

2003—Pub. L. 108-136, div. A, title VIII, §836(1), Nov. 24, 2003, 117 Stat. 1551, struck out items 1703 “Director of Acquisition Education, Training, and Career Development”, 1705 “Directors of Acquisition Career Management in the military departments”, 1706 “Acquisition career program boards”, and 1707 “Personnel in the Office of the Secretary of Defense and in the Defense Agencies”.

2001—Pub. L. 107-107, div. A, title X, §1048(b)(3)(B), Dec. 28, 2001, 115 Stat. 1225, substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities” for “Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities” in item 1702.

1993—Pub. L. 103-160, div. A, title IX, §904(d)(2), Nov. 30, 1993, 107 Stat. 1728, inserted “and Technology” after “Acquisition” in item 1702.

### § 1701. Management policies

(a) **POLICIES AND PROCEDURES.**—The Secretary of Defense shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in acquisition positions in the Department of Defense.

(b) **UNIFORM IMPLEMENTATION.**—The Secretary shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established in accordance with this chapter are uniform in their implementation throughout the Department of Defense.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1638.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 101-510, div. A, title XII, §1211, Nov. 5, 1990, 104 Stat. 1667, provided that: “Except as otherwise provided in this title [see Short Title note below], this title and the amendments made by this title, including chapter 87 of title 10, United States Code (as added by section 1202), shall take effect on the date of the enactment of this Act [Nov. 5, 1990].”

##### SHORT TITLE

Pub. L. 101-510, div. A, title XII, §1201, Nov. 5, 1990, 104 Stat. 1638, provided that: “This title [enacting this chapter, sections 5379 and 5380 of Title 5, Government Organization and Employees, and section 317 of Title 37, Pay and Allowances of the Uniformed Services, amending sections 101 and 2435 of this title and sections 4107, 4301, 5102, 5532, 5724, 5742, 5924, 5942, 8344, and 8468 of Title 5, repealing sections 1621 to 1624 of this title, enacting provisions set out as notes under this section and sections 1621 to 1623, 1705, 1721, 1722, 1724, 1733, 1734, 1746, 1761, 1762, and 2435 of this title, sections 3326, 5380, and 5532 of Title 5, and section 317 of Title 37, and repealing provisions set out as a note under section 2304 of this title] may be cited as the ‘Defense Acquisition Workforce Improvement Act’.”

##### REGULATIONS

Pub. L. 101-510, div. A, title XII, §1210(a), Nov. 5, 1990, 104 Stat. 1667, provided that: “Unless otherwise provided in this title [see Short Title note above] and in subsection (b) [set out below], the Secretary of Defense shall promulgate regulations to implement this title and the amendments made by this title not later than one year after the date of the enactment of this Act [Nov. 5, 1990].”

#### ACQUISITION WORKFORCE INCENTIVES RELATING TO TRAINING ON, AND AGREEMENTS WITH, CERTAIN START-UP BUSINESSES

Pub. L. 117-263, div. A, title VIII, §834, Dec. 23, 2022, 136 Stat. 2713, provided that:

#### “(a) TRAINING.—

“(1) **CURRICULA.**—Not later than one year after the date of the enactment of this Act [Dec. 23, 2022], the Director of the Acquisition Innovation Research Center shall make recommendations on one or more curricula for members of the acquisition workforce on financing and operations of start-up businesses, which may include the development of new curricula, the modification of existing curricula, or the adoption of curricula from another agency, academia, or the private sector.

“(2) **ELEMENTS.**—Courses under curricula recommended under paragraph (1) shall be offered with varying course lengths and level of study.

“(3) **INCENTIVES.**—The Secretary of Defense shall develop a program to offer incentives to a member of the acquisition workforce that completes a curriculum developed, modified, or adopted under paragraph (1).

“(4) **ADDITIONAL TRAINING MATERIALS.**—In recommending curricula under paragraph (1), the Director of the Acquisition Innovation Research Center shall consider and incorporate appropriate training materials from university, college, trade-school, or private-sector curricula in business, law, or public policy.

#### “(b) EXCHANGES.—

“(1) **IN GENERAL.**—The Secretary of Defense shall establish a pilot program under which the Secretary shall, in accordance with section 1599g of title 10, United States Code, arrange for the temporary assignment of—

“(A) one or more members of the acquisition workforce to a start-up business; or

“(B) an employee of a start-up business to an office of the Department of Defense.

