

which is set out in a note under section 301 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 1743, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1651, related to cooperative education program, prior to repeal by Pub. L. 108-136, div. A, title VIII, § 834(b), Nov. 24, 2003, 117 Stat. 1551.

[§ 1744. Repealed. Pub. L. 108-136, div. A, title VIII, § 834(b), Nov. 24, 2003, 117 Stat. 1551]

Section, added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1652; amended Pub. L. 102-484, div. A, title VIII, § 812(f), Oct. 23, 1992, 106 Stat. 2451; Pub. L. 108-136, div. A, title VIII, § 832(c), Nov. 24, 2003, 117 Stat. 1550, related to scholarship program.

§ 1745. Additional education and training programs available to acquisition personnel

(a) TUITION REIMBURSEMENT AND TRAINING.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2010, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.

(b) REPAYMENT OF STUDENT LOANS.—The Secretary of Defense may repay all or part of a student loan under section 5379 of title 5 for an employee of the Department of Defense appointed to an acquisition position.

(Added Pub. L. 101-510, div. A, title XII, § 1202(a), Nov. 5, 1990, 104 Stat. 1653; amended Pub. L. 104-106, div. A, title XV, § 1503(a)(15), Feb. 10, 1996, 110 Stat. 511; Pub. L. 106-65, div. A, title IX, § 925(a), Oct. 5, 1999, 113 Stat. 726; Pub. L. 106-398, § 1 [[div. A], title XI, § 1123], Oct. 30, 2000, 114 Stat. 1654, 1654A-317.)

Editorial Notes

AMENDMENTS

2000—Subsec. (a)(2). Pub. L. 106-398 substituted “September 30, 2010” for “September 30, 2001”.

1999—Subsec. (a). Pub. L. 106-65 amended heading and text of subsec. (a) generally. Text read as follows: “The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) under section 4107(b) of title 5 for acquisition personnel in the Department of Defense for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.”

1996—Subsec. (a). Pub. L. 104-106 substituted “section 4107(b)” for “section 4107(d)” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title IX, § 925(b), Oct. 5, 1999, 113 Stat. 726, provided that: “The amendment made by sub-

section (a) [amending this section] shall apply with respect to charges for tuition or expenses incurred after the date of the enactment of this Act [Oct. 5, 1999].”

§ 1746. Defense Acquisition University

(a) DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish and maintain a defense acquisition university structure to provide for—

(1) the professional educational development and training of the acquisition workforce; and

(2) research and analysis of defense acquisition policy issues from an academic perspective.

(b) CIVILIAN FACULTY MEMBERS.—(1) The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers in the defense acquisition university structure as the Secretary considers necessary.

(2) The Secretary of Defense shall ensure the defense acquisition university structure includes relevant expert lecturers from extramural institutions (as defined in section 1746a(g) of this title), industry, or federally funded research and development centers to advance acquisition workforce competence regarding commercial business interests, acquisition process-related innovations, and other relevant leading practices of the private sector.

(3) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

(4) In this subsection, the term “defense acquisition university” includes the Defense Systems Management College.

(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments, and with extramural institutions (as defined in section 1746a(g) of this title), to ensure that best practices are used in curriculum development to support acquisition workforce positions.

(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 4001 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(e) PRESIDENT APPOINTMENT.—(1) The Under Secretary of Defense for Acquisition and Sustainment shall appoint the President of the Defense Acquisition University.

(2) When determining who to appoint under paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment shall, in consultation with the Under Secretary of Defense for Research and Engineering and the service acquisition executives, prioritize highly qualified candidates who demonstrate a combination of the following:

(A) Leadership abilities.

(B) Experience using leading practices to develop talent in the private sector.

(C) Other qualifying factors, including experience with and an understanding of the defense acquisition system (as defined in section 3001 of this title), an understanding of emerging technologies and the defense applications of such technologies, experience partnering with States, national associations, and academia, and experience with learning technologies.

