

Amendment of Section

Pub. L. 115–91, div. A, title IX, §909(a)–(d), (g), Dec. 12, 2017, 131 Stat. 1514–1516, provided that, effective Jan. 1, 2019, this section is amended:

(1) in subsection (a), by inserting before the period at the end the following: ", who shall be appointed by the President, by and with the advice and consent of the Senate, from among civilians who are qualified to serve as such officer";

(2) in subsection (b)-

(A) in paragraph (1)(I), by striking "the networking and cyber defense architecture" and inserting "the information technology, networking, information assurance, cybersecurity, and cyber capability architectures";

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting after paragraph (1) the following new paragraphs:

"(2)(A) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the Secretaries of the military departments and the heads of the Defense Agencies with responsibilities associated with any activity specified in paragraph (1) to transmit the proposed budget for such activities for a fiscal year and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year to the Chief Information Officer for review under subparagraph (B) before submitting the proposed budget to the Under Secretary of Defense (Comptroller).

"(B) The Chief Information Officer shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the budget is proposed, shall submit to the Secretary of Defense a report containing the comments of the Chief Information Officer with respect to all such proposed budgets, together with the certification of the Chief Information Officer regarding whether each proposed budget is adequate.

"(C) Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report specifying each proposed budget contained in the most-recent report submitted under subparagraph (B) that the Chief Information Officer did not certify to be adequate. The report of the Secretary shall include the following matters:

"(i) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets specified in the report.

"(ii) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

"(3)(A) The Secretary of a military department or head of a Defense Agency may not develop or procure information technology (as defined in section 11101 of title 40) that does not fully comply with such standards as the Chief Information Officer may establish.

"(B) The Chief Information Officer shall implement and enforce a process for-

"(i) developing, adopting, or publishing standards for information technology, networking, or cyber capabilities to which any military department or defense agency would need to adhere in order to run such capabilities on defense networks; and

"(ii) certifying on a regular and ongoing basis that any capabilities being developed or procured meets such standards as have been published by the Department at the time of certification.

"(C) The Chief Information Officer shall identify gaps in standards and mitigation plans for operating in the absence of acceptable standards."; and

(3) by adding at the end the following new subsections:

(c) The Chief Information Officer of the Department of Defense shall report directly to the Secretary of Defense in the performance of duties under this section.

(d) The Chief Information Officer of the Department of Defense takes precedence in the Department of Defense with the officials serving in positions specified in section 131(b)(4) of this title. The officials serving in positions specified in such section and the Chief Information Officer take precedence among themselves in the order prescribed by the Secretary of Defense.

See 2017 Amendment notes below.