

shall not apply to tuition reimbursement and training provided for under this subsection.

(b) REPAYMENT OF STUDENT LOANS.—The Secretary of Defense may repay all or part of a student loan under section 5379 of title 5 for an employee of the Department of Defense appointed to an acquisition position.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1653; amended Pub. L. 104-106, div. A, title XV, §1503(a)(15), Feb. 10, 1996, 110 Stat. 511; Pub. L. 106-65, div. A, title IX, §925(a), Oct. 5, 1999, 113 Stat. 726; Pub. L. 106-398, §1 [[div. A], title XI, §1123], Oct. 30, 2000, 114 Stat. 1654, 1654A-317.)

#### AMENDMENTS

2000—Subsec. (a)(2). Pub. L. 106-398 substituted “September 30, 2010” for “September 30, 2001”.

1999—Subsec. (a). Pub. L. 106-65 amended heading and text of subsec. (a) generally. Text read as follows: “The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) under section 4107(b) of title 5 for acquisition personnel in the Department of Defense for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.”

1996—Subsec. (a). Pub. L. 104-106 substituted “section 4107(b)” for “section 4107(d)” in two places.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title IX, §925(b), Oct. 5, 1999, 113 Stat. 726, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to charges for tuition or expenses incurred after the date of the enactment of this Act [Oct. 5, 1999].”

### § 1746. Defense Acquisition University

(a) DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish and maintain a defense acquisition university structure to provide for—

- (1) the professional educational development and training of the acquisition workforce; and
- (2) research and analysis of defense acquisition policy issues from an academic perspective.

(b) CIVILIAN FACULTY MEMBERS.—(1) The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers in the defense acquisition university structure as the Secretary considers necessary.

(2) The professors, instructors, and lecturers employed under paragraph (1) shall include individuals from civilian colleges or universities that are not owned or operated by the Federal Government, commercial learning and development organizations, industry, or federally funded research and development centers.

(3) The Secretary of Defense shall ensure that—

(A) not later than September 1, 2021, not less than five full-time visiting professors employed under paragraph (1) are from civilian colleges or universities described under paragraph (2); and

(B) not later than September 1, 2022, not less than ten full-time visiting professors em-

ployed under paragraph (1) are from such civilian colleges or universities.

(4) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

(5) In this subsection, the term “defense acquisition university” includes the Defense Systems Management College.

(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments, and with commercial training providers, to ensure that best practices are used in curriculum development to support acquisition workforce positions.

(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(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. 104-106, div. A, title XV, §1503(a)(16), Feb. 10, 1996, 110 Stat. 512; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 111-383, div. A, title VIII, §877(c)(1), (2)(A), Jan. 7, 2011, 124 Stat. 4306; Pub. L. 114-328, div. A, title II, §214(b), Dec. 23, 2016, 130 Stat. 2048; Pub. L. 116-92, div. A, title VIII, §861(c), title IX, §902(23), Dec. 20, 2019, 133 Stat. 1516, 1545; Pub. L. 116-283, div. A, title X, §1081(a)(32), title XVIII, §1841(e)(1), Jan. 1, 2021, 134 Stat. 3872, 4244.)

#### AMENDMENT OF SUBSECTION (d)(1)

*Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1841(e)(1), Jan. 1, 2021, 134 Stat. 4151, 4244, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, subsection (d)(1) of this section is amended by striking “section 2358” and inserting “section 4001”. See 2021 Amendment note below.*

#### AMENDMENTS

2021—Subsec. (b)(3)(A). Pub. L. 116-283, §1081(a)(32), struck out the second semicolon before “and”.

Subsec. (d)(1). Pub. L. 116-283, §1841(e)(1), substituted “section 4001” for “section 2358”.

2019—Subsec. (a). Pub. L. 116-92, §902(23), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics” in introductory provisions.

Subsec. (b)(2) to (5). Pub. L. 116-92, §861(c)(1), added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

Subsec. (c). Pub. L. 116-92, §861(c)(2), inserted “, and with commercial training providers,” after “military departments”.

