, Title X, § 1074(a)(9)(A), Sept. 23, 1996, 110 Stat. 2659.)

10 U.S.C. § 1723

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§ 1724. Contracting positions: qualification requirements

(a) Contracting officers.--The Secretary of Defense shall require that, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold referred to in section 2304(g) of this title, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)--

(1) have completed all contracting courses required for a contracting officer (A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;

(2) have at least two years of experience in a contracting position;

(3) (A) have received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees, and (B) have completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management; and

(4) meet such additional requirements, based on the dollar value and complexity of the contracts awarded or administered in the position, as may be established by the Secretary of Defense for the position.

(b) GS-1102 series positions and similar military positions.--(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series an employee or potential employee of the Department of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS-1102 occupational series a member of the armed forces meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.

(c) Exceptions.--The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who--

(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

(2) served, on or before September 30, 2000, in a position either as an employee in the GS-1102 series or as a member of the armed forces in a similar occupational specialty;

(3) is in the contingency contracting force; or

(4) is described in subsection (e)(1)(B).

(d) Waiver.~~The acquisition career program board concerned may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the board certifies~~ [The Secretary of Defense may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the Secretary determines that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, ~~the board~~ the Secretary shall set forth in a written document the rationale for its decision to waive such requirements. ~~Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.~~

(e) Developmental opportunities.--(1) The Secretary of Defense may--

(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirements in subparagraphs (A) and (B) of subsection (a)(3);

(B) appoint individuals to developmental positions in those programs; and

(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who fails to meet the requirements described in subsection (a)(3).

(2) To qualify for any developmental program described in paragraph (1)(B), an individual shall have--

(A) been awarded a baccalaureate degree, with a grade point average of at least 3.0 (or the equivalent), from an accredited institution of higher education authorized to grant baccalaureate degrees; or

(B) completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

(f) Contingency contracting force.~~The Secretary shall establish qualification requirements for the contingency contracting force consisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense, including--~~

(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

(2) passing an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1).

ACKER LIBRARY N.B.:

As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(b), Nov. 24, 2003, 117 Stat. 1392 .

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1642, and amended Pub.L. 103-35, Title I, § 101, May 31, 1993, 107 Stat. 97; Pub.L. 104-201, Div. A, Title X, § 1074(a)(9)(B), Sept. 23, 1996, 110 Stat. 2659; Pub.L. 106-398 § 1 [Div. A, Title VIII, § 808(a) to (d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-208; Pub.L. 107-107, Div. A, Title VIII, § 824(a), Dec. 28, 2001, 115 Stat. 1183.)

10 U.S.C. § 1724

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§ 1725. Office of Personnel Management approval

~~(a) **Qualification requirements.** The Secretary of Defense shall submit any requirement with respect to civilian employees that is established under section 1723 or under section 1724(a)(4) of this title to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.~~

~~(b) **Examinations.** The Secretary of Defense shall submit examinations to be given to civilian employees under subsection (a)(3) or (b) of section 1724 of this title to the Director of the Office of Personnel Management for approval. If the Director does not disapprove an examination within 30 days after the date on which the Director receives the examination, the examination is deemed to be approved by the Director.~~

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 832(a), Nov. 24, 2003, 117 Stat. 1392.

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1643.)

10 U.S.C. § 1725

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- 1731. Acquisition Corps: in general.
- 1732. Selection criteria and procedures.
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§ 1731. Acquisition Corps: in general

(a) Acquisition corps.--The Secretary of Defense shall ensure that an Acquisition Corps is established for ~~each of the military departments and one or more Corps, as he considers appropriate, for the other components of the~~ Department of Defense. ~~A separate Acquisition Corps may be established for each of the Navy and the Marine Corps.~~

(b) Promotion rate for officers in acquisition corps.--The Secretary of Defense shall ensure that the qualifications of commissioned officers selected for ~~an Acquisition Corps~~ the Acquisition Corps are such that those officers are expected, as a group, to be promoted at a rate not less than the rate for all line (or the equivalent) officers of the same armed force (both in the zone and below the zone) in the same grade.

