

X, §1073(d)(2)(A), Nov. 18, 1997, 111 Stat. 1905, provided that the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, was to develop, not later than 90 days after Oct. 23, 1992, fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title, and that the standards were to take effect as of Nov. 5, 1990, and cease to be in effect on Oct. 1, 1997.

**§ 1724. Contracting positions: qualification requirements**

(a) **CONTRACTING OFFICERS.**—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, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)—

(1) have completed all contracting courses required for a contracting officer (A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;

(2) have at least two years of experience in a contracting position;

(3) have received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees; and

(4) meet such additional requirements, based on the dollar value and complexity of the contracts awarded or administered in the position, as may be established by the Secretary of Defense for the position.

(b) **GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.**—(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series an employee or potential employee of the Department of Defense meet the requirement set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS-1102 occupational series a member of the armed forces meet the requirement set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection.

(c) **EXCEPTIONS.**—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who—

(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

(2) served, on or before September 30, 2000, in a position either as an employee in the GS-1102 series or as a member of the armed forces in a similar occupational specialty;

(3) is in the contingency contracting force; or

(4) is described in subsection (e)(1)(B).

(d) **WAIVER.**—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 that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the Secretary shall set forth in a written document the rationale for the decision of the Secretary to waive such requirements.

(e) **DEVELOPMENTAL OPPORTUNITIES.**—(1) The Secretary of Defense may—

(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirement of subsection (a)(3);

(B) appoint individuals to developmental positions in those programs; and

(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who fails to meet the requirement described in subsection (a)(3).

(2) To qualify for any developmental program described in paragraph (1)(B), an individual shall have been awarded a baccalaureate degree, with a grade point average of at least 3.0 (or the equivalent), from an accredited institution of higher education authorized to grant baccalaureate degrees.

(f) **CONTINGENCY CONTRACTING FORCE.**—The Secretary shall establish qualification requirements for the contingency contracting force consisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1642; amended Pub. L. 103-35, title I, §101, May 31, 1993, 107 Stat. 97; Pub. L. 104-201, div. A, title X, §1074(a)(9)(B), Sept. 23, 1996, 110 Stat. 2659; Pub. L. 106-398, §1 [[div. A], title VIII, §808(a)-(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-208; Pub. L. 107-107, div. A, title VIII, §824(a), Dec. 28, 2001, 115 Stat. 1183; Pub. L. 108-136, div. A, title VIII, §831(b)(1), Nov. 24, 2003, 117 Stat. 1549; Pub. L. 108-375, div. A, title X, §1084(d)(14), (h)(1), Oct. 28, 2004, 118 Stat. 2062, 2064; Pub. L. 116-92, div. A, title VIII, §861(b)(1), Dec. 20, 2019, 133 Stat. 1516; Pub. L. 116-283, div. A, title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 4294.)

**AMENDMENT OF SECTION**

*Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4151, 4294, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, except as oth-*

*erwise provided in title XVIII of Pub. L. 116-283, in title 10, United States Code, each reference in the text of such title to a source section that is redesignated by title XVIII of Pub. L. 116-283, is amended by striking such reference and inserting a reference to the appropriate section as so redesignated. See 2021 Amendment note below.*

## REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

## AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “section 3205” for “section 2304(g)”.

2019—Subsec. (a)(3). Pub. L. 116-92, § 861(b)(1)(A), struck out “(A)” before “have received a baccalaureate degree” and “, and (B) have completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management” after “grant baccalaureate degrees”.

Subsec. (b). Pub. L. 116-92, § 861(b)(1)(B), substituted “requirement set forth” for “requirements set forth” in pars. (1) and (2).

Subsec. (e)(1)(A). Pub. L. 116-92, § 861(b)(1)(C)(i)(I), substituted “requirement of subsection (a)(3)” for “requirements in subparagraphs (A) and (B) of subsection (a)(3)”.

Subsec. (e)(1)(C). Pub. L. 116-92, § 861(b)(1)(C)(i)(II), substituted “requirement” for “requirements”.

Subsec. (e)(2). Pub. L. 116-92, § 861(b)(1)(C)(ii), struck out dash after “shall have” and subpar. (A) designation before “been awarded”, substituted period at end for “; or”, and struck out subpar. (B) which read as follows: “completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.”

Subsec. (f). Pub. L. 116-92, § 861(b)(1)(D), substituted “Department of Defense.” for “Department of Defense, including—

“(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

“(2) passing an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1).”

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 sen-

tence 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—

“(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.”

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 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

#### 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 acquisition workforce 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 in the acquisition workforce serving in critical acquisition positions 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 and Space 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