

ENSURING CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM

Pub. L. 116-283, div. A, title XVII, §1747, Jan. 1, 2021, 134 Stat. 4140, provided that:

“(a) PLAN FOR IMPLEMENTATION OF FINDINGS AND RECOMMENDATIONS FROM FIRST ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, 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 comprehensive plan, including a schedule and resourcing plan, for the implementation of the findings and recommendations included in the first report submitted under section 499(c)(3) of title 10, United States Code.

“(b) CONCEPT OF OPERATIONS AND OVERSIGHT MECHANISM FOR CYBER DEFENSE OF NUCLEAR COMMAND AND CONTROL SYSTEM.—Not later than October 1, 2021, the Secretary shall develop and establish—

“(1) a concept of operations for defending the nuclear command and control system against cyber attacks, including specification of the—

“(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities; and

“(B) cybersecurity capabilities to be acquired and employed and operational tactics, techniques, and procedures, including cyber protection team and sensor deployment strategies, to be used to monitor, defend, and mitigate vulnerabilities in nuclear command and control systems; and

“(2) an oversight mechanism or governance model for overseeing the implementation of the concept of operations developed and established under paragraph (1), related development, systems engineering, and acquisition activities and programs, and the plan required by subsection (a), including specification of the—

“(A) roles and responsibilities of relevant entities within the Office of the Secretary, the military services, combatant commands, the Defense Agencies, and the Department of Defense Field Activities in overseeing the defense of the nuclear command and control system against cyber attacks;

“(B) responsibilities and authorities of the Strategic Cybersecurity Program in overseeing and, as appropriate, executing—

“(i) vulnerability assessments; and

“(ii) development, systems engineering, and acquisition activities; and

“(C) processes for coordination of activities, policies, and programs relating to the cybersecurity and defense of the nuclear command and control system.”

§ 499a. Collection, storage, and sharing of data relating to nuclear security enterprise and nuclear forces

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, and the Administrator for Nuclear Security, acting through the Director for Cost Estimating and Program Evaluation, shall collect and store cost, programmatic, and technical data relating to programs and projects of the nuclear security enterprise and nuclear forces.

(b) SHARING OF DATA.—If the Director of Cost Assessment and Program Evaluation or the Director for Cost Estimating and Program Evaluation requests data relating to programs or projects from any element of the Department of Defense or from any element of the nuclear security enterprise of the National Nuclear Security Administration, that element shall provide that data in a timely manner.

“(c) STORAGE OF DATA.—(1) Data collected by the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation under this section shall be—

(A) stored in the data storage system of the Defense Cost and Resource Center, or successor center, or in a data storage system of the National Nuclear Security Administration that is comparable to the data storage system of the Defense Cost and Resource Center; and

(B) made accessible to other Federal agencies as such Directors consider appropriate.

(2) The Secretary and the Administrator shall ensure that the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation have sufficient information system support, as determined by such Directors, to facilitate the timely hosting, handling, and sharing of data relating to programs and projects of the nuclear security enterprise under this section at the appropriate level of classification.

(3) The Deputy Administrator for Naval Reactors of the National Nuclear Security Administration may coordinate with the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation to ensure that, at the discretion of the Deputy Administrator, data relating to programs and projects of the Office of Naval Reactors are correctly represented in the data storage system pursuant to paragraph (1)(A).

(d) CONTRACT REQUIREMENTS.—The Secretary and the Administrator shall ensure that any relevant contract relating to a program or project of the nuclear security enterprise and nuclear forces that is entered into after December 11, 2017, appropriately includes—

(1) requirements and standards for data collection; and

(2) requirements for reporting on cost, programmatic, and technical data using procedures, standards, and formats approved by the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation.

(e) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term “nuclear security enterprise” has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

(Added Pub. L. 115-91, div. A, title XVI, § 1652(a), Dec. 12, 2017, 131 Stat. 1757; amended Pub. L. 115-232, div. A, title X, § 1081(a)(7), Aug. 13, 2018, 132 Stat. 1983.)

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-232 substituted “after December 11, 2017,” for “on or after the date of the enactment of this section” in introductory provisions.

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AMENDMENTS

2011—Pub. L. 111-383, div. A, title X, §1075(b)(1), Jan. 7, 2011, 124 Stat. 4368, substituted “1030” for “1031” in item for chapter 53.

2009—Pub. L. 111-84, div. A, title X, §1073(a)(7), Oct. 28, 2009, 123 Stat. 2472, substituted “1580” for “1581” in item for chapter 81.