(3) The term of the President of the Defense Acquisition University shall be not more than five years, unless the Under Secretary of Defense for Acquisition and Sustainment determines it necessary to extend the term for up to an additional five years. The preceding sentence does not apply to the President of the Defense Acquisition University serving on January 1, 2025, who shall serve a maximum term of three years beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2025 without an option for extension of such term.

(Added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1653; amended Pub. L. 103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 104-106, div. A, title XV, §1503(a)(16), Feb. 10, 1996, 110 Stat. 512; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 111-383, div. A, title VIII, §877(c)(1), (2)(A), Jan. 7, 2011, 124 Stat. 4306; Pub. L. 114-328, div. A, title II, §214(b), Dec. 23, 2016, 130 Stat. 2048; Pub. L. 116-92, div. A, title VIII, §861(c), title IX, §902(23), Dec. 20, 2019, 133 Stat. 1516, 1545; Pub. L. 116-283, div. A, title X, §1081(a)(32), title XVIII, §1841(e)(1), Jan. 1, 2021, 134 Stat. 3872, 4244; Pub. L. 117-263, div. A, title VIII, §832(a), Dec. 23, 2022, 136 Stat. 2712; Pub. L. 118-159, div. A, title VIII, §831, Dec. 23, 2024, 138 Stat. 1984.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2025, referred to in subsec. (e)(3), is the date of enactment of Pub. L. 118-159, which was approved Dec. 23, 2024.

AMENDMENTS

2024—Subsec. (e)(3). Pub. L. 118-159 substituted “The preceding sentence does not apply to the President of the Defense Acquisition University serving on January 1, 2025, who shall serve a maximum term of three years beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2025 without an option for extension of such term.” for “The preceding sentence does not apply to the President of the Defense Acquisition University serving on January 1, 2022.”

2022—Subsec. (b)(2). Pub. L. 117-263, §832(a)(1)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The professors, instructors, and lecturers employed under paragraph (1) shall include individuals from civilian colleges or universities that are not owned or operated by the Federal Government, commercial learning and development organizations, industry, or federally funded research and development centers.”

Subsec. (b)(3) to (5). Pub. L. 117-263, §832(a)(1)(B), (C), redesignated pars. (4) and (5) as (3) and (4), respectively,

and struck out former par. (3) which read as follows: “The Secretary of Defense shall ensure that—

“(A) not later than September 1, 2021, not less than five full-time visiting professors employed under paragraph (1) are from civilian colleges or universities described under paragraph (2); and

“(B) not later than September 1, 2022, not less than ten full-time visiting professors employed under paragraph (1) are from such civilian colleges or universities.”

Subsec. (c). Pub. L. 117-263, §832(a)(2), substituted “extramural institutions (as defined in section 1746a(g) of this title)” for “commercial training providers”.

Subsec. (e). Pub. L. 117-263, §832(a)(3), added subsec. (e).

2021—Subsec. (b)(3)(A). Pub. L. 116-283, §1081(a)(32), struck out the second semicolon before “and”.

Subsec. (d)(1). Pub. L. 116-283, §1841(e)(1), substituted “section 4001” for “section 2358”.

2019—Subsec. (a). Pub. L. 116-92, §902(23), substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under Secretary of Defense for Acquisition, Technology, and Logistics” in introductory provisions.

Subsec. (b)(2) to (5). Pub. L. 116-92, §861(c)(1), added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

Subsec. (c). Pub. L. 116-92, §861(c)(2), inserted “, and with commercial training providers,” after “military departments”.

2016—Subsec. (d). Pub. L. 114-328 added subsec. (d).

2011—Pub. L. 111-383, §877(c)(2)(A), substituted “Defense Acquisition University” for “Defense acquisition university structure” in section catchline.

Subsec. (c). Pub. L. 111-383, §877(c)(1), added subsec. (c).

