

military or intelligence operations, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities.

(2) In this subsection, the term “geodetic product” means imagery, imagery intelligence, or geospatial information.

(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

(Added Pub. L. 102-88, title V, §502(a)(1), Aug. 14, 1991, 105 Stat. 435, §2796; amended Pub. L. 103-359, title V, §502, Oct. 14, 1994, 108 Stat. 3430; renumbered §455 and amended Pub. L. 104-201, div. A, title XI, §1112(b), Sept. 23, 1996, 110 Stat. 2682; Pub. L. 105-85, div. A, title IX, §933(a), (b)(1), Nov. 18, 1997, 111 Stat. 1866; Pub. L. 106-398, §1 [[div. A], title X, §1074], Oct. 30, 2000, 114 Stat. 1654, 1654A-280; Pub. L. 108-136, div. A, title IX, §921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568.)

AMENDMENTS

2003—Subsecs. (a), (b)(1)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

2000—Subsec. (b)(1)(C). Pub. L. 106-398 substituted “, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities” for “or reveal military operational or contingency plans”.

1997—Subsec. (b)(1)(B). Pub. L. 105-85, §933(a), inserted “, or capabilities,” after “methods”.

Subsec. (b)(2). Pub. L. 105-85, §933(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “In this subsection, the term ‘geodetic product’ means any map, chart, geodetic data, or related product.”

1996—Pub. L. 104-201 renumbered section 2796 of this title as this section and substituted “National Imagery and Mapping Agency” for “Defense Mapping Agency” in subsecs. (a) and (b)(1)(C).

1994—Subsec. (b)(1)(C). Pub. L. 103-359 inserted “jeopardize or interfere with ongoing military or intelligence operations or” after “disclosed.”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

REGULATIONS

Pub. L. 102-88, title V, §502(b), Aug. 14, 1991, 105 Stat. 436, directed that regulations to implement section 2796 (now 455) of this title be published in the Federal Register for public comment in accordance with subsec. (c) of that section not later than 90 days after Aug. 14, 1991.

§ 456. Civil actions barred

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Geospatial-Intelligence Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Geospatial-Intelligence Agency prepares or disseminates navigational aids.

(Added Pub. L. 103-337, div. A, title X, §1074(b), Oct. 5, 1994, 108 Stat. 2861, §2798; renumbered §456 and amended Pub. L. 104-201, div. A, title XI, §1112(b), Sept. 23, 1996, 110 Stat. 2682; Pub. L. 108-136, div. A, title IX, §921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568.)

AMENDMENTS

2003—Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” wherever appearing.

1996—Pub. L. 104-201 renumbered section 2798 of this title as this section and substituted “National Imagery and Mapping Agency” for “Defense Mapping Agency” wherever appearing.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

EFFECTIVE DATE

Section 1074(d) of Pub. L. 103-337 provided that: “Section 2798 [now 456] of title 10, United States Code, as added by subsection (b), shall take effect on the date of the enactment of this Act [Oct. 5, 1994] and shall apply with respect to (1) civil actions brought before such date that are pending adjudication on such date, and (2) civil actions brought on or after such date.”

§ 457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure

(a) AUTHORITY.—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Geospatial-Intelligence Agency that—

(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

(c) OPERATIONAL FILES DEFINED.—In this section, the term “operational files” has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).

(Added Pub. L. 106-65, div. A, title X, §1045(a), Oct. 5, 1999, 113 Stat. 762; amended Pub. L. 108-136, div. A, title IX, §921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568.)