

- (3) a budget for the training program that meets the requirements of subsection (f);
- (4) the status and success of the pilot program; and
- (5) any additional information or recommendations with respect to the training program that the Under Secretary of Defense for Acquisition and Sustainment determines appropriate.

(Added Pub. L. 118–159, div. A, title VIII, § 832(a), Dec. 23, 2024, 138 Stat. 1984.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 118–159, which was approved Dec. 23, 2024.

Section 834 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (b)(4)(B), is section 834 of Pub. L. 116–283, which is set out as a note under section 4571 of this title.

#### SUBCHAPTER V—GENERAL MANAGEMENT PROVISIONS

Sec.	
1761.	Management information system.
1762.	Demonstration project relating to certain acquisition personnel management policies and procedures.
[1763.	Repealed.]
1764.	Authority to establish different minimum requirements.
1765.	Competency development.
1766.	Joint reserve detachment of the Defense Innovation Unit.

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283, div. A, title XVIII, § 1878A(b), as added by Pub. L. 117–81, div. A, title XVII, § 1701(q)(2), Dec. 27, 2021, 135 Stat. 2149, added item 1766.

Pub. L. 116–283, div. A, title X, § 1081(c)(4), Jan. 1, 2021, 134 Stat. 3873, amended Pub. L. 116–92, § 861(i)(2), effective as if included therein. See 2019 Amendment note below.

2019—Pub. L. 116–92, div. A, title VIII, § 861(i)(2), Dec. 20, 2019, 133 Stat. 1519, as amended by Pub. L. 116–283, div. A, title X, § 1081(c)(4), Jan. 1, 2021, 134 Stat. 3873, added item 1765.

2011—Pub. L. 111–383, div. A, title VIII, § 872(a)(2), Jan. 7, 2011, 124 Stat. 4302, added item 1762.

2003—Pub. L. 108–136, div. A, title VIII, § 836(4), Nov. 24, 2003, 117 Stat. 1552, added item 1764 and struck out item 1763 “Reassignment of authority”.

2001—Pub. L. 107–107, div. A, title X, § 1048(e)(7)(B), Dec. 28, 2001, 115 Stat. 1228, struck out items 1762 “Report to Secretary of Defense” and 1764 “Authority to establish different minimum experience requirements”.

#### § 1761. Management information system

(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations to ensure that the military departments and Defense Agencies establish a management information system capable of providing standardized information to the Secretary on persons serving in acquisition positions.

(b) MINIMUM INFORMATION.—The management information system shall, at a minimum, provide for the following:

- (1) The collection and retention of information concerning the qualifications, assign-

ments, and tenure of persons in the acquisition workforce.

(2) Any exceptions and waivers granted with respect to the application of qualification, assignment, and tenure policies, procedures, and practices to such persons.

(3) Relative promotion rates for military personnel in the acquisition workforce.

(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. 107–107, div. A, title X, § 1048(b)(2), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 108–375, div. A, title X, § 1084(d)(15), Oct. 28, 2004, 118 Stat. 2062.)

#### Editorial Notes

##### AMENDMENTS

2004—Subsec. (b). Pub. L. 108–375 substituted “provide for the following:” for “provide for—” in introductory provisions, capitalized first letter of first word in pars. (1) to (3), substituted period for semicolon at end in pars. (1) and (2), substituted period for “; and” at end in par. (3), and struck out par. (4) which read as follows: “collection of the information necessary for the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of Defense to comply with the requirements of section 1762 for the years in which that section is in effect.”

2001—Subsec. (b)(4). 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)(4). 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

##### ESTABLISHMENT OF MANAGEMENT INFORMATION SYSTEM

Pub. L. 101–510, div. A, title XII, § 1209(k), Nov. 5, 1990, 104 Stat. 1667, required the Secretary of Defense to prescribe in regulations the requirements under this section for the uniform management information system by Oct. 1, 1991, and ensure that the requirements were implemented by Oct. 1, 1992.