(c) OPM approval. ~~The Secretary of Defense shall submit any requirement with respect to civilian employees established under section 1732 of this title to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.~~

[ACKER LIBRARY N.B.:](#)

[As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 832\(b\), Nov. 24, 2003, 117 Stat. 1392.](#)

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UNITED STATES CODE
TITLE 10. ARMED FORCES
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SUBCHAPTER III--ACQUISITION CORPS

§ 1732. Selection criteria and procedures

(a) Selection criteria and procedures.--Selection for membership in ~~an Acquisition Corps~~ the Acquisition Corps shall be made in accordance with criteria and procedures established by the Secretary of Defense.

(b) Eligibility criteria.--Except as provided in subsections (c) and (d), only persons who meet all of the following requirements may be considered for service in the Corps:

(1)(A) In the case of an employee, the person must be currently serving in a position within grade GS-13 or above of the General Schedule.

(B) In the case of a member of the armed forces, the person must be currently serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade.

(C) In the case of an applicant for employment, the person must have experience in government or industry equivalent to the experience of a person in a position described in subparagraph (A) or (B), ~~as validated by the appropriate career program management board.~~

(2) The person must meet the educational requirements prescribed by the Secretary of Defense. Such requirements, at a minimum, shall include both of the following:

(A) A requirement that the person--

(i) has received a baccalaureate degree at an accredited educational institution authorized to grant baccalaureate degrees, or

(ii) ~~has been certified by the acquisition career program board of the employing military department as possessing~~ possess significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience.

(B) A requirement that the person has completed--

(i) at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management; or

(ii) at least 24 semester credit hours (or the equivalent) from an accredited institution of higher education in the person's career field and 12 semester credit hours (or the equivalent) from such an institution from among the disciplines listed in clause (i) or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i).

(3) The person must meet experience requirements prescribed by the Secretary of Defense. Such requirements shall, at a minimum, include a requirement for at least four years of experience in an acquisition position in the Department of Defense or in a comparable position in industry or government.

(4) The person must meet such other requirements as the Secretary of Defense or the Secretary of the military department concerned prescribes by regulation.

(c) **Exceptions.--**(1) The requirements of subsections (b)(2)(A) and (b)(2)(B) shall not apply to any employee who, on October 1, 1991, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector.

(2) The requirements of subsections (b)(2)(A) and (b)(2)(B) shall not apply to any employee who is serving in an acquisition position on October 1, 1991, and who does not have 10 years of experience as described in paragraph (1) if the employee passes an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management. ~~The Secretary of Defense shall submit examinations to be given to civilian employees under this paragraph to the Director of the Office of Personnel Management for approval. If the Director does not disapprove an examination within 30 days after the date on which the Director receives the examination, the examination is deemed to be approved by the Director.~~

(3) Paragraph (1) of subsection (b) shall not apply to an employee who--

(A) having previously served in a position within a grade referred to in subparagraph (A) of that paragraph, is currently serving in the same position within a grade below GS-13 of the General Schedule, or in another position within that grade, by reason of a reduction in force or the closure or realignment of a military installation, or for any other reason other than by reason of an adverse personnel action for cause; and

(B) except as provided in paragraphs (1) and (2), satisfies the educational, experience, and other requirements prescribed under paragraphs (2), (3), and (4) of that subsection.

(d) **Waiver.--**(1) Except as provided in paragraph (2), ~~the acquisition career program board of a military department may waive any or all of the requirements of subsection (b) with respect to an employee of that military department if the board certifies~~ The Secretary of Defense may waive any or all of the requirements of subsection (b) with respect to an employee if the Secretary determines that the employee possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience. With respect to each waiver granted under this subsection, ~~the board~~ the Secretary shall set forth in a written document the rationale for its decision to waive such requirements. ~~The document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.~~

(2) ~~The acquisition career program board of a military department~~ The Secretary may not waive the requirements of subsection (b)(2)(A)(ii).

