

[§ 1736. Repealed. Pub. L. 107-107, div. A, title X, § 1048(e)(6)(A), Dec. 28, 2001, 115 Stat. 1227]

Section, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1649, related to applicability of the qualification requirements.

§ 1737. Definitions and general provisions

(a) DEFINITIONS.—In this subchapter:

(1) The term “program manager” means, with respect to a defense acquisition program, the member of the acquisition workforce responsible for managing the program, regardless of the title given the member.

(2) The term “deputy program manager” means the person who has authority to act on behalf of the program manager in the absence of the program manager.

(3) The term “significant nonmajor defense acquisition program” means a Department of Defense acquisition program that is not a major defense acquisition program (as defined in section 4201 of this title) and that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than the dollar threshold set forth in section 3041(b)(1) of this title for such purposes for a major system or an eventual total expenditure for procurement of more than the dollar threshold set forth in section 3041(b)(1) of this title for such purpose for a major system.

(4) The term “program executive officer” has the meaning given such term in regulations prescribed by the Secretary of Defense.

(5) The term “senior contracting official” means a director of contracting, or a principal deputy to a director of contracting, serving in the office of the Secretary of a military department, the headquarters of a military department, the head of a Defense Agency, a subordinate command headquarters, or in a major systems or logistics contracting activity in the Department of Defense.

(b) LIMITATION.—Any civilian or military member of the acquisition workforce who does not meet the education, training, and experience requirements for a critical acquisition position established under this subchapter may not carry out the duties or exercise the authorities of that position, except for a period not to exceed six months, unless a waiver of the requirements is granted under subsection (c).

(c) WAIVER.—The Secretary of each military department (acting through the service acquisition executive for that department) or the Secretary of Defense (acting through the Under Secretary of Defense for Acquisition and Sustainment) for Defense Agencies and other components of the Department of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary concerned (or official to whom the waiver authority is delegated) determines that the individual’s qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

(Added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1650; amended Pub. L. 102-190, div. A, title X, § 1061(a)(8), (c), Dec. 5, 1991, 105 Stat. 1472, 1475; 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. 108-136, div. A, title VIII, §§ 831(b)(5), 832(b)(4), 833(2), Nov. 24, 2003, 117 Stat. 1549, 1550; Pub. L. 116-92, div. A, title VIII, § 861(j)(11), title IX, § 902(21), Dec. 20, 2019, 133 Stat. 1520, 1545; Pub. L. 116-283, div. A, title XVIII, §§ 1806(e)(4), 1846(i)(4), Jan. 1, 2021, 134 Stat. 4156, 4252.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(3). Pub. L. 116-283 substituted “section 4201” for “section 2430” and substituted “section 3041(b)(1)” for “section 2302(5)(A)” in two places.

2019—Subsec. (a)(1). Pub. L. 116-92, § 861(j)(11)(A), substituted “of the acquisition workforce” for “of the Acquisition Corps”.

Subsec. (b). Pub. L. 116-92, § 861(j)(11)(B), substituted “of the acquisition workforce” for “of the Corps”.

Subsec. (c). Pub. L. 116-92, § 902(21), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

2003—Subsec. (a)(1). Pub. L. 108-136, § 833(2), substituted “the Acquisition Corps” for “an Acquisition Corps”.

Subsec. (c). Pub. L. 108-136, § 831(b)(5), substituted “The Secretary” for “(1) The Secretary” and struck out par. (2) which read as follows: “The authority to grant such waivers may be delegated—

“(A) in the case of the service acquisition executives of the military departments, only to the Director of Acquisition Career Management for the military department concerned; and

“(B) in the case of the Under Secretary of Defense for Acquisition, Technology, and Logistics, only to the Director of Acquisition Education, Training, and Career Development.”

Subsec. (d). Pub. L. 108-136, § 832(b)(4), struck out heading and text of subsec. (d). Text read as follows: “The Secretary of Defense shall submit any requirement with respect to civilian employees established under this subchapter to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.”

2001—Subsec. (c)(1), (2)(B). 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. (c)(1), (2)(B). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

1991—Subsec. (a)(3). Pub. L. 102-190, § 1061(c), substituted “the dollar threshold set forth in section 2302(5)(A) of this title for such purposes for a major system” for “\$50,000,000 (based on fiscal year 1980 constant dollars)” and “the dollar threshold set forth in section 2302(5)(A) of this title for such purpose for a major system” for “\$250,000,000 (based on fiscal year 1980 constant dollars)”.

Subsec. (c)(2)(B). Pub. L. 102-190, § 1061(a)(8), struck out comma after “Director of Acquisition”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation