

*tional provisions for delayed implementation and applicability of existing law, subsection (b)(1)(B)(ii) [probably should be “subsection (a)(1)(B)(ii)”] of this section is amended by striking “section 2430” and inserting “section 4201”. See 2021 Amendment note below.*

#### CODIFICATION

The text of former section 1731(b) of this title, which was transferred to section 1733(b) of this title and then to subsec. (b) of this section by Pub. L. 116-92, § 861(j)(3), (6)(A), was based on Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1644; Pub. L. 108-136, div. A, title VIII, § 833(1)(B), Nov. 24, 2003, 117 Stat. 1550.

The text of section 1732(e) of this title, which was transferred to section 1733(c) of this title and then to subsec. (c) of this section by Pub. L. 116-92, § 861(j)(4), (6)(A), was based on Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1644; Pub. L. 108-136, div. A, title VIII, § 833(2), Nov. 24, 2003, 117 Stat. 1550.

#### PRIOR PROVISIONS

A prior section 1731, 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; Pub. L. 116-92, div. A, title VIII, § 861(j)(3), Dec. 20, 2019, 133 Stat. 1519, related to establishment of the Acquisition Corps, prior to repeal by Pub. L. 116-92, div. A, title VIII, § 861(j)(5), Dec. 20, 2019, 133 Stat. 1519.

#### AMENDMENTS

2021—Subsec. (a)(1)(A)(ii). Pub. L. 116-283, § 924(b)(3)(AA), substituted “Marine Corps, or Space Force” for “or Marine Corps”.

Subsec. (a)(1)(B)(ii). Pub. L. 116-283, § 1846(i)(4), which directed amendment of subsec. (b)(1)(B)(ii) of this section by substituting “section 4201” for “section 2430”, was executed to subsec. (a)(1)(B)(ii) of this section, to reflect the probable intent of Congress.

2019—Pub. L. 116-92, § 861(j)(6)(A), renumbered section 1733 of this title as this section.

Subsec. (a). Pub. L. 116-92, § 861(j)(2), in section 1733 of this title prior to renumbering as this section, redesignated subsec. (b) as (a) and struck out former subsec. (a). Prior to amendment, text of subsec. (a) of section 1733 read as follows: “A critical acquisition position may be filled only by a member of the Acquisition Corps.”

Subsec. (b). Pub. L. 116-92, § 861(j)(3), prior to repeal of former section 1731, transferred subsec. (b) of that section to section 1733 of this title and substituted “the Acquisition Workforce” for “Acquisition Corps” in heading and “in the acquisition workforce” for “selected for the Acquisition Corps” in text. See Codification note above. Section 1733 was subsequently renumbered as this section.

Subsec. (c). Pub. L. 116-92, § 861(j)(4), prior to repeal of section 1732 of this title, transferred subsec. (e) of that section to section 1733 of this title, redesignated it as (c), and substituted “in critical acquisition positions” for “in the Acquisition Corps” in pars. (1) and (2) and “employment” for “serving in the Corps” in par. (2). See Codification note above. Section 1733 was subsequently renumbered as this section.

2004—Subsec. (b)(1)(A)(i). Pub. L. 108-375 substituted “in a senior position in the National Security Personnel System, as determined in accordance with guidelines prescribed by the Secretary,” for “in a position within grade GS-14 or above of the General Schedule.”

2003—Subsec. (a). Pub. L. 108-136 substituted “the Acquisition Corps” for “an Acquisition Corps”.

1996—Subsec. (a). Pub. L. 104-201 substituted “A critical” for “On and after October 1, 1993, a critical”.

1993—Subsec. (b)(1)(A)(i). Pub. L. 103-89 substituted “Schedule” for “Schedule (including an employee covered by chapter 54 of title 5)”.

1992—Subsec. (b)(1)(B)(ii). Pub. L. 102-484 substituted “1737(a)(3)” for “1736(a)(3)”.