2001—Subsec. (a). Pub. L. 107-107 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology” in introductory provisions.

1996—Subsec. (a). Pub. L. 104-106 struck out “(1)” before “The Secretary of Defense” and redesignated subpars. (A) and (B) as pars. (1) and (2), respectively.

1993—Subsec. (a)(1). 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

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1841(e)(1) 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.

EFFECTIVE DATE

Pub. L. 101-510, div. A, title XII, §1209(h)(1), Nov. 5, 1990, 104 Stat. 1667, provided that: “Subsection (b) of section 1746 of title 10, United States Code (as added by section 1202), shall take effect with respect to the Defense Systems Management College on the date of the enactment of this Act [Nov. 5, 1990].”

IMPLEMENTATION REPORT

Pub. L. 117-263, div. A, title VIII, §832(b), Dec. 23, 2022, 136 Stat. 2712, provided that: “Not later than March 1, 2023, 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 to modify the defense acquisition university structure to comply with section 1746(b)(2) of title 10, United States Code, as amended by subsection (a). Such plan shall establish a date of not

later than March 1, 2026, for such modification to be completed.”

CURRICULA ON SOFTWARE ACQUISITIONS AND CYBERSECURITY SOFTWARE OR HARDWARE ACQUISITIONS FOR COVERED INDIVIDUALS

Pub. L. 117–263, div. A, title VIII, § 835, Dec. 23, 2022, 136 Stat. 2715, provided that:

“(a) **CURRICULA.**—The President of the Defense Acquisition University, shall supplement existing training curricula related to software acquisitions and cybersecurity software or hardware acquisitions and offer such curricula to covered individuals to increase digital literacy related to such acquisitions by developing the ability of such covered individuals to use technology to identify, critically evaluate, and synthesize data and information related to such acquisitions.

“(b) **ELEMENTS.**—Curricula developed pursuant to subsection (a) shall provide information on—

“(1) cybersecurity, information technology systems, computer networks, cloud computing, artificial intelligence, machine learning, distributed ledger technologies, and quantum technologies;

“(2) cybersecurity threats and capabilities;

“(3) activities that encompass the full range of threat reduction, vulnerability reduction, deterrence, incident response, resiliency, and recovery policies and activities, including activities relating to computer network operations, information assurance, military missions, and intelligence missions to the extent such activities relate to the security and stability of cyberspace; and

“(4) the industry best practices relating to software acquisitions and cybersecurity software or hardware acquisitions.

“(c) **PLAN.**—Not later than 180 days after enactment of this Act [Dec. 23, 2022], the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall submit to Congress a comprehensive plan to implement the curricula developed under subsection (a) that includes a comparison with similar existing training curricula. Such plan shall include a list of resources required for and costs associated with such implementation, including—

“(1) curriculum development;

“(2) hiring instructors to teach the curriculum;

“(3) facilities; or

“(4) website development.

“(d) **IMPLEMENTATION.**—Not later than one year after the date on which the plan described in subsection (d) [sic; probably should be “subsection (c)”] is submitted to the Committees on Armed Services of the Senate and House of Representatives, the President of the Defense Acquisition University shall offer the curricula developed under subsection (a) to covered individuals.

“(e) **REPORT.**—Not later than one year after the date on which the plan described in subsection (d) [sic; probably should be “subsection (c)”] is submitted to the Committees on Armed Services of the Senate and House of Representatives, the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall submit to Congress a report assessing the costs and benefits of requiring all covered individuals to complete the curricula developed under subsection (a).

“(f) **COVERED INDIVIDUALS DEFINED.**—In this section, the term ‘covered individuals’ means an individual serving in a position designated under section 1721(b) of title 10, United States Code, who is regularly consulted for software acquisitions or cybersecurity software or hardware acquisitions.”

