

1 *later than January 15, 2018, the Secretary of Defense shall*
2 *submit to the congressional defense committees a report*
3 *specifying each Defense Agency and Department of Defense*
4 *Field Activity providing shared business services for the De-*
5 *partment of Defense that is to be designated by the Sec-*
6 *retary for purposes of subsection (b)(3) of section 132a of*
7 *title 10, United States Code (as so amended), as of the com-*
8 *ing into effect of such section 132a.*

9 (g) *NOTICE TO CONGRESS ON TRANSFER OF OVER-*
10 *SIGHT OF DEFENSE AGENCIES AND FIELD ACTIVITIES*
11 *WITH BUSINESS-SUPPORT FUNCTIONS TO CMO.*—*Upon the*
12 *transfer of responsibility for oversight of a Defense Agency*
13 *or Department of Defense Field Activity specified in sub-*
14 *section (c) of section 132a of title 10, United States Code*
15 *(as so amended), to the Chief Management Officer of the*
16 *Department of Defense, the Secretary of Defense shall sub-*
17 *mit to the congressional defense committees a notice on the*
18 *transfer, including the Defense Agency or Field Activity*
19 *subject to the transfer and a description of the nature and*
20 *scope of the responsibility for oversight transferred.*

21 **SEC. 902. REALIGNMENT OF RESPONSIBILITIES, DUTIES,**
22 **AND POWERS OF CHIEF INFORMATION OFFI-**
23 **CER OF THE DEPARTMENT OF DEFENSE.**

24 (a) *IN GENERAL.*—*Effective on January 1, 2019, the*
25 *responsibilities, duties, and powers vested in the Chief In-*

1 *formation Officer of the Department of Defense as of Decem-*
2 *ber 31, 2018, are realigned as follows:*

3 (1) *There is vested in the Chief Information*
4 *Warfare Officer of the Department of Defense the re-*
5 *sponsibilities, duties, and powers provided for by sec-*
6 *tion 142 of title 10, United States Code (as amended*
7 *by subsection (b)).*

8 (2) *There is vested in the Chief Management Of-*
9 *ficer of the Department of Defense any responsibil-*
10 *ities, duties, and powers vested in the Chief Informa-*
11 *tion Officer of the Department of Defense as of De-*
12 *cember 31, 2018, that are not vested in the Chief In-*
13 *formation Warfare Officer by paragraph (1) and such*
14 *section 142.*

15 (b) *CHIEF INFORMATION WARFARE OFFICER.—*

16 (1) *IN GENERAL.—Section 142 of title 10,*
17 *United States Code, is amended to read as follows:*

18 **“§ 142. Chief Information Warfare Officer**

19 “(a) *IN GENERAL.—(1) There is a Chief Information*
20 *Warfare Officer of the Department of Defense, who shall be*
21 *appointed from among civilians who are qualified to serve*
22 *as the Chief Information Warfare Officer by the President,*
23 *by and with the advice and consent of the Senate.*

1 “(2) *The Chief Information Warfare Officer shall re-*
2 *port directly to the Secretary of Defense in the performance*
3 *of duties under this section.*

4 “(b) *RESPONSIBILITY AND AUTHORITY.—(1) Subject*
5 *to the authority, direction, and control of the Secretary of*
6 *Defense, the Chief Information Warfare Officer is respon-*
7 *sible for all matters relating to the information environment*
8 *of the Department of Defense and has the authority to estab-*
9 *lish policy for, and direct the Secretaries of the military*
10 *departments and the heads of all other elements of the De-*
11 *partment relating to, the matters as follow:*

12 “(A) *Space and space launch systems.*

13 “(B) *Communications networks and information*
14 *technology (other than business systems).*

15 “(C) *National security systems.*

16 “(D) *Information assurance and cybersecurity.*

17 “(E) *Electronic warfare and cyber warfare.*

18 “(F) *Nuclear command and control and senior*
19 *leadership communications systems.*

20 “(G) *Command and control systems and net-*
21 *works.*

22 “(H) *The electromagnetic spectrum.*

23 “(I) *Positioning, navigation, and timing.*

24 “(J) *Any other matters assigned to the Chief In-*
25 *formation Officer of the Department of Defense, not*

