

§ 1748. Fulfillment standards for acquisition workforce training

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(Added Pub. L. 111-383, div. A, title VIII, § 874(b)(1), Jan. 7, 2011, 124 Stat. 4304.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 105-85, div. A, title VIII, § 853, Nov. 18, 1997, 111 Stat. 1851, which was set out as a note under section 1723 of this title, prior to repeal by Pub. L. 111-383, § 874(b)(4).

DEADLINE FOR FULFILLMENT STANDARDS

Pub. L. 111-383, div. A, title VIII, § 874(b)(3), Jan. 7, 2011, 124 Stat. 4305, provided that: “The fulfillment standards required under section 1748 of title 10, United States Code, as added by paragraph (1), shall be developed not later than 270 days after the date of the enactment of this Act [Jan. 7, 2011].”

SUBCHAPTER V—GENERAL MANAGEMENT PROVISIONS

Sec.	
1761.	Management information system.
1762.	Demonstration project relating to certain acquisition personnel management policies and procedures.
[1763.	Repealed.]
1764.	Authority to establish different minimum requirements.

AMENDMENTS

2011—Pub. L. 111-383, div. A, title VIII, § 872(a)(2), Jan. 7, 2011, 124 Stat. 4302, added item 1762.

2003—Pub. L. 108-136, div. A, title VIII, § 836(4), Nov. 24, 2003, 117 Stat. 1552, added item 1764 and struck out item 1763 “Reassignment of authority”.

2001—Pub. L. 107-107, div. A, title X, § 1048(e)(7)(B), Dec. 28, 2001, 115 Stat. 1228, struck out items 1762 “Report to Secretary of Defense” and 1764 “Authority to establish different minimum experience requirements”.

§ 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 the following:

(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, as-

signment, and tenure policies, procedures, and practices to such persons.

(3) Relative promotion rates for military personnel in the acquisition workforce.

(Added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1653; 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; Pub. L. 108-375, div. A, title X, § 1084(d)(15), Oct. 28, 2004, 118 Stat. 2062.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-375 substituted “provide for the following:” for “provide for—” in introductory provisions, capitalized first letter of first word in pars. (1) to (3), substituted period for semicolon at end in pars. (1) and (2), substituted period for “; and” at end in par. (3), and struck out par. (4) which read as follows: “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.”

2001—Subsec. (b)(4). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

1993—Subsec. (b)(4). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

ESTABLISHMENT OF MANAGEMENT INFORMATION SYSTEM

Pub. L. 101-510, div. A, title XII, § 1209(k), Nov. 5, 1990, 104 Stat. 1667, provided that:

“(1) Not later than October 1, 1991, the Secretary of Defense shall prescribe in regulations the requirements under section 1761 of title 10, United States Code (as added by section 1202), including data elements, for the uniform management information system.

“(2) The Secretary of Defense shall ensure that the requirements prescribed pursuant to paragraph (1) are implemented not later than October 1, 1992.”

§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

(a) COMMENCEMENT.—The Secretary of Defense is authorized to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

(A) “180 days” in subsection (b)(4) of such section shall be deemed to read “120 days”;

(B) “90 days” in subsection (b)(6) of such section shall be deemed to read “30 days”; and

(C) subsection (d)(1) of such section shall be disregarded.

(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

(A) for each organization or team participating in the demonstration project—

(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

(B) the demonstration project commences before October 1, 2007.

(4) The Secretary of Defense shall exercise the authorities granted to the Office of Personnel Management under section 4703 of title 5 for purposes of the demonstration project authorized under this section.

(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.

(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

(e) ASSESSMENTS.—(1) The Secretary of Defense shall designate an independent organization to conduct two assessments of the acquisition workforce demonstration project described in subsection (a).

(2) Each such assessment shall include the following:

(A) A description of the workforce included in the project.

(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.

(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

(E) How the project allows the organization to better meet mission needs.

(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

(G) Whether there is a process for—

(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

(ii) setting timetables for performance appraisals.

(H) The project's impact on career progression.

(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.

(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

(3) The first assessment under this subsection shall be completed not later than September 30, 2012. The second and final assessment shall be completed not later than September 30, 2016. The Secretary shall submit to the covered congressional committees a copy of each assessment within 30 days after receipt by the Secretary of the assessment.

(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term “covered congressional committees” means—

(1) the Committees on Armed Services of the Senate and the House of Representatives;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Oversight and Government Reform of the House of Representatives.

(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration project under this section shall terminate on December 31, 2020.

(h) CONVERSION.—Within 6 months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.

(Added Pub. L. 111-383, div. A, title VIII, § 872(a)(1), Jan. 7, 2011, 124 Stat. 4300; amended Pub. L. 114-92, div. A, title VIII, § 846, Nov. 25, 2015, 129 Stat. 916; Pub. L. 114-328, div. A, title VIII, § 867(a), Dec. 23, 2016, 130 Stat. 2306.)

