

EFFECTIVE DATE

Pub. L. 114-328, div. A, title VIII, § 805(a)(4), Dec. 23, 2016, 130 Stat. 2255, provided that: “Subchapter I of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.”

§ 2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design

(a) PROGRAM CAPABILITY DOCUMENT.—A program capability document for a major defense acquisition program shall identify and characterize—

(1) the extent to which requirements for system performance are likely to evolve during the life cycle of the system because of evolving technology, threat, or interoperability needs; and

(2) for requirements that are expected to evolve, the minimum acceptable capability that is necessary for initial operating capability of the major defense acquisition program.

(b) ANALYSIS OF ALTERNATIVES.—The Director of Cost Assessment and Performance Evaluation, in formulating study guidance for analyses of alternatives for major defense acquisition programs and performing such analyses under section 139a(d)(4) of this title, shall ensure that any such analysis for a major defense acquisition program includes consideration of evolutionary acquisition, prototyping, and a modular open system approach.

(c) ACQUISITION STRATEGY.—In the case of a major defense acquisition program that uses a modular open system approach, the acquisition strategy required under section 2431a of this title shall—

(1) clearly describe the modular open system approach to be used for the program;

(2) differentiate between the major system platform and major system components being developed under the program, as well as major system components developed outside the program that will be integrated into the major defense acquisition program;

(3) clearly describe the evolution of major system components that are anticipated to be added, removed, or replaced in subsequent increments;

(4) identify additional major system components that may be added later in the life cycle of the major system platform;

(5) clearly describe how intellectual property and related issues, such as technical data deliverables, that are necessary to support a modular open system approach, will be addressed; and

(6) clearly describe the approach to systems integration and systems-level configuration management to ensure mission and information assurance.

(d) REQUEST FOR PROPOSALS.—The milestone decision authority for a major defense acquisition program that uses a modular open system approach shall ensure that a request for proposals for the development or production phases of the program shall describe the modular open system approach and the minimum set of major system components that must be included in the design of the major defense acquisition program.

(e) MILESTONE B.—A major defense acquisition program may not receive Milestone B approval under section 2366b of this title until the milestone decision authority determines in writing—

(1) in the case of a program that uses a modular open system approach, that—

(A) the program incorporates clearly defined major system interfaces between the major system platform and major system components, between major system components, and between major system platforms;

(B) such major system interfaces are consistent with the widely supported and consensus-based standards that exist at the time of the milestone decision, unless such standards are unavailable or unsuitable for particular major system interfaces; and

(C) the Government has arranged to obtain appropriate and necessary intellectual property rights with respect to such major system interfaces upon completion of the development of the major system platform; or

(2) in the case of a program that does not use a modular open system approach, that the use of a modular open system approach is not practicable.

(f) IMPLEMENTATION GUIDANCE.—The Secretaries of the military departments shall issue guidance to implement the requirements of this section.

(Added Pub. L. 114-328, div. A, title VIII, § 805(a)(1), Dec. 23, 2016, 130 Stat. 2253; amended Pub. L. 115-91, div. A, title X, § 1081(a)(40), Dec. 12, 2017, 131 Stat. 1596; Pub. L. 116-92, div. A, title VIII, § 840(a), Dec. 20, 2019, 133 Stat. 1499.)

AMENDMENTS

2019—Subsec. (f). Pub. L. 116-92 added subsec. (f).

2017—Subsec. (e). Pub. L. 115-91 substituted “in writing—” for “in writing that—” in introductory provisions and inserted “, that” after “open system approach” in introductory provisions of par. (1).

EFFECTIVE DATE

Section effective Jan. 1, 2017, see section 805(a)(4) of Pub. L. 114-328, set out as a note under section 2446a of this title.

§ 2446c. Requirements relating to availability of major system interfaces and support for modular open system approach

The Secretary of each military department shall—

(1) coordinate with the other military departments, the defense agencies, defense and other private sector entities, national standards-setting organizations, and, when appropriate, with elements of the intelligence community with respect to the specification, identification, development, and maintenance of major system interfaces and standards for use in major system platforms, where practicable;

(2) ensure that major system interfaces incorporate commercial standards and other widely supported consensus-based standards that are validated, published, and maintained by recognized standards organizations to the maximum extent practicable;

(3) ensure that sufficient systems engineering and development expertise and resources

are available to support the use of a modular open system approach in requirements development and acquisition program planning;

(4) ensure that necessary planning, programming, and budgeting resources are provided to specify, identify, develop, and sustain the modular open system approach, associated major system interfaces, systems integration, and any additional program activities necessary to sustain innovation and interoperability;

(5) ensure that adequate training in the use of a modular open system approach is provided to members of the requirements and acquisition workforce; and

(6) issue guidance to implement the requirements of this section.