(e) **Mobility statements.--**(1) The Secretary of Defense is authorized to require civilians in ~~an Acquisition Corps~~ the Acquisition Corps to sign mobility statements.

(2) The Secretary of Defense shall identify which categories of civilians in ~~an Acquisition Corps~~ the Acquisition Corps, as a condition of serving in the Corps, shall be required to sign mobility statements. The Secretary shall make available published information on such identification of categories.

ACKER LIBRARY N.B.:

As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(b), Nov. 24, 2003, 117 Stat. 1392 .

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§ 1733. Critical acquisition positions

(a) Requirement for corps member.--A critical acquisition position may be filled only by a member of ~~an Acquisition Corps~~ the Acquisition Corps.

(b) Designation of critical acquisition positions.--(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

(A) Any acquisition position which--

(i) in the case of employees, is required to be filled by an employee in a position within grade GS-14 or above of the General Schedule, or in the Senior Executive Service; or

(ii) in the case of members of the armed forces, is required to be filled by a commissioned officer of the Army, Navy, Air Force, or Marine Corps who is serving in the grade of lieutenant colonel, or, in the case of the Navy, commander, or a higher grade.

(B) Other selected acquisition positions not covered by subparagraph (A), including the following:

(i) Program executive officer.

(ii) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1737(a)(3) of this title).

(iii) Deputy program manager of a major defense acquisition program.

(C) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

(2) The Secretary shall periodically publish a list of the positions designated under this subsection.

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As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 833, Nov. 24, 2003, 117 Stat. 1392.

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(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1646, and amended Pub.L. 102-484, Div. A, Title X, § 1052(22), Oct. 23, 1992, 106 Stat. 2500; Pub.L. 103-89, § 3(b)(3)(C), Sept. 30, 1993, 107 Stat. 983; Pub.L. 104-201, Div. A, Title X, § 1074(a)(9)(C), Sept. 23, 1996, 110 Stat. 2659.)

10 U.S.C. § 1733

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§ 1734. Career development

(a) Three-year assignment period.--(1) Except as provided under subsection (b) and paragraph (3), the Secretary of each military department, acting through the service acquisition executive for that department, shall provide that any person who is assigned to a critical acquisition position shall be assigned to the position for not fewer than three years. Except as provided in subsection (d), the Secretary concerned may not reassign a person from such an assignment before the end of the three-year period.

(2) A person may not be assigned to a critical acquisition position unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position for at least three years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (b).

(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.

(b) Assignment period for program managers.--(1) The Secretary of Defense shall prescribe in regulations--

(A) a requirement that a program manager and a deputy program manager (except as provided in paragraph (3)) of a major defense acquisition program be assigned to the position at least until completion of the major milestone that occurs closest in time to the date on which the person has served in the position for four years; and

(B) a requirement that, to the maximum extent practicable, a program manager who is the replacement for a reassigned program manager arrive at the assignment location before the reassigned program manager leaves.

Except as provided in subsection (d), the Secretary concerned may not reassign a program manager or deputy program manager from such an assignment until after such major milestone has occurred.

(2) A person may not be assigned to a critical acquisition position as a program manager or deputy program manager of a major defense acquisition program unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position at least until completion of the first major milestone that occurs closest in time to the date on which the person has served in the position for four years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (d).

(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.

(c) Major milestone regulations.--(1) The Secretary of Defense shall issue regulations defining what constitutes major milestones for purposes of this section. The service acquisition executive of each military department shall establish major milestones at the beginning of a major defense acquisition program consistent with such regulations and shall use such milestones to determine the assignment period for program managers and deputy program managers under subsection (b).

(2) The regulations shall require that major milestones be clearly definable and measurable events that mark the completion of a significant phase in a major defense acquisition program and that such milestones be the same as the milestones contained in the baseline description established for the program pursuant to section 2435(a) of this title. The Secretary shall require that the major milestones as defined in the regulations be included in the Selected Acquisition Report required for such program under section 2432 of this title.

(d) Waiver of assignment period.--(1) With respect to a person assigned to a critical acquisition position, the Secretary concerned may waive the prohibition on reassignment of that person (in subsection (a)(1) or (b)(1)) and the service obligation in an agreement executed by that person (under subsection (a)(2) or (b)(2)), but only in exceptional circumstances in which a waiver is necessary for reasons permitted in regulations prescribed by the Secretary of Defense.

~~**(2)** The authority to grant such waivers may be delegated by the service acquisition executive of a military department only to the Director of Acquisition Career Management for the military department.~~

~~**(3)** (2) With respect to each waiver granted under this subsection, the service acquisition executive (or his delegate) shall set forth in a written document the rationale for the decision to grant the waiver. ~~The document shall be submitted to the Director of Acquisition Education, Training, and Career Development.~~~~

(e) Rotation policy.--(1) The Secretary of Defense shall establish a policy encouraging the rotation of members of an Acquisition Corps the Acquisition Corps serving in critical acquisition positions to new assignments after completion of five years of service in such positions, or, in the case of a program manager, after completion of a major program milestone, whichever is longer. Such rotation policy shall be designed to ensure opportunities for career broadening assignments and an infusion of new ideas into critical acquisition positions.

(2) The Secretary of Defense shall establish a procedure under which the assignment of each person assigned to a critical acquisition position shall be reviewed on a case-by-case basis, ~~by the acquisition career program board of the department concerned,~~ 1/ for the purpose of determining whether the Government and such person would be better served by a reassignment to a different position. Such a review shall be carried out with respect to each such person not later than five years after that person is assigned to a critical position.

(f) Centralized job referral system.--The Secretary of Defense shall prescribe regulations providing for the use of centralized lists to ensure that persons are selected for critical positions without regard to geographic location of applicants for such positions.

(g) Exchange program.--(1) ~~The Secretary~~ The Secretary of Defense shall establish, for purposes of broadening the experience of members of each Acquisition Corps, ~~a test program in which members of a Corps~~ the Acquisition Corps, a test program in which members of the Corps serving in a military department or Defense Agency are assigned or detailed to an acquisition position in another department or agency. Under the test program, the Secretary of Defense shall ensure that, to the maximum extent practicable, at least 5 percent of the members of the Acquisition Corps shall serve in such exchange assignments each year. The test program shall operate for not less than a period of three years.

1/ Language of Sec. 1734(e)(2) is corrected in Version 1.1 of this document. This page contains correct language showing the strikethrough ~~text~~ that was STRIKEN from DAWIA by Pub.L. 108-136, sec. 831(b).

~~(2) The Secretary of Defense shall submit the portion of the test program applicable to civilian employees to the Director of the Office of Personnel Management for approval. If the Director does not disapprove that portion of the test program within 30 days after the date on which the Director receives it, that portion of the test program is deemed to be approved by the Director.~~

(h) Responsibility for assignments.--The Secretary of each military department, acting through the service acquisition executive for that department, is responsible for ~~making assignments of civilian and military members of the Acquisition Corps of that military department~~ making assignments of civilian and military personnel of that military department who are members of the Acquisition Corps to critical acquisition positions.

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As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 831(b), Nov. 24, 2003, 117 Stat. 1392.

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10 U.S.C. § 1734

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TITLE 10. ARMED FORCES
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CHAPTER 87--DEFENSE ACQUISITION WORKFORCE
SUBCHAPTER III--ACQUISITION CORPS

§ 1735. Education, training, and experience requirements for critical acquisition positions

(a) Qualification requirements.--In establishing the education, training, and experience requirements under section 1723 of this title for critical acquisition positions, the Secretary of Defense shall, at a minimum, include the requirements set forth in subsections (b) through (e).

