

for career progression of civilians and members of the armed forces to the most senior acquisition positions. The Secretary shall make available published information on such career paths.

(b) **LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.**—(1) The Secretary of Defense shall ensure that no requirement or preference for a member of the armed forces is used in the consideration of persons for acquisition positions, except as provided in the policy established under paragraph (2).

(2)(A) The Secretary shall establish a policy permitting a particular acquisition position to be specified as available only to members of the armed forces if a determination is made, under criteria specified in the policy, that a member of the armed forces is required for that position by law, is essential for performance of the duties of the position, or is necessary for another compelling reason.

(B) Not later than December 15 of each year, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Secretary a report that lists each acquisition position that is restricted to members of the armed forces under such policy and the recommendation of the Under Secretary as to whether such position should remain so restricted.

(c) **OPPORTUNITIES FOR CIVILIANS TO QUALIFY.**—The Secretary of Defense shall ensure that civilian personnel are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior acquisition positions.

(d) **BEST QUALIFIED.**—The Secretary of Defense shall ensure that the policies established under this chapter are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

[(e) Repealed. Pub. L. 107–107, div. A, title X, §1048(e)(3), Dec. 28, 2001, 115 Stat. 1227.]

(f) **ASSIGNMENTS POLICY.**—(1) The Secretary of Defense shall establish a policy on assigning military personnel to acquisition positions that provides for a balance between (A) the need for personnel to serve in career broadening positions, and (B) the need for requiring service in each such position for sufficient time to provide the stability necessary to effectively carry out the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(2) In implementing the policy established under paragraph (1), the Secretaries of the military departments shall provide, as appropriate, for longer lengths of assignments to acquisition positions than assignments to other positions.

(g) **PERFORMANCE APPRAISALS.**—The Secretary of each military department, acting through the service acquisition executive for that department, shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in an acquisition position by a person serving in an acquisition position in the same acquisition career field.

(h) **BALANCED WORKFORCE POLICY.**—In the development of defense acquisition workforce policies under this chapter with respect to any civilian employees or applicants for employment, the Secretary of Defense or the Secretary of a

military department (as applicable) shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(Added Pub. L. 101–510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1641; 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), (e)(3), Dec. 28, 2001, 115 Stat. 1225, 1227; Pub. L. 116–92, div. A, title VIII, §861(e)(2), title IX, §902(15), Dec. 20, 2019, 133 Stat. 1517, 1544.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92, §902(15)(A), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition”.

Pub. L. 116–92, §861(e)(2), substituted “an appropriate career path” for “appropriate career paths” and “is identified for each acquisition workforce career field” for “are identified”.

Subsec. (b)(2)(B). Pub. L. 116–92, §902(15)(B), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Secretary of Defense for Acquisition, Technology, and Logistics”.

2001—Subsecs. (a), (b)(2)(B). Pub. L. 107–107, §1048(b)(2), substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

Subsec. (e). Pub. L. 107–107, §1048(e)(3), struck out heading and text of subsec. (e). Text read as follows: “The Secretary of Defense shall ensure that the acquisition workforce is managed such that, for each fiscal year from October 1, 1991, through September 30, 1996, there is a substantial increase in the proportion of civilians (as compared to armed forces personnel) serving in critical acquisition positions in general, in program manager positions, and in division head positions over the proportion of civilians (as compared to armed forces personnel) in such positions on October 1, 1990.”

1993—Subsecs. (a), (b)(2)(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

MILITARY POSITIONS AND ASSIGNMENTS POLICY DEADLINES

Pub. L. 101–510, div. A, title XII, §1209(c), (d), Nov. 5, 1990, 104 Stat. 1666, provided that:

“(c) **MILITARY POSITIONS POLICY DEADLINES.**—(1) The policy required by paragraph (2) of section 1722(b) of title 10, United States Code (as added by section 1202), shall be established by the Secretary of Defense not later than October 1, 1991.

“(2) The first report required by section 1722(b)(2)(B) of title 10, United States Code (as added by section 1202), shall be submitted to the Secretary of Defense not later than September 30, 1993.

“(d) **ASSIGNMENTS POLICY DEADLINE.**—Not later than October 1, 1991, the Secretary of Defense shall establish, and require commencement of implementation of, an assignments policy pursuant to section 1722(f) of title 10, United States Code (as added by section 1202).”

§ 1722a. Special requirements for military personnel in the acquisition field

(a) **REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION**

TION.—The Secretary of Defense shall require the Secretary of each military department (with respect to such military department), in collaboration with the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively), and the Under Secretary of Defense for Acquisition and Sustainment (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities) to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

(1) A single-track career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

(2) A dual-track career path that attracts the highest quality officers and enlisted personnel and allows them to gain experience in and receive credit for a primary career in combat arms and a functional secondary career in the acquisition field in order to more closely align the military operational, requirements, and acquisition workforces of each armed force.

(3) A number of command positions and senior noncommissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

(4) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the optimum management of the acquisition functions of the Department of Defense and the appropriate use of military personnel in contingency contracting.

(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall—

(A) establish for each military department a sufficient number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers that are needed for the purpose of ensuring the optimum management of the acquisition functions of the Department of Defense; and

(B) ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of each military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

(2) The Secretary of Defense shall ensure—

(A) a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant com-

mands, the Defense Agencies, and the Defense Field Activities to ensure the optimum management of the acquisition functions of the Department of Defense; and

(B) that the policies established and guidance issued pursuant to subsection (a) by the Secretary reserve within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting and are reserved for general officers and flag officers who have significant contracting experience.

(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition and Sustainment a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department concerned.

