

under this section, as the Secretary determines appropriate.

(d) FUNDING.—Subject to the availability of appropriations, the Under Secretary of Defense for Acquisition and Sustainment may use amounts available in the Defense Acquisition Workforce and Development Account (as established under section 1705 of this title) to carry out the requirements of this section.

(e) ANNUAL REPORTS.—Not later than September 30, 2022, and annually thereafter, the President of the Defense Acquisition University shall submit to the Secretary of Defense and the congressional defense committees a report describing the activities conducted under this section during the one-year period ending on the date on which such report is submitted.

(f) EXEMPTION TO REPORT TERMINATION REQUIREMENTS.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by section 1061(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2405; 10 U.S.C. 111 note), does not apply with respect to the reports required to be submitted to Congress under this section.

(g) DEFINITIONS.—In this section:

(1) ACQUISITION WORKFORCE.—The term “acquisition workforce” has the meaning given such term in section 1705(g) of this title.

(2) EXTRAMURAL INSTITUTIONS.—The term “extramural institutions” means participants in an activity established under section 4142 of this title, public sector organizations, and nonprofit credentialing organizations.

(Added Pub. L. 117-81, div. A, title VIII, § 801(a), Dec. 27, 2021, 135 Stat. 1811; amended Pub. L. 116-283, div. A, title XVIII, § 1883(b)(2), Jan. 1, 2021, 134 Stat. 4294.)

Editorial Notes

REFERENCES IN TEXT

The enactment of this section, referred to in subsec. (b), probably means the date of enactment of Pub. L. 117-81, which was approved Dec. 27, 2021.

AMENDMENTS

2021—Subsecs. (a)(1), (6)(A), (g)(2). Pub. L. 116-283 substituted “section 4142” for “section 2361a”.

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.

§ 1747. Acquisition fellowship program

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

(b) NUMBER OF FELLOWSHIPS.—The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

(c) ELIGIBILITY.—In order to be eligible for designation as an acquisition fellow, an employee—

(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

(d) TWO-YEAR PERIOD OF RESEARCH AND TEACHING.—Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.

(Added Pub. L. 102-484, div. A, title VIII, § 841(a), Oct. 23, 1992, 106 Stat. 2468, § 2410h; renumbered § 1747, Pub. L. 107-314, div. A, title X, § 1062(a)(10)(A), Dec. 2, 2002, 116 Stat. 2650.)

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-314 renumbered section 2410h of this title as this section.

§ 1748. Fulfillment standards for acquisition workforce training

The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(Added Pub. L. 111-383, div. A, title VIII, § 874(b)(1), Jan. 7, 2011, 124 Stat. 4304; amended Pub. L. 116-92, div. A, title IX, § 902(24), Dec. 20, 2019, 133 Stat. 1545.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 105-85, div. A, title VIII, § 853, Nov. 18, 1997, 111 Stat. 1851, which was set out as a note under section 1723 of this title, prior to repeal by Pub. L. 111-383, § 874(b)(4).

AMENDMENTS

2019—Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment” for “Under

Secretary of Defense for Acquisition, Technology, and Logistics”.

Statutory Notes and Related Subsidiaries

DEADLINE FOR FULFILLMENT STANDARDS

Pub. L. 111-383, div. A, title VIII, §874(b)(3), Jan. 7, 2011, 124 Stat. 4305, provided that: “The fulfillment standards required under section 1748 of title 10, United States Code, as added by paragraph (1), shall be developed not later than 270 days after the date of the enactment of this Act [Jan. 7, 2011].”

§ 1749. Field training for acquisition and sustainment

(a) TRAINING PROGRAM.—Not later than 180 days after the date of the enactment of this section, the Under Secretary for Acquisition and Sustainment shall establish a training program that supports cross-functional personnel and contractors of the Department of Defense involved in any phase of the acquisition and sustainment lifecycle in making important decisions with respect to acquisition or sustainment, including requirements validation, the development of an acquisition strategy, awarding contracts, and ongoing management of performance and governance.

(b) ELEMENTS.—The training program established under subsection (a) shall—

(1) create deployable training teams to coach the cross-functional personnel and contractors described in subsection (a) and facilitate such personnel and contractors successfully completing a phase of an acquisition or sustainment effort with the same training team to the maximum extent possible;

(2) to the extent practicable, ensure that the same training team under paragraph (1) provides the support described under such paragraph with respect to a phase of an acquisition or sustainment effort until such phase is completed or otherwise ends;

(3) provide to the cross-functional personnel and contractors described in subsection (a) short, intermittent lessons on innovative acquisition and fielding procedures, flexible contracting frameworks, and business negotiation skills that are timed to align the topics of the lessons to relevant activities under a phase of an acquisition or sustainment effort;

(4) emphasizes¹—

(A) the acquisition of commercial products, commercial services, and commercially available off-the-shelf items (as such terms are defined in sections 103, 103a, and 104, respectively, of title 41);

(B) technology procured “as-a-service” or as a consumption-based solution (as defined in section 834 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 4571 note)); and

(C) using the middle tier acquisition pathways under section 3602 of this title and the pathways under section 3603 of this title; and

(5) include a process for collecting feedback on the training program and performance of the training teams to improve the training program.

(c) TRAINING TEAM REQUIREMENTS.—Each training team created under the training program—

(1) include² at not less than one individual from the private sector or academia with expertise in conducting commercial transactions; and

(2) has excellent facilitation skills and can coach the cross-functional personnel and contractors described in subsection (a) on applying the best practices to the formulation of acquisition and sustainment programs and contracts;

(d) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall ensure that each member of the acquisition workforce who participates in the training program established under subsection (a) can meet up to 80 hours of a continuous education requirement established under section 1723 of this title by participating in the training program.

(e) PILOT PROGRAM.—During fiscal year 2025, the Secretary of each military department shall carry out not less than one pilot program—

(1) under which the military department shall receive support under the training program established under subsection (a) with respect to acquisition and sustainment efforts of high importance or urgency to the military department; and

(2) which the Under Secretary for Acquisition and Sustainment shall use to develop the training material and procedures for the training program.

(f) FUNDING REQUIREMENTS.—The Under Secretary for Acquisition and Sustainment is authorized to use funds available for the Defense Acquisition University for civilian faculty members, contracts, and associated travel and expenses to carry out the training program established in (a)³ starting in fiscal year 2025, and for fiscal years 2027 through fiscal year 2031—

(1) not less than 25 percent of civilian faculty members authorized under section 1746 of this title shall be detailed on a reimbursable basis to the training program established in (a)³ for a minimum of half of their time; and

(2) not less than 25 percent of all contract or agreement obligations in support of Defense Acquisition University shall be reserved for the training program established in (a),³ including the training of civilian faculty members to facilitate programs under the training program.

(g) REPORT.—Not later than November 1, 2026, the Under Secretary for Acquisition and Sustainment shall provide a report to the Committees on Armed Services of the Senate and House of Representatives on the training program required under subsection (a), including—

(1) the number and qualifications of civilian faculty members detailed to the training program under subsection (f)(1), including any training requirements they receive to facilitate programs under the training program;

(2) an identification of contractor or university support for the training program pursuant to subsection (f)(2);

² So in original.

³ So in original. Probably should be preceded by “subsection”.

¹ So in original. Probably should be “emphasize—”.