

(3) For a covered system with critical operating and support cost growth, such submission shall include a remediation plan to reduce operating and support costs or a certification by the Secretary concerned that such critical operating and support cost growth is necessary to meet national security requirements.

(e) DEFINITIONS.—In this section:

(1) COVERED SYSTEM.—The term “covered system” shall have the meaning given in section 4324 of this title.

(2) CRITICAL OPERATING AND SUPPORT COST GROWTH.—The term “critical operating and support cost growth” means operating and support cost growth—

(A) of at least 25 percent more than the estimate documented in the most recent independent cost estimate for the covered system; or

(B) of at least 50 percent more than the estimate documented in the original Baseline Estimate (as defined in section 4214(d) of this title) for the covered system.

(Added Pub. L. 114-328, div. A, title VIII, §849(c)(1), Dec. 23, 2016, 130 Stat. 2293, §2441; amended Pub. L. 115-91, div. A, title VIII, §§816, 836(b)(2), Dec. 12, 2017, 131 Stat. 1462, 1473; renumbered §4323 and amended Pub. L. 116-283, div. A, title VIII, §802(c), title XVIII, §§1848(c), 1883(b)(2), Jan. 1, 2021, 134 Stat. 3732, 4258, 4294.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §1848(c), renumbered section 2441 of this title as this section.

Subsec. (a). Pub. L. 116-283, §802(c)(1), in first sentence, substituted “covered system” for “major weapon system”, “, and every five years thereafter throughout the life cycle of the covered system,” for “and throughout the life cycle of the weapon system”, and “costs of the covered system” for “costs of the weapon system” and struck out second sentence which read as follows: “For any review after the first one, the Secretary concerned shall use availability and reliability thresholds and cost estimates as the basis for the circumstances that prompt such a review.”

Subsec. (b). Pub. L. 116-283, §802(c)(2)(A), inserted “assess execution of the life cycle sustainment plan of the covered system and” before “include the following elements:” in introductory provisions.

Subsec. (b)(10). Pub. L. 116-283, §802(c)(2)(B), added par. (10).

Subsec. (c). Pub. L. 116-283, §1848(c), substituted “sections 4324 and 4325” for “sections 2337 and 2337a”.

Subsec. (d). Pub. L. 116-283, §802(c)(3), added subsec. (d).

Subsec. (e). Pub. L. 116-283, §802(c)(3), added subsec. (e).

Subsec. (e)(1). Pub. L. 116-283, §1883(b)(2), substituted “section 4324” for “section 2337”.

Subsec. (e)(2)(B). Pub. L. 116-283, §1883(b)(2), substituted “section 4214(d)” for “section 2435(d)”.

2017—Subsec. (a). Pub. L. 115-91, §816, inserted at end “The Secretary concerned shall make the memorandum and supporting documentation for each sustainment review available to the Under Secretary of Defense for Acquisition and Sustainment within 30 days after the review is completed.”

Subsec. (c). Pub. L. 115-91, §836(b)(2), substituted “sections 2337 and 2337a of this title” for “section 2337 of this title and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 2430 note)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by sections 1848(c) and 1883(b)(2) 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.

§ 4324. Life-cycle management and product support

(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—The Secretary of Defense shall issue and maintain comprehensive guidance on life-cycle management and the development and implementation of product support strategies for covered systems. The guidance issued pursuant to this subsection shall—

(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

(b) LIFE CYCLE SUSTAINMENT PLAN.—

(1) IN GENERAL.—Before granting Milestone B approval (or the equivalent), the milestone decision authority shall ensure that each covered system has an approved life cycle sustainment plan for which the milestone decision authority has received views from appropriate materiel, logistics, or fleet representatives. The life cycle sustainment plan shall include—

(A) a comprehensive product support strategy;

(B) performance goals, including key performance parameters for sustainment, key system attributes of the covered system, and other appropriate metrics;

(C) an approved life-cycle cost estimate for the covered system;

(D) affordability constraints and key cost factors that could affect the operating and support costs of the covered system;

(E) sustainment risks and proposed mitigation plans for such risks;

(F) engineering and design considerations that support cost-effective sustainment of the covered system;

(G) an intellectual property management plan for product support, including requirements for technical data, software, and modular open system approaches (as defined in section 4401 of this title);

(H) an estimate of the number of personnel needed to operate and maintain the covered system, including military personnel, Federal employees, contractors, and host nation support personnel (as applicable);

(I) a description of opportunities for foreign military sales; and

(J) major maintenance and overhaul requirements that will be required during the life cycle of the covered system.