“(2) **PRIORITY.**—The Secretary shall prioritize for participation in the pilot program described under paragraph (1)(A) members of the acquisition workforce who have completed a curriculum required under paragraph (1) [probably means par. (1) of subsection (a)].

“(3) **TERMINATION.**—The Secretary may not carry out the pilot program authorized by this subsection after the date that is three years after the date of the enactment of this Act.

“(c) **CONFERENCES.**—The Secretary of Defense shall identify existing conferences sponsored by the Department of Defense that might be expanded to include opportunities for sharing knowledge and best practices on software acquisition issues. Such opportunities shall maximize participation between members of the acquisition workforce, employees of start-up businesses, and investors in start-up businesses.

#### “(d) PILOT PROGRAM.—

“(1) **ESTABLISHMENT.**—Not later than 18 months after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall establish a pilot program to test the feasibility of innovative approaches to negotiating and establishing intellectual property and data rights in agreements with start-up businesses for the procurement of software and software-embedded systems.

“(2) **AUTHORITY.**—To the maximum extent practicable, the Secretary shall—

“(A) ensure that a member of the acquisition workforce who has completed a curriculum required under subsection (a) is able to exercise authority to apply an approach described in paragraph (1); and

“(B) provide incentives to such member to exercise such authority.

“(3) **ELEMENTS.**—An approach described in paragraph (1) shall include the following:

“(A) Flexible and tailored requirements relating to the acquisition and licensing of intellectual property and data rights in the software and software-embedded systems to be acquired under the agreement.

“(B) An identification and definition of the technical interoperability standards required for such software and software-embedded systems.

“(C) Flexible mechanisms for access and delivery of code for such software, including documentation of the costs and benefits of each such mechanism.

“(4) TERMINATION.—The Secretary may not carry out the pilot program authorized by this subsection after the date that is 5 years after the date of the enactment of this Act.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘Acquisition Innovation Research Center’ means the acquisition research organization within a civilian college or university that is described under section 4142(a) of title 10, United States Code.

“(2) The term ‘acquisition workforce’ has the meaning given in section 101 of title 10, United States Code.

“(3) The term ‘start-up business’ means a small business that has been in existence for 5 years or less.”

#### CONTINUATION OF PAY

Pub. L. 116-283, div. A, title XI, §1114(c)(2), Jan. 1, 2021, 134 Stat. 3895, provided that: “The repeal in paragraph (1) [repealing section 1111 of Pub. L. 114-92, formerly set out as a note below] shall not be interpreted to prohibit the payment of basic pay at rates fixed under such section 1111 before the date of the enactment of this Act [Jan. 1, 2021] for positions having terms that continue after that date.”

#### EXCHANGE PROGRAM FOR ACQUISITION WORKFORCE EMPLOYEES

Pub. L. 115-232, div. A, title VIII, §884, Aug. 13, 2018, 132 Stat. 1915, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall establish an exchange program under which the Under Secretary of Defense for Acquisition and Sustainment shall arrange for the temporary assignment of civilian personnel in the Department of Defense acquisition workforce.

“(b) PURPOSES.—The purposes of the exchange program established pursuant to subsection (a) are—

“(1) to familiarize personnel from the acquisition workforce with the equities, priorities, processes, culture, and workforce of the acquisition-related defense agencies;

“(2) to enable participants in the exchange program to return the expertise gained through their exchanges to their original organizations; and

“(3) to improve communication between and integration of the organizations that support the policy, implementation, and oversight of defense acquisition through lasting relationships.

“(c) PARTICIPANTS.—

“(1) NUMBER OF PARTICIPANTS.—The Under Secretary shall select not less than 10 and no more than 20 participants per year for participation in the exchange program established under subsection (a).

“(2) CRITERIA FOR SELECTION.—The Under Secretary shall select participants for the exchange program established under subsection (a) from among mid-career employees and based on—

“(A) the qualifications and desire to participate in the program of the employee; and

“(B) the technical needs and capacities of the acquisition workforce, as applicable.

“(d) TERMS.—Exchanges pursuant to the exchange program established under subsection (a) shall be for terms of one to two years, as determined and negotiated by the Under Secretary. The terms may begin and end on a rolling basis.

“(e) GUIDANCE AND IMPLEMENTATION.—

“(1) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Under Secretary shall develop and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] interim guidance on the form and contours of the exchange program established under subsection (a).