(b) Program managers and deputy program managers.--Before being assigned to a position as a program manager or deputy program manager of a major defense acquisition program or a significant nonmajor defense acquisition program, a person--

(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution determined to be comparable by the Secretary of Defense;

(2) must have executed a written agreement as required in section 1734(b)(2); and

(3) in the case of--

(A) a program manager of a major defense acquisition program, must have at least eight years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization;

(B) a program manager of a significant nonmajor defense acquisition program, must have at least six years of experience in acquisition;

(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.

(c) Program executive officers.--Before being assigned to a position as a program executive officer, a person--

(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution in the private sector determined to be comparable by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(2) must have at least 10 years experience in an acquisition position, at least four years of which were performed while assigned to a critical acquisition position; and

(3) must have held a position as a program manager or a deputy program manager.

(d) General and flag officers and civilians in equivalent positions.--Before a general or flag officer, or a civilian serving in a position equivalent in grade to the grade of such an officer, may be assigned to a critical acquisition position, the person must have at least 10 years experience in an acquisition position, at least four years of which were performed while assigned to a critical acquisition position.

(e) Senior contracting officials.--Before a person may be assigned to a critical acquisition position as a senior contracting official, the person must have at least four years experience in contracting.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1648, and amended Pub.L. 102-484, Div. A, Title VIII, § 812(d), Oct. 23, 1992, 106 Stat. 2451; Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

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[§ 1736. Repealed. Pub.L. 107-107, Div. A, Title X, § 1048(e)(6)(A), Dec. 28, 2001, 115 Stat. 1227]

10 U.S.C. § 1736

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§ 1737. Definitions and general provisions

(a) Definitions.--In this subchapter:

(1) The term "program manager" means, with respect to a defense acquisition program, the member of ~~an Acquisition Corps~~ the Acquisition Corps responsible for managing the program, regardless of the title given the member.

(2) The term "deputy program manager" means the person who has authority to act on behalf of the program manager in the absence of the program manager.

(3) The term "significant nonmajor defense acquisition program" means a Department of Defense acquisition program that is not a major defense acquisition program (as defined in section 2430 of this title) and that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than the dollar threshold set forth in section 2302(5)(A) of this title for such purposes for a major system or an eventual total expenditure for procurement of more than the dollar threshold set forth in section 2302(5)(A) of this title for such purpose for a major system.

(4) The term "program executive officer" has the meaning given such term in regulations prescribed by the Secretary of Defense.

(5) The term "senior contracting official" means a director of contracting, or a principal deputy to a director of contracting, serving in the office of the Secretary of a military department, the headquarters of a military department, the head of a Defense Agency, a subordinate command headquarters, or in a major systems or logistics contracting activity in the Department of Defense.

(b) Limitation.--Any civilian or military member of the Corps who does not meet the education, training, and experience requirements for a critical acquisition position established under this subchapter may not carry out the duties or exercise the authorities of that position, except for a period not to exceed six months, unless a waiver of the requirements is granted under subsection (c).

(c) Waiver.--~~(1) The Secretary~~ The Secretary of each military department (acting through the service acquisition executive for that department) or the Secretary of Defense (acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics) for Defense Agencies and other components of the Department of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary concerned (or official to whom the waiver authority is delegated) determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

~~(2) The authority to grant such waivers may be delegated--~~

~~(A) in the case of the service acquisition executives of the military departments, only to the Director of Acquisition Career Management for the military department concerned; and~~

~~(B) in the case of the Under Secretary of Defense for Acquisition, Technology, and Logistics, only to the Director of Acquisition Education, Training, and Career Development.~~

~~(d) OPM approval.~~ The Secretary of Defense shall submit any requirement with respect to civilian employees established under this subchapter to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

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SUBCHAPTER IV--EDUCATION AND TRAINING

Sec.

