

130 Stat. 2417; Pub. L. 116-92, div. A, title XVII, § 1731(a)(11), Dec. 20, 2019, 133 Stat. 1813.)

AMENDMENTS

2019—Subsec. (a)(2)(C). Pub. L. 116-92 substituted “Assistant Secretary of the Army for Acquisition, Logistics, and Technology” for “Assistant Secretary of the Army for Acquisition, Technology, and Logistics”.

2016—Subsec. (a)(2)(C). Pub. L. 114-328 substituted “Acquisition, Technology, and Logistics” for “Acquisition, Logistics, and Technology”.

2013—Subsec. (a)(2). Pub. L. 112-239, § 901(c)(1), amended par. (2) generally. Prior to amendment, par. (2) related to composition of the Strategic Materials Protection Board.

Subsec. (b)(3), (4). Pub. L. 112-239, § 901(c)(2), substituted “Secretary” for “President”.

Subsec. (c). Pub. L. 112-239, § 901(c)(3), substituted “Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy” for “Secretary of Defense”.

Subsec. (d). Pub. L. 112-239, § 901(c)(4), amended subsec. (d) generally. Prior to amendment, text read as follows: “After each meeting of the Board, the Board shall prepare and submit to Congress a report containing the results of the meeting and such recommendations as the Board determines appropriate.”

2011—Subsec. (b). Pub. L. 111-383, § 829(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to duties of the Strategic Materials Protection Board.

Subsec. (e). Pub. L. 111-383, § 829(a), added subsec. (e).

CHANGE OF NAME

Reference to the Assistant Secretary of the Air Force for Acquisition deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, see section 934(b) of Pub. L. 114-328, set out as a note under section 9016 of this title.

FIRST MEETING OF BOARD

Pub. L. 109-364, div. A, title VIII, § 843(c), Oct. 17, 2006, 120 Stat. 2339, provided that: “The first meeting of the Strategic Materials Protection Board, established by section 187 of title 10, United States Code (as added by subsection (a)) shall be not later than 180 days after the date of the enactment of this Act [Oct. 17, 2006].”

§ 188. Interagency Council on the Strategic Capability of the National Laboratories

(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the “Council”).

(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

- (1) The Secretary of Defense.
- (2) The Secretary of Energy.
- (3) The Secretary of Homeland Security.
- (4) The Director of National Intelligence.
- (5) The Administrator for Nuclear Security.
- (6) Such other officials as the President considers appropriate.

(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.

(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

- (1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.
- (2) Reviewing and assessing the adequacy of the national security science, technology, and

engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

(3) Establishing and overseeing means of ensuring that—

(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

(A) the strategic capabilities of the national laboratories; and

(B) the use of such laboratories by each participating agency.

(6) Other actions the Council considers appropriate with respect to—

(A) the sustainment of the national laboratories; and

(B) the use of the strategic capabilities of such laboratories.

(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

(f) DEFINITIONS.—In this section:

(1) The term “participating agency” means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

(2) The term “national laboratories” means—

(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

(B) each national laboratory of the Department of Energy.

(Added Pub. L. 112-239, div. A, title X, § 1040(a), Jan. 2, 2013, 126 Stat. 1928.)

CONSTRUCTION

Pub. L. 112-239, div. A, title X, § 1040(d), Jan. 2, 2013, 126 Stat. 1931, provided that: “Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).”

REPORT

Pub. L. 112-239, div. A, title X, § 1040(c), Jan. 2, 2013, 126 Stat. 1930, provided that:

“(1) IN GENERAL.—Not later than September 30, 2013, the Interagency Council on the Strategic Capability of

the National Laboratories established under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

“(A) The actions taken to implement the requirements of such section 188 and the charter titled ‘Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets’ signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

“(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

“(C) Efforts to strengthen work-for-others programs at the national laboratories.

“(D) Efforts to make work-for-others opportunities at the national laboratories more cost-effective.

“(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments at the national laboratories from other agencies.

“(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at the national laboratories.

“(G) The strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including identification of mission areas and functions that should be carried out by such laboratories and engineering centers.

“(H) Consistent with the protection of sources and methods, the level of funding and general description of programs that were funded during fiscal year 2012 by—

“(i) the Department of Defense and carried out at the national laboratories; and

“(ii) the Department of Energy and the national laboratories and carried out at the laboratories and engineering centers of the Department of Defense.

“(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means the following:

“(A) The congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(B) The Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(C) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(D) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(E) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

§ 189. Communications Security Review and Advisory Board

(a) ESTABLISHMENT.—There shall be in the Department of Defense a Communications Security Review and Advisory Board (in this section referred to as the “Board”) to review and assess the communications security, cryptographic modernization, and related key management activities of the Department and provide advice to the Secretary with respect to such activities.

(b) MEMBERS.—(1) The Secretary shall determine the number of members of the Board.

(2) The Chief Information Officer of the Department of Defense shall serve as chairman of the Board.

(3) The Secretary shall appoint officers in the grade of general or admiral and civilian employees of the Department of Defense in the Senior Executive Service to serve as members of the Board.

(c) RESPONSIBILITIES.—The Board shall—

(1) monitor the overall communications security, cryptographic modernization, and key management efforts of the Department, including activities under major defense acquisition programs (as defined in section 2430(a) of this title), by—

(A) requiring each Chief Information Officer of each military department to report the communications security activities of the military department to the Board;

(B) tracking compliance of each military department with respect to communications security modernization efforts;

(C) validating lifecycle communications security modernization plans for major defense acquisition programs;

(2) validate the need to replace cryptographic equipment based on the expiration dates of the equipment and evaluate the risks of continuing to use cryptographic equipment after such expiration dates;

(3) convene in-depth program reviews for specific cryptographic modernization developments with respect to validating requirements and identifying programmatic risks;

(4) develop a long-term roadmap for communications security to identify potential issues and ensure synchronization with major planning documents; and

(5) advise the Secretary on the cryptographic posture of the Department, including budgetary recommendations.

(d) EXCLUSION OF CERTAIN PROGRAMS.—The Board shall not include the consideration of programs funded under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 3003(6))) in carrying out this section.

(Added Pub. L. 113–66, div. A, title II, §261(a), Dec. 26, 2013, 127 Stat. 724; amended Pub. L. 113–291, div. A, title X, §1071(f)(4), Dec. 19, 2014, 128 Stat. 3510.)

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113–291 substituted “2430(a)” for “139c” in introductory provisions.

[§ 190. Repealed. Pub. L. 116–92, div. A, title VIII, § 810(a), Dec. 20, 2019, 133 Stat. 1487]

Section, added Pub. L. 114–328, div. A, title VIII, § 820(b)(1), Dec. 23, 2016, 130 Stat. 2274; amended Pub. L. 115–91, div. A, title VIII, § 804, Dec. 12, 2017, 131 Stat. 1456, related to Defense Cost Accounting Standards Board.

CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

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