TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART II - PERSONNEL
CHAPTER 87 - DEFENSE ACQUISITION WORKFORCE
SUBCHAPTER I - GENERAL AUTHORITIES AND RESPONSIBILITIES

§ 1701. Management policies

(a) Policies and Procedures.— The Secretary of Defense shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in acquisition positions in the Department of Defense.

(b) Uniform Implementation.— The Secretary shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established in accordance with this chapter are uniform in their implementation throughout the Department of Defense.


Effective Date

Section 1211 of title XII of Pub. L. 101–510 provided that: “Except as otherwise provided in this title [see Short Title note below], this title and the amendments made by this title, including chapter 87 of title 10, United States Code (as added by section 1202), shall take effect on the date of the enactment of this Act [Nov. 5, 1990].”

Short Title

Section 1201 of title XII of Pub. L. 101–510 provided that: “This title [enacting this chapter, sections 5379 and 5380 of Title 5, Government Organization and Employees, and section 317 of Title 37, Pay and Allowances of the Uniformed Services, amending sections 101 and 2435 of this title and sections 4107, 4301, 5102, 5532, 5724, 5742, 5924, 5942, 8344, and 8468 of Title 5, repealing sections 1621 to 1624 of this title, enacting provisions set out as notes under this section and sections 1621 to 1623, 1705, 1721, 1722, 1724, 1733, 1734, 1746, 1761, 1762, and 2435 of this title, sections 3326, 5380, and 5532 of Title 5, and section 317 of Title 37, and repealing provisions set out as a note under section 2304 of this title] may be cited as the ‘Defense Acquisition Workforce Improvement Act’.”

Regulations

Section 1210(a) of title XII of Pub. L. 101–510 provided that: “Unless otherwise provided in this title [see Short Title note above] and in subsection (b) [set out below], the Secretary of Defense shall promulgate regulations to implement this title and the amendments made by this title not later than one year after the date of the enactment of this Act [Nov. 5, 1990].”

Coordination of Human Systems Integration Activities Related to Acquisition Programs


“(a) In General.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall coordinate and manage human systems integration activities throughout the acquisition programs of the Department of Defense.

“(b) Administration.—In carrying out subsection (a), the Secretary shall designate a senior official to be responsible for the effort.

“(c) Responsibilities.—In carrying out this section, the senior official designated in subsection (b) shall—

“(1) coordinate the planning, management, and execution of such activities; and

“(2) identify and recommend, as appropriate, resource requirements for human systems integration activities.

“(d) Designation.—The designation required by subsection (b) shall be made not later than 60 days after the date of the enactment of this Act [Jan. 28, 2008].”
Requirements for Senior Department of Defense Officials Seeking Employment With Defense Contractors


“(a) Requirement to Seek and Obtain Written Opinion.—

“(1) Request.—An official or former official of the Department of Defense described in subsection (c) who, within two years after leaving service in the Department of Defense, expects to receive compensation from a Department of Defense contractor, shall, prior to accepting such compensation, request a written opinion regarding the applicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

“(2) Submission of request.—A request for a written opinion under paragraph (1) shall be submitted in writing to an ethics official of the Department of Defense having responsibility for the organization in which the official or former official serves or served and shall set forth all information relevant to the request, including information relating to government positions held and major duties in those positions, actions taken concerning future employment, positions sought, and future job descriptions, if applicable.

“(3) Written opinion.—Not later than 30 days after receiving a request by an official or former official of the Department of Defense described in subsection (c), the appropriate ethics counselor shall provide such official or former official a written opinion regarding the applicability or inapplicability of post-employment restrictions to activities that the official or former official may undertake on behalf of a contractor.

“(4) Contractor requirement.—A Department of Defense contractor may not knowingly provide compensation to a former Department of Defense official described in subsection (c), or a Department of Defense contractor, knowingly fails to comply with the requirements of this subsection, the Secretary of Defense may take any of the administrative actions set forth in section 27(e) of the Office of Federal Procurement Policy Act ([former] 41 U.S.C. 423 (e)) [now 41 U.S.C. 2105] that the Secretary of Defense determines to be appropriate.

“(b) Recordkeeping Requirement.—

“(1) Database.—Each request for a written opinion made pursuant to this section, and each written opinion provided pursuant to such a request, shall be retained by the Department of Defense in a central database or repository for not less than five years beginning on the date on which the written opinion was provided.

“(2) Inspector general review.—The Inspector General of the Department of Defense shall conduct periodic reviews to ensure that written opinions are being provided and retained in accordance with the requirements of this section. The first such review shall be conducted no later than two years after the date of the enactment of this Act [Jan. 28, 2008].

“(c) Covered Department of Defense Officials.—An official or former official of the Department of Defense is covered by the requirements of this section if such official or former official—

“(1) participated personally and substantially in an acquisition as defined in section 4(16) of the Office of Federal Procurement Policy Act [now 41 U.S.C. 131] with a value in excess of $10,000,000 and serves or served—

“(A) in an Executive Schedule position under subchapter II of chapter 53 of title 5, United States Code;

“(B) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code; or

“(C) in a general or flag officer position compensated at a rate of pay for grade O–7 or above under section 201 of title 37, United States Code; or

“(2) serves or served as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract in an amount in excess of $10,000,000.

“(d) Definition.—In this section, the term ‘post-employment restrictions’ includes—


“(2) section 207 of title 18, United States Code; and

“(3) any other statute or regulation restricting the employment or activities of individuals who leave government service in the Department of Defense.”
Government Performance of Critical Acquisition Functions


“(a) Goal.—It shall be the goal of the Department of Defense and each of the military departments to ensure that, within five years after the date of the enactment of this Act [Oct. 17, 2006], for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the Armed Forces or full-time employee of the Department of Defense:

“(1) Program manager.
“(2) Deputy program manager.
“(3) Product support manager.
“(4) Chief engineer.
“(5) Systems engineer.
“(6) Chief developmental tester.
“(7) Cost estimator.

“(b) Plan of Action.—Not later than six months after the date of enactment of this Act [Oct. 17, 2006], the Secretary of Defense shall develop and begin implementation of a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a). The plan of action required by this subsection shall include specific, measurable interim milestones.

“(c) Reports.—Not later than one year after the date of the enactment of this Act [Oct. 17, 2006] and each year thereafter, 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 report on the progress made by the Department of Defense and the military departments toward achieving the goal established in subsection (a).

“(d) Definitions.—In this section:

“(1) The term ‘major defense acquisition program’ has the meaning given such term in section 2430 (a) of title 10, United States Code.
“(2) The term ‘major automated information system program’ has the meaning given such term in section 2445a (a) of title 10, United States Code (as added by section 816 of this Act).”

Demonstration Project Relating to Certain Personnel Management Policies and Procedures


Evaluation by Comptroller General


Deadlines for Qualification Requirements

Section 1210(b) of Pub. L. 101–510 provided that: “Not later than October 1, 1992, the Secretary of Defense shall prescribe regulations to implement sections 1723, 1724, and 1732 of title 10, United States Code (as added by section 1202).”