1741. Policies and programs: establishment and implementation.

1742. ~~Intern program.~~ (Repealed)

1742. Internship, cooperative education, and scholarship programs.
(New § 1742)

1743. ~~Cooperative education program.~~ (Repealed)

1744. ~~Scholarship program.~~ (Repealed)

1745. Additional education and training programs available to acquisition personnel.

1746. Defense acquisition university structure.

1747. Acquisition fellowship program.

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Table of Sections amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 836, Nov. 24, 2003, 117 Stat. 1392.

§ 1741. Policies and programs: establishment and implementation

(a) Policies and procedures.--The Secretary of Defense shall establish policies and procedures for the establishment and implementation of the education and training programs authorized by this subchapter.

(b) Funding levels.--The Under Secretary of Defense for Acquisition, Technology, and Logistics each year shall recommend to the Secretary of Defense the funding levels to be requested in the defense budget to implement the education and training programs under this subchapter. The Secretary of Defense shall set forth separately the funding levels requested for such programs in the Department of Defense budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31.

(c) Programs.--The Secretary of each military department, acting through the service acquisition executive for that department, shall establish and implement the education and training programs authorized by this subchapter. In carrying out such requirement, the Secretary concerned shall ensure that such programs are established and implemented throughout the military department concerned and, to the maximum extent practicable, uniformly with the programs of the other military departments.

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SUBCHAPTER IV--EDUCATION AND TRAINING

§ 1742. ~~Intern program~~

~~The Secretary of Defense shall require that each military department conduct an intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.~~

§ 1742. Internship, cooperative education, and scholarship programs (New § 1742)

The Secretary of Defense shall conduct the following education and training programs:

- (1) An Intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.
- (2) A cooperative education credit program under which the Secretary arranges, through cooperative arrangements entered into with one or more accredited institutions of higher education, for such institutions to grant undergraduate credit for work performed by students who are employed by the Department of Defense in acquisition positions.
- (3) A scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.

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As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 834(a), Nov. 24, 2003, 117 Stat. 1392.

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(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1651.)

10 U.S.C. § 1742

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SUBCHAPTER IV--EDUCATION AND TRAINING

§ 1743. ~~Cooperative education program~~

~~The Secretary of Defense shall require that the Secretary of each military department conduct a department wide cooperative education credit program under which students are employed by the Department of Defense in acquisition positions. Under the program, the Secretary shall enter into cooperative arrangements with one or more accredited institutions of higher education which provide for such institutions to grant undergraduate credit for work performed in such a position.~~

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 834(b), Nov. 24, 2003, 117 Stat. 1392.

CREDIT(S)

(Added Pub.L. 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1651.)

10 U.S.C. § 1743

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SUBCHAPTER IV--EDUCATION AND TRAINING

§ 1744. Scholarship program

~~(a) Establishment.~~ The Secretary of Defense shall establish a scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.

~~(b) Eligibility.~~ To be eligible to participate in the scholarship program, an individual must—

~~(1) be accepted for enrollment or be currently enrolled as a full time student at an accredited educational institution authorized to grant baccalaureate or graduate degrees (as appropriate);~~

~~(2) be pursuing a course of education that leads toward completion of a bachelor's, master's, or doctor's degree (as appropriate) in a qualifying field of study, as determined by the Secretary of Defense;~~

~~(3) sign an agreement described in subsection (c) under which the participant agrees to serve a period of obligated service in the Department of Defense in an acquisition position in return for payment of educational assistance as provided in the agreement; and~~

~~(4) meet such other requirements as the Secretary prescribes.~~

~~(c) Agreement.~~ An agreement between the Secretary of Defense and a participant in the scholarship program established under this section shall be in writing, shall be signed by the participant, and shall include the following provisions:

~~(1) The Secretary's agreement to provide the participant with educational assistance for a specified number (from one to four) of school years during which the participant is pursuing a course of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.~~