(2) SUBSEQUENT PHASES.—Before granting Milestone C approval (or the equivalent) for the covered system, the milestone decision au-

thority shall ensure that the life cycle sustainment plan required by paragraph (1) for such covered system has been updated to include views received by the milestone decision authority from appropriate materiel, logistics, or fleet representatives.

(c) **PRODUCT SUPPORT MANAGERS.**—

(1) **REQUIREMENT.**—The Secretary of Defense shall require that each covered system be supported by a product support manager in accordance with this subsection.

(2) **RESPONSIBILITIES.**—A product support manager for a covered system shall—

(A) develop, update, and implement a life cycle sustainment plan described in subsection (b);

(B) ensure the life cycle sustainment plan is informed by appropriate predictive analysis and modeling tools that can improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs;

(C) conduct appropriate cost analyses to validate the product support strategy and life cycle sustainment plan, including cost-benefit analyses as outlined in Office of Management and Budget Circular A-94;

(D) ensure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

(E) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

(F) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy;

(G) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy;

(H) ensure that the product support strategy maximizes small business participation at the appropriate tiers; and

(I) ensure that product support arrangements for the covered system describe how such arrangements will ensure efficient procurement, management, and allocation of Government-owned parts inventories in order to prevent unnecessary procurements of such parts.

(d) **DEFINITIONS.**—In this section:

(1) **PRODUCT SUPPORT.**—The term “product support” means the package of support functions required to field and maintain the readiness and operational capability of covered systems, subsystems, and components, including all functions related to covered system readiness.

(2) **PRODUCT SUPPORT ARRANGEMENT.**—The term “product support arrangement” means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance

of sustainment or logistics support required for covered systems, subsystems, or components. The term includes arrangements for any of the following:

(A) Performance-based logistics.

(B) Sustainment support.

(C) Contractor logistics support.

(D) Life-cycle product support.

(E) Weapon systems product support.

(3) **PRODUCT SUPPORT INTEGRATOR.**—The term “product support integrator” means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

(4) **PRODUCT SUPPORT PROVIDER.**—The term “product support provider” means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

(5) **COVERED SYSTEM.**—The term “covered system” means—

(A) a major defense acquisition program as defined in section 4201 of this title; or

(B) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 3602 of this title that is estimated by the Secretary of Defense to require an eventual total expenditure described in section 4201(a)(2).

(6) **MILESTONE B APPROVAL.**—The term “Milestone B approval” has the meaning given that term in section 4172(e)(7) of this title.

(7) **MILESTONE C APPROVAL.**—The term “Milestone C approval” has the meaning given that term in section 4172(e)(8) of this title.

(8) **MILESTONE DECISION AUTHORITY.**—The term “milestone decision authority” has the meaning given in section 4211(e)(3) of this title.

(Added Pub. L. 112-239, div. A, title VIII, § 823(a)(1), Jan. 2, 2013, 126 Stat. 1830, § 2337; amended Pub. L. 113-66, div. A, title VIII, § 823, Dec. 26, 2013, 127 Stat. 809; renumbered § 4324 and amended Pub. L. 116-283, div. A, title VIII, § 802(a), title XVIII, §§ 1848(d)(1), (2), 1883(b)(2), Jan. 1, 2021, 134 Stat. 3731, 4258, 4294; Pub. L. 117-81, div. A, title XVII, § 1701(b)(17), (d)(11), Dec. 27, 2021, 135 Stat. 2135, 2137; Pub. L. 117-263, div. A, title VIII, § 806, Dec. 23, 2022, 136 Stat. 2702; Pub. L. 118-159, div. A, title VIII, § 804(c)(3), Dec. 23, 2024, 138 Stat. 1968.)

