

“(D) Rigorous test and evaluation of software assurance in development, acceptance, and operational tests.

“(E) Certification and accreditation requirements for software assurance for new systems and for updates for legacy systems, including mechanisms to monitor and enforce reciprocity of certification and accreditation processes among the military departments and Defense Agencies.

“(F) Remediation in legacy systems of critical software assurance deficiencies that are defined as critical in accordance with the Application Security Technical Implementation Guide of the Defense Information Systems Agency.

“(2) Allocation of adequate facilities and other resources for test and evaluation and certification and accreditation of software to meet applicable requirements for research and development, systems acquisition, and operations.

“(3) Mechanisms for protection against compromise of information systems through the supply chain or cyber attack by acquiring and improving automated tools for—

“(A) assuring the security of software and software applications during software development;

“(B) detecting vulnerabilities during testing of software; and

“(C) detecting intrusions during real-time monitoring of software applications.

“(4) Mechanisms providing the Department of Defense with the capabilities—

“(A) to monitor systems and applications in order to detect and defeat attempts to penetrate or disable such systems and applications; and

“(B) to ensure that such monitoring capabilities are integrated into the Department of Defense system of cyber defense-in-depth capabilities.

“(5) An update to Committee for National Security Systems Instruction No. 4009, entitled ‘National Information Assurance Glossary’, to include a standard definition for software security assurance.

“(6) Either—

“(A) mechanisms to ensure that vulnerable Mission Assurance Category III information systems, if penetrated, cannot be used as a foundation for penetration of protected covered systems, and means for assessing the effectiveness of such mechanisms; or

“(B) plans to address critical vulnerabilities in Mission Assurance Category III information systems to prevent their use for intrusions of Mission Assurance Category I systems and Mission Assurance Category II systems.

“(7) A funding mechanism for remediation of critical software assurance vulnerabilities in legacy systems.

“(d) REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the strategy required by subsection (a). The report shall include the following:

“(1) A description of the current status of the strategy required by subsection (a) and of the implementation of the strategy, including a description of the role of the strategy in the risk management by the Department regarding the supply chain and in operational planning for cyber security.

“(2) A description of the risks, if any, that the Department will accept in the strategy due to limitations on funds or other applicable constraints.”

#### INSTITUTE FOR DEFENSE COMPUTER SECURITY AND INFORMATION PROTECTION

Pub. L. 106-398, §1 [[div. A], title IX, §921], Oct. 30, 2000, 114 Stat. 1654, 1654A-233, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Institute for Defense Computer Security and Information Protection.

“(b) MISSION.—The Secretary shall require the institute—

“(1) to conduct research and technology development that is relevant to foreseeable computer and network security requirements and information assurance requirements of the Department of Defense with a principal focus on areas not being carried out by other organizations in the private or public sector; and

“(2) to facilitate the exchange of information regarding cyberthreats, technology, tools, and other relevant issues.

“(c) CONTRACTOR OPERATION.—The Secretary shall enter into a contract with a not-for-profit entity, or a consortium of not-for-profit entities, to organize and operate the institute. The Secretary shall use competitive procedures for the selection of the contractor to the extent determined necessary by the Secretary.

“(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) [114 Stat. 1654A-52], \$5,000,000 shall be available for the Institute for Defense Computer Security and Information Protection.

“(e) REPORT.—Not later than April 1, 2001, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the Secretary’s plan for implementing this section.”

#### § 2224a. Information security: continued applicability of expiring Governmentwide requirements to the Department of Defense

(a) IN GENERAL.—The provisions of subchapter II<sup>1</sup> of chapter 35 of title 44 shall continue to apply through September 30, 2004, with respect to the Department of Defense, notwithstanding the expiration of authority under section 3536<sup>1</sup> of such title.

(b) RESPONSIBILITIES.—In administering the provisions of subchapter II<sup>1</sup> of chapter 35 of title 44 with respect to the Department of Defense after the expiration of authority under section 3536<sup>1</sup> of such title, the Secretary of Defense shall perform the duties set forth in that subchapter for the Director of the Office of Management and Budget.

(Added Pub. L. 107-314, div. A, title X, §1052(b)(1), Dec. 2, 2002, 116 Stat. 2648.)

#### REFERENCES IN TEXT

Provisions relating to the expiration of authority of subchapter II of chapter 35 of title 44, referred to in text, did not appear in section 3536 of title 44 subsequent to the general revision of subchapter II by Pub. L. 107-296, title X, §1001(b)(1), Nov. 25, 2002, 116 Stat. 2259. Subchapter II, as revised by Pub. L. 107-296, was repealed and a new subchapter II enacted by Pub. L. 113-283, §2(a), Dec. 18, 2014, 128 Stat. 3073.

#### [§ 2225. Repealed. Pub. L. 114-328, div. A, title VIII, § 833(b)(2)(A), Dec. 23, 2016, 130 Stat. 2284]

Section, added Pub. L. 106-398, §1 [[div. A], title VIII, §812(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-212; amended Pub. L. 108-178, §4(b)(2), Dec. 15, 2003, 117 Stat. 2640; Pub. L. 109-364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 111-350, §5(b)(6), Jan. 4, 2011, 124 Stat. 3842, related to tracking and management of information technology purchases.