~~(2) The participant's agreement (A) to accept such educational assistance, (B) to maintain enrollment and attendance in the course of education until completed, and (C) while enrolled in such course, to maintain an acceptable level of academic standing (as prescribed by the Secretary).~~

~~(3) The participant's agreement that, after successfully completing the course of education, the participant—~~

~~(A) shall accept, if offered within such time as shall be specified in the agreement, an appointment to a full-time acquisition position in the Department of Defense that is commensurate with the participant's academic degree and experience, and that is—~~

~~(i) in the excepted service, if the participant has not previously acquired competitive status, with the right, after successful completion of 2 years of service and such other requirements as the Office of Personnel Management may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33 of title 5; or~~

~~(ii) in the competitive service, if the participant has previously acquired competitive status; and~~

~~(B) if appointed under subparagraph (A), shall serve for 1 calendar year for each school year or part thereof for which the participant was provided a scholarship under the scholarship program.~~

~~(d) **Repayment.** (1) Any person participating in a program established under this section shall agree to pay to the United States the total amount of educational assistance provided to the person under the program if the person is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of the period for which the person has agreed to continue in the service of the Department of Defense in an acquisition position.~~

~~(2) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under the program, a sum equal to the amount of the educational assistance is recoverable by the Government from the employee or his estate by—~~

~~(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and~~

~~(B) such other method as is provided by law for the recovery of amounts owing to the Government.~~

~~(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.~~

~~(e) **Rule of construction.** Nothing in this section shall be considered to require that a position be offered to a person after such person successfully completes the course of education agreed to. However, if no position described in subsection (c)(3)(A) is offered within the time specified in the agreement, the agreement shall be considered terminated.~~

~~(f) **Definitions.** In this section, the terms "competitive service" and "excepted service" have the meanings provided those terms by sections 2102 and 2103, respectively, of title 5.~~

~~ACKER LIBRARY N.B.:~~

~~As amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 832(c), Nov. 24, 2003, 117 Stat. 1392.~~

~~ACKER LIBRARY N.B.:~~

~~Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 834(b), Nov. 24, 2003, 117 Stat. 1392.~~

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1652, and amended Pub.L. 102-484, Div. A, Title VIII, § 812(f), Oct. 23, 1992, 106 Stat. 2451.)

10 U.S.C. § 1744

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§ 1745. Additional education and training programs available to acquisition personnel

(a) Tuition reimbursement and training.--(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2010, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.

(b) Repayment of student loans.--The Secretary of Defense may repay all or part of a student loan under section 5379 of title 5 for an employee of the Department of Defense appointed to an acquisition position.

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1653, and amended Pub.L. 104-106, Div. A, Title XV, § 1503(a)(15), Feb. 10, 1996, 110 Stat. 511; Pub.L. 106-65, Div. A, Title IX, § 925(a), Oct. 5, 1999, 113 Stat. 726; Pub.L. 106-398, § 1 [Div. A, Title XI, § 1123], Oct. 30, 2000, 114 Stat. 1654, 1654A-317.)

10 U.S.C. § 1745

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§ 1746. Defense acquisition university structure

(a) Defense acquisition university structure.--The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a defense acquisition university structure to provide for--

- (1) the professional educational development and training of the acquisition workforce; and
- (2) research and analysis of defense acquisition policy issues from an academic perspective.

(b) Civilian faculty members.--**(1)** The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers in the defense acquisition university structure as the Secretary considers necessary.

(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

(3) In this subsection, the term "defense acquisition university" includes the Defense Systems Management College.

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1653, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 104-106, Div. A, Title XV, § 1503(a)(16), Feb. 10, 1996, 110 Stat. 512; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

10 U.S.C. § 1746

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§ 1747. Acquisition fellowship program

(a) Establishment.--The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

(b) Number of fellowships.--The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

(c) Eligibility.--In order to be eligible for designation as an acquisition fellow, an employee--

(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

(d) Two-year period of research and teaching.--Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.

