

**§ 499c. Portfolio management framework for nuclear forces**

(a) REQUIREMENT.—Not later than January 1, 2024, the Secretary of Defense shall—

(1) implement a portfolio management framework for nuclear forces of the United States that—

(A) specifies the portfolio of nuclear forces covered by the framework;

(B) establishes a portfolio governance structure for such forces that takes advantage of, or is modeled on, an existing portfolio governance structure, such as the Deputy's Management Action Group described in Department of Defense Directive 5105.79;

(C) outlines the approach of the Secretary for identifying and managing risk relating to such forces and prioritizing the efforts among such forces, including how the Secretary, acting through the Under Secretary of Defense for Acquisition and Sustainment, will coordinate such identification, management, and prioritization with the Administrator for Nuclear Security using the coordination processes of the Nuclear Weapons Council; and

(D) incorporates the findings and recommendations identified by the Comptroller General of the United States in the report titled “Nuclear Enterprise: DOD and NNSA Could Further Enhance How They Manage Risk and Prioritize Efforts” (GAO-22-104061) and dated January 2022; and

(2) complete a comprehensive assessment of the portfolio management capabilities required to identify and manage risk in the portfolio of nuclear forces, including how to draw upon public and private sector resources and the program management expertise within the Defense Acquisition University.

(b) ANNUAL BRIEFINGS; NOTIFICATIONS.—(1) In conjunction with the submission of the budget of the President to Congress pursuant to section 1105 of title 31 for fiscal year 2025 and each fiscal year thereafter through the date specified in subsection (c), the Secretary shall provide to the congressional defense committees a briefing on identifying and managing risk relating to nuclear forces and prioritizing the efforts among such forces, including, with respect to the period covered by the briefing—

(A) the current and projected operational requirements for nuclear forces that were used for such identification, management, and prioritization;

(B) key areas of risk identified; and

(C) a description of the actions proposed or carried out to mitigate such risk.

(2) The Secretary may provide the briefings under paragraph (1) in classified form.

(3) If a House of Congress adopts a bill authorizing or appropriating funds that, as determined by the Secretary, provides funds in an amount that will result in a significant delay in the nuclear certification or delivery of nuclear forces, the Secretary shall notify the congressional defense committees of the determination.

(c) TERMINATION.—The requirements of this section shall terminate 90 days after the date on

which the Secretary certifies to the congressional defense committees that each of the following have achieved full operational capability:

(1) The LGM-35A Sentinel intercontinental ballistic missile weapon system.

(2) The Columbia-class ballistic missile submarine program.

(3) The long-range standoff weapon program.

(4) The B-21 Raider bomber aircraft program.

(5) The F-35A dual-capable aircraft program.

(d) NUCLEAR FORCES DEFINED.—In this section, the term “nuclear forces” includes, at a minimum—

(1) nuclear weapons;

(2) the delivery platforms and systems for nuclear weapons;

(3) nuclear command, control, and communications systems; and

(4) the infrastructure and facilities of the Department of Defense and the National Nuclear Security Administration that support nuclear weapons, the delivery platforms and systems for nuclear weapons, and nuclear command, control, and communications systems, including with respect to personnel, construction, operation, and maintenance.

(Added Pub. L. 117-263, div. A, title XVI, § 1634(a), Dec. 23, 2022, 136 Stat. 2938.)

**CHAPTER 25—ELECTROMAGNETIC WARFARE**

Sec.<sup>1</sup>

500. Electromagnetic Spectrum Operations Executive Committee.

500a. Guidance on electromagnetic spectrum operations mission area and joint electromagnetic spectrum operations.

500b. Annual report on electromagnetic spectrum operations strategy of the Department of Defense.

500c. Annual assessment of budget with respect to electromagnetic spectrum operations capabilities.

500d. Electromagnetic spectrum superiority implementation plan.

500e. Electromagnetic Spectrum Enterprise Operational Lead for Joint Electromagnetic Spectrum Operations.

500f. Evaluations of abilities of armed forces and combatant commands to perform electromagnetic spectrum operations missions.

**§ 500. Electromagnetic Spectrum Operations Executive Committee**

(a) IN GENERAL.—There is within the Department of Defense an Electromagnetic Spectrum Operations Executive Committee (in this section referred to as the “Executive Committee”).

