

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116–92, div. A, title X, §1010(e), Dec. 20, 2019, 133 Stat. 1576, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on October 1, 2019, and shall apply with respect to fiscal years that begin on or after that date.

“(2) DURATION OF AVAILABILITY OF PREVIOUSLY DEPOSITED FUNDS.—Nothing in the amendments made by this section shall modify the duration of availability of amounts in the Department of Defense Acquisition Workforce Development Fund that were appropriated or credited to, or deposited, in the Fund, before October 1, 2019, as provided for in section 1705(e)(6) of title 10, United States Code, as in effect on the day before such date.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–81, div. A, title VIII, §804(b), Dec. 31, 2011, 125 Stat. 1486, provided that: “Paragraph (6) of such section [10 U.S.C. 1705(e)(6)], as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act [Dec. 31, 2011].”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title VIII, §832(h), Oct. 28, 2009, 123 Stat. 2416, provided that:

“(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (c) [amending this section] shall take effect as of October 1, 2009.

“(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 28, 2009].”

EFFECTIVE DATE

Pub. L. 110–181, div. A, title VIII, §852(b), Jan. 28, 2008, 122 Stat. 250, provided that: “Section 1705 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act [Jan. 28, 2008].”

GUIDANCE

Pub. L. 115–91, div. A, title VIII, §843(a)(2), Dec. 12, 2017, 131 Stat. 1480, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall issue, and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the policy guidance required by subparagraph (E) of section 1705(e)(3) of title 10, United States Code, as added by paragraph (1).”

PLAN REQUIRED FOR TEMPORARY MEMBERS OF DEFENSE ACQUISITION WORKFORCE

Pub. L. 112–239, div. A, title VIII, §803(c), Jan. 2, 2013, 126 Stat. 1825, as amended by Pub. L. 116–92, div. A, title IX, §902(14), Dec. 20, 2019, 133 Stat. 1544, provided that: “Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Under Secretary of Defense for Acquisition and Sustainment shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) [amending this section] with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.”

§ 1706. Government performance of certain acquisition functions

(a) GOAL.—It shall be the goal of the Department of Defense and each of the military depart-

ments to ensure that, for each major defense acquisition program (as defined in section 4201 of this title), each acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure greater than the amount described in section 4201(a)(2) of this title, and any other acquisition program identified by the Secretary, each of the following positions is performed by a properly qualified member of the armed forces or full-time employee of the Department of Defense:

- (1) Program executive officer.
- (2) Deputy program executive officer.
- (3) Program manager.
- (4) Deputy program manager.
- (5) Senior contracting official.
- (6) Chief developmental tester.
- (7) Program lead product support manager.
- (8) Program lead systems engineer.
- (9) Program lead cost estimator.
- (10) Program lead contracting officer.
- (11) Program lead business financial manager.
- (12) Program lead production, quality, and manufacturing.
- (13) Program lead information technology.
- (14) Program lead software.

(b) PLAN OF ACTION.—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a).

(Added Pub. L. 112–239, div. A, title VIII, §824(a)(1), Jan. 2, 2013, 126 Stat. 1832; amended Pub. L. 116–283, div. A, title VIII, §812, title XVIII, §1846(i)(3), Jan. 1, 2021, 134 Stat. 3749, 4252; Pub. L. 116–283, div. A, title XVIII, §1846(j), as added Pub. L. 117–81, div. A, title XVII, §1701(b)(15)(C), Dec. 27, 2021, 135 Stat. 2134; Pub. L. 117–81, div. A, title XVII, §1701(b)(15)(B), Dec. 27, 2021, 135 Stat. 2134.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1706, added Pub. L. 101–510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1639, which related to acquisition career program boards, was repealed by Pub. L. 108–136, div. A, title VIII, §831(a), Nov. 24, 2003, 117 Stat. 1549.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, §1846(j), as added by Pub. L. 117–81, §1701(b)(15)(C), substituted “section 4201(a)(2)” for “section 2430(a)(1)(B)” in introductory provisions.

Pub. L. 116–283, §1846(i)(3), as amended by Pub. L. 117–81, §1701(b)(15)(B), substituted “section 4201” for “section 2430” in introductory provisions.

Pub. L. 116–283, §812(1)(A), substituted “(as defined in section 2430 of this title), each acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure greater than the amount described in section 2430(a)(1)(B) of this title, and any other acquisition program identified by the Secretary” for “and each major automated information system program” in introductory provisions.