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1846(i)(4) of 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 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE FOR REQUIREMENT FOR CORPS MEMBERS TO FILL CRITICAL ACQUISITION POSITIONS

Pub. L. 101-510, div. A, title XII, § 1209(f), Nov. 5, 1990, 104 Stat. 1666, as amended by Pub. L. 102-25, title VII, § 704(b)(3)(C), 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 Secretaries of the military departments were to make every effort to fill critical acquisition positions by Acquisition Corps members as soon as possible after Nov. 5, 1990, and that for each of the first three years after Nov. 5, 1990, the report of the Under Secretary of Defense for Acquisition and Technology to the Secretary of Defense under section 1762 of this title was to include the number of critical acquisition positions filled by Acquisition Corps members.

#### TERMINATION OF DEFENSE ACQUISITION CORPS

Pub. L. 116-92, div. A, title VIII, § 861(j)(1), Dec. 20, 2019, 133 Stat. 1519, provided that: “The Acquisition Corps for the Department of Defense referred to in [former] section 1731(a) of title 10, United States Code, is terminated.”

#### § 1732. Repealed. Pub. L. 116-92, div. A, title VIII, § 861(j)(5), Dec. 20, 2019, 133 Stat. 1519]

Section, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1644; amended Pub. L. 102-484, div. A, title VIII, § 812(e)(1), Oct. 23, 1992, 106 Stat. 2451; Pub. L. 103-89, § 3(b)(3)(B), Sept. 30, 1993, 107 Stat. 982; Pub. L. 105-261, div. A, title VIII, § 811, Oct. 17, 1998, 112 Stat. 2086; Pub. L. 107-107, div. A, title VIII, § 824(b), title X, § 1048(e)(4), Dec. 28, 2001, 115 Stat. 1185, 1227; Pub. L. 108-136, div. A, title VIII, §§ 831(b)(2), (3), 832(b)(2), 833(2), Nov. 24, 2003, 117 Stat. 1549, 1550; Pub. L. 108-375, div. A, title VIII, § 812(a)(1), title X, § 1084(d)(14), (h)(2), Oct. 28, 2004, 118 Stat. 2013, 2062, 2064; Pub. L. 109-163, div. A, title X, § 1056(c)(3), Jan. 6, 2006, 119 Stat. 3439; Pub. L. 116-92, div. A, title VIII, § 861(b)(2), (j)(4), Dec. 20, 2019, 133 Stat. 1516, 1519, related to selection criteria and procedures for membership in the Acquisition Corps.

#### § 1733. Renumbered § 1731]

#### § 1734. Career development

(a) **THREE-YEAR ASSIGNMENT PERIOD.**—(1) Except as provided under subsection (b) and paragraph (3), the Secretary of each military department, acting through the service acquisition executive for that department, shall provide that any person who is assigned to a critical acquisition position shall be assigned to the position for not fewer than three years. Except as provided in subsection (d), the Secretary concerned may not reassign a person from such an assignment before the end of the three-year period.

(2) A person may not be assigned to a critical acquisition position unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to

remain in Federal service (in the case of an employee) in that position for at least three years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (b).

(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.

(b) ASSIGNMENT PERIOD FOR PROGRAM MANAGERS.—(1) The Secretary of Defense shall prescribe in regulations—

(A) a requirement that a program manager and a deputy program manager (except as provided in paragraph (3)) of a major defense acquisition program be assigned to the position at least until completion of the major milestone that occurs closest in time to the date on which the person has served in the position for four years; and

(B) a requirement that, to the maximum extent practicable, a program manager who is the replacement for a reassigned program manager arrive at the assignment location before the reassigned program manager leaves.

Except as provided in subsection (d), the Secretary concerned may not reassign a program manager or deputy program manager from such an assignment until after such major milestone has occurred.

(2) A person may not be assigned to a critical acquisition position as a program manager or deputy program manager of a major defense acquisition program unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position at least until completion of the first major milestone that occurs closest in time to the date on which the person has served in the position for four years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (d).

(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.

(c) MAJOR MILESTONE REGULATIONS.—(1) The Secretary of Defense shall issue regulations defining what constitutes major milestones for purposes of this section. The service acquisition executive of each military department shall establish major milestones at the beginning of a major defense acquisition program consistent with such regulations and shall use such milestones to determine the assignment period for program managers and deputy program managers under subsection (b).

(2) The regulations shall require that major milestones be clearly definable and measurable events that mark the completion of a significant phase in a major defense acquisition program and that such milestones be the same as the

milestones contained in the baseline description established for the program pursuant to section 2435(a) of this title. The Secretary shall require that the major milestones as defined in the regulations be included in the Selected Acquisition Report required for such program under section 2432 of this title.