#### § 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

(a) COMMENCEMENT.—The Secretary of Defense is authorized to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

- (A) “180 days” in subsection (b)(4) of such section shall be deemed to read “120 days”;

(B) “90 days” in subsection (b)(6) of such section shall be deemed to read “30 days”; and

(C) subsection (d)(1) of such section shall be disregarded.

(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

(A) for each organization or team participating in the demonstration project—

(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

(B) the demonstration project commences before October 1, 2007.

(4) The Secretary of Defense shall exercise the authorities granted to the Office of Personnel Management under section 4703 of title 5 for purposes of the demonstration project authorized under this section.

(c) **LIMITATION ON NUMBER OF PARTICIPANTS.**—The total number of persons who may participate at any one time in the demonstration project under this section may not exceed 130,000.

(d) **EFFECT OF REORGANIZATIONS.**—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

(e) **ASSESSMENTS.**—(1) The Secretary of Defense shall designate an independent organization to conduct two assessments of the acquisition workforce demonstration project described in subsection (a).

(2) Each such assessment shall include the following:

(A) A description of the workforce included in the project.

(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran’s preferences.

(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

(E) How the project allows the organization to better meet mission needs.

(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

(G) Whether there is a process for—

(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

(ii) setting timetables for performance appraisals.

(H) The project’s impact on career progression.

(I) The project’s appropriateness or inappropriateness in light of the complexities of the workforce affected.

(J) The project’s sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

(3) The first assessment under this subsection shall be completed not later than September 30, 2012. The second and final assessment shall be completed not later than September 30, 2016. The Secretary shall submit to the covered congressional committees a copy of each assessment within 30 days after receipt by the Secretary of the assessment.

(f) **COVERED CONGRESSIONAL COMMITTEES.**—In this section, the term “covered congressional committees” means—

(1) the Committees on Armed Services of the Senate and the House of Representatives;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Oversight and Government Reform of the House of Representatives.

(g) **TERMINATION OF AUTHORITY.**—The authority to conduct a demonstration project under this section shall terminate on December 31, 2031.

(h) **CONVERSION.**—Within 6 months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.

(Added Pub. L. 111-383, div. A, title VIII, §872(a)(1), Jan. 7, 2011, 124 Stat. 4300; amended Pub. L. 114-92, div. A, title VIII, §846, Nov. 25, 2015, 129 Stat. 916; Pub. L. 114-328, div. A, title VIII, §867(a), Dec. 23, 2016, 130 Stat. 2306; Pub. L. 115-91, div. A, title VIII, §844(a), (b), Dec. 12, 2017, 131 Stat. 1482; Pub. L. 116-92, div. A, title XVII, §1731(a)(27), Dec. 20, 2019, 133 Stat. 1813; Pub. L. 117-81, div. A, title VIII, §812, Dec. 27, 2021, 135 Stat. 1823; Pub. L. 118-159, div. A, title VIII, §833, Dec. 23, 2024, 138 Stat. 1986.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1762, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1654; amended Pub. L. 103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, related to report by the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of Defense on the status of

the defense acquisition workforce, prior to repeal by Pub. L. 107-107, div. A, title X, §1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227.

Provisions similar to those in this section were contained in Pub. L. 104-106, div. D, title XLIII, §4308, Feb. 10, 1996, 110 Stat. 669, which was set out as a note under section 1701 of this title, prior to repeal by Pub. L. 111-383, §872(b).

#### AMENDMENTS

2024—Subsec. (g). Pub. L. 118-159 substituted “December 31, 2031” for “December 31, 2026”.

2021—Subsec. (g). Pub. L. 117-81 substituted “December 31, 2026” for “December 31, 2023”.

2019—Subsec. (c). Pub. L. 116-92 substituted “at any one time in” for “in at any one time”.

2017—Subsec. (c). Pub. L. 115-91, §844(b), substituted “at any one time the demonstration project under this section may not exceed 130,000” for “the demonstration project under this section may not exceed 120,000”.