1 *relating to business systems or management, in sec-*
2 *tions 2223 and 2224 of this title, sections 11315 and*
3 *11319 of title 40, and sections 3506 and 3544 of title*
4 *44.*

5 “(2) *In addition to the responsibilities in paragraph*
6 *(1), the responsibilities of the Chief Information Warfare*
7 *Officer include—*

8 “(A) *exercising authority, direction, and control*
9 *over the missions, programs, and organizational ele-*
10 *ments pertaining to information assurance (formally*
11 *Information Assurance Directorate) of the National*
12 *Security Agency;*

13 “(B) *exercising authority, direction, and control*
14 *over the Defense Information Systems Agency, or any*
15 *successor organization, for the matters described in*
16 *paragraph (1); and*

17 “(C) *responsibilities for policy, oversight, guid-*
18 *ance, and coordination for all Department matters re-*
19 *lating to the electromagnetic spectrum, including—*

20 “(i) *coordination with other Federal agen-*
21 *cies and the private sector;*

22 “(ii) *coordination for classified programs;*
23 *and*

1 “(iii) in coordination with the Under Sec-
2 retary for Personnel and Health, the spectrum
3 management workforce.

4 “(3) Notwithstanding the exemptions for the Depart-
5 ment of Defense in section 11319 of title 40, the authority
6 of the Chief Information Warfare Officer to direct the secre-
7 taries of the military departments for information warfare
8 matters as provided in paragraph (1) shall include—

9 “(A) playing a significant and directive role in
10 the decision processes for all annual and multi-year
11 planning, programming, budgeting, and execution de-
12 cisions, including the authority to realign the ele-
13 ments of the budgets and budget requests of the mili-
14 tary departments that pertain to the responsibilities
15 of the Chief Information Warfare Officer;

16 “(B) reviewing and approving any funding re-
17 quest or reprogramming request;

18 “(C) ensuring that the military departments
19 comply with Government and Department standards
20 on a matter described in paragraph (1) or (2);

21 “(D) reviewing and approving the appointment
22 of any other employee who functions in the capacity
23 of a Chief Information Officer or a Chief Information
24 Warfare Officer for any component within the De-

1 *partment, except for the Chief Management Officer of*
2 *the Department of Defense; and*

3 *“(E) participating in all meetings, management,*
4 *and decision-making forums on issues pertaining to*
5 *any matter described in paragraph (1) or (2).*

6 *“(4) The Chief Information Warfare Officer shall over-*
7 *see and may require that programs of the military depart-*
8 *ments comply with such direction and standards as the*
9 *Chief Information Warfare Officer may establish relating*
10 *to a matter described in paragraph (1) or (2).*

11 *“(5) The Chief Information Warfare Officer shall per-*
12 *form such additional duties and exercise such additional*
13 *powers as the Secretary may prescribe.*

14 *“(c) CHIEF INFORMATION OFFICER FOR CERTAIN*
15 *PURPOSES.—The Chief Information Warfare Officer—*

16 *“(1) is the Chief Information Officer of the De-*
17 *partment of Defense for purposes of 3554(a)(3) of title*
18 *44 and section 2224 of this title; and*

19 *“(2) in coordination with the Chief Management*
20 *Officer of the Department of Defense, is the Chief In-*
21 *formation Officer of the Department of Defense for*
22 *purposes of section 11315 of title 40 and section 2223*
23 *of this title.*

24 *“(d) PRINCIPAL CYBER ADVISOR.—In addition to any*
25 *other duties under this section, the Chief Information War-*

1 fare Officer shall serve as Principal Cyber Advisor under
2 section 932(c) of the National Defense Authorization Act for
3 Fiscal Year 2014 (10 U.S.C. 2224 note).

4 “(e) *PRINCIPAL DEPARTMENT OF DEFENSE SPACE*
5 *ADVISOR.*—In addition to any other duties under this sec-
6 tion, the Chief Information Warfare Officer shall perform
7 the duties of the Principal Department of Defense Space
8 Advisor in accordance with Department of Defense Direc-
9 tive 5100.96 and any succeeding directive.