TRAINING IN COMMERCIAL ITEMS PROCUREMENT

Pub. L. 115–91, div. A, title VIII, § 850, Dec. 12, 2017, 131 Stat. 1488, provided that:

“(a) **TRAINING.**—Not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the President of the Defense Acquisition University shall

establish a comprehensive training program on part 12 of the Federal Acquisition Regulation. The training shall cover, at a minimum, the following topics:

“(1) The origin of part 12 and the congressional mandate to prefer commercial procurements.

“(2) The definition of a commercial item, with a particular focus on the ‘of a type’ concept.

“(3) Price analysis and negotiations.

“(4) Market research and analysis.

“(5) Independent cost estimates.

“(6) Parametric estimating methods.

“(7) Value analysis.

“(8) Best practices in pricing from commercial sector organizations, foreign government organizations, and other Federal, State, and local public sectors organizations.

“(9) Other topics on commercial procurements necessary to ensure a well-educated acquisition workforce.

“(b) **ENROLLMENTS GOALS.**—The President of the Defense Acquisition University shall set goals for student enrollment for the comprehensive training program established under subsection (a).

“(c) **SUPPORTING ACTIVITIES.**—The Secretary of Defense shall, in support of the achievement of the goals of this section—

“(1) engage academic experts on research topics of interest to improve commercial item identification and pricing methodologies; and

“(2) facilitate exchange and interface opportunities between government personnel to increase awareness of best practices and challenges in commercial item identification and pricing.

“(d) **FUNDING.**—The Secretary of Defense shall use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, to fund the comprehensive training program established under subsection (a).”

TRAINING ON AGILE OR ITERATIVE DEVELOPMENT METHODS

Pub. L. 115–91, div. A, title VIII, § 891, Dec. 12, 2017, 131 Stat. 1509, provided that:

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall establish a training course at the Defense Acquisition University on agile or iterative development methods to provide training for personnel implementing and supporting the pilot programs required by sections 873 and 874 of this Act [10 U.S.C. 4571 note, 10 U.S.C. 3101 note prec.].

“(b) **COURSE ELEMENTS.**—

“(1) **IN GENERAL.**—The course shall be taught in residence at the Defense Acquisition University and shall include the following elements:

“(A) Training designed to instill a common understanding of all functional roles and dependencies involved in developing and producing a capability using agile or iterative development methods.

“(B) An exercise involving teams composed of personnel from pertinent functions and functional organizations engaged in developing an integrated agile or iterative development method for a specific program.

“(C) Instructors and content from non-governmental entities, as appropriate, to highlight commercial best practices in using an agile or iterative development method.

“(2) **COURSE UPDATES.**—The Secretary shall ensure that the course is updated as needed, including through incorporating lessons learned from the implementation of the pilot programs required by sections 873 and 874 of this Act in subsequent versions of the course.

“(c) **COURSE ATTENDANCE.**—The course shall be—

“(1) available for certified acquisition personnel working on programs or projects using agile or iterative development methods; and

“(2) mandatory for personnel participating in the pilot programs required by sections 873 and 874 of this Act from the relevant organizations in each of the military departments and Defense Agencies, including organizations responsible for engineering, budgeting, contracting, test and evaluation, requirements validation, and certification and accreditation.

“(d) AGILE ACQUISITION SUPPORT.—The Secretary and the senior acquisition executives in each of the military departments and Defense Agencies, in coordination with the Director of the Defense Digital Service, shall assign to offices supporting systems selected for participation in the pilot programs required by sections 873 and 874 of this Act a subject matter expert with knowledge of commercial agile acquisition methods and Department of Defense acquisition processes to provide assistance and to advise appropriate acquisition authorities of the expert’s observations.

“(e) AGILE RESEARCH PROGRAM.—The President of the Defense Acquisition University shall establish a research program to conduct research on and development of agile acquisition practices and tools best tailored to meet the mission needs of the Department of Defense.