Editorial Notes

AMENDMENTS

2024—Subsec. (d)(5)(B). Pub. L. 118-159 substituted “section 3602 of this title” for “section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2302 note)”.

2022—Subsec. (b). Pub. L. 117-263, § 806(a), designated existing provisions as par. (1) and inserted heading; inserted “for which the milestone decision authority has received views from appropriate materiel, logistics, or fleet representatives” after “approved life cycle sustainment plan”; designated former pars. (1) to (8) as subpars. (A) to (G) and (J), respectively, of par. (1); amended subpar. (G) generally, prior to which text read

“a technical data and intellectual property management plan for product support; and”; added subpars. (H) and (I) of par. (1); and added par. (2). Amendment adding par. (2) “at the end of” par. (1) was executed by adding par. (2) after par. (1) to reflect the probable intent of Congress.

Subsec. (d)(7), (8). Pub. L. 117–263, § 806(b), added par. (7) and redesignated former par. (7) as (8).

2021—Pub. L. 116–283, § 1848(d)(1), renumbered section 2337 of this title as this section.

Pub. L. 116–283, § 802(a)(1)–(3), substituted “covered system” for “major weapon system” and “weapon system” and “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. (c)(5). Pub. L. 116–283, § 1848(d)(2), which directed amendment of subsec. (c)(5) by substituting “section 3041(c)(1)” for “section 2302d(a)” and could not be executed, was repealed by Pub. L. 117–81, § 1701(b)(17).

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)(5)(A). Pub. L. 117–81, § 1701(d)(11)(A), substituted “section 4201” for “section 2430”.

Pub. L. 116–283, § 1883(b)(2), which directed that each reference in the text of title 10 to a section that was redesignated by title XVIII of Pub. L. 116–283, as such section was in effect before the redesignation, be amended by striking such reference and inserting a reference to the appropriate redesignated section, was not executed with respect to “section 2430”, which was redesignated as multiple sections.

Subsec. (d)(5)(B). Pub. L. 117–81, § 1701(d)(11)(A), which directed the substitution of “section 4201(a)(2) of this title” for “section 2430(a)(1)(B)”, could not be executed because of the intervening amendment by Pub. L. 116–283, § 1883(b)(2). See note below.

Pub. L. 116–283, § 1883(b)(2), substituted “section 4201(a)(2)” for “section 2430(a)(1)(B)”.

Subsec. (d)(6). Pub. L. 117–81, § 1701(d)(11)(B), which directed the substitution of “section 4172(e)(7)” for “section 2366(e)(7)”, could not be executed because of the intervening amendment by Pub. L. 116–283, § 1883(b)(2). See note below.

Pub. L. 116–283, § 1883(b)(2), substituted “section 4172(e)(7)” for “section 2366(e)(7)”.

Pub. L. 116–283, § 802(a)(7)(B), added par. (6).

Subsec. (d)(7). Pub. L. 117–81, § 1701(d)(11)(C), which directed the substitution of “section 4211(e)(3)” for “section 2431a(e)(5)”, could not be executed because of the intervening amendment by Pub. L. 116–283, § 1883(b)(2). See note below.

Pub. L. 116–283, § 1883(b)(2), substituted “section 4211(e)(3)” for “section 2431a(e)(5)”.

Pub. L. 116–283, § 802(a)(7)(B), added par. (7).

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(d)(11) of Pub. L. 117–81 to take effect immediately after the amendments made by title XVIII of Pub. L. 116–283 have taken effect, see sec-

tion 1701(a)(3) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by sections 1848(d)(1), (2) and 1883(b)(2) 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 those in 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.

§ 4325. Major weapon systems: assessment, management, and control of operating and support costs

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue and maintain guidance on actions 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 4324 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