10 “(f) *COLLABORATIVE MECHANISMS.*—(1) The Sec-
11 retary of Defense shall establish collaboration mechanisms
12 between the Chief Information Warfare Officer and the
13 Under Secretary of Defense for Intelligence, the Under Sec-
14 retary of Defense for Policy, the Chairman of the Joint
15 Chiefs of Staff, and the Assistant Secretary of Defense for
16 Public Affairs for purposes of developing and overseeing the
17 execution of offensive and defensive information warfare
18 strategies, plans, programs, and operations.

19 “(2) The strategies, plans, programs and operations
20 shall appropriately integrate cyber, electronic, and electro-
21 magnetic spectrum warfare, military deception, military
22 information support operations, and public affairs to con-
23 duct, counter, and deter information warfare.

24 “(g) *PRECEDENCE IN DOD.*—(1) The Chief Informa-
25 tion Warfare Officer shall take precedence in the Depart-

1 *ment of Defense with the officials serving in positions speci-*
2 *fied in section 131(b)(2) of this title.*

3 “(2) *The officials serving in positions specified in such*
4 *section and the Chief Information Warfare Officer take*
5 *precedence among themselves in the order prescribed by the*
6 *Secretary.*”.

7 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
8 *tions at the beginning of chapter 4 of such title is*
9 *amended by striking the item relating to section 142*
10 *and inserting the following new item:*

“142. *Chief Information Warfare Officer.*”.

11 (3) *EXECUTIVE SCHEDULE LEVEL II.*—*Section*
12 *5313 of title 5, United States Code, is amended by in-*
13 *serting after the item relating to the Deputy Secretary*
14 *of Defense the following new item:*

15 “*Chief Information Warfare Officer of the De-*
16 *partment of Defense.*”.

17 (4) *REFERENCES.*—*Any reference to the Chief*
18 *Information Officer of the Department of Defense in*
19 *any law, regulation, map, document, record, or other*
20 *paper of the United States in that official’s capacity*
21 *as the official responsible for the information security*
22 *and information dominance of the Department of De-*
23 *fense shall be deemed to be a reference to Chief Infor-*
24 *mation Warfare Officer of the Department of Defense.*

1 (5) *PRINCIPAL CYBER ADVISOR.*—Paragraph (1)
2 of section 932(c) of the National Defense Authoriza-
3 tion Act for Fiscal Year 2014 (Public Law 113–66;
4 127 Stat. 829; 10 U.S.C. 2224 note) is amended to
5 read as follows:

6 “(1) *IN GENERAL.*—The Chief Information War-
7 fare Officer of the Department of Defense under sec-
8 tion 142 of title 10, United States Code, shall serve
9 as the Principal Cyber Advisor to act as the principal
10 advisor to the Secretary on military cyber forces and
11 activities.”.

12 (6) *STANDARDS FOR NETWORKS.*—A military de-
13 partment may not develop or procure a network that
14 does not fully comply with such standards as the
15 Chief Information Warfare Officer under section 142
16 of title 10, United States Code (as amended by para-
17 graph (1)), may establish relating to a matter de-
18 scribed in subsection (b) of such section.

19 (7) *ALTERNATIVE PROPOSAL.*—Not later than
20 March 1, 2018, the Secretary of Defense shall submit
21 to the congressional defense committees a proposal for
22 such alternatives or modifications to the realignment
23 of responsibilities required by section 142 of title 10,
24 United States Code (as so amended), as the Secretary
25 considers appropriate, together with an implementa-

1 *tion plan for such proposal. The proposal may not be*
2 *carried out unless approved by statute.*

3 (8) *QUARTERLY BRIEFING ON IMPLEMENTA-*
4 *TION.—Not later than January 30, 2018, and every*
5 *90 days thereafter through January 1, 2019, the Sec-*
6 *retary shall provide to the congressional defense com-*
7 *mittees a briefing on the status of the implementation*
8 *of the Chief Information Warfare Officer of the De-*
9 *partment of Defense under section 142 of title 10,*
10 *United States Code (as so amended), during the pre-*
11 *ceding 90 days.*

12 (9) *EFFECTIVE DATE.—*

13 (A) *IN GENERAL.—Except as provided in*
14 *subparagraph (B), this subsection and the*
15 *amendments made by this subsection shall take*
16 *effect on January 1, 2019.*

17 (B) *INTERIM MATTERS.—Paragraphs (7)*
18 *and (8) of this subsection shall take effect on the*
19 *date of the enactment of this Act.*



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