“(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall implement the guidance developed under paragraph (1).”

#### PILOT PROGRAM ON TEMPORARY EXCHANGE OF FINANCIAL MANAGEMENT AND ACQUISITION PERSONNEL

Pub. L. 114-92, div. A, title XI, §1110, Nov. 25, 2015, 129 Stat. 1030, as amended by Pub. L. 116-283, div. A, title XVIII, §1806(e)(3)(A), Jan. 1, 2021, 134 Stat. 4156; Pub. L. 117-286, §4(c)(19), Dec. 27, 2022, 136 Stat. 4356, provided that:

“(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of the temporary assignment of covered employees of the Department of Defense to nontraditional defense contractors and of covered employees of such contractors to the Department.

“(b) COVERED EMPLOYEES; NONTRADITIONAL DEFENSE CONTRACTORS.—

“(1) COVERED EMPLOYEES.—An employee of the Department of Defense or a nontraditional Defense contractor is a covered employee for purposes of this section if the employee—

“(A) works in the field of financial management or in the acquisition field;

“(B) is considered by the Secretary of Defense to be an exceptional employee; and

“(C) is compensated at not less than the GS-11 level (or the equivalent).

“(2) NONTRADITIONAL DEFENSE CONTRACTORS.—For purposes of this section, the term ‘nontraditional defense contractor’ has the meaning given that term in section 3014 of title 10, United States Code.

“(c) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the nontraditional defense contractor concerned, and the employee concerned regarding the terms and conditions of the employee’s assignment under this section.

“(2) ELEMENTS.—An agreement under this subsection—

“(A) shall require, in the case of an employee of the Department, that upon completion of the assignment, the employee will serve in the civil service for a period at least equal to three times the length of the assignment, unless the employee is sooner involuntarily separated from the service of the employee’s agency; and

“(B) shall provide that if the employee of the Department or of the contractor (as the case may be) fails to carry out the agreement, or if the employee is voluntarily separated from the service of the employee’s agency before the end of the period stated in the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment unless that failure or voluntary separation was for good and sufficient reason, as determined by the Secretary.

“(3) DEBT TO THE UNITED STATES.—An amount for which an employee is liable under paragraph (2)(B) shall be treated as a debt due the United States. The Secretary may waive, in whole or in part, collection of such a debt based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States.

“(d) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the nontraditional defense contractor concerned.

“(e) DURATION.—An assignment under this section shall be for a period of not less than three months and not more than one year.

“(f) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO CONTRACTORS.—An employee of the Department of Defense who is assigned to a nontraditional defense contractor under this section shall be considered, during the period of assignment, to be on detail to a regular work assignment in the Department for all purposes. The writ-

ten agreement established under subsection (c) shall address the specific terms and conditions related to the employee's continued status as a Federal employee.

“(g) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a nontraditional defense contractor who is assigned to a Department of Defense organization under this section—

“(1) shall continue to receive pay and benefits from the contractor from which such employee is assigned;

“(2) shall be deemed to be an employee of the Department of Defense for the purposes of—

“(A) chapter 73 of title 5, United States Code;

“(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code, and any other conflict of interest statute;

“(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

“(D) chapter 171 and section 1346(b) of title 28, United States Code (popularly known as the Federal Tort Claims Act), and any other Federal tort liability statute;

“(E) chapter 131 of title 5, United States Code;

“(F) chapter 21 of title 41, United States Code; and

“(G) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

“(3) may not have access, while the employee is assigned to a Department organization, to any trade secrets or to any other nonpublic information which is of commercial value to the contractor from which such employee is assigned.

“(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO FEDERAL GOVERNMENT.—A nontraditional defense contractor may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the contractor to an employee assigned to a Department organization under this section for the period of the assignment.

“(i) CONSIDERATION.—In providing for assignments of employees under this section, the Secretary of Defense shall take into consideration the question of how assignments might best be used to help meet the needs of the Department of Defense with respect to the training of employees in financial management or in acquisition.

“(j) NUMERICAL LIMITATIONS.—

“(1) DEPARTMENT EMPLOYEES.—The number of employees of the Department of Defense who may be assigned to nontraditional defense contractors under this section at any given time may not exceed the following:

“(A) Five employees in the field of financial management.

“(B) Five employees in the acquisition field.

