

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.

(3) A scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.

(b) **SCHOLARSHIP PROGRAM REQUIREMENTS.**—Each recipient of a scholarship under a program conducted under subsection (a)(3) shall be required to sign a written agreement that sets forth the terms and conditions of the scholarship. The agreement shall be in a form prescribed by the Secretary and shall include terms and conditions, including terms and conditions addressing reimbursement in the event that a recipient fails to fulfill the requirements of the agreement, that are comparable to those set forth as a condition for providing advanced education assistance under section 2005. The obligation to reimburse the United States under an agreement under this subsection is, for all purposes, a debt owing the United States.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1651; amended Pub. L. 108-136, div. A, title VIII, §834(a), Nov. 24, 2003, 117 Stat. 1550; Pub. L. 108-375, div. A, title VIII, §812(b), title X, §1084(f)(1), Oct. 28, 2004, 118 Stat. 2013, 2064; Pub. L. 116-92, div. A, title VIII, §861(j)(12), Dec. 20, 2019, 133 Stat. 1520.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116-92 substituted “acquisition positions in the Department of Defense” for “the Acquisition Corps”.

2004—Pub. L. 108-375, §1084(f)(1), amended directory language of Pub. L. 108-136, §834(a). See 2003 Amendment note below.

Pub. L. 108-375, §812(b), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2003—Pub. L. 108-136, §834(a), as amended by Pub. L. 108-375, §1084(f)(1), amended section catchline and text generally. Prior to amendment, text read as follows: “The Secretary of Defense shall require that each military department conduct 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 the Acquisition Corps.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title X, §1084(f), Oct. 28, 2004, 118 Stat. 2064, provided that the amendment made by section 1084(f)(1) is effective as of Nov. 24, 2003, and as if included in Pub. L. 108-136 as enacted.

§ 1743. Awards to recognize members of the acquisition workforce

(a) **ESTABLISHMENT.**—The President of the Defense Acquisition University shall establish two programs to provide awards to recognize members of the acquisition workforce as follows:

(1) An award of not more than \$5,000 to such members who use an iterative writing process to document a first-hand account of using independent judgment to overcome an obstacle the member faced while working within the defense acquisition system (as defined in section 3001 of this title).

(2) An award of not more than \$5,000 to such members who make the best use of the flexibilities and authorities granted by the Federal

Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) **NUMBER OF AWARDS.**—

(1) **IN GENERAL.**—The President of the Defense Acquisition University may make not more than five awards under subsection (a)(1) and one award under subsection (a)(2) each year.

(2) **LIMITATION.**—A member of the acquisition workforce may receive one award each year.

(c) **REQUIREMENTS FOR WRITING AWARD.**—

(1) **SUBMISSION REQUIRED.**—A member of the acquisition workforce desiring an award under subsection (a)(1) shall submit to the President of the Defense Acquisition University the first-hand account described in such subsection. Such first-hand account shall demonstrate—

(A) an original and engaging idea documenting the use of independent judgment to overcome an obstacle the recipient faced while working within the defense acquisition system; and

(B) the use of an iterative writing process, including evidence of—

(i) critical thinking;

(ii) incorporation of feedback from diverse perspectives; and

(iii) editing to achieve plain writing (as defined in section 3 of the Plain Writing Act of 2010 (5 U.S.C. 301 note)).

(2) **WEBSITE.**—The President of the Defense Acquisition University shall establish and maintain a website to serve as a repository for submissions made under paragraph (1). Such website shall allow for public comments and discussion.

(d) **REQUIREMENTS FOR FLEXIBILITY AWARD.**—A member of the acquisition workforce desiring an award under subsection (a)(2) shall submit to the President of the Defense Acquisition University documentation that such member uses approaches to program management that emphasize innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost-sharing arrangements;

(6) innovative contractor incentive practices; or

(7) other innovative implementations of acquisition flexibilities.

(e) **FUNDING.**—The Secretary of Defense shall use funds from the Defense Acquisition Workforce Development Account to carry out this section.

(Added Pub. L. 117-263, div. A, title VIII, §801(a), Dec. 23, 2022, 136 Stat. 2692.)

Editorial Notes

REFERENCES IN TEXT

Section 3 of the Plain Writing Act of 2010, referred to in subsec. (c)(1)(B)(iii), is section 3 of Pub. L. 111-274,