

“(iv) the risks of developmental test and production concurrency; and
 “(v) the developmental test criteria for entering the production phase; and
 “(B) for the sufficiency assessment required by section 2366c(a)(4) of such title [now 10 U.S.C. 4253(a)(4)], that the assessment address—
 “(i) the sufficiency of the developmental test and evaluation completed;
 “(ii) the sufficiency of the plans and resources available for remaining developmental test and evaluation;
 “(iii) the risks identified during developmental testing to the production and deployment phase;
 “(iv) the sufficiency of the plans and resources for remaining developmental test and evaluation; and
 “(v) the readiness of the system to perform scheduled initial operational test and evaluation.”

MILESTONE B DECISIONS

Pub. L. 114-92, div. A, title VIII, §802(d)(3), Nov. 25, 2015, 129 Stat. 880, provided that: “The Chief of the Armed Force concerned shall advise the milestone decision authority for a major defense acquisition program of the Chief’s views on cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program, as provided in section 2366b(b)(3) of title 10, United States Code [now 10 U.S.C. 4252(b)(3)], as amended by section 824 of this Act, prior to a Milestone B decision on the program.”

FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS

Pub. L. 110-417, [div. A], title X, §1047(d), Oct. 14, 2008, 122 Stat. 4603, as amended by Pub. L. 111-84, div. A, title X, §1033, Oct. 28, 2009, 123 Stat. 2449; Pub. L. 115-232, div. A, title VIII, §813(c), Aug. 13, 2018, 132 Stat. 1851, provided that: “The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

“(A) the bandwidth requirements needed to support such program are or will be met; and
 “(B) a determination will be made with respect to how to meet the bandwidth requirements for such program.”

§ 4253. Major defense acquisition programs: submissions to Congress on Milestone C

(a) BRIEF SUMMARY REPORT.—Not later than 15 days after granting Milestone C approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following:

(1) The estimated cost and schedule for the program established by the military department concerned, including—

(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

(B) the planned dates for initial operational test and evaluation and initial operational capability.

(2) The independent estimated cost for the program established pursuant to section 3221(b)(6) of this title, and any independent estimated schedule for the program, including—

(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

(B) the planned dates for initial operational test and evaluation and initial operational capability.

(3) A summary of any production, manufacturing, and fielding risks associated with the program.

(4) An assessment of the sufficiency of the developmental test and evaluation completed, including the use of automated data analytics or modeling and simulation tools and methodologies.

(b) ADDITIONAL INFORMATION.—At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee further information or underlying documentation for the information in a brief summary report submitted under subsection (a), including the independent cost and schedule estimates and the independent technical risk assessments referred to in that subsection.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” has the meaning given that term in section 437(c) of this title. (Added Pub. L. 114-328, div. A, title VIII, §808(c)(1), Dec. 23, 2016, 130 Stat. 2265, §2366c; amended Pub. L. 115-91, div. A, title VIII, §838(a)(2), Dec. 12, 2017, 131 Stat. 1474; renumbered §4253 and amended Pub. L. 116-283, div. A, title XVIII, §1847(d)(3), Jan. 1, 2021, 134 Stat. 4256.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2366c of this title as this section and, in subsec. (a)(2), substituted “section 3221(b)(6)” for “section 2334(a)(6)” in introductory provisions. Section was inserted after section 4252 of this title, as renumbered by par. (2) of section 1847(d) of Pub. L. 116-283, to reflect the probable intent of Congress, notwithstanding language directing this section be inserted after section 4252 of this title “as transferred and redesignated by paragraph (3)” of section 1847(d).

2017—Subsec. (a)(4). Pub. L. 115-91 added par. (4).

Statutory Notes and Related Subsidiaries

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.

RESPONSIBILITY FOR CONDUCTING ASSESSMENTS; GUIDANCE

For provisions designating officials responsible for conducting assessments and provisions requiring guidance for assessments under subsec. (a)(4) of this section, see section 838(a)(3), (4) of Pub. L. 115-91, set out as notes under section 4252 of this title.

SUBCHAPTER IV—ADDITIONAL PROVISIONS APPLICABLE SPECIFICALLY TO MAJOR DEFENSE ACQUISITION PROGRAMS

Sec.

4271. Program cost, fielding, and performance goals in planning major defense acquisition programs.