(Added Pub. L. 114-328, div. A, title VIII, § 805(a)(1), Dec. 23, 2016, 130 Stat. 2255; amended Pub. L. 116-92, div. A, title VIII, § 840(b), Dec. 20, 2019, 133 Stat. 1499.)

AMENDMENTS

2019—Par. (6). Pub. L. 116-92 added par. (6).

EFFECTIVE DATE

Section effective Jan. 1, 2017, see section 805(a)(4) of Pub. L. 114-328, set out as a note under section 2446a of this title.

SUBCHAPTER II—DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY

Sec.

- 2447a. Weapon system component or technology prototype projects: display of budget information.
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- 2447d. Mechanisms to speed deployment of successful weapon system component or technology prototypes.
- 2447e. Definition of weapon system component.

§ 2447a. Weapon system component or technology prototype projects: display of budget information

(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the defense budget materials for any fiscal year, the Secretary of Defense shall, with respect to advanced component development and prototype activities (within the research, development, test, and evaluation budget), set forth the amounts requested for each of the following:

(1) Acquisition programs of record.

(2) Development, prototyping, and experimentation of weapon system components or other technologies, including those based on commercial products and technologies, separate from acquisition programs of record.

(3) Other budget line items as determined by the Secretary of Defense.

(b) ADDITIONAL REQUIREMENTS.—For purposes of subsection (a)(2), the amounts requested for development, prototyping, and experimentation of weapon system components or other technologies shall be—

(1) structured into either capability, weapon system component, or technology portfolios

that reflect the priority areas for prototype projects; and

(2) justified with general descriptions of the types of capability areas and technologies being funded or expected to be funded during the fiscal year concerned.

(c) DEFINITIONS.—In this section, the terms “budget” and “defense budget materials” have the meaning given those terms in section 234 of this title and the term “commercial product” has the meaning given that term in section 103 of title 41.

(Added Pub. L. 114-328, div. A, title VIII, § 806(a)(1), Dec. 23, 2016, 130 Stat. 2256; amended Pub. L. 115-232, div. A, title VIII, § 836(e)(8), Aug. 13, 2018, 132 Stat. 1870; Pub. L. 116-92, div. A, title XVII, § 1731(a)(51), Dec. 20, 2019, 133 Stat. 1815.)

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-92 struck out “after fiscal year 2017” after “any fiscal year” in introductory provisions.

2018—Subsec. (a)(2). Pub. L. 115-232, § 836(e)(8)(A), substituted “commercial products and technologies” for “commercial items and technologies”.

Subsec. (c). Pub. L. 115-232, § 836(e)(8)(B), inserted before period at end “and the term ‘commercial product’ has the meaning given that term in section 103 of title 41”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

EFFECTIVE DATE

Pub. L. 114-328, div. A, title VIII, § 806(a)(2), Dec. 23, 2016, 130 Stat. 2259, provided that: “Subchapter II of chapter 144B of title 10, United States Code, as added by paragraph (1), shall take effect on January 1, 2017.”

§ 2447b. Weapon system component or technology prototype projects: oversight

(a) ESTABLISHMENT.—The Secretary of each military department shall establish an oversight board or identify a similar existing group of senior advisors for managing prototype projects for weapon system components and other technologies and subsystems, including the use of funds for such projects, within the military department concerned.

(b) MEMBERSHIP.—Each oversight board shall be comprised of senior officials with—

(1) expertise in requirements; research, development, test, and evaluation; acquisition; sustainment; or other relevant areas within the military department concerned;

(2) awareness of technology development activities and opportunities in the Department of Defense, industry, and other sources; and

(3) awareness of the component capability requirements of major weapon systems, including scheduling and fielding goals for such component capabilities.

(c) FUNCTIONS.—The functions of each oversight board are as follows:

(1) To issue a strategic plan every three years that prioritizes the capability and weapon system component portfolio areas for con-