

2009—Subsec. (a). Pub. L. 111–84, § 832(g)(1), inserted “Development” after “Workforce”.

Subsec. (d)(1)(B), (C). Pub. L. 111–84, § 832(a)(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (d)(2)(A). Pub. L. 111–84, § 832(b), substituted “from amounts available for contract services for operation and maintenance.” for “, other than services relating to research and development and services relating to military construction.”

Subsec. (d)(2)(B). Pub. L. 111–84, § 832(d)(1), (2)(A), substituted “Subject to paragraph (4), not later than” for “Not later than” and “the first quarter of each fiscal year” for “the third fiscal year quarter of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter” and struck out “quarter” before “for services”.

Pub. L. 111–84, § 832(c), inserted “, from amounts available to such military department or Defense Agency, as the case may be, for contract services for operation and maintenance,” after “remit to the Secretary of Defense”.

Subsec. (d)(2)(C), (D). Pub. L. 111–84, § 832(e), added subpars. (C) and (D) and struck out former subpars. (C) and (D), which established applicable percentages for fiscal years 2008 to 2010 and thereafter and authorized the Secretary of Defense to reduce such percentages under certain circumstances and to a certain limit.

Subsec. (d)(3). Pub. L. 111–84, § 832(a)(2), added par. (3).

Subsec. (d)(4). Pub. L. 111–84, § 832(d)(2)(B), added par. (4).

Subsec. (e)(5). Pub. L. 111–84, § 832(f), substituted “serving in a position in the acquisition workforce as of January 28, 2008” for “as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008”.

Subsec. (f). Pub. L. 111–84, § 832(g)(2), struck out “beginning with fiscal year 2008” after “each fiscal year” in introductory provisions.

Subsec. (h)(1). Pub. L. 111–84, § 831(c), struck out “United States Code,” after “title 5,” in introductory provisions.

Subsec. (h)(1)(A). Pub. L. 111–84, § 831(a)(1), substituted “acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need” for “acquisition positions within the Department of Defense as shortage category positions”.

Subsec. (h)(1)(B). Pub. L. 111–84, § 831(a)(2), struck out “highly” after “appoint”.

Subsec. (h)(2). Pub. L. 111–84, § 831(b), substituted “September 30, 2015” for “September 30, 2012”.

2008—Subsec. (h). Pub. L. 110–417 added subsec. (h).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–81, div. A, title VIII, § 804(b), Dec. 31, 2011, 125 Stat. 1486, provided that: “Paragraph (6) of such section [10 U.S.C. 1705(e)(6)], as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act [Dec. 31, 2011].”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title VIII, § 832(h), Oct. 28, 2009, 123 Stat. 2416, provided that:

“(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (c) [amending this section] shall take effect as of October 1, 2009.

“(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 28, 2009].”

EFFECTIVE DATE

Pub. L. 110–181, div. A, title VIII, § 852(b), Jan. 28, 2008, 122 Stat. 250, provided that: “Section 1705 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Jan. 28, 2008].”

PLAN REQUIRED FOR TEMPORARY MEMBERS OF DEFENSE ACQUISITION WORKFORCE

Pub. L. 112–239, div. A, title VIII, § 803(c), Jan. 2, 2013, 126 Stat. 1825, provided that: “Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) [amending this section] with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.”

§ 1706. Government performance of certain acquisition functions

(a) GOAL.—It shall be the goal of the Department of Defense and each of the military departments to ensure that, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the armed forces or full-time employee of the Department of Defense:

- (1) Program executive officer.
- (2) Deputy program executive officer.
- (3) Program manager.
- (4) Deputy program manager.
- (5) Senior contracting official.
- (6) Chief developmental tester.
- (7) Program lead product support manager.
- (8) Program lead systems engineer.
- (9) Program lead cost estimator.
- (10) Program lead contracting officer.
- (11) Program lead business financial manager.

(12) Program lead production, quality, and manufacturing.

(13) Program lead information technology.