(d) WAIVER OF ASSIGNMENT PERIOD.—(1) With respect to a person assigned to a critical acquisition position, the Secretary concerned may waive the prohibition on reassignment of that person (in subsection (a)(1) or (b)(1)) and the service obligation in an agreement executed by that person (under subsection (a)(2) or (b)(2)), but only in exceptional circumstances in which a waiver is necessary for reasons permitted in regulations prescribed by the Secretary of Defense.

(2) With respect to each waiver granted under this subsection, the service acquisition executive (or his delegate) shall set forth in a written document the rationale for the decision to grant the waiver.

(e) ROTATION POLICY.—(1) The Secretary of Defense shall establish a policy encouraging the rotation of members of the acquisition workforce serving in critical acquisition positions to new assignments after completion of five years of service in such positions, or, in the case of a program manager, after completion of a major program milestone, whichever is longer. Such rotation policy shall be designed to ensure opportunities for career broadening assignments and an infusion of new ideas into critical acquisition positions.

(2) The Secretary of Defense shall establish a procedure under which the assignment of each person assigned to a critical acquisition position shall be reviewed on a case-by-case basis for the purpose of determining whether the Government and such person would be better served by a reassignment to a different position. Such a review shall be carried out with respect to each such person not later than five years after that person is assigned to a critical position.

(f) CENTRALIZED JOB REFERRAL SYSTEM.—The Secretary of Defense shall prescribe regulations providing for the use of centralized lists to ensure that persons are selected for critical positions without regard to geographic location of applicants for such positions.

(g) EXCHANGE PROGRAM.—The Secretary of Defense shall establish, for purposes of broadening the experience of members of the acquisition workforce, a test program in which members of the acquisition workforce serving in a military department or Defense Agency are assigned or detailed to an acquisition position in another department or agency. Under the test program, the Secretary of Defense shall ensure that, to the maximum extent practicable, at least 5 percent of the members of the acquisition workforce in critical acquisition positions shall serve in such exchange assignments each year. The test program shall operate for not less than a period of three years.

(h) RESPONSIBILITY FOR ASSIGNMENTS.—The Secretary of each military department, acting through the service acquisition executive for that department, is responsible for making assignments of civilian and military personnel of

that military department who are members of the acquisition workforce to critical acquisition positions.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1646; amended Pub. L. 102-484, div. A, title VIII, §812(a), (b), Oct. 23, 1992, 106 Stat. 2450; Pub. L. 104-201, div. A, title X, §1074(a)(9)(D), Sept. 23, 1996, 110 Stat. 2659; Pub. L. 107-107, div. A, title X, §1048(e)(5), Dec. 28, 2001, 115 Stat. 1227; Pub. L. 108-136, div. A, title VIII, §§ 831(b)(4), 832(b)(3), 833(2), (3), Nov. 24, 2003, 117 Stat. 1549, 1550; Pub. L. 116-92, div. A, title VIII, §861(j)(10), Dec. 20, 2019, 133 Stat. 1520; Pub. L. 116-283, div. A, title XVIII, §§1849(m), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4264, 4294.)

#### AMENDMENT OF SECTION

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1849(m), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4151, 4264, 4294, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is amended as follows:*

- (1) in subsection (c)(2), by striking “section 2432” and inserting “chapter 324”; and
- (2) for any other reference in the text to a source section that is redesignated by title XVIII of Pub. L. 116-283, by striking such reference and inserting a reference to the appropriate section as so redesignated.

*See 2021 Amendment notes below.*

#### AMENDMENTS

2021—Subsec. (c)(2). Pub. L. 116-283, §1883(b)(2), substituted “section 4214(a)” for “section 2435(a)”.

Pub. L. 116-283, §1849(m), substituted “chapter 324” for “section 2432”.

2019—Subsec. (e)(1). Pub. L. 116-92, §861(j)(10)(A), substituted “of the acquisition workforce” for “of the Acquisition Corps”.

Subsec. (g). Pub. L. 116-92, §861(j)(10)(B), substituted “experience of members of the acquisition workforce” for “experience of members of the Acquisition Corps”, “in which members of the acquisition workforce” for “in which members of the Corps”, and “of the acquisition workforce in critical acquisition positions” for “of the Acquisition Corps”.

