

§ 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 A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1639, which related to acquisition career program boards, was repealed by Pub.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 Repealed.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

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| [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 of fiscal years 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.

(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.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1641; 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), (e)(3), Dec. 28, 2001, 115 Stat. 1225, 1227.)

AMENDMENTS

2001—Subsecs. (a), (b)(2)(B). Pub. L. 107-107, §1048(b)(2), substituted "Under Secretary of Defense for Acquisition, Technology, and Logistics" for "Under Secretary of Defense for Acquisition and Technology".

Subsec. (e). Pub. L. 107-107, §1048(e)(3), struck out heading and text of subsec. (e). Text read as follows: "The Secretary of Defense shall ensure that the acquisition workforce is managed such that, for each fiscal year from October 1, 1991, through September 30, 1996, there is a substantial increase in the proportion of civilians (as compared to armed forces personnel) serving in critical acquisition positions in general, in program manager positions, and in division head positions over the proportion of civilians (as compared to armed forces personnel) in such positions on October 1, 1990."

1993—Subsecs. (a), (b)(2)(B). Pub. L. 103-160 substituted "Under Secretary of Defense for Acquisition and Technology" for "Under Secretary of Defense for Acquisition".

MILITARY POSITIONS AND ASSIGNMENTS POLICY
DEADLINES

Pub. L. 101-510, div. A, title XII, §1209(c), (d), Nov. 5, 1990, 104 Stat. 1666, provided that:

"(c) MILITARY POSITIONS POLICY DEADLINES.—(1) The policy required by paragraph (2) of section 1722(b) of