Subsec. (a)(14). Pub. L. 116–283, §812(1)(B), added par. (14).

Subsec. (c). Pub. L. 116–283, §812(2), struck out subsec. (c) which defined “major defense acquisition program” and “major automated information system program”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1846(i)(3) 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.

SIMILAR PROVISIONS

Provisions similar to this section were contained in section 820 of Pub. L. 109-364, which was set out as a note under section 1701 of this title prior to repeal by Pub. L. 112-239, div. A, title VIII, §824(b), Jan. 2, 2013, 126 Stat. 1833.

§ 1707. Cadre of intellectual property experts

(a) **CADRE.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a cadre of personnel who are experts in intellectual property matters. The purpose of the cadre is to ensure a consistent, strategic, and highly knowledgeable approach to acquiring or licensing intellectual property by providing expert advice, assistance, and resources to the acquisition workforce on intellectual property matters, including acquiring or licensing intellectual property.

(b) **LEADERSHIP STRUCTURE.**—The Under Secretary—

(1) shall establish an appropriate leadership structure and office within which the cadre shall be managed; and

(2) shall determine the appropriate official to whom members of the cadre shall report.

(c) **DUTIES.**—The cadre of experts shall be assigned to a program office or an acquisition command within a military department to advise, assist, and provide resources to a program manager or program executive officer on intellectual property matters at various stages of the life cycle of a system. In performing such duties, the experts shall—

(1) interpret and provide counsel on laws, regulations, and policies relating to intellectual property;

(2) advise and assist in the development of an acquisition strategy, product support strategy, and intellectual property strategy for a system;

(3) conduct or assist with financial analysis and valuation of intellectual property;

(4) assist in the drafting of a solicitation, contract, or other transaction;

(5) interact with or assist in interactions with contractors, including communications and negotiations with contractors on solicitations and awards; and

(6) conduct or assist with mediation if technical data delivered pursuant to a contract is incomplete or does not comply with the terms of agreements.

(d) **ADMINISTRATION.**—

(1) In order to achieve the purpose set forth in subsection (a), the Under Secretary shall ensure the cadre has the appropriate number

of staff and such staff possesses the necessary skills, knowledge, and experience to carry out the duties under subsection (b), including in relevant areas of law, contracting, acquisition, logistics, engineering, financial analysis, and valuation. The Under Secretary, in coordination with the Defense Acquisition University and in consultation with academia and industry, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing authorities to staff the cadre, including those in paragraphs (2), (3), (4), and (6).

(2) Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre, upon request of the Director.

(3) The Under Secretary may use the authorities for highly qualified experts under section 9903 of title 5, to hire experts as members of the cadre who are skilled professionals in intellectual property and related matters.

(4) The Under Secretary may enter into a contract with a private-sector entity for specialized expertise to support the cadre. Such entity may be considered a covered Government support contractor, as defined in section 3775(a) of this title.

(5) In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense, rather than members of the armed forces, to maintain continuity in the cadre.

(6) The Under Secretary is authorized to use amounts in the Defense Acquisition Workforce Development Fund for the purpose of recruitment, training, and retention of the cadre, including paying salaries of newly hired members of the cadre for up to three years.

(Added and amended Pub. L. 116-283, div. A, title XVIII, § 1877, Jan. 1, 2021, 134 Stat. 4291.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1707, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1639; 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, related to personnel in the Office of the Secretary of Defense and in the Defense Agencies, prior to repeal by Pub. L. 108-136, div. A, title VIII, §831(a), Nov. 24, 2003, 117 Stat. 1549.

CODIFICATION

The text of subsec. (b) of section 2322 of title, which was transferred to this section and amended by Pub. L. 116-283, §1877(b)-(e), was based on Pub. L. 115-91, div. A, title VIII, §802(a)(1), Dec. 12, 2017, 131 Stat. 1450.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §1877(b)(1), redesignated subsec. (b)(1) of section 2322 of this title as subsec. (a) of this section and inserted heading.

Subsec. (b). Pub. L. 116-283, §1877(b)(3), (c), redesignated subsec. (b)(2) of section 2322 of this title as subsec. (b) of this section, inserted heading, inserted dash after “Secretary”, and reorganized remainder of text into designated pars. (1) and (2).

Subsec. (c). Pub. L. 116-283, §1877(b)(3), (d), redesignated subsec. (b)(3) of section 2322 of this title as sub-