“(f) AGILE OR ITERATIVE DEVELOPMENT DEFINED.—The term ‘agile or iterative development’, with respect to software—

“(1) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

“(2) involves—

“(A) the incremental development and fielding of capabilities, commonly called ‘spirals’, ‘spins’, or ‘sprints’, which can be measured in a few weeks or months; and

“(B) continuous participation and collaboration by users, testers, and requirements authorities.”

CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS AND IMPROVE MISSION PERFORMANCE

Pub. L. 114-328, div. A, title VIII, §832, Dec. 23, 2016, 130 Stat. 2283, as amended by Pub. L. 117-263, div. A, title VIII, §814(b), Dec. 23, 2022, 136 Stat. 2707, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on fixed-price incentive contracts, public-private partnerships, performance-based contracting, and other authorities in law and regulation designed to give incentives to contractors to achieve long-term savings and improve administrative practices and mission performance.”

[Pub. L. 117-263, §814(b), which directed amendment of section 832 of Pub. L. 114-328, set out above, by substituting “fixed-price incentive contracts” for “fixed-price incentive fee contracts”, was executed by making the substitution for “fixed-priced incentive fee contracts” to reflect the probable intent of Congress.]

ESTABLISHMENT OF INITIAL DEFENSE ACQUISITION UNIVERSITY STRUCTURE

Pub. L. 101-510, div. A, title XII, §1205, Nov. 5, 1990, 104 Stat. 1658, as amended by Pub. L. 105-85, div. A, title X, §1073(d)(4)(A), Nov. 18, 1997, 111 Stat. 1905, provided that, not later than Oct. 1, 1991, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Technology, was to prescribe regulations for the initial structure for a defense acquisition university under this section and to prescribe and submit to the Committees on Armed Services of the Senate and House of Representatives an implementation plan, including a charter, for the university structure, and not later than Aug. 1, 1992, the Secretary was to carry out the implementation plan.

§ 1746a. Acquisition workforce educational partnerships

(a) ESTABLISHMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a program within Defense Acquisition University to—

(1) facilitate the engagement of relevant experts, including with the acquisition research activities established under section 4142 of this title, with the faculty of the Defense Acquisition University to assess and modify the curriculum of the Defense Acquisition University, as appropriate, to enhance the capabilities of the Defense Acquisition University to support educational, training, and research activities in support of acquisition missions of the Department of Defense;

(2) establish a cross-discipline, peer mentoring program for academic advising and to address critical retention concerns with respect to the acquisition workforce;

(3) partner with extramural institutions and military department functional leadership to offer training and on-the-job learning support to all members of the acquisition workforce addressing operational challenges that affect procurement decisionmaking;

(4) support the partnerships between the Department of Defense and extramural institutions with missions relating to the training and continuous development of members of the acquisition workforce;

(5) accelerate the adoption, appropriate design and customization, and use of flexible acquisition practices by the acquisition workforce by expanding the availability of training and on-the-job learning and guidance on such practices and incorporating such training into the curriculum of the Defense Acquisition University; and

(6) support and enhance the capabilities of the faculty of the Defense Acquisition University, and the currency and applicability of the knowledge possessed by such faculty, by—

(A) building partnerships between the faculty of the Defense Acquisition University and the director of, and individuals involved with, the activities established under section 4142 of this title;

(B) supporting the preparation and drafting of the reports required under subsection (f)(2); and

(C) instituting a program under which each member of the faculty of the Defense Acquisition University shall be detailed to an operational acquisition position in a military department or Defense Agency, or to an extramural institution, for not less than six months out of every five year period.

(b) SENIOR OFFICIAL.—Not later than 180 days after the enactment of this section, the President of the Defense Acquisition University shall designate a senior official to execute activities under this section.

(c) SUPPORT FROM OTHER DEPARTMENT OF DEFENSE ORGANIZATIONS.—The Secretary of Defense may direct other elements of the Department of Defense to provide personnel, resources, and other support to the program established