2016—Subsec. (d). Pub. L. 114-328 added subsec. (d).

2011—Pub. L. 111-383, § 877(c)(2)(A), substituted “Defense Acquisition University” for “Defense acquisition university structure” in section catchline.

Subsec. (c). Pub. L. 111-383, § 877(c)(1), added subsec. (c).

2001—Subsec. (a). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology” in introductory provisions.

1996—Subsec. (a). Pub. L. 104-106 struck out “(1)” before “The Secretary of Defense” and redesignated subpars. (A) and (B) as pars. (1) and (2), respectively.

1993—Subsec. (a)(1). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1841(e)(1) 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

Pub. L. 101-510, div. A, title XII, § 1209(h)(1), Nov. 5, 1990, 104 Stat. 1667, provided that: “Subsection (b) of section 1746 of title 10, United States Code (as added by section 1202), shall take effect with respect to the Defense Systems Management College on the date of the enactment of this Act [Nov. 5, 1990].”

#### TRAINING IN COMMERCIAL ITEMS PROCUREMENT

Pub. L. 115-91, div. A, title VIII, § 850, Dec. 12, 2017, 131 Stat. 1488, provided that:

“(a) TRAINING.—Not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the President of the Defense Acquisition University shall establish a comprehensive training program on part 12 of the Federal Acquisition Regulation. The training shall cover, at a minimum, the following topics:

- “(1) The origin of part 12 and the congressional mandate to prefer commercial procurements.
- “(2) The definition of a commercial item, with a particular focus on the ‘of a type’ concept.
- “(3) Price analysis and negotiations.
- “(4) Market research and analysis.
- “(5) Independent cost estimates.
- “(6) Parametric estimating methods.
- “(7) Value analysis.
- “(8) Best practices in pricing from commercial sector organizations, foreign government organizations, and other Federal, State, and local public sectors organizations.

“(9) Other topics on commercial procurements necessary to ensure a well-educated acquisition workforce.

“(b) ENROLLMENTS GOALS.—The President of the Defense Acquisition University shall set goals for student enrollment for the comprehensive training program established under subsection (a).

“(c) SUPPORTING ACTIVITIES.—The Secretary of Defense shall, in support of the achievement of the goals of this section—

- “(1) engage academic experts on research topics of interest to improve commercial item identification and pricing methodologies; and
- “(2) facilitate exchange and interface opportunities between government personnel to increase awareness of best practices and challenges in commercial item identification and pricing.

“(d) FUNDING.—The Secretary of Defense shall use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, to fund the comprehensive training program established under subsection (a).”

#### TRAINING ON AGILE OR ITERATIVE DEVELOPMENT METHODS

Pub. L. 115-91, div. A, title VIII, § 891, Dec. 12, 2017, 131 Stat. 1509, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall establish a training course at the Defense Acquisition University on agile or iterative development methods to provide training for personnel implementing and supporting the pilot programs required by sections 873 and 874 of this Act [10 U.S.C. 2223a note, 10 U.S.C. 2302 note].

“(b) COURSE ELEMENTS.—

“(1) IN GENERAL.—The course shall be taught in residence at the Defense Acquisition University and shall include the following elements:

“(A) Training designed to instill a common understanding of all functional roles and dependencies involved in developing and producing a capability using agile or iterative development methods.

“(B) An exercise involving teams composed of personnel from pertinent functions and functional organizations engaged in developing an integrated agile or iterative development method for a specific program.

“(C) Instructors and content from non-governmental entities, as appropriate, to highlight commercial best practices in using an agile or iterative development method.

“(2) COURSE UPDATES.—The Secretary shall ensure that the course is updated as needed, including through incorporating lessons learned from the implementation of the pilot programs required by sections 873 and 874 of this Act in subsequent versions of the course.