CREDIT(S)

(Added Pub.L 102-484, Div. A, Title VIII, § 841(a), Oct. 23, 1992, 106 Stat. 2468, § 2410h, renumbered § 1747, Pub.L 107-314, Div. A, Title X, § 1062(a)(10)(A), Dec. 2, 2002, 116 Stat. 2650.)

10 U.S.C. § 1747

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SUBCHAPTER V--GENERAL MANAGEMENT PROVISIONS

Sec.

1761. Management information system.

(1762. Repealed.)

~~1763. Reassignment of authority. (Repealed)~~

(1764. Repealed.)

1764. Authority to establish different minimum requirements (New.)

ACKER LIBRARY N.B.:

Table of Sections amended by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 836, Nov. 24, 2003, 117 Stat. 1392 .

§ 1761. Management information system

(a) In general.--The Secretary of Defense shall prescribe regulations to ensure that the military departments and Defense Agencies establish a management information system capable of providing standardized information to the Secretary on persons serving in acquisition positions.

(b) Minimum information.--The management information system shall, at a minimum, provide for--

- (1)** the collection and retention of information concerning the qualifications, assignments, and tenure of persons in the acquisition workforce;
- (2)** any exceptions and waivers granted with respect to the application of qualification, assignment, and tenure policies, procedures, and practices to such persons;
- (3)** relative promotion rates for military personnel in the acquisition workforce; and
- (4)** collection of the information necessary for the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of Defense to comply with the requirements of section 1762 for the years in which that section is in effect.

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1653, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

10 U.S.C. § 1761

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[§ 1762. Repealed. Pub.L. 107-107, Div. A, Title X, § 1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227]

10 U.S.C. § 1762

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§ 1763. ~~Reassignment of authority~~

~~The Secretary of Defense may assign the responsibilities under this chapter of the Under Secretary of Defense for Acquisition, Technology, and Logistics to any other civilian official in the Office of the Secretary of Defense who is appointed by the President by and with the advice and consent of the Senate. If the Secretary takes action under the preceding sentence, he may authorize the Secretaries of the military departments to assign the responsibilities of a senior acquisition executive under this chapter to any other civilian official in the military department who is appointed by the President by and with the advice and consent of the Senate.~~

ACKER LIBRARY N.B.:

Repealed by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 835, Nov. 24, 2003, 117 Stat. 1392 .

CREDIT(S)

(Added Pub.L 101-510, Div. A, Title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1656, and amended Pub.L. 103-160, Div. A, Title IX, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub.L. 105-85, Div. A, Title X, § 1073(a)(33), Nov. 18, 1997, 111 Stat. 1902; Pub.L. 106-65, Div. A, Title IX, § 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub.L. 107-107, Div. A, Title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225.)

10 U.S.C. § 1763

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[§ 1764. Repealed. Pub.L. 107-107, Div. A, Title X, § 1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227]

§ 1764. Authority to establish different minimum requirements (New § 1764)

- (a) AUTHORITY.—(1) The Secretary of Defense may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.
- (2) Any requirement prescribed under paragraph (1) for a position referred to in any paragraph of subsection (b) shall be applied uniformly to all positions referred to in such paragraph.
- (b) APPLICABILITY.—This section applies to the following acquisition positions in the Department of Defense:
- (1) Contracting officer, except a position referred to in paragraph (5).
(2) Program executive officer.
(3) Senior contracting official.
(4) Program manager.
(5) A position in the contract contingency force of an armed force that is filled by a member of that armed force.
- (c) DEFINITION.—In this section, the term “contract contingency force”, with respect to an armed force, has the meaning given such term in regulations prescribed by the Secretary concerned.

ACKER LIBRARY N.B.:

New § 1764 added by Pub.L. 108-136, Div. A, Title VIII, Subtitle C, Sec. 835, Nov. 24, 2003, 117 Stat. 1392 .

10 U.S.C. § 1764

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