PRIOR PROVISIONS

A prior section 1762, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1654; 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, related to report by the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of Defense on the status of the defense acquisition workforce, prior to repeal by Pub. L. 107-107, div. A, title X, § 1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227.

Provisions similar to those in this section were contained in Pub. L. 104-106, div. D, title XLIII, § 4308, Feb. 10, 1996, 110 Stat. 669, which was set out as a note under section 1701 of this title, prior to repeal by Pub. L. 111-383, § 872(b).

AMENDMENTS

2016—Subsec. (b)(4), Pub. L. 114-328 added par. (4).

2015—Subsec. (g), Pub. L. 114-92 substituted “demonstration project” for “demonstration program” and “December 31, 2020” for “September 30, 2017”.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title VIII, §867(b), Dec. 23, 2016, 130 Stat. 2306, provided that: "Paragraph (4) of section 1762(b) of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning 60 days after the date of the enactment of this Act [Dec. 23, 2016]."

[§ 1763. Repealed. Pub. L. 108-136, div. A, title VIII, § 835(1), Nov. 24, 2003, 117 Stat. 1551]

Section, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1656; 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. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225, related to reassignment of authority by Secretary of Defense.

§ 1764. Authority to establish different minimum requirements

(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 (6).
(2) Program executive officer.
(3) Senior contracting official.
(4) Program manager.
(5) Deputy program manager.

(6) 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.

(Added Pub. L. 108-136, div. A, title VIII, §835(2), Nov. 24, 2003, 117 Stat. 1551; amended Pub. L. 108-375, div. A, title VIII, §812(c), Oct. 28, 2004, 118 Stat. 2013.)

PRIOR PROVISIONS

A prior section 1764, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1656, related to authority to establish different minimum experience requirements, prior to repeal by Pub. L. 107-107, div. A, title X, §1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108-375, §812(c)(2), substituted "in paragraph (6)" for "in paragraph (5)".

Subsec. (b)(5), (6). Pub. L. 108-375, §812(c)(1), added par. (5) and redesignated former par. (5) as (6).

CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

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SUBCHAPTER I—MILITARY FAMILY PROGRAMS

Sec. 1781. Office of Military Family Readiness Policy.
1781a. Department of Defense Military Family Readiness Council.
1781b. Department of Defense policy and plans for military family readiness.
1781c. Office of Special Needs.
1782. Surveys of military families.
1783. Family members serving on advisory committees.
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1790. Military personnel citizenship processing.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title IX, §933(a)(4)(B), (b)(5)(B), Dec. 23, 2016, 130 Stat. 2364, 2365, substituted "Office of Military Family Readiness Policy" for "Office of Family Policy" in item 1781 and "Office of Special Needs" for "Office of Community Support for Military Families With Special Needs" in item 1781c.

2011—Pub. L. 112-74, div. A, title VIII, §8070(b), Dec. 23, 2011, 125 Stat. 823, added item 1790.

2009—Pub. L. 111-84, div. A, title V, §563(a)(2), Oct. 28, 2009, 123 Stat. 2307, added item 1781c.

2008—Pub. L. 110-417, [div. A], title V, §582(b), Oct. 14, 2008, 122 Stat. 4474, added item 1784a.

Pub. L. 110-181, div. A, title V, §581(d), Jan. 28, 2008, 122 Stat. 122, added items 1781a and 1781b.

2003—Pub. L. 108-136, div. A, title V, §582(a)(2), Nov. 24, 2003, 117 Stat. 1490, added item 1789.

2002—Pub. L. 107-314, div. A, title VI, §652(a)(2), Dec. 2, 2002, 116 Stat. 2581, added item 1788.

§ 1781. Office of Military Family Readiness Policy

(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Military Family Readiness Policy (in this section referred to as the "Office"). The Office shall be headed by the Director of Military Family Readiness Policy, who shall serve within the Office of the Under Secretary of Defense for Personnel and Readiness.

(b) DUTIES.—The Office—

(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(c) STAFF.—The Office shall have not less than five professional staff members.

(Added Pub. L. 104-106, div. A, title V, §568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 111-383, div. A, title IX, §901(h), Jan. 7, 2011, 124 Stat. 4323; Pub. L. 112-239, div. A, title X, §1076(f)(21), Jan. 2, 2013, 126 Stat. 1952; Pub. L. 114-328, div. A, title IX, §933(a)(1), (4)(A), Dec. 23, 2016, 130 Stat. 2364.)

PRIOR PROVISIONS

Provisions similar to those in this subchapter were contained in Pub. L. 99-145, title VIII, Nov. 8, 1985, 99