

Sec.	
2441.	Sustainment reviews.
2442.	Prohibition on use of lowest price technically acceptable source selection process.
2443.	Sustainment factors in weapon system design.

#### REPEAL OF CHAPTER

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1881(a), Jan. 1, 2021, 134 Stat. 4151, 4293, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, this chapter is repealed.*

#### AMENDMENTS

2021—Pub. L. 116-283, div. A, title VIII, § 846(b)(2), Jan. 1, 2021, 134 Stat. 3768, added item 2440 and struck out former item 2440 “Technology and industrial base plans”.

2019—Pub. L. 116-92, div. A, title XVII, § 1731(a)(49), Dec. 20, 2019, 133 Stat. 1815, amended item 2439 generally. Prior to amendment, item 2439 read as follows: “Negotiation of price for technical data before development or production of major weapon systems.”.

2018—Pub. L. 115-232, div. A, title X, § 1081(c)(1), Aug. 13, 2018, 132 Stat. 1985, made technical amendment to directory language of Pub. L. 115-91, § 834(a)(2), effective as of Dec. 12, 2017, and as if included in Pub. L. 115-91 as enacted. See 2017 Amendment note below.

2017—Pub. L. 115-91, div. A, title VIII, §§ 832(a)(2), 835(a)(2), title X, § 1081(a)(37), Dec. 12, 2017, 131 Stat. 1468, 1471, 1596, added items 2439 and 2442 and substituted “Risk management and mitigation in major defense acquisition programs and major systems” for “Risk reduction in major defense acquisition programs and major systems” in item 2431b.

Pub. L. 115-91, div. A, title VIII, § 834(a)(2), Dec. 12, 2017, 131 Stat. 1470, as amended by Pub. L. 115-232, div. A, title X, § 1081(c)(1), Aug. 13, 2018, 132 Stat. 1985, added item 2443.

2016—Pub. L. 114-328, div. A, title VIII, §§ 842(c)(2), 849(c)(2), Dec. 23, 2016, 130 Stat. 2290, 2294, struck out item 2434 “Independent cost estimates” and added item 2441.

2015—Pub. L. 114-92, div. A, title VIII, §§ 821(a)(2), 822(a)(2), 831(c)(2), Nov. 25, 2015, 129 Stat. 900, 901, 912, added items 2431a and 2431b and substituted “Independent cost estimates” for “Independent cost estimates; operational manpower requirements” in item 2434.

2011—Pub. L. 111-383, div. A, title IX, § 901(k)(2)(B), Jan. 7, 2011, 124 Stat. 4326, added item 2438.

2009—Pub. L. 111-23, title II, § 206(a)(2), May 22, 2009, 123 Stat. 1728, added item 2433a.

2008—Pub. L. 110-417, [div. A], title VIII, § 811(a)(2), Oct. 14, 2008, 122 Stat. 4521, added item 2430a.

2004—Pub. L. 108-375, div. A, title VIII, § 805(a)(2), Oct. 28, 2004, 118 Stat. 2009, added item 2437.

2003—Pub. L. 108-136, div. A, title VIII, § 822(a)(2), Nov. 24, 2003, 117 Stat. 1547, added item 2436.

1994—Pub. L. 103-355, title III, §§ 3005(b), 3006(b), 3007(b), Oct. 13, 1994, 108 Stat. 3331, substituted “Baseline description” for “Enhanced program stability” in item 2435 and struck out items 2438 “Major programs: competitive phototyping” and 2439 “Major programs: competitive alternative sources”.

1993—Pub. L. 103-160, div. A, title VIII, § 828(a)(4), Nov. 30, 1993, 107 Stat. 1713, struck out items 2436 “Defense enterprise programs” and 2437 “Defense enterprise programs: milestone authorization”.

1992—Pub. L. 102-484, div. A, title VIII, § 821(a)(2), div. D, title XLII, § 4216(b)(2), Oct. 23, 1992, 106 Stat. 2460, 2670, added items 2438 and 2440 and redesignated former item 2438 as 2439.

1987—Pub. L. 100-26, § 7(b)(1), (2)(B), (9)(B), Apr. 21, 1987, 100 Stat. 279, 280, substituted “Major Defense Acquisition Programs” for “Oversight of Cost Growth in Major Programs” in chapter heading, added item 2430,

and transferred former item 2305a from chapter 137 and redesignated it as item 2438.

1986—Pub. L. 99-661, div. A, title XII, § 1208(c)(2), Nov. 14, 1986, 100 Stat. 3976, inserted “; operational manpower requirements” in item 2434.

Pub. L. 99-500, § 101(c) [title X, §§ 904(a)(2), 905(a)(2), 906(a)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-134, 1783-135, 1783-137, and Pub. L. 99-591, § 101(c) [title X, §§ 904(a)(2), 905(a)(2), 906(a)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-134, 3341-135, 3341-137; Pub. L. 99-661, div. A, title IX, formerly title IV, §§ 904(a)(2), 905(a)(2), 906(a)(2), Nov. 14, 1986, 100 Stat. 3914-3916, renumbered title IX, Pub. L. 100-26, § 3(5), Apr. 21, 1987, 101 Stat. 273, added items 2435 to 2437.

Pub. L. 99-433, title I, § 101(a)(4), Oct. 1, 1986, 100 Stat. 994, added chapter heading and analysis of sections for chapter 144, consisting of sections 2431 to 2434.

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 2430. Major defense acquisition program defined

(a)(1) Except as provided under paragraph (2), in this chapter, the term “major defense acquisition program” means a Department of Defense acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

(A) that is designated by the Secretary of Defense as a major defense acquisition program; or

(B) in the case of a program that is not a program for the acquisition of an automated information system (either a product or a service), that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than \$300,000,000 (based on fiscal year 1990 constant dollars) or an eventual total expenditure for procurement, including all planned increments or spirals, of more than \$1,800,000,000 (based on fiscal year 1990 constant dollars).

(2) In this chapter, the term “major defense acquisition program” does not include—

(A) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note); or

(B) an acquisition program for a defense business system (as defined in section 2222(i)(1) of this title) carried out using the acquisition guidance issued pursuant to section 883(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2223a note).

(b) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in subsection (a)(1)(B) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(c) For purposes of subsection (a)(1)(B), the Secretary shall consider, as applicable, the following: