

quisition 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" in first sentence, substituted "the Secretary" for "the board" in second sentence, and struck out third sentence which read "The document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development."

Subsec. (d)(2). Pub. L. 108-136, § 831(b)(3)(B), substituted "The Secretary" for "The acquisition career program board of a military department".

Subsec. (e). Pub. L. 108-136, § 833(2), substituted "the Acquisition Corps" for "an Acquisition Corps" in pars. (1) and (2).

2001—Subsec. (a). Pub. L. 107-107, § 1048(e)(4), as amended by Pub. L. 108-375, § 1084(h)(2), struck out at end "Such criteria and procedures shall be in effect on and after October 1, 1993."

Subsec. (c)(2). Pub. L. 107-107, § 824(b), inserted a comma after "business".

1998—Subsec. (c)(3). Pub. L. 105-261 added par. (3).

1993—Subsec. (b)(1)(A). Pub. L. 103-89 substituted "Schedule" for "Schedule (including any employee covered by chapter 54 of title 5)".

1992—Subsec. (b)(2)(B)(ii). Pub. L. 102-484 inserted before period at end "or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)".

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title X, § 1084(h), Oct. 28, 2004, 118 Stat. 2064, provided that the amendment made by section 1084(h)(1) is effective as of Dec. 28, 2001, and as if included in Pub. L. 107-107 as enacted.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 1084(h)(1) is effective as of Dec. 28, 2001, and as if included in Pub. L. 107-107 as enacted.

EQUIVALENT TRAINING UNDER SUBSECTION (b)(2)(B)(ii)

Section 812(e)(2) of Pub. L. 102-484 provided that: "The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii) of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act [Oct. 23, 1992]."

§ 1733. Critical acquisition positions

(a) REQUIREMENT FOR CORPS MEMBER.—A critical acquisition position may be filled only by a member of 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 senior position in the National Security Personnel System, as determined in accordance with guidelines prescribed by the Secretary, 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.

(Added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1646; 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; Pub. L. 108-136, div. A, title VIII, § 833(2), Nov. 24, 2003, 117 Stat. 1550; Pub. L. 108-375, div. A, title VIII, § 812(a)(2), Oct. 28, 2004, 118 Stat. 2013.)

AMENDMENTS

2004—Subsec. (b)(1)(A)(i). Pub. L. 108-375 substituted "in a senior position in the National Security Personnel System, as determined in accordance with guidelines prescribed by the Secretary," for "in a position within grade GS-14 or above of the General Schedule."

2003—Subsec. (a). Pub. L. 108-136 substituted "the Acquisition Corps" for "an Acquisition Corps".

1996—Subsec. (a). Pub. L. 104-201 substituted "A critical" for "On and after October 1, 1993, a critical".

1993—Subsec. (b)(1)(A)(i). Pub. L. 103-89 substituted "Schedule" for "Schedule (including an employee covered by chapter 54 of title 5)".

1992—Subsec. (b)(1)(B)(ii). Pub. L. 102-484 substituted "1737(a)(3)" for "1736(a)(3)".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of Title 5, Government Organization and Employees.

EFFECTIVE DATE FOR REQUIREMENT FOR CORPS MEMBERS TO FILL CRITICAL ACQUISITION POSITIONS

Pub. L. 101-510, div. A, title XII, § 1209(f), Nov. 5, 1990, 104 Stat. 1666, as amended by Pub. L. 102-25, title VII, § 704(b)(3)(C), Apr. 6, 1991, 105 Stat. 119; Pub. L. 103-160, div. A, title IX, § 904(f), Nov. 30, 1993, 107 Stat. 1729, provided that the Secretaries of the military departments were to make every effort to fill critical acquisition positions by Acquisition Corps members as soon as possible after Nov. 5, 1990, and that for each of the first three years after Nov. 5, 1990, the report of the Under Secretary of Defense for Acquisition and Technology to the Secretary of Defense under section 1762 of this title was to include the number of critical acquisition positions filled by Acquisition Corps members.

PUBLICATION OF LIST OF CRITICAL ACQUISITION POSITIONS

Pub. L. 101-510, div. A, title XII, § 1209(g), Nov. 5, 1990, 104 Stat. 1666, directed the Secretary of Defense to publish the first list of positions designated as critical acquisition positions under subsec. (b)(2) of this section not later than Oct. 1, 1992.

§ 1734. Career development

(a) THREE-YEAR ASSIGNMENT PERIOD.—(1) Except as provided under subsection (b) and paragraph (3), the Secretary of each military depart-