“(c) COURSE ATTENDANCE.—The course shall be—

“(1) available for certified acquisition personnel working on programs or projects using agile or iterative development methods; and

“(2) mandatory for personnel participating in the pilot programs required by sections 873 and 874 of this Act from the relevant organizations in each of the military departments and Defense Agencies, including organizations responsible for engineering, budgeting, contracting, test and evaluation, requirements validation, and certification and accreditation.

“(d) AGILE ACQUISITION SUPPORT.—The Secretary and the senior acquisition executives in each of the military departments and Defense Agencies, in coordination with the Director of the Defense Digital Service, shall assign to offices supporting systems selected for participation in the pilot programs required by sections 873 and 874 of this Act a subject matter expert with knowledge of commercial agile acquisition methods and Department of Defense acquisition processes to provide assistance and to advise appropriate acquisition authorities of the expert’s observations.

“(e) AGILE RESEARCH PROGRAM.—The President of the Defense Acquisition University shall establish a research program to conduct research on and development of agile acquisition practices and tools best tailored to meet the mission needs of the Department of Defense.

“(f) AGILE OR ITERATIVE DEVELOPMENT DEFINED.—The term ‘agile or iterative development’, with respect to software—

“(1) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

“(2) involves—

“(A) the incremental development and fielding of capabilities, commonly called ‘spirals’, ‘spins’, or ‘sprints’, which can be measured in a few weeks or months; and

“(B) continuous participation and collaboration by users, testers, and requirements authorities.”

CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS AND  
IMPROVE MISSION PERFORMANCE

Pub. L. 114-328, div. A, title VIII, § 832, Dec. 23, 2016, 130 Stat. 2283, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on fixed-priced incentive fee contracts, public-private partnerships, performance-based contracting, and other authorities in law and regulation designed to give incentives to contractors to achieve long-term savings and improve administrative practices and mission performance.”

ESTABLISHMENT OF INITIAL DEFENSE ACQUISITION  
UNIVERSITY STRUCTURE

Pub. L. 101-510, div. A, title XII, § 1205, Nov. 5, 1990, 104 Stat. 1658, as amended by Pub. L. 105-85, div. A, title X, § 1073(d)(4)(A), Nov. 18, 1997, 111 Stat. 1905, provided that, not later than Oct. 1, 1991, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, was to prescribe regulations for the initial structure for a defense acquisition university under this section and to prescribe and submit to the Committees on Armed Services of the Senate and House of Representatives an implementation plan, including a charter, for the university structure, and not later than Aug. 1, 1992, the Secretary was to carry out the implementation plan.

**§ 1747. Acquisition fellowship program**

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

(b) NUMBER OF FELLOWSHIPS.—The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

(c) ELIGIBILITY.—In order to be eligible for designation as an acquisition fellow, an employee—

(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

(d) TWO-YEAR PERIOD OF RESEARCH AND TEACHING.—Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.

(Added Pub. L. 102-484, div. A, title VIII, § 841(a), Oct. 23, 1992, 106 Stat. 2468, § 2410h; renumbered § 1747, Pub. L. 107-314, div. A, title X, § 1062(a)(10)(A), Dec. 2, 2002, 116 Stat. 2650.)

AMENDMENTS

2002—Pub. L. 107-314 renumbered section 2410h of this title as this section.

**§ 1748. Fulfillment standards for acquisition workforce training**

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, 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; amended Pub. L. 116-92, div. A, title IX, § 902(24), Dec. 20, 2019, 133 Stat. 1545.)

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).

AMENDMENTS

2019—Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

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.
1765.	Competency development.

AMENDMENTS

2021—Pub. L. 116-283, div. A, title X, § 1081(c)(4), Jan. 1, 2021, 134 Stat. 3873, amended Pub. L. 116-92, 861(i)(2). See 2019 Amendment note below.

2019—Pub. L. 116-92, div. A, title VIII, § 861(i)(2), Dec. 20, 2019, 133 Stat. 1519, as amended by Pub. L. 116-283, div. A, title X, § 1081(c)(4), Jan. 1, 2021, 134 Stat. 3873, added item 1765.

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”.