

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 Repealed.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

(2) accelerate the use and adoption of commercially-developed technologies for national security purposes.

(b) MEMBERS.—Each Secretary of a military department shall select for the Detachment, and make efforts to retain, members of the reserve components who possess relevant private-sector experience in the fields of business, acquisition, intelligence, engineering, technology transfer, science, mathematics, program management, logistics, cybersecurity, or such other fields as determined by the Secretary of Defense.

(c) DUTIES.—The Detachment shall have the following duties:

(1) Providing the Department of Defense with—

(A) expertise on and analysis of commercially-developed technologies;

(B) commercially-developed technologies to be used as alternatives for technologies in use by the Department; and

(C) opportunities for greater engagement and collaboration between the Department and private-sector industry on innovative technologies.

(2) On an ongoing basis—

(A) partnering with the military departments, the combatant commands, and other Department of Defense organizations to—

(i) identify and rapidly prototype commercially-developed technologies; and
(ii) use alternative contracting mechanisms to procure such technologies;

(B) increasing awareness of—

(i) the work of the Defense Innovation Unit; and

(ii) the technology requirements of the Department of Defense, as identified in the most recent—

(I) National Defense Strategy;

(II) National Defense Science and Technology Strategy as directed under section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1679); and

(III) relevant policy and guidance from the Secretary of Defense; and

(C) using the investment in research and development made by private-sector industry in assessing and developing dual-use technologies.

(3) Carrying out other activities as directed by the Secretary of Defense.

(d) JOINT DUTY.—Assignment to a Detachment shall not qualify as a joint duty assignment, as defined in section 668(b)(1) of title 10, United States Code, unless approved by the Secretary of Defense.

(Added Pub. L. 116-92, div. A, title II, §213(a)(1), Dec. 20, 2019, 133 Stat. 1256, §2358b; amended Pub. L. 116-283, div. A, title X, §1081(a)(37), title XVIII, §1842(b), Jan. 1, 2021, 134 Stat. 3872, 4244; renumbered §1766, Pub. L. 116-283, div. A, title XVIII, §1878A(a), as added Pub. L. 117-81, div. A, title XVII, §1701(q)(2), Dec. 27, 2021, 135 Stat. 2149; Pub. L. 117-81, div. A, title II, §§211(d), 213(a), title XVII, §1701(q)(1), (u)(3)(B), Dec. 27,

2021, 135 Stat. 1587, 1588, 2148, 2152; Pub. L. 118-31, div. A, title IX, §913(a)(4), Dec. 22, 2023, 137 Stat. 368.)

Editorial Notes

REFERENCES IN TEXT

Section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, referred to in subsec. (c)(2)(B)(ii)(II), is section 218 of Pub. L. 115-232, div. A, title II, Aug. 13, 2018, 132 Stat. 1679, which was repealed and restated as section 118c of this title by Pub. L. 117-81, div. A, title II, §211(a), (c), Dec. 27, 2021, 135 Stat. 1585, 1587. Amendment striking reference to repealed section 218 of Pub. L. 115-232 and inserting reference to section 118c of this title was undone by subsequent general amendment, which reinstated the prior reference. See 2021 Amendment notes below.

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31, §913(a)(4)(A), substituted “as determined by the Secretary of Defense” for “as determined by the Under Secretary of Defense for Research and Engineering”.

Subsec. (c)(3). Pub. L. 118-31, §913(a)(4)(B), substituted “as directed by the Secretary of Defense” for “as directed by the Under Secretary of Defense for Research and Engineering”.

2021—Pub. L. 116-283, §1878A(a), as added by Pub. L. 117-81, §1701(q)(2), renumbered section 2358b of this title as this section.

Pub. L. 116-283, §1842(b), which directed the renumbering of section 2358b of this title as section 4064 instead of this section, was amended by Pub. L. 117-81, §1701(q)(1), (u)(3)(B), effective as if included therein, so that such renumbering was no longer directed.

Subsec. (a)(2). Pub. L. 116-283, §1081(a)(37), substituted “accelerate” for “to accelerate”.

Subsec. (c)(2)(B)(ii). Pub. L. 117-81, §213(a), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “the technology requirements of the Department of Defense as identified in the National Defense Science and Technology Strategy developed under section 118c of this title; and”.

Pub. L. 117-81, §211(d), substituted “section 118c of this title” for “section 218 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1679)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2023 AMENDMENT

Pub. L. 118-31, div. A, title IX, §913(b)(1), Dec. 22, 2023, 137 Stat. 368, provided that: “The amendments made by subsection (a) [enacting section 4127 of this title and amending this section and sections 4021 and 4022 of this title] shall take effect 180 days after the date of the enactment of this Act [Dec. 22, 2023].”

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(q), (u)(3)(B) of Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

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.