2006—Pub. L. 109-366, §3(a)(2), Oct. 17, 2006, 120 Stat. 2630, added item for chapter 47A.

2001—Pub. L. 107-107, div. A, title X, §1048(a)(1), Dec. 28, 2001, 115 Stat. 1222, struck out period after “1111” in item for chapter 56.

2000—Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-184, added item for chapter 56.

1999—Pub. L. 106-65, div. A, title V, §586(c)(1), title VII, §721(c)(2), Oct. 5, 1999, 113 Stat. 638, 694, added item for chapter 50 and substituted “Deceased Personnel” for “Death Benefits” and “1471” for “1475” in item for chapter 75.

1997—Pub. L. 105-85, div. A, title V, §591(a)(2), Nov. 18, 1997, 111 Stat. 1762, added item for chapter 80.

1996—Pub. L. 104-201, div. A, title XVI, §1633(c)(3), Sept. 23, 1996, 110 Stat. 2751, substituted “Civilian Defense Intelligence Employees” for “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” in item for chapter 83.

Pub. L. 104-106, div. A, title V, §§568(a)(2), 569(b)(2), title X, §1061(a)(2), Feb. 10, 1996, 110 Stat. 335, 351, 442, added items for chapters 76 and 88 and struck out item for chapter 89 “Volunteers Investing in Peace and Security”.

1994—Pub. L. 103-359, title V, §501(b)(2), Oct. 14, 1994, 108 Stat. 3429, substituted “Defense Intelligence Agency and Central Imagery Office Civilian Personnel” for “Defense Intelligence Agency Civilian Personnel” in item for chapter 83.

1992—Pub. L. 102-484, div. A, title XIII, §1322(a)(2), Oct. 23, 1992, 106 Stat. 2553, added item for chapter 89.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(26)(C)(ii), Dec. 5, 1991, 105 Stat. 1474, effective Oct. 1, 1993, struck out item for chapter 85 “Procurement Management Personnel”.

Pub. L. 102-190, div. A, title XI, §1112(b)(2), Dec. 5, 1991, 105 Stat. 1501, substituted “Original Appointments of Regular Officers in Grades Above Warrant Officer Grades” for “Appointments in Regular Components” in item for chapter 33 and added item for chapter 33A.

Pub. L. 102-25, title VII, §701(e)(1), Apr. 6, 1991, 105 Stat. 114, added item for chapter 85.

1990—Pub. L. 101-510, div. A, title V, §502(a)(2), title XII, §1202(b), Nov. 5, 1990, 104 Stat. 1557, 1656, added items for chapters 58 and 87 and struck out item for chapter 85 “Procurement Management Personnel”.

1988—Pub. L. 100-370, §1(c)(3), July 19, 1988, 102 Stat. 841, added item for chapter 54.

1986—Pub. L. 99-433, title IV, §401(b), Oct. 1, 1986, 100 Stat. 1030, added item for chapter 38.

1985—Pub. L. 99-145, title IX, §924(a)(2), Nov. 8, 1985, 99 Stat. 698, added item for chapter 85.

1983—Pub. L. 98-94, title IX, §925(a)(2), title XII, §1268(15), Sept. 24, 1983, 97 Stat. 648, 707, added item for chapter 74, and substituted “or” for “and” in item for chapter 60.

1981—Pub. L. 97-89, title VII, §701(a)(2), Dec. 4, 1981, 95 Stat. 1160, added item for chapter 83.

1980—Pub. L. 96-513, title V, §§501(1), 511(29), (54)(B), Dec. 12, 1980, 94 Stat. 2907, 2922, 2925, added item for chapter 32, substituted “531” for “541” as section number in item for chapter 33, substituted “34” for “35” as chapter number of chapter relating to appointments as reserve officers, added items for chapters 35 and 36, substituted “Reserve Components: Standards and Procedures for Retention and Promotion” for “Retention of Reserves” in item for chapter 51, added item for chapter 60, substituted “1251” for “1255” as section number in item for chapter 63, substituted “Retirement of Warrant Officers” for “Retirement” in item for chapter 65, substituted “1370” for “1371” as section number in item for chapter 69, and amended item for chapter 73 to read: “Annuities Based on Retired or Retainer Pay”.

1972—Pub. L. 92-425, §2, Sept. 21, 1972, 86 Stat. 711, amended item for chapter 73 by inserting “; Survivor Benefit Plan” after “Pay” which could not be executed as directed in view of amendment by Pub. L. 87-381. See 1961 Amendment note below.

1968—Pub. L. 90-377, §2, July 5, 1968, 82 Stat. 288, added item for chapter 48.