(b) PLAN OF ACTION.—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term “major defense acquisition program” has the meaning given such term in section 2430(a) of this title.

(2) The term “major automated information system program” has the meaning given such term in section 2445a(a) of this title.

(Added Pub. L. 112–239, div. A, title VIII, § 824(a)(1), Jan. 2, 2013, 126 Stat. 1832.)

PRIOR PROVISIONS

A prior section 1706, added Pub. L. 101–510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639, which related to acquisition career program boards, was repealed by Pub. L. 108–136, div. A, title VIII, § 831(a), Nov. 24, 2003, 117 Stat. 1549.

SIMILAR PROVISIONS

Provisions similar to this section were contained in section 820 of Pub. L. 109–364, which was set out as a note under section 1701 of this title prior to repeal by Pub. L. 112–239, div. A, title VIII, § 824(b), Jan. 2, 2013, 126 Stat. 1833.

[§ 1707. Repealed. Pub. L. 108–136, div. A, title VIII, § 831(a), Nov. 24, 2003, 117 Stat. 1549]

Section 1707, added Pub. L. 101–510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639; amended Pub. L.

103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225, related to personnel in the Office of the Secretary of Defense and in the Defense Agencies.

SUBCHAPTER II—DEFENSE ACQUISITION POSITIONS

Sec.	
1721.	Designation of acquisition positions.
1722.	Career development.
1722a.	Special requirements for military personnel in the acquisition field.
1722b.	Special requirements for civilian employees in the acquisition field.
1723.	General education, training, and experience requirements.
1724.	Contracting positions: qualification requirements.
[1725.	Repealed.]

AMENDMENTS

2011—Pub. L. 111-383, div. A, title VIII, §873(a)(2), Jan. 7, 2011, 124 Stat. 4303, added item 1722b.

2009—Pub. L. 111-84, div. A, title X, §1073(c)(6), Oct. 28, 2009, 123 Stat. 2474, amended Pub. L. 110-417, §834(a)(2). See 2008 Amendment note below.

2008—Pub. L. 110-417, [div. A], title VIII, §834(a)(2), Oct. 14, 2008, 122 Stat. 4537, as amended by Pub. L. 111-84, div. A, title X, §1073(c)(6), Oct. 28, 2009, 123 Stat. 2474, added item 1722a.

2003—Pub. L. 108-136, div. A, title VIII, §836(2), Nov. 24, 2003, 117 Stat. 1551, struck out item 1725 “Office of Personnel Management approval”.

§ 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.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1640; amended Pub. L. 102-25, title VII, §701(j)(1), Apr. 6, 1991, 105 Stat. 116; Pub. L. 105-85, div. A, title IX, §912(f), Nov. 18, 1997, 111 Stat. 1862.)

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-85 substituted “November 12, 1996” for “November 25, 1988”.

1991—Subsec. (c). Pub. L. 102-25 substituted “Activities,” dated” for “Activities,” dated” in last sentence.

TWENTY PERCENT REDUCTION IN DEFENSE ACQUISITION WORKFORCE

Pub. L. 101-510, div. A, title IX, §905, Nov. 5, 1990, 104 Stat. 1621, required Secretary of Defense to reduce number of employees in Department of Defense acquisition workforce on last day of each fiscal year 1991 through 1995 below number of employees in such workforce on last day of preceding fiscal year by not less than number equal to 4 percent of number of employees in such workforce on Sept. 30, 1990, and which defined “Department of Defense acquisition workforce”, prior to repeal by Pub. L. 102-190, div. A, title IX, §904, Dec. 5, 1991, 105 Stat. 1451.

DEADLINE FOR DESIGNATION OF ACQUISITION POSITIONS

Pub. L. 101-510, div. A, title XII, §1209(b), Nov. 5, 1990, 104 Stat. 1666, as amended by Pub. L. 102-25, title VII, §704(b)(3)(B), 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 designation of acquisition positions required by this section was to be made by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, not later than Oct. 1, 1991.

§ 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.