

AMENDMENTS

2004—Subsec. (a)(3)(B). Pub. L. 108-375, §1084(h)(1), amended directory language of Pub. L. 107-107, §824(a)(1)(C). See 2001 Amendment note below.

Subsec. (d). Pub. L. 108-375, §1084(d)(14), substituted “the decision of the Secretary” for “its decision” before “to waive such requirements”.

2003—Subsec. (d). Pub. L. 108-136 substituted “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” for “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” in first sentence and “the Secretary” for “the board” in second sentence, and struck out third sentence which read “Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.”

2001—Subsec. (a). Pub. L. 107-107, §824(a)(1)(A), reenacted heading without change and substituted introductory provisions for provisions which read “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, a person must—”.

Subsec. (a)(1). Pub. L. 107-107, §824(a)(1)(B), struck out “mandatory” before “contracting courses” and substituted cls. (A) and (B) for “at the grade level, or in the position within the grade of the General Schedule (in the case of an employee), that the person is serving in;”.

Subsec. (a)(3)(B). Pub. L. 107-107, §824(a)(1)(C), as amended by Pub. L. 108-375, §1084(h)(1), inserted comma after “business”.

Subsec. (b). Pub. L. 107-107, §824(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows:

“(b) GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.—The Secretary of Defense shall require that a person meet the requirements set forth in paragraph (3) of subsection (a), but not the other requirements set forth in that subsection, in order to qualify to serve in a position in the Department of Defense in—

“(1) the GS-1102 occupational series; or

“(2) a similar occupational specialty if the position is to be filled by a member of the armed forces.”

Subsecs. (c) to (f). Pub. L. 107-107, §824(a)(3), added subsecs. (c) to (f) and struck out former subsecs. (c) and (d) which related to exception to requirements of subsecs. (a) and (b) and waiver of such requirements, respectively.

2000—Subsec. (a). Pub. L. 106-398, §1 [[div. A], title VIII, §808(d)], struck out “(except as provided in subsections (c) and (d))” after “a person must” in introductory provisions.

Subsec. (a)(3). Pub. L. 106-398, §1 [[div. A], title VIII, §808(b)(1)], inserted “and” before “(B) have completed” and struck out “, or (C) have passed 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 in any of the disciplines listed in subparagraph (B)” after “organization and management”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title VIII, §808(b)(2)], amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall require that a person may not be employed by the Department of Defense in the GS-1102 occupational series unless the person (except as provided in subsections (c) and (d)) meets the requirements set forth in subsection (a)(3).”

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title VIII, §808(c)], amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows:

“(1) The requirements set forth in subsections (a)(3) and (b) shall not apply to any employee who, on October 1, 1991, has at least 10 years of experience in acquisition positions, in comparable positions in other government agencies or the private sector, or in similar positions in which an individual obtains experience directly relevant to the field of contracting.

“(2) The requirements of subsections (a) and (b) shall not apply to any employee for purposes of qualifying to serve in the position in which the employee is serving on October 1, 1993, or any other position in the same or lower grade and involving the same or lower level of responsibilities as the position in which the employee is serving on such date.”

Subsec. (d). Pub. L. 106-398, §1 [[div. A], title VIII, §808(a)], in first sentence, substituted “employee or member of” for “employee of” and “employee or member possesses” for “employee possesses”.

1996—Subsec. (a). Pub. L. 104-201, in introductory provisions, struck out “, beginning on October 1, 1993,” after “require that” and substituted “simplified acquisition threshold” for “small purchase threshold”.

Subsec. (b). Pub. L. 104-201, §1074(a)(9)(B)(ii), struck out “, beginning on October 1, 1993,” after “require that”.

1993—Subsec. (c)(2). Pub. L. 103-35 inserted “or lower” before “grade” and before “level”.

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) [amending this section, section 1732 of this title, and provisions set out as a note under section 5949 of Title 5, Government Organization and Employees] is effective as of Dec. 28, 2001, and as if included in Pub. L. 107-107 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [[div. A], title VIII, §808(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-208, provided that: “This section [amending this section], and the amendments made by this section, shall take effect on October 1, 2000, and shall apply to appointments and assignments to contracting positions made on or after that date.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

FULFILLMENT STANDARDS FOR MANDATORY TRAINING

For provisions relating to development of fulfillment standards for purposes of the training requirements of this section, see section 812(c) of Pub. L. 102-484, set out as a note under section 1723 of this title.

CREDIT FOR EXPERIENCE IN CERTAIN POSITIONS

Pub. L. 101-510, div. A, title XII, §1209(i), Nov. 5, 1990, 104 Stat. 1667, as amended by Pub. L. 102-25, title VII, §704(b)(3)(D), Apr. 6, 1991, 105 Stat. 119, provided that: “For purposes of meeting any requirement under chapter 87 of title 10, United States Code (as added by section 1202), for a period of experience (such as requirements for experience in acquisition positions or in critical acquisition positions) and for purposes of coverage under the exceptions established by section 1724(c)(1) and section 1732(c)(1) of such title, any period of time spent serving in a position later designated as an acquisition position or a critical acquisition position under such chapter may be counted as experience in such a position for such purposes.”

§ 1725. Senior Military Acquisition Advisors

(a) POSITION.—

(1) IN GENERAL.—The Secretary of Defense may establish in the Defense Acquisition Corps a position to be known as “Senior Military Acquisition Advisor”.

(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the service acquisition executive of that officer’s military department in accordance with this section; and

(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

(2) the officer’s service as a Senior Military Acquisition Advisor has been distinguished.

(d) SELECTION AND TENURE.—

(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

(e) LIMITATION.—

(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

(A) not more than five may be officers of the Army;

(B) not more than five may be officers of the Navy and Marine Corps; and

(C) not more than five may be officers of the Air Force.

(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the service acquisition executive of such military department and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer’s primary duty providing strategic, technical, and programmatic advice to the service acquisition executive of the officer’s military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.

(Added Pub. L. 114-328, div. A, title VIII, § 866(a)(1), Dec. 23, 2016, 130 Stat. 2305.)

PRIOR PROVISIONS

A prior section 1725, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1643, which related to Office of Personnel Management approval, was repealed by Pub. L. 108-136, div. A, title VIII, § 832(a), Nov. 24, 2003, 117 Stat. 1550; amended Pub. L. 108-375, div. A, title X, § 1084(f)(1), Oct. 28, 2004, 118 Stat. 2064.

SUBCHAPTER III—ACQUISITION CORPS

Sec.

1731.	Acquisition Corps: in general.
1732.	Selection criteria and procedures.
1733.	Critical acquisition positions.
1734.	Career development.
1735.	Education, training, and experience requirements for critical acquisition positions.
[1736.	Repealed.]
1737.	Definitions and general provisions.

AMENDMENTS

2001—Pub. L. 107-107, div. A, title X, § 1048(e)(6)(B), Dec. 28, 2001, 115 Stat. 1227, struck out item 1736 “Applicability”.

§ 1731. Acquisition Corps: in general

(a) ACQUISITION CORPS.—The Secretary of Defense shall ensure that an Acquisition Corps is established for the Department of Defense.

(b) PROMOTION RATE FOR OFFICERS IN ACQUISITION CORPS.—The Secretary of Defense shall ensure that the qualifications of commissioned officers selected for 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.

(Added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1644; amended Pub. L. 108-136, div. A, title VIII, §§ 832(b)(1), 833(1), Nov. 24, 2003, 117 Stat. 1550.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, § 833(1)(A), struck out “each of the military departments and one or more Corps, as he considers appropriate, for the other components of” after “established for” in first sentence, and struck out last sentence which read “A separate Acqui-