#### TIME FOR IMPLEMENTATION; APPLICABILITY

Pub. L. 106-398, §1 [[div. A], title VIII, §812(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-214, which provided that the Secretary of Defense was to collect data as required under section 2225 of this title for all contractual ac-

<sup>1</sup> See References in Text note below.

tions covered by such section entered into on or after Oct. 30, 2000, was repealed by Pub. L. 114-328, div. A, title VIII, § 833(b)(2)(C)(i), Dec. 23, 2016, 130 Stat. 2284.

#### GAO REPORT

Pub. L. 106-398, § 1 [[div. A], title VIII, § 812(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-214, which directed the Comptroller General to submit to committees of Congress a report on the collection of data under this section not later than 15 months after Oct. 30, 2000, was repealed by Pub. L. 114-328, div. A, title VIII, § 833(b)(2)(C)(i), Dec. 23, 2016, 130 Stat. 2284.

#### § 2226. Contracted property and services: prompt payment of vouchers

(a) REQUIREMENT.—Of the contract vouchers that are received by the Defense Finance and Accounting Service by means of the mechanization of contract administration services system, the number of such vouchers that remain unpaid for more than 30 days as of the last day of each month may not exceed 5 percent of the total number of the contract vouchers so received that remain unpaid on that day.

(b) CONTRACT VOUCHER DEFINED.—In this section, the term “contract voucher” means a voucher or invoice for the payment to a contractor for services, commercial items (as defined in section 103 of title 41), or other deliverable items provided by the contractor under a contract funded by the Department of Defense.

(Added Pub. L. 106-398, § 1 [[div. A], title X, § 1006(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-247; amended Pub. L. 111-350, § 5(b)(7), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 115-232, div. A, title VIII, § 836(e)(1), Aug. 13, 2018, 132 Stat. 1869.)

#### AMENDMENT OF SUBSECTION (b)

*Pub. L. 115-232, div. A, title VIII, § 836(e)(1), (h), Aug. 13, 2018, 132 Stat. 1869, 1874, provided that, effective Jan. 1, 2020, subject to a savings provision, subsection (b) of this section is amended by striking “for services” and all that follows through “deliverable items” and inserting “for services or deliverable items”. See 2018 Amendment note below.*

#### AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 substituted “for services or deliverable items” for “for services, commercial items (as defined in section 103 of title 41), or other deliverable items”.

2011—Subsec. (b). Pub. L. 111-350 substituted “section 103 of title 41” for “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

#### EFFECTIVE DATE

Pub. L. 106-398, § 1 [[div. A], title X, § 1006(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-248, provided that: “Section 2226 of title 10, United States Code (as added by subsection (a)), shall take effect on December 1, 2000.”

#### CONDITIONAL REQUIREMENT FOR REPORT

Pub. L. 106-398, § 1 [[div. A], title X, § 1006(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-248, required submission of a report for any month between Dec. 1, 2000, and Nov. 30, 2004, in which the requirement in 10 U.S.C. 2226 was not met.

#### § 2227. Electronic submission and processing of claims for contract payments

(a) SUBMISSION OF CLAIMS.—The Secretary of Defense shall require that any claim for payment under a Department of Defense contract shall be submitted to the Department of Defense in electronic form.

(b) PROCESSING.—A contracting officer, contract administrator, certifying official, or other officer or employee of the Department of Defense who receives a claim for payment in electronic form in accordance with subsection (a) and is required to transmit the claim to any other officer or employee of the Department of Defense for processing under procedures of the department shall transmit the claim and any additional documentation necessary to support the determination and payment of the claim to such other officer or employee electronically.

(c) WAIVER AUTHORITY.—If the Secretary of Defense determines that the requirement for using electronic means for submitting claims under subsection (a), or for transmitting claims and supporting documentation under subsection (b), is unduly burdensome in any category of cases, the Secretary may exempt the cases in that category from the application of the requirement.

(d) IMPLEMENTATION OF REQUIREMENTS.—In implementing subsections (a) and (b), the Secretary of Defense shall provide for the following:

(1) Policies, requirements, and procedures for using electronic means for the submission of claims for payment to the Department of Defense and for the transmission, between Department of Defense officials, of claims for payment received in electronic form, together with supporting documentation (such as receiving reports, contracts and contract modifications, and required certifications).

(2) The format in which information can be accepted by the corporate database of the Defense Finance and Accounting Service.

(3) The requirements to be included in contracts regarding the electronic submission of claims for payment by contractors.

(e) CLAIM FOR PAYMENT DEFINED.—In this section, the term “claim for payment” means an invoice or any other demand or request for payment.

(Added Pub. L. 106-398, § 1 [[div. A], title X, § 1008(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-249.)

#### EFFECTIVE DATE

Pub. L. 106-398, § 1 [[div. A], title X, § 1008(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-250, provided that:

“(1) Subject to paragraph (2), the Secretary of Defense shall apply section 2227 of title 10, United States Code (as added by subsection (a)), with respect to contracts for which solicitations of offers are issued after June 30, 2001.

“(2)(A) The Secretary may delay the implementation of section 2227 to a date after June 30, 2001, upon a finding that it is impracticable to implement that section until that later date. In no event, however, may the implementation be delayed to a date after October 1, 2002.

“(B) Upon determining to delay the implementation of such section 2227 to a later date under subparagraph (A), the Secretary shall promptly publish a notice of the delay in the Federal Register. The notice shall in-