

**[§ 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 Repealed.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

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.

#### SUBCHAPTER IV—EDUCATION AND TRAINING

Sec. 1741.	Policies and programs: establishment and implementation.
1742.	Internship, cooperative education, and scholarship programs.
[1743, 1744. Repealed.]	
1745.	Additional education and training programs available to acquisition personnel.
1746.	Defense Acquisition University.
1746a.	Acquisition workforce educational partnerships.
1747.	Acquisition fellowship program.
1748.	Fulfillment standards for acquisition workforce training.

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117-81, div. A, title VIII, §801(b), Dec. 27, 2021, 135 Stat. 1812, added item 1746a.

2011—Pub. L. 111-383, div. A, title VIII, §§874(b)(2), 877(c)(2)(B), Jan. 7, 2011, 124 Stat. 4305, 4306, substituted “Defense Acquisition University” for “Defense acquisition university structure” in item 1746 and added item 1748.

2003—Pub. L. 108-136, div. A, title VIII, §836(3), Nov. 24, 2003, 117 Stat. 1552, substituted “Internship, cooperative education, and scholarship programs” for “Intern program” in item 1742 and struck out items 1743 “Cooperative education program” and 1744 “Scholarship program”.

2002—Pub. L. 107-314, div. A, title X, §1062(a)(10)(B), Dec. 2, 2002, 116 Stat. 2650, transferred former item 2410h from chapter 141 to this subchapter and redesignated it as item 1747.

#### § 1741. Policies and programs: establishment and implementation

(a) **POLICIES AND PROCEDURES.**—The Secretary of Defense shall establish policies and procedures for the establishment and implementation of the education and training programs authorized by this subchapter.

(b) **FUNDING LEVELS.**—The Under Secretary of Defense for Acquisition and Sustainment each year shall recommend to the Secretary of Defense the funding levels to be requested in the defense budget to implement the education and training programs under this subchapter. The Secretary of Defense shall set forth separately the funding levels requested for such programs in the Department of Defense budget justification documents submitted in support of the President’s budget submitted to Congress under section 1105 of title 31.

(c) **PROGRAMS.**—The Secretary of each military department, acting through the service acquisition executive for that department, shall establish and implement the education and training programs authorized by this subchapter. In carrying out such requirement, the Secretary concerned shall ensure that such programs are established and implemented throughout the military department concerned and, to the maximum extent practicable, uniformly with the programs of the other military departments.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1651; amended 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. 116-92, div. A, title IX, §902(22), Dec. 20, 2019, 133 Stat. 1545.)

#### Editorial Notes

##### AMENDMENTS

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

2001—Subsec. (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. (b). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

#### Statutory Notes and Related Subsidiaries

##### SOFTWARE DEVELOPMENT AND SOFTWARE ACQUISITION TRAINING AND MANAGEMENT PROGRAMS

Pub. L. 116-92, div. A, title VIII, §862, Dec. 20, 2019, 133 Stat. 1520, provided that:

“(a) **ESTABLISHMENT OF SOFTWARE DEVELOPMENT AND SOFTWARE ACQUISITION TRAINING AND MANAGEMENT PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment and in consultation with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Personnel and Readiness, and the Chief Information Officer of the Department of Defense, shall establish software development and software acquisition training and management programs for all software acquisition professionals, software developers, and other appropriate individuals (as determined by the Secretary of Defense), to earn a certification in software development and software acquisition.

“(2) **PROGRAM CONTENTS.**—The programs established under paragraph (1) shall—

“(A) develop and expand the use of specialized training programs for chief information officers of the military departments and the Defense Agencies, service acquisition executives, program executive officers, and program managers to include training on and experience in—

“(i) continuous software development; and

“(ii) acquisition pathways available to acquire software;

“(B) ensure that appropriate program managers—

“(i) have demonstrated competency in current software processes;

“(ii) have the skills to lead a workforce that can quickly meet challenges, use software tools that prioritize continuous or frequent upgrades as such tools become available, take up opportunities provided by new innovations, and plan software activities in short iterations to learn from risks of software testing; and

“(iii) have the experience and training to delegate technical oversight and execution decisions; and

“(C) include continuing education courses, exchanges with private-sector organizations, and experiential training to help individuals maintain skills learned through the programs.

“(b) **REPORTS.**—

“(1) **REPORTS REQUIRED.**—The Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]—

“(A) not later than 90 days after the date of the enactment of this Act [Dec. 20, 2019], an initial report; and