

(6) MILESTONE B APPROVAL.—The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of this title.

(7) MILESTONE DECISION AUTHORITY.—The term “milestone decision authority” has the meaning given in section 2431a(e)(5) of this title.

(Added Pub. L. 112-239, div. A, title VIII, § 823(a)(1), Jan. 2, 2013, 126 Stat. 1830; amended Pub. L. 113-66, div. A, title VIII, § 823, Dec. 26, 2013, 127 Stat. 809; Pub. L. 116-283, div. A, title VIII, § 802(a), Jan. 1, 2021, 134 Stat. 3731.)

#### TRANSFER OF SECTION

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1848(d)(1), Jan. 1, 2021, 134 Stat. 4151, 4258, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 323 of this title, as added by section 1848(a) of Pub. L. 116-283, inserted after section 4323, and redesignated as section 4324 of this title. See Effective Date of 2021 Amendment note below.*

#### AMENDMENTS

2021—Pub. L. 116-283, § 802(a)(1)–(3), substituted “covered system” for “major weapon system” in subsec. (c)(1) and introductory provisions of subsec. (c)(2) and for “weapon system” in subsecs. (c)(2)(I) and (d)(1) and substituted “covered systems” for “major weapon systems” wherever appearing.

Subsec. (b). Pub. L. 116-283, § 802(a)(5), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 116-283, § 802(a)(4), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(2)(A). Pub. L. 116-283, § 802(a)(6)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “develop and implement a comprehensive product support strategy for the weapon system;”.

Subsec. (c)(2)(B). Pub. L. 116-283, § 802(a)(6)(B), substituted “ensure the life cycle sustainment plan is informed by” for “use”.

Subsec. (c)(2)(C). Pub. L. 116-283, § 802(a)(6)(C), inserted “and life cycle sustainment plan” after “product support strategy”.

Subsec. (d). Pub. L. 116-283, § 802(a)(4), redesignated subsec. (c) as (d).

Subsec. (d)(5). Pub. L. 116-283, § 802(a)(7)(A), amended par. (5) generally. Prior to amendment, par. (5) defined “major weapon system”.

Subsec. (d)(6), (7). Pub. L. 116-283, § 802(a)(7)(B), added pars. (6) and (7).

2013—Subsec. (b)(2)(I). Pub. L. 113-66 added subpar. (I).

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1848(d)(1) of 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.

#### SIMILAR PROVISIONS

Provisions similar to this section were contained in section 805 of Pub. L. 111-84, which was set out as a note under section 2302 of this title prior to repeal by Pub. L. 112-239, div. A, title VIII, § 823(b), Jan. 2, 2013, 126 Stat. 1832.

### § 2337a. Assessment, management, and control of operating and support costs for major weapon systems

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue and maintain guidance on ac-

tions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

(b) ELEMENTS.—The guidance required by subsection (a) shall, at a minimum—

(1) be issued in conjunction with the comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems required by section 2337 of this title;

(2) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

(3) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

(4) establish policies and procedures for the collection, organization, maintenance, and availability of standardized data on operating and support costs for major weapon systems in accordance with section 2222 of this title;

(5) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

(6) require the military departments—

(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

(7) require the military departments to ensure that sustainment factors are fully considered at key life-cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

(8) require the military departments to conduct an independent logistics assessment of each major weapon system prior to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

(9) include—

(A) reliability metrics for major weapon systems; and

(B) requirements on the use of metrics under subparagraph (A) as triggers—

(i) to conduct further investigation and analysis into drivers of those metrics; and

(ii) to develop strategies for improving reliability, availability, and maintain-

ability of such systems at an affordable cost; and

(10) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

(C) with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, may direct the military departments to collect and retain information necessary to support the database.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term “major weapon system” has the meaning given that term in section 2379(f) of this title.

(Added Pub. L. 115–91, div. A, title VIII, § 836(a)(1), Dec. 12, 2017, 131 Stat. 1472; amended Pub. L. 115–232, div. A, title X, § 1081(a)(20), Aug. 13, 2018, 132 Stat. 1984.)

TRANSFER OF SECTION

*Pub. L. 116–283, div. A, title XVIII, §§ 1801(d), 1848(d)(1), Jan. 1, 2021, 134 Stat. 4151, 4258, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 323 of this title, as added by section 1848(a) of Pub. L. 116–283, inserted after section 4324, and redesignated as section 4325 of this title. See Effective Date of 2021 Amendment note below.*

SIMILAR PROVISIONS

Provisions similar to this section were contained in section 832 of Pub. L. 112–81, which was set out as a note under section 2430 of this title, prior to repeal by Pub. L. 115–91, div. A, title VIII, § 836(b)(1), Dec. 12, 2017, 131 Stat. 1473.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115–232 substituted “this title” for “title 10, United States Code”.

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.

STANDARDIZED POLICY GUIDANCE FOR CALCULATING AIRCRAFT OPERATION AND SUSTAINMENT COSTS

Pub. L. 116–92, div. A, title XVII, § 1747, Dec. 20, 2019, 133 Stat. 1847, provided that: “Not later than 270 days after the date of the enactment of this Act [Dec. 20, 2019], the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Director of Cost Analysis and Program Evaluation and in consultation with the Secretary of each of the military services, shall develop and implement standardized policy guidance for calculating aircraft operation and sustainment costs for the Department of Defense. Such guidance shall provide for a standardized calculation of—

“(1) aircraft cost per flying hour;

“(2) aircraft cost per aircraft tail per year;

“(3) total cost of ownership per flying hour for aircraft systems;

“(4) average annual operation and sustainment cost per aircraft; and

“(5) any other cost metrics the Under Secretary of Defense determines appropriate.”

SHOULD-COST MANAGEMENT

Pub. L. 115–91, div. A, title VIII, § 837, Dec. 12, 2017, 131 Stat. 1474, provided that:

“(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall amend the Defense Supplement to the Federal Acquisition Regulation to provide for the appropriate use of the should-cost review process of a major weapon system in a manner that is transparent, objective, and provides for the efficiency of the systems acquisition process in the Department of the Defense.

“(b) REQUIRED ELEMENTS.—The regulations required under subsection (a) shall incorporate, at a minimum, the following elements:

“(1) A description of the features of the should-cost review process.

“(2) Establishment of a process for communicating with the prime contractor on the program the elements of a proposed should-cost review.

“(3) A method for ensuring that identified should-cost savings opportunities are based on accurate, complete, and current information and can be quantified and tracked.

“(4) A description of the training, skills, and experience that Department of Defense and contractor officials carrying out a should-cost review in subsection (a) should possess.

“(5) A method for ensuring appropriate collaboration with the contractor throughout the review process.

“(6) Establishment of review process requirements that provide for sufficient analysis and minimize any impact on program schedule.”

§ 2338. Micro-purchase threshold

The micro-purchase threshold for the Department of Defense is \$10,000.

(Added Pub. L. 114–328, div. A, title VIII, § 821(a), Dec. 23, 2016, 130 Stat. 2276; amended Pub. L. 115–232, div. A, title VIII, § 821(a), Aug. 13, 2018, 132 Stat. 1853.)

TRANSFER OF SECTION

*Pub. L. 116–283, div. A, title XVIII, §§ 1801(d), 1823(b), Jan. 1, 2021, 134 Stat. 4151, 4205, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this section is transferred to chapter 251 of this title, as*