

analysis for chapter 87 of this title by adding item 1749 after item 1748, was executed to analysis for this subchapter to reflect the probable intent of Congress.

2022—Pub. L. 117-263, div. A, title VIII, §801(b), Dec. 23, 2022, 136 Stat. 2693, which directed amendment of analysis for chapter 87 of this title by adding item 1743 after item 1742, was executed to analysis for this subchapter to reflect the probable intent of Congress.

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

“(B) not later than one year after the date of the enactment of this Act, a final report.

“(2) CONTENTS.—Each report required under paragraph (1) shall include—

“(A) the status of implementing the software development and software acquisition training and management programs established under subsection (a)(1);

“(B) a description of the requirements for certification, including the requirements for competencies in current software processes;

“(C) a description of potential career paths in software development and software acquisition within the Department of Defense;

“(D) an independent assessment conducted by the Defense Innovation Board of the progress made on

implementing the programs established under subsection (a)(1); and

“(E) any recommendations for changes to existing law to facilitate the implementation of the programs established under subsection (a)(1).

“(c) DEFINITIONS.—In this section:

“(1) PROGRAM EXECUTIVE OFFICER; PROGRAM MANAGER.—The terms ‘program executive officer’ and ‘program manager’ have the meanings given those terms, respectively, in section 1737 of title 10, United States Code.

“(2) SERVICE ACQUISITION EXECUTIVE.—The terms ‘military department’, ‘Defense Agency’, and ‘service acquisition executive’ have the meanings given those terms, respectively, in section 101 of title 10, United States Code.

“(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ‘major defense acquisition program’ has the meaning given in section 2430 of title 10, United States Code [now 10 U.S.C. 4201].

“(4) DEFENSE BUSINESS SYSTEM.—The term ‘defense business system’ has the meaning given in section 2222(i)(1) of title 10, United States Code.”

REVIEW OF GUIDANCE TO CONTRACTORS ON NONDISCRIMINATION ON THE BASIS OF SEX

Pub. L. 116-92, div. A, title VIII, § 885, Dec. 20, 2019, 133 Stat. 1535, provided that:

“(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Under Secretary of Defense for Acquisition and Sustainment, serving as the senior procurement executive for the Department of Defense pursuant to section 133b(b)(4)(B) of title 10, United States Code [now 10 U.S.C. 133b(b)(5)(B)], shall conduct a review of the implementation of the requirement for Government contracting agencies under Executive Order 11246 (42 U.S.C. 2000e note) relating to expectations of contractors and subcontractors to ensure nondiscrimination on the basis of sex.

“(b) ELEMENTS.—The review required under subsection (a) shall, at a minimum, consider—

“(1) existing contracting processes and tools for oversight of contracts, including contractor responsibility determinations and documentation of performance; and

“(2) the extent to which best practices for contractors and subcontractors identified in the appendix to part 60-20 of title 41 of the Code of Federal Regulations, such as establishing and implementing procedures for handling and resolving complaints about harassment and intimidation based on sex, have been incorporated in Department policies and procedures.

“(c) UPDATED TRAINING GUIDANCE.—Not later than 180 days after the date of the completion of the review required under subsection (a), the Under Secretary of Defense for Acquisition and Sustainment shall update any relevant training guidance for the acquisition workforce to account for the conclusions of the review.

“(d) BRIEFING REQUIRED.—Not later than December 15, 2020, the Secretary of Defense shall brief the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the review required under subsection (a), which shall include any updates to training guidance or contracting procedures resulting from the review.”

GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE

Pub. L. 114-328, div. A, title VIII, § 803(b), Dec. 23, 2016, 130 Stat. 2249, provided that:

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall issue guidance addressing the training and development of the Department of Defense workforce engaged in the procurement of services, including those personnel not designated as members of the acquisition workforce.

“(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

“(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—Any training and professional development provided pursuant to this subsection outside Department of Defense institutions shall be deemed to be equivalent to similar training certified or provided by the Defense Acquisition University.”

REQUIREMENTS MANAGEMENT CERTIFICATION TRAINING PROGRAM

Pub. L. 109-364, div. A, title VIII, § 801, Oct. 17, 2006, 120 Stat. 2312, as amended by Pub. L. 116-92, div. A, title IX, § 902(68), Dec. 20, 2019, 133 Stat. 1551, provided that:

“(a) TRAINING PROGRAM.—

“(1) REQUIREMENT.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Defense Acquisition University, shall develop a training program to certify military and civilian personnel of the Department of Defense with responsibility for generating requirements for major defense acquisition programs (as defined in section 2430(a) of title 10, United States Code [now 10 U.S.C. 4201]).

“(2) COMPETENCY AND OTHER REQUIREMENTS.—The Under Secretary shall establish competency requirements for the personnel undergoing the training program. The Under Secretary shall define the target population for such training program by identifying which military and civilian personnel should have responsibility for generating requirements. The Under Secretary also may establish other training programs for personnel not subject to chapter 87 of title 10, United States Code, who contribute significantly to other types of acquisitions by the Department of Defense.

“(b) APPLICABILITY.—Effective on and after September 30, 2008, a member of the Armed Forces or an employee of the Department of Defense with authority to generate requirements for a major defense acquisition program may not continue to participate in the requirements generation process unless the member or employee successfully completes the certification training program developed under this section.

“(c) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report, not later than March 1, 2007, and a final report, not later than March 1, 2008, on the implementation of the training program required under this section.”

§ 1742. Internship, cooperative education, and scholarship programs

(a) PROGRAMS.—The Secretary of Defense shall conduct the following education and training programs:

(1) An intern program for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into acquisition positions in the Department of Defense.

(2) A cooperative education credit program under which the Secretary arranges, through cooperative arrangements entered into with one or more accredited institutions of higher education, for such institutions to grant undergraduate credit for work performed by students who are employed by the Department of Defense in acquisition positions.