(b) PURPOSES.—The Executive Committee shall—

(1) serve as the principal forum within the Department of Defense to inform, coordinate, and evaluate matters relating to electromagnetic warfare;

(2) provide senior oversight, coordination, and budget and capability harmonization with respect to such matters; and

(3) act as an advisory body to the Secretary of Defense, the Deputy Secretary of Defense,

<sup>1</sup> Editorially supplied.

and the Management Action Group of the Deputy Secretary with respect to such matters.

(c) RESPONSIBILITIES.—The Executive Committee shall—

(1) advise key senior level decision-making bodies of the Department of Defense with respect to the development and implementation of acquisition investments relating to electromagnetic warfare and electromagnetic spectrum operations of the Department, including relevant acquisition policies, projects, programs, modeling, and test and evaluation infrastructure;

(2) provide a forum to enable synchronization and integration support with respect to the development and acquisition of electromagnetic warfare capabilities by—

(A) aligning the processes of the Department for requirements, research, development, acquisition, testing, and sustainment; and

(B) carrying out other related duties; and

(3) act as the senior level review forum for the portfolio of capability investments of the Department relating to electromagnetic warfare and electromagnetic spectrum operations and other related matters.

(d) COORDINATION WITH INTELLIGENCE COMMUNITY.—The Executive Committee, acting through the Under Secretary of Defense for Intelligence and Security, shall coordinate with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to generate requirements, facilitate collaboration, establish interfaces, and align efforts of the Department of Defense with respect to capabilities and acquisition activities related to electromagnetic spectrum operations in areas of dependency or mutual interest.

(e) MEETINGS.—(1) The Executive Committee shall hold meetings not less frequently than quarterly and as necessary to address particular issues.

(2) The Executive Committee may hold meetings by video conference.

(f) MEMBERSHIP.—The Executive Committee shall be composed of the following principal members:

(1) The Under Secretary of Defense for Acquisition and Sustainment.

(2) The Vice Chairman of the Joint Chiefs of Staff.

(3) The Under Secretary of Defense for Intelligence and Security.

(4) The Under Secretary of Defense for Policy.

(5) The Commander of the United States Strategic Command.

(6) The Chief Information Officer of the Department of Defense.

(7) Such other Federal officers or employees as the Secretary of Defense considers appropriate, consistent with other authorities of the Department of Defense and publications of the Joint Staff, including the Charter for the Electronic Warfare Executive Committee, dated March 17, 2015.

(g) CO-CHAIRS OF EXECUTIVE COMMITTEE.—(1) The Under Secretary of Defense for Acquisition

and Sustainment and the Vice Chairman of the Joint Chiefs of Staff, or their designees, shall serve as co-chairs of the Executive Committee.

(2) The co-chairs of the Executive Committee shall—

(A) preside at all Executive Committee meetings or have their designees preside at such meetings;

(B) provide administrative control of the Executive Committee;

(C) jointly guide the activities and actions of the Executive Committee;

(D) approve all agendas for and summaries of meetings of the Executive Committee;

(E) charter tailored working groups to conduct mission area analysis, as required, under subsection (i); and

(F) perform such other duties as may be necessary to ensure the good order and functioning of the Executive Committee.

(h) ELECTROMAGNETIC SPECTRUM OPERATIONS CAPABILITY TEAM.—(1) There is within the Executive Committee an electromagnetic spectrum operations capability team, which shall—

(A) serve as a flag officer level focus group and executive secretariat subordinate to the Executive Committee; and

(B) in that capacity—

(i) provide initial senior level coordination on key electromagnetic spectrum operations issues;

(ii) prepare recommended courses of action to present to the Executive Committee; and

(iii) perform other related duties.

(2) The electromagnetic spectrum operations capability team shall be co-chaired by one representative from the Office of the Under Secretary of Defense for Acquisition and Sustainment and one representative from the Force Structure, Resources, and Assessment Directorate of the Joint Staff (J-8).

(3) The principal members of the Executive Committee shall designate representatives from their respective staffs to the electromagnetic spectrum operations capability team.