IMPLEMENTATION OF 2023 AMENDMENT

Pub. L. 118-31, div. A, title IX, §913(b)(2), Dec. 22, 2023, 137 Stat. 368, provided that: “Not later than the effective date specified in paragraph (1) [set out as an Effective Date of 2023 Amendment note above], the Secretary of Defense shall issue or modify any rules, regulations, policies, or other guidance necessary to imple-

ment the amendments made by subsection (a) [enacting section 4127 of this title and amending this section and sections 4021 and 4022 of this title].”

CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

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SUBCHAPTER I—MILITARY FAMILY PROGRAMS

Sec.	
1781.	Office of Military Family Readiness Policy.
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AMENDMENTS

2021—Pub. L. 116-283, div. A, title V, § 583(b), Jan. 1, 2021, 134 Stat. 3654, which directed amendment of the table of sections at the beginning of chapter 88 by adding item 1788a and striking out former item 1788a “Family support programs: immediate family members of members of special operations forces”, was executed to the analysis of this subchapter, to reflect the probable intent of Congress.

2017—Pub. L. 115-91, div. A, title V, § 555(e), Dec. 12, 2017, 131 Stat. 1403, added item 1788a.

2016—Pub. L. 114-328, div. A, title IX, § 933(a)(4)(B), (b)(5)(B), Dec. 23, 2016, 130 Stat. 2364, 2365, substituted “Office of Military Family Readiness Policy” for “Office of Family Policy” in item 1781 and “Office of Special Needs” for “Office of Community Support for Military Families With Special Needs” in item 1781c.

2011—Pub. L. 112-74, div. A, title VIII, § 8070(b), Dec. 23, 2011, 125 Stat. 823, added item 1790.

2009—Pub. L. 111-84, div. A, title V, § 563(a)(2), Oct. 28, 2009, 123 Stat. 2307, added item 1781c.

2008—Pub. L. 110-417, [div. A], title V, § 582(b), Oct. 14, 2008, 122 Stat. 4474, added item 1784a.

Pub. L. 110-181, div. A, title V, § 581(d), Jan. 28, 2008, 122 Stat. 122, added items 1781a and 1781b.

2003—Pub. L. 108-136, div. A, title V, § 582(a)(2), Nov. 24, 2003, 117 Stat. 1490, added item 1789.

2002—Pub. L. 107-314, div. A, title VI, § 652(a)(2), Dec. 2, 2002, 116 Stat. 2581, added item 1788.

§ 1781. Office of Military Family Readiness Policy

(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Military Family Readiness Policy (in this section referred to as the “Office”). The Office shall be headed by the Director of Military Family Readiness Policy, who shall serve within the Office of

the Under Secretary of Defense for Personnel and Readiness.

(b) DUTIES.—The Office—

(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(c) STAFF.—The Office shall have not less than five professional staff members.

(d) NON-MEDICAL COUNSELING SERVICES.—(1) In carrying out its duties under subsection (b), the Office may coordinate programs and activities to provide non-medical counseling services to military families through the Department of Defense Military and Family Life Counseling Program.

(2) A mental health care professional described in paragraph (3) may provide non-medical counseling services at any location in a State, the District of Columbia, or a territory or possession of the United States, without regard to where the professional or recipient of such services is located or delivery of such services is provided (including face-to-face and telehealth), if the provision of such services is within the scope of the authorized Federal duties of the professional.

(3) A non-medical mental health professional described in this subsection is a person who is—

(A) a currently licensed mental health care provider who holds a license that is—

(i) issued by a State, the District of Columbia, or a territory or possession of the United States; and

(ii) recognized by the Secretary of Defense as an appropriate license for the provision of non-medical counseling services;

(B) a member of the armed forces, a civilian employee of the Department of Defense, or a contractor designated by the Secretary; and

(C) performing authorized duties for the Department of Defense under a program or activity referred to in paragraph (1).

(4) The authority under this subsection shall terminate three years after the date of the enactment of this subsection.

(5) In this subsection, the term “non-medical counseling services” means mental health care services that are non-clinical, short-term and solution focused, and address topics related to personal growth, development, and positive functioning.

(Added Pub. L. 104-106, div. A, title V, § 568(a)(1), Feb. 10, 1996, 110 Stat. 330; amended Pub. L. 111-383, div. A, title IX, § 901(h), Jan. 7, 2011, 124 Stat. 4323; Pub. L. 112-239, div. A, title X, § 1076(f)(21), Jan. 2, 2013, 126 Stat. 1952; Pub. L. 114-328, div. A, title IX, § 933(a)(1), (4)(A), Dec. 23, 2016, 130 Stat. 2364; Pub. L. 118-31, div. A, title V, § 581, Dec. 22, 2023, 137 Stat. 279.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d)(4), is the date of enactment of Pub. L. 118-31, which was approved Dec. 22, 2023.