

“(1) the GS-1102 occupational series; or

“(2) a similar occupational specialty if the position is to be filled by a member of the armed forces.”

Subsecs. (c) to (f). Pub. L. 107-107, § 824(a)(3), added subsecs. (c) to (f) and struck out former subsecs. (c) and (d) which related to exception to requirements of subsecs. (a) and (b) and waiver of such requirements, respectively.

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(d)], struck out “(except as provided in subsections (c) and (d))” after “a person must” in introductory provisions.

Subsec. (a)(3). Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(b)(1)], inserted “and” before “(B) have completed” and struck out “, or (C) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the disciplines listed in subparagraph (B)” after “organization and management”.

Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(b)(2)], amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall require that a person may not be employed by the Department of Defense in the GS-1102 occupational series unless the person (except as provided in subsections (c) and (d)) meets the requirements set forth in subsection (a)(3).”

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(c)], amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows:

“(1) The requirements set forth in subsections (a)(3) and (b) shall not apply to any employee who, on October 1, 1991, has at least 10 years of experience in acquisition positions, in comparable positions in other government agencies or the private sector, or in similar positions in which an individual obtains experience directly relevant to the field of contracting.

“(2) The requirements of subsections (a) and (b) shall not apply to any employee for purposes of qualifying to serve in the position in which the employee is serving on October 1, 1993, or any other position in the same or lower grade and involving the same or lower level of responsibilities as the position in which the employee is serving on such date.”

Subsec. (d). Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(a)], in first sentence, substituted “employee or member of” for “employee of” and “employee or member possesses” for “employee possesses”.

1996—Subsec. (a). Pub. L. 104-201, in introductory provisions, struck out “, beginning on October 1, 1993,” after “require that” and substituted “simplified acquisition threshold” for “small purchase threshold”.

Subsec. (b). Pub. L. 104-201, § 1074(a)(9)(B)(ii), struck out “, beginning on October 1, 1993,” after “require that”.

1993—Subsec. (c)(2). Pub. L. 103-35 inserted “or lower” before “grade” and before “level”.

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.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title X, § 1084(h), Oct. 28, 2004, 118 Stat. 2064, provided that the amendment made by section 1084(h) [amending this section, section 1732 of this title, and provisions set out as a note under section 5949 of Title 5, Government Organization and Employees] is effective as of Dec. 28, 2001, and as if included in Pub. L. 107-107 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, § 1 [[div. A], title VIII, § 808(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-208, provided that: “This

section [amending this section], and the amendments made by this section, shall take effect on October 1, 2000, and shall apply to appointments and assignments to contracting positions made on or after that date.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

FULFILLMENT STANDARDS FOR MANDATORY TRAINING

For provisions relating to development of fulfillment standards for purposes of the training requirements of this section, see section 812(c) of Pub. L. 102-484, set out as a note under section 1723 of this title.

CREDIT FOR EXPERIENCE IN CERTAIN POSITIONS

Pub. L. 101-510, div. A, title XII, § 1209(i), Nov. 5, 1990, 104 Stat. 1667, as amended by Pub. L. 102-25, title VII, § 704(b)(3)(D), Apr. 6, 1991, 105 Stat. 119, provided that: “For purposes of meeting any requirement under chapter 87 of title 10, United States Code (as added by section 1202), for a period of experience (such as requirements for experience in acquisition positions or in critical acquisition positions) and for purposes of coverage under the exceptions established by section 1724(c)(1) and section 1732(c)(1) of such title, any period of time spent serving in a position later designated as an acquisition position or a critical acquisition position under such chapter may be counted as experience in such a position for such purposes.”

§ 1725. Senior Military Acquisition Advisors

(a) POSITION.—

(1) IN GENERAL.—The Secretary of Defense may establish in the acquisition workforce a position to be known as “Senior Military Acquisition Advisor”.

(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the service acquisition executive of that officer’s military department in accordance with this section; and

(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

(2) the officer's service as a Senior Military Acquisition Advisor has been distinguished.

(d) SELECTION AND TENURE.—

(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers in the acquisition workforce serving in critical acquisition positions who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

(e) LIMITATION.—

(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

(A) not more than five may be officers of the Army;

(B) not more than five may be officers of the Navy and Marine Corps; and

(C) not more than five may be officers of the Air Force and Space Force.

(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the service acquisition executive of such military department and approved by the Under Secretary of Defense for Acquisition and Sustainment.

(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer's primary duty providing strategic, technical, and programmatic advice to the service acquisition executive of the officer's military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.

(Added Pub. L. 114-328, div. A, title VIII, § 866(a)(1), Dec. 23, 2016, 130 Stat. 2305; amended Pub. L. 116-92, div. A, title VIII, § 861(j)(9), title IX, § 902(19), Dec. 20, 2019, 133 Stat. 1520, 1545; Pub. L. 116-283, div. A, title IX, § 924(b)(28), Jan. 1, 2021, 134 Stat. 3825.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1725, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1643, which related to Office of Personnel Management approval, was repealed by Pub. L. 108-136, div. A, title VIII, § 832(a),

Nov. 24, 2003, 117 Stat. 1550; amended Pub. L. 108-375, div. A, title X, § 1084(f)(1), Oct. 28, 2004, 118 Stat. 2064.

AMENDMENTS

2021—Subsec. (e)(1)(C). Pub. L. 116-283 inserted “and Space Force” before period at end.

2019—Subsec. (a)(1). Pub. L. 116-92, § 861(j)(9)(A), substituted “acquisition workforce” for “Defense Acquisition Corps”.

Subsec. (d)(2). Pub. L. 116-92, § 861(j)(9)(B), substituted “in the acquisition workforce serving in critical acquisition positions” for “of the Defense Acquisition Corps”.

Subsec. (e)(2). Pub. L. 116-92, § 902(19), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

SUBCHAPTER III—CRITICAL ACQUISITION POSITIONS

Sec. 1731.	Critical acquisition positions.
[1732.]	Repealed.]
[1733.]	Renumbered.]
1734.	Career development.
1735.	Education, training, and experience requirements for critical acquisition positions.
[1736.]	Repealed.]
1737.	Definitions and general provisions.

Editorial Notes

AMENDMENTS

2019—Pub. L. 116-92, div. A, title VIII, § 861(j)(6)(B), (7)(A), Dec. 20, 2019, 133 Stat. 1519, substituted “CRITICAL ACQUISITION POSITIONS” for “ACQUISITION CORPS” in heading for subchapter III, added item 1731, and struck out former items 1731 “Acquisition Corps: in general”, 1732 “Selection criteria and procedures”, and 1733 “Critical acquisition positions”.

2001—Pub. L. 107-107, div. A, title X, § 1048(e)(6)(B), Dec. 28, 2001, 115 Stat. 1227, struck out item 1736 “Applicability”.

§ 1731. Critical acquisition positions

(a) DESIGNATION OF CRITICAL ACQUISITION POSITIONS.—(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

(A) Any acquisition position which—

(i) in the case of employees, is required to be filled by an employee in a senior position in the National Security Personnel System, as determined in accordance with guidelines prescribed by the Secretary, or in the Senior Executive Service; or

(ii) in the case of members of the armed forces, is required to be filled by a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving in the grade of lieutenant colonel, or, in the case of the Navy, commander, or a higher grade.

(B) Other selected acquisition positions not covered by subparagraph (A), including the following:

(i) Program executive officer.

(ii) Program manager of a major defense acquisition program (as defined in section 4201 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1737(a)(3) of this title).