(i) MISSION AREA WORKING GROUPS.—(1) The Executive Committee shall establish mission area working groups on a temporary basis—

(A) to address specific issues and mission areas relating to electromagnetic spectrum operations;

(B) to involve subject matter experts and components of the Department of Defense with expertise in electromagnetic spectrum operations; and

(C) to perform other related duties.

(2) The Executive Committee shall dissolve a mission area working group established under paragraph (1) once the issue the working group was established to address is satisfactorily resolved.

(j) ADMINISTRATION.—The Under Secretary of Defense for Acquisition and Sustainment shall administratively support the Executive Committee, including by designating not fewer than two officials of the Department of Defense to support the day-to-day operations of the Executive Committee.

(k) REPORT TO CONGRESS.—Not later than February 28, 2024, and annually thereafter through

2030, the Executive Committee shall submit to the congressional defense committees a summary of activities of the Executive Committee during the preceding fiscal year.

(Added Pub. L. 118-31, div. A, title XVI, §1682(a), Dec. 22, 2023, 137 Stat. 611.)

**§ 500a. Guidance on electromagnetic spectrum operations mission area and joint electromagnetic spectrum operations**

The Secretary of Defense shall—

(1) establish processes and procedures to develop, integrate, and enhance the electromagnetic spectrum operations mission area and the conduct of joint electromagnetic spectrum operations in all domains across the Department of Defense; and

(2) ensure that such processes and procedures provide for integrated defense-wide strategy, planning, and budgeting with respect to the conduct of such operations by the Department, including activities conducted to counter and deter such operations by malign actors.

(Added Pub. L. 118-31, div. A, title XVI, §1682(a), Dec. 22, 2023, 137 Stat. 613, §501; renumbered §500a, Pub. L. 118-159, div. A, title XVII, §1701(a)(10), Dec. 23, 2024, 138 Stat. 2203.)

**Editorial Notes**

AMENDMENTS

2024—Pub. L. 118-159 renumbered section 501 of this title, relating to guidance on electromagnetic spectrum operations mission area and joint electromagnetic spectrum operations, as this section.

**§ 500b. Annual report on electromagnetic spectrum operations strategy of the Department of Defense**

(a) IN GENERAL.—At the same time as the President submits to Congress the budget of the President under section 1105(a) of title 31 for each of fiscal years 2025 through 2029, the Secretary of Defense, in coordination with the Chief Information Officer of the Department of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the Electromagnetic Spectrum Superiority Strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the electromagnetic spectrum strategy of the Department of Defense;

(B) how such strategy supports the national defense strategy under section 113(g) of this title; and

(C) the organizational structure assigned to oversee the development of the Department's electromagnetic spectrum strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electromagnetic spectrum operations acquisition programs and research and development projects of the De-

partment of Defense and a description of how each program or project supports the Department's electromagnetic spectrum strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for the program or project and, if such requirements do exist, the date on which the requirements were validated and the organizational authority that validated such requirements;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, including the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program baseline for the program or project, as of the date of the submission of the report, and the original program baseline for such program or project, if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) the capability gap that the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) of paragraph (3) for each classified program or project on the list required by paragraph (2).

(Added Pub. L. 118-31, div. A, title XVI, §1682(a), Dec. 22, 2023, 137 Stat. 614, §502; renumbered §500b, Pub. L. 118-159, div. A, title XVII, §1701(a)(10), Dec. 23, 2024, 138 Stat. 2203.)

**Editorial Notes**

AMENDMENTS

2024—Pub. L. 118-159 renumbered section 502 of this title, relating to annual reports on the electromagnetic spectrum operations strategy of the Department of Defense, as this section.

**§ 500c. Annual assessment of budget with respect to electromagnetic spectrum operations capabilities**

At the same time as the President submits to Congress the budget of the President under section 1105(a) of title 31 for each of fiscal years 2025 through 2029, the Secretary of Defense shall submit to the congressional defense committees an assessment by the Electromagnetic Spectrum Operations Executive Committee as to whether sufficient funds are requested in such budget for anticipated activities in such fiscal year for each of the following:

(1) The development of an electromagnetic battle management capability for joint electromagnetic spectrum operations.