Subsec. (g). Pub. L. 115-91, §844(a), substituted “December 31, 2023” for “December 31, 2020”.

2016—Subsec. (b)(4). Pub. L. 114-328 added par. (4).

2015—Subsec. (g). Pub. L. 114-92 substituted “demonstration project” for “demonstration program” and “December 31, 2020” for “September 30, 2017”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

##### EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title VIII, §867(b), Dec. 23, 2016, 130 Stat. 2306, provided that: “Paragraph (4) of section 1762(b) of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning 60 days after the date of the enactment of this Act [Dec. 23, 2016].”

#### [§1763. Repealed. Pub. L. 108-136, div. A, title VIII, §835(1), Nov. 24, 2003, 117 Stat. 1551]

Section, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1656; amended Pub. L. 103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 105-85, div. A, title X, §1073(a)(33), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 107-107, div. A, title X, §1048(b)(2), Dec. 28, 2001, 115 Stat. 1225, related to reassignment of authority by Secretary of Defense.

#### § 1764. Authority to establish different minimum requirements

(a) **AUTHORITY.**—(1) The Secretary of Defense may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.

(2) Any requirement prescribed under paragraph (1) for a position referred to in any paragraph of subsection (b) shall be applied uniformly to all positions referred to in such paragraph.

(b) **APPLICABILITY.**—This section applies to the following acquisition positions in the Department of Defense:

(1) Contracting officer, except a position referred to in paragraph (6).

(2) Program executive officer.

(3) Senior contracting official.

(4) Program manager.

(5) Deputy program manager.

(6) A position in the contract contingency force of an armed force that is filled by a member of that armed force.

(c) **DEFINITION.**—In this section, the term “contract contingency force”, with respect to an armed force, has the meaning given such term in regulations prescribed by the Secretary concerned.

(Added Pub. L. 108-136, div. A, title VIII, §835(2), Nov. 24, 2003, 117 Stat. 1551; amended Pub. L. 108-375, div. A, title VIII, §812(c), Oct. 28, 2004, 118 Stat. 2013.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1764, added Pub. L. 101-510, div. A, title XII, §1202(a), Nov. 5, 1990, 104 Stat. 1656, related to authority to establish different minimum experience requirements, prior to repeal by Pub. L. 107-107, div. A, title X, §1048(e)(7)(A), Dec. 28, 2001, 115 Stat. 1227.

##### AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108-375, §812(c)(2), substituted “in paragraph (6)” for “in paragraph (5)”.

Subsec. (b)(5), (6). Pub. L. 108-375, §812(c)(1), added par. (5) and redesignated former par. (5) as (6).

#### § 1765. Competency development

For each acquisition workforce career field, the Secretary of Defense shall—

(1) establish, for the civilian personnel in that career field, defined proficiency standards and technical and nontechnical competencies which shall be used in personnel qualification assessments; and

(2) assign resources to accomplish such technical and nontechnical competencies.

(Added Pub. L. 116-92, div. A, title VIII, §861(i)(1), Dec. 20, 2019, 133 Stat. 1518.)

#### Statutory Notes and Related Subsidiaries

##### DEADLINE FOR IMPLEMENTATION

Pub. L. 116-92, div. A, title VIII, §861(i)(3), Dec. 20, 2019, 133 Stat. 1519, provided that: “Not later than the end of the two-year period beginning on the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall carry out the requirements of section 1765 of title 10, United States Code (as added by paragraph (1)).”

#### § 1766. Joint reserve detachment of the Defense Innovation Unit

(a) **ESTABLISHMENT.**—The Secretary of Defense, in consultation with the Secretaries of the military departments, may establish a joint reserve detachment (referred to in this section as the “Detachment”) composed of members of the reserve components described in subsection (b) to be assigned to each office of the Defense Innovation Unit to—

(1) support engagement and collaboration with private-sector industry and the community surrounding the location of such office; and