

REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in subsec. (h)(3)(A), is title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§ 288 et seq.) of chapter 7 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 288 of Title 22 and Tables.

AMENDMENTS

2002—Subsec. (h)(1)(B). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (b)(3)(C). Pub. L. 107–107, § 1048(a)(3), substituted “subsection (g)” for “subsection (f)”.

Subsec. (d)(1). Pub. L. 107–107, § 1048(c)(1), substituted “October 30, 2000,” for “the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of this title.

§ 130d. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel

Confidential business information and other sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared, pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), with State and local personnel (as defined in such section) shall not be subject to disclosure under section 552 of title 5 by virtue of the sharing of such information with such personnel.

(Added Pub. L. 109–364, div. A, title XIV, § 1405(a), Oct. 17, 2006, 120 Stat. 2436.)

§ 130e. Treatment under Freedom of Information Act of critical infrastructure security information

(a) EXEMPTION.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure pursuant to section 552(b)(3) of title 5, upon a written determination that—

(1) the information is Department of Defense critical infrastructure security information; and

(2) the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—Department of Defense critical infrastructure security information covered by a written determination under subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense.

(c) DEFINITION.—In this section, the term “Department of Defense critical infrastructure security information” means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruc-

tion, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(d) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) to the Director of Administration and Management.

(e) TRANSPARENCY.—Each determination of the Secretary, or the Secretary’s designee, under subsection (a) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the Office of the Director of Administration and Management.

(Added Pub. L. 112–81, div. A, title X, § 1091(a), Dec. 31, 2011, 125 Stat. 1604.)

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.	Office of the Secretary of Defense.
131.	Deputy Secretary of Defense.
132.	Deputy Chief Management Officer.
132a.	Under Secretary of Defense for Acquisition, Technology, and Logistics.
133.	Repealed.]
[133a.	Deputy Under Secretary of Defense for Logistics and Materiel Readiness.
133b. ¹	Under Secretary of Defense for Policy.
134.	[134a, 134b. Repealed.]
135.	Under Secretary of Defense (Comptroller).
136.	Under Secretary of Defense for Personnel and Readiness.
[136a.	Repealed.]
137.	Under Secretary of Defense for Intelligence.
137a.	Principal Deputy Under Secretaries of Defense.
138.	Assistant Secretaries of Defense.
138a.	Assistant Secretary of Defense for Logistics and Materiel Readiness.
138b.	Assistant Secretary of Defense for Research and Engineering.
138c.	Assistant Secretary of Defense for Operational Energy Plans and Programs.
138d.	Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.
139.	Director of Operational Test and Evaluation.
139a.	Director of Cost Assessment and Program Evaluation.
139b.	Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering; joint guidance.
139c.	Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.
[139d, 139e.	Renumbered.]
140.	General Counsel.
[140a to 140c.	Renumbered.]
141.	Inspector General.
[142.	Renumbered.]
143.	Office of the Secretary of Defense personnel: limitation.

¹ Section 133b renumbered 138a by Pub. L. 111–84 without corresponding amendment of chapter analysis.