“(2) NONTRADITIONAL DEFENSE CONTRACTOR EMPLOYEES.—The total number of nontraditional defense contractor employees who may be assigned to the Department under this section at any given time may not exceed 10 such employees.

“(k) TERMINATION OF AUTHORITY FOR ASSIGNMENTS.—No assignment of an employee may commence under this section after September 30, 2019.”

PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN ACQUISITION AND TECHNOLOGY POSITIONS IN THE DEPARTMENT OF DEFENSE

Pub. L. 114-92, div. A, title XI, § 1111, Nov. 25, 2015, 129 Stat. 1032, as amended by Pub. L. 116-92, div. A, title IX, § 902(9), Dec. 20, 2019, 133 Stat. 1543, which authorized a pilot program on enhanced pay authority for certain acquisition and technology positions in the Department of Defense, was repealed by Pub. L. 116-283, div. A, title XI, § 1114(c)(1), Jan. 1, 2021, 134 Stat. 3895. See Con-

tinuation of Pay note above and section 1701b of this title.

PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR VETERAN TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE

Pub. L. 114-92, div. A, title XI, § 1112, Nov. 25, 2015, 129 Stat. 1033, provided that:

“(a) PILOT PROGRAM.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of appointing qualified veteran candidates to positions described in subsection (b) in the defense acquisition workforce of the military departments without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code. The Secretary shall carry out the pilot program in each military department through the service acquisition executive of such military department.

“(b) POSITIONS.—The positions described in this subsection are scientific, technical, engineering, and mathematics positions, including technicians, within the defense acquisition workforce.

“(c) LIMITATION.—Authority under subsection (a) may not, in any calendar year and with respect to any military department, be exercised with respect to a number of candidates greater than the number equal to 1 percent of the total number of positions in the acquisition workforce of that military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘employee’ has the meaning given that term in section 2105 of title 5, United States Code.

“(2) The term ‘veteran’ has the meaning given that term in section 101 of title 38, United States Code.

“(e) TERMINATION.—

“(1) IN GENERAL.—The authority to appoint candidates to positions under the pilot program shall expire on the date that is five years after the date of the enactment of this Act [Nov. 25, 2015].

“(2) EFFECT ON EXISTING APPOINTMENTS.—The termination by paragraph (1) of the authority in subsection (a) shall not affect any appointment made under that authority before the termination date specified in paragraph (1) in accordance with the terms of such appointment.”

DIRECT HIRE AUTHORITY FOR TECHNICAL EXPERTS INTO THE DEFENSE ACQUISITION WORKFORCE

Pub. L. 114-92, div. A, title XI, § 1113, Nov. 25, 2015, 129 Stat. 1033, provided that:

“(a) AUTHORITY.—Each Secretary of a military department may appoint qualified candidates possessing a scientific or engineering degree to positions described in subsection (b) for that military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

“(b) APPLICABILITY.—Positions described in this subsection are scientific and engineering positions within the defense acquisition workforce.

“(c) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any military department, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of scientific and engineering positions within the acquisition workforce of that military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

“(d) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

“(e) EMPLOYEE DEFINED.—In this section, the term ‘employee’ has the meaning given that term in section 2105 of title 5, United States Code.

“(f) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2020.”

COORDINATION OF HUMAN SYSTEMS INTEGRATION  
ACTIVITIES RELATED TO ACQUISITION PROGRAMS

Pub. L. 110-181, div. A, title II, §231, Jan. 28, 2008, 122 Stat. 45, as amended by Pub. L. 115-232, div. A, title VIII, §811(f), Aug. 13, 2018, 132 Stat. 1845; Pub. L. 116-92, div. A, title IX, §902(10), Dec. 20, 2019, 133 Stat. 1543, provided that: “The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.”

REQUIREMENTS FOR SENIOR DEPARTMENT OF DEFENSE  
OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS

Pub. L. 110-181, div. A, title VIII, §847, Jan. 28, 2008, 122 Stat. 243, as amended by Pub. L. 113-291, div. A, title VIII, §855, title X, §1071(b)(2)(C), Dec. 19, 2014, 128 Stat. 3460, 3506; Pub. L. 117-263, div. A, title VIII, §821, Dec. 23, 2022, 136 Stat. 2709, provided that:

“(a) REQUIREMENT TO SEEK AND OBTAIN WRITTEN OPINION.—

“(1) REQUEST.—An official or former official of the Department of Defense described in subsection (c) who, within two years after leaving service in the Department of Defense, expects to receive compensation from a Department of Defense contractor, shall, prior to accepting such compensation, request a written opinion regarding the applicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

“(2) SUBMISSION OF REQUEST.—A request for a written opinion under paragraph (1) shall be submitted in writing to an ethics official of the Department of Defense having responsibility for the organization in which the official or former official serves or served and shall set forth all information relevant to the request, including information relating to government positions held and major duties in those positions, actions taken concerning future employment, positions sought, and future job descriptions, if applicable.