(Added Pub. L. 110-417, [div. A], title VIII, §834(a)(1), Oct. 14, 2008, 122 Stat. 4535; amended Pub. L. 114-92, div. A, title VIII, §842, Nov. 25, 2015, 129 Stat. 914; Pub. L. 116-92, div. A, title IX, §902(16), Dec. 20, 2019, 133 Stat. 1544; Pub. L. 116-283, div. A, title IX, §924(b)(27), Jan. 1, 2021, 134 Stat. 3825; Pub. L. 117-81, div. A, title X, §1081(a)(23), Dec. 27, 2021, 135 Stat. 1920.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-81 substituted single comma for double commas after “the Chief of Staff of the Air Force”.

Pub. L. 116-283, §924(b)(27)(B), which directed substitution of “the Under Secretary of Defense for Acquisition and Sustainment” for “the Under Secretary of Defense for Acquisition, Technology, and Logistics”, could not be executed because of the intervening amendment by Pub. L. 116-92. See 2019 Amendment note below.

Pub. L. 116-283, §924(b)(27)(A), substituted “, the Commandant of the Marine Corps, and the Chief of Space Operations (with respect to the Army, Navy, Air Force, Marine Corps, and Space Force, respectively)” for “and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively)”.

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

2015—Subsec. (a). Pub. L. 114-92, §842(a), inserted “, in collaboration with the Chief of Staff of the Army, the

Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps (with respect to the Army, Navy, Air Force, and Marine Corps, respectively),” after “military department”).

Subsec. (b)(1). Pub. L. 114-92, §842(b)(2), inserted “single-track” before “career path”.

Subsec. (b)(2) to (4). Pub. L. 114-92, §842(b)(1), (3), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

§ 1722b. Special requirements for civilian employees in the acquisition field

(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).

(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.

(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.

(3) Sufficient opportunities for promotion and advancement in the acquisition field.

(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.

(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

(c) KEY WORK EXPERIENCES.—In carrying out subsection (b)(2), the Secretary shall ensure that key work experiences, in the form of multidisciplinary experiences, are developed for each acquisition workforce career field.

(Added Pub. L. 111-383, div. A, title VIII, §873(a)(1), Jan. 7, 2011, 124 Stat. 4302; amended Pub. L. 112-239, div. A, title X, §1076(d)(1), Jan. 2, 2013, 126 Stat. 1951; Pub. L. 115-91, div. A, title X, §1051(a)(8), Dec. 12, 2017, 131 Stat. 1560; Pub. L. 116-92, div. A, title VIII, §861(g)(1), title IX, §902(17), Dec. 20, 2019, 133 Stat. 1518, 1545.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92, §902(17), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

Subsec. (c). Pub. L. 116-92, §861(g)(1), added subsec. (c).

2017—Subsec. (c). Pub. L. 115-91 struck out subsec. (c) which related to inclusion of information in annual report to Congress required under former section 115b(d) of this title.

2013—Subsec. (c)(3). Pub. L. 112-239, §1076(d)(1)(A), substituted “subsections (b)(1)(A) and (b)(1)(B)” for “subsections (b)(2)(A) and (b)(2)(B)”.

Subsec. (c)(4). Pub. L. 112-239, §1076(d)(1)(B), substituted “or 1734(d)” for “1734(d), or 1736(c)”.

Statutory Notes and Related Subsidiaries

PLAN FOR IMPLEMENTATION OF KEY WORK EXPERIENCES

Pub. L. 116-92, div. A, title VIII, §861(g)(2), Dec. 20, 2019, 133 Stat. 1518, provided that: “Not later than one year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan identifying the specific actions the Secretary has taken, and is planning to take, to develop and establish key work experiences for each acquisition workforce career field as required by subsection (c) of section 1722b of title 10, United States Code (as added by paragraph (1)). The plan shall specify the percentage of the acquisition workforce, or funds available for administration of the acquisition workforce on an annual basis, that the Secretary will dedicate towards developing and establishing such key work experiences.”

ENHANCEMENTS TO THE CIVILIAN PROGRAM MANAGEMENT WORKFORCE

Pub. L. 115-91, div. A, title VIII, §841(a), Dec. 12, 2017, 131 Stat. 1477, provided that:

“(a) ESTABLISHMENT OF PROGRAM MANAGER DEVELOPMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall implement a program manager development program to provide for the professional development of high-potential, experienced civilian personnel. Personnel shall be competitively selected for the program based on their potential to become a program manager of a major defense acquisition program, as defined in section 2430 of title 10, United States Code [now 10 U.S.C. 4201]. The program shall be administered and overseen by the Secretary of each military department, acting through the service acquisition executive for the department concerned.

“(2) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the program established under paragraph (1). In developing the plan, the Secretary of Defense shall seek the input of relevant external parties, including professional associations, other government entities, and industry. The plan shall include the following elements:

“(A) An assessment of the minimum level of subject matter experience, education, years of experience, certifications, and other qualifications required to be selected into the program, set forth separately for current Department of Defense employees and for personnel hired into the program from outside the Department of Defense.

“(B) A description of hiring flexibilities to be used to recruit qualified personnel from outside the Department of Defense.

“(C) A description of the extent to which mobility agreements will be required to be signed by personnel selected for the program during their participation in the program and after their completion of the program. The use of mobility agreements shall be applied to help maximize the flexibility of the Department of Defense in assigning personnel, while not inhibiting the participation of the most capable candidates.

“(D) A description of the tenure obligation required of personnel selected for the program.

“(E) A plan for training during the course of the program, including training in leadership, program management, engineering, finance and budgeting, market research, business acumen, contracting,