Subsec. (h). Pub. L. 116-92, §861(j)(10)(A), substituted “of the acquisition workforce” for “of the Acquisition Corps”.

2003—Subsec. (d)(2). Pub. L. 108-136, §831(b)(4)(A)(ii), redesignated par. (3) as (2) and struck out at end “The document shall be submitted to the Director of Acquisition Education, Training, and Career Development.”

Pub. L. 108-136, §831(b)(4)(A)(i), struck out par. (2) which read as follows: “The authority to grant such waivers may be delegated by the service acquisition executive of a military department only to the Director of Acquisition Career Management for the military department.”

Subsec. (d)(3). Pub. L. 108-136, §831(b)(4)(A)(ii), redesignated par. (3) as (2).

Subsec. (e)(1). Pub. L. 108-136, §833(2), substituted “the Acquisition Corps” for “an Acquisition Corps”

Subsec. (e)(2). Pub. L. 108-136, §831(b)(4)(B), struck out “, by the acquisition career program board of the department concerned,” after “case-by-case basis”.

Subsec. (g). Pub. L. 108-136, §833(3)(A), substituted “the Acquisition Corps, a test program in which members of the Corps” for “each Acquisition Corps, a test program in which members of a Corps”.

Pub. L. 108-136, §832(b)(3), substituted “The Secretary” for “(1) The Secretary” and struck out par. (2) which read as follows: “The Secretary of Defense shall submit the portion of the test program applicable to ci-

vilian employees to the Director of the Office of Personnel Management for approval. If the Director does not disapprove that portion of the test program within 30 days after the date on which the Director receives it, that portion of the test program is deemed to be approved by the Director.”

Subsec. (h). Pub. L. 108-136, §833(3)(B), substituted “making assignments of civilian and military personnel of that military department who are members of the Acquisition Corps” for “making assignments of civilian and military members of the Acquisition Corps of that military department”.

2001—Subsec. (b)(1)(B). Pub. L. 107-107, §1048(e)(5)(A), struck out “on and after October 1, 1991,” before “to the maximum extent practicable”.

Subsec. (e)(2). Pub. L. 107-107, §1048(e)(5)(B), struck out at end “Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date.”

1996—Subsec. (a)(1). Pub. L. 104-201, §1074(a)(9)(D)(i), struck out “, on and after October 1, 1993,” after “provide that”.

Subsec. (b)(1)(A). Pub. L. 104-201, §1074(a)(9)(D)(ii), struck out “, on and after October 1, 1991,” after “requirement that”.

1992—Subsec. (a)(1). Pub. L. 102-484, §812(b)(1)(A), inserted before first comma “and paragraph (3)”.

Subsec. (a)(3). Pub. L. 102-484, §812(b)(1)(B), added par. (3).

Subsec. (b)(1)(A). Pub. L. 102-484, §812(b)(2)(A), inserted “(except as provided in paragraph (3))” after “deputy program manager”.

Subsec. (b)(3). Pub. L. 102-484, §812(b)(2)(B), added par. (3).

Subsec. (e)(2). Pub. L. 102-484, §812(a), inserted at end “Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date.”

#### 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.

#### JOB REFERRAL SYSTEM DEADLINE

Pub. L. 101-510, div. A, title XII, §1209(e), Nov. 5, 1990, 104 Stat. 1666, provided that: “Not later than October 1, 1991, the Secretary of Defense shall prescribe regulations required under section 1734(f) of title 10, United States Code (as added by section 1202).”

#### § 1735. Education, training, and experience requirements for critical acquisition positions

(a) **QUALIFICATION REQUIREMENTS.**—In establishing the education, training, and experience requirements under section 1723 of this title for critical acquisition positions, the Secretary of Defense shall, at a minimum, include the requirements set forth in subsections (b) through (e).

(b) **PROGRAM MANAGERS AND DEPUTY PROGRAM MANAGERS.**—Before being assigned to a position as a program manager or deputy program manager of a major defense acquisition program or a significant nonmajor defense acquisition program, a person—

(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution determined to be comparable by the Secretary of Defense;

(2) must have executed a written agreement as required in section 1734(b)(2); and