“(3) WRITTEN OPINION.—Not later than 30 days after receiving a request by an official or former official of the Department of Defense described in subsection (c), the appropriate ethics counselor shall provide such official or former official a written opinion regarding the applicability or inapplicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

“(4) CONTRACTOR REQUIREMENT.—A Department of Defense contractor may not knowingly provide compensation to a former Department of Defense official described in subsection (c) within two years after such former official leaves service in the Department of Defense, without first determining that the former official has sought and received (or has not received after 30 days of seeking) a written opinion from the appropriate ethics counselor regarding the applicability of post-employment restrictions to the activities that the former official is expected to undertake on behalf of the contractor.

“(5) ADMINISTRATIVE ACTIONS.—In the event that an official or former official of the Department of Defense described in subsection (c), or a Department of Defense contractor, knowingly fails to comply with the requirements of this subsection, the Secretary of Defense may take any of the administrative actions set forth in section 2105 of title 41, United States Code[,] that the Secretary of Defense determines to be appropriate.

“(b) RECORDKEEPING REQUIREMENT.—Each request for a written opinion made pursuant to this section, and each written opinion provided pursuant to such a request, shall be retained by the Department of Defense in a central database or repository maintained by the General Counsel of the Department for not less than five years beginning on the date on which the written opinion was provided.

“(c) COVERED DEPARTMENT OF DEFENSE OFFICIALS.—An official or former official of the Department of Defense is covered by the requirements of this section if such official or former official—

“(1) participated personally and substantially in an acquisition as defined in section 131 of title 41, United States Code[,] with a value in excess of \$10,000,000 and serves or served—

“(A) in an Executive Schedule position under subchapter II of chapter 53 of title 5, United States Code;

“(B) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code; or

“(C) in a general or flag officer position compensated at a rate of pay for grade O-7 or above under section 201 of title 37, United States Code; or

“(2) serves or served as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract in an amount in excess of \$10,000,000.

“(d) DEFINITION.—In this section, the term ‘post-employment restrictions’ includes—

“(1) chapter 21 of title 41, United States Code;

“(2) section 207 of title 18, United States Code; and

“(3) any other statute or regulation restricting the employment or activities of individuals who leave government service in the Department of Defense.”

GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION  
FUNCTIONS

Pub. L. 109-364, div. A, title VIII, §820, Oct. 17, 2006, 120 Stat. 2330, as amended by Pub. L. 111-84, div. A, title VIII, §805(c), Oct. 28, 2009, 123 Stat. 2403; Pub. L. 112-81, div. A, title VIII, §835(a), Dec. 31, 2011, 125 Stat. 1507, which related to government performance of critical acquisition functions, was repealed by Pub. L. 112-239, div. A, title VIII, §824(b), Jan. 2, 2013, 126 Stat. 1833.

DEMONSTRATION PROJECT RELATING TO CERTAIN  
PERSONNEL MANAGEMENT POLICIES AND PROCEDURES

Pub. L. 104-106, div. D, title XLIII, §4308, Feb. 10, 1996, 110 Stat. 669, as amended by Pub. L. 105-85, div. A, title VIII, §845, Nov. 18, 1997, 111 Stat. 1845; Pub. L. 107-314, div. A, title VIII, §813(b), Dec. 2, 2002, 116 Stat. 2609; Pub. L. 108-136, div. A, title XI, §1112, Nov. 24, 2003, 117 Stat. 1634, which encouraged the Secretary of Defense to commence a demonstration project relating to improving the personnel management policies or procedures that apply to the acquisition workforce of the Department of Defense and supporting personnel, was repealed and restated as section 1762 of this title by Pub. L. 111-383, div. A, title VIII, §872(a)(1), (b), Jan. 7, 2011, 124 Stat. 4300, 4302.

EVALUATION BY COMPTROLLER GENERAL

Pub. L. 101-510, div. A, title XII, §1208, Nov. 5, 1990, 104 Stat. 1665, as amended by Pub. L. 102-25, title VII, §704(b)(2), Apr. 6, 1991, 105 Stat. 119; Pub. L. 102-484, div. A, title VIII, §812(g), Oct. 23, 1992, 106 Stat. 2452; Pub. L. 104-106, div. A, title XV, §1502(c)(4)(A), Feb. 10, 1996, 110 Stat. 507, provided for evaluation by Comptroller General of actions taken by Secretary of Defense to carry out requirements of Defense Acquisition Workforce Improvement Act and submission of annual reports to Congress, prior to repeal by Pub. L. 104-66, title I, §1031(b)(1), Dec. 21, 1995, 109 Stat. 714.

DEADLINES FOR QUALIFICATION REQUIREMENTS

Pub. L. 101-510, div. A, title XII, §1210(b), Nov. 5, 1990, 104 Stat. 1667, provided that: “Not later than October 1, 1992, the Secretary of Defense shall prescribe regulations to implement sections 1723, 1724, and 1732 of title 10, United States Code (as added by section 1202).”

**§ 1701a. Management for acquisition workforce excellence**

(a) **PURPOSE.**—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—

(1) in which excellence and contribution to mission is rewarded;

(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;

(3) which serves as a model for performance management of employees of the Department; and

(4) which is managed in a manner that complements and reinforces the management of the defense acquisition system pursuant to chapter 205 of this title.

(b) **PERFORMANCE MANAGEMENT.**—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—

(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;

(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success of the defense acquisition system (as defined in section 3001 of this title);

(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;

(4) develop and implement a career path, as described in section 1722(a) of this title, for each career field designated by the Secretary under section 1721(a) of this title as an acquisition workforce career field;

(5) direct continuing education and training;

(6) authorize a member of the acquisition workforce to participate in professional associations, consistent with the performance plan of such a member in order to provide the member with the opportunity to gain leadership and management skills;

(7) develop appropriate procedures for warnings and consequences during performance evaluations for members of the acquisition workforce who consistently fail to meet performance standards;

(8) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);

(9) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—

(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;

(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and

(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce;

(10) use the authorities for expedited security clearance processing pursuant to section 1564 of this title; and

(11) ensure the participation in the public-private talent exchange program established under section 1599g of this title of up to 250 members of the acquisition workforce in each fiscal year.

(c) **PROFESSIONAL CERTIFICATION.**—(1) The Secretary of Defense shall implement a certification program to provide for a professional certification requirement for all members of the acquisition workforce. Except as provided in paragraph (2), the certification requirement for any acquisition workforce career field shall be based on standards developed by a third-party accredited program based on nationally or internationally recognized standards.

(2) If the Secretary determines that, for a particular acquisition workforce career field, a third-party accredited program based on nationally or internationally recognized standards does not exist, the Secretary shall establish the certification requirement for that career field that conforms with the practices of national or international accrediting organizations. The Secretary shall determine the best approach for meeting the certification requirement for any such career field, including by implementing such certification requirement through entities outside the Department of Defense, and may design and implement such certification requirement without regard to section 1746 of this title.

(d) **NEGOTIATIONS.**—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.

(e) **REGULATIONS.**—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.

(Added Pub. L. 111-383, div. A, title VIII, § 871(a), Jan. 7, 2011, 124 Stat. 4299; amended Pub. L. 116-92, div. A, title VIII, § 861(a)(1)-(3), (e)(1), Dec. 20, 2019, 133 Stat. 1515, 1517; Pub. L. 116-283, div. A, title X, § 1081(a)(31), title XVIII, §§ 1808(d)(2), 1883(b)(2), Jan. 1, 2021, 134 Stat. 3872, 4160, 4294; Pub. L. 117-263, div. A, title VIII, § 831(a), Dec. 23, 2022, 136 Stat. 2711.)

**Editorial Notes**

**AMENDMENTS**

2022—Subsec. (b)(2). Pub. L. 117-263, § 831(a)(2), substituted “as defined in section 3001 of this title” for “as defined in section 2545 of this title”.

Subsec. (b)(11). Pub. L. 117-263, § 831(a)(1), added par. (11).

2021—Subsec. (a)(4). Pub. L. 116-283, § 1808(d)(2), substituted “chapter 205” for “chapter 149”.