

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	Repealed.]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	Repealed.]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	Repealed.]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

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

Sec.

144. Director of Small Business Programs.

## AMENDMENTS

2011—Pub. L. 111-383, div. A, title IX, §901(k)(2)(A), Jan. 7, 2011, 124 Stat. 4325, added items 132a, 137a, 138b to 138d, and 139a to 139c, and struck out former items 133a “Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics”, 134a “Principal Deputy Under Secretary of Defense for Policy”, 136a “Principal Deputy Under Secretary of Defense for Personnel and Readiness”, 137a “Deputy Under Secretaries of Defense”, 139a “Director of Defense Research and Engineering”, 139b “Director of Operational Energy Plans and Programs”, 139c “Director of Cost Assessment and Program Evaluation”, 139d “Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance”, and 142 “Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs”.

2009—Pub. L. 111-84, div. A, title IX, §§905(a)(2), 906(c)(3), Oct. 28, 2009, 123 Stat. 2425, 2427, added items 133a, 134a, 136a, 137a, and 138a and struck out former items 133a “Deputy Under Secretary of Defense for Acquisition and Technology”, 134a “Deputy Under Secretary of Defense for Policy”, 134b “Deputy Under Secretary of Defense for Technology Security Policy”, and 136a “Deputy Under Secretary of Defense for Personnel and Readiness”.

Pub. L. 111-23, title I, §§101(a)(2), 102(a)(2), May 22, 2009, 123 Stat. 1706, 1713, added items 139c and 139d.

2008—Pub. L. 110-417, [div. A], title IX, §902(b), Oct. 14, 2008, 122 Stat. 4566, added item 139b.

2006—Pub. L. 109-163, div. A, title IX, §904(b)(2), Jan. 6, 2006, 119 Stat. 3400, added item 144.

2002—Pub. L. 107-314, div. A, title IX, §901(b)(2), Dec. 2, 2002, 116 Stat. 2619, added items 137 and 139a and struck out former item 137 “Director of Defense Research and Engineering”.

2001—Pub. L. 107-107, div. A, title IX, §901(a)(2), Dec. 28, 2001, 115 Stat. 1194, added item 136a.

1999—Pub. L. 106-65, div. A, title IX, §911(d)(3), Oct. 5, 1999, 113 Stat. 719, added items 133 and 133b and struck out former item 133 “Under Secretary of Defense for Acquisition and Technology”.

1998—Pub. L. 105-261, div. A, title XV, §1521(b)(2), Oct. 17, 1998, 112 Stat. 2179, added item 134b.

1997—Pub. L. 105-85, div. A, title IX, §911(d)(2), Nov. 18, 1997, 111 Stat. 1859, added item 143.

1996—Pub. L. 104-106, div. A, title IX, §904(a)(2), Feb. 10, 1996, 110 Stat. 403, substituted “Nuclear and Chemical and Biological Defense Programs” for “Atomic Energy” in item 142.

Pub. L. 104-106, div. A, title IX, §903(a), (e)(3), Feb. 10, 1996, 110 Stat. 401, 402, which directed amendment of analysis, eff. Jan. 31, 1997, by striking out items 133a, 134a, 137, and 142, was repealed by Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617.

1994—Pub. L. 103-337, div. A, title IX, §903(a)(3), Oct. 5, 1994, 108 Stat. 2823, substituted “Under Secretary of Defense (Comptroller)” for “Comptroller” in item 135.

1993—Pub. L. 103-160, div. A, title IX, §906(b), Nov. 30, 1993, 107 Stat. 1729, amended table of sections generally, inserting “and Technology” after “Acquisition” in items 133 and 133a, adding item 136, and redesignating former items 135, 136, 137, 138, 139, 140, and 141 as 137, 138, 135, 139, 140, 141, and 142, respectively.

1991—Pub. L. 102-190, div. A, title IX, §901(a)(2), Dec. 5, 1991, 105 Stat. 1450, added item 134a.

1987—Pub. L. 100-180, div. A, title XII, §1245(a)(2), Dec. 4, 1987, 101 Stat. 1165, added item 141.

Pub. L. 100-26, §9(b)(2), Apr. 21, 1987, 101 Stat. 287, struck out item 140a “Counterintelligence official reception and representation expenses” and item 140b “Authority to use proceeds from counterintelligence operations of the military departments”.

1986—Pub. L. 99-500, §101(c) [title X, §902(a)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-131, and Pub. L. 99-591, §101(c) [title X, §902(a)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-131; Pub. L. 99-661, div. A, title IX, for-

merly title IV, §902(a)(2), Nov. 14, 1986, 100 Stat. 3911, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273, amended analysis identically adding item 133a.

Pub. L. 99-569, title IV, §§401(d), 403(b), Oct. 27, 1986, 100 Stat. 3196, 3197, added items 140a and 140b.

Pub. L. 99-433, title I, §§101(a)(6), 110(e)(2), Oct. 1, 1986, 100 Stat. 995, 1003, substituted “Office of the Secretary of Defense” for “Department of Defense” in chapter heading, and amended analysis generally, substituting items 131 to 140 for former items 131 “Executive department”, 132 “Seal”, 133 “Secretary of Defense: appointment; powers and duties; delegation by”, 133a “Secretary of Defense: annual report on North Atlantic Treaty Organization readiness”, 133b “Sale or transfer of defense articles: reports to Congress”, 134 “Deputy Secretary of Defense: appointment; powers and duties; precedence”, 134a “Under Secretary of Defense for Acquisition: appointment”, 135 “Under Secretary of Defense for Policy; Director of Defense Research and Engineering: appointments; powers and duties; precedence”, 136 “Assistant Secretaries of Defense: appointment; powers and duties; precedence”, 136a “Director of Operational Test and Evaluation: appointment, powers and duties”, 137 “General Counsel: appointment; powers and duties”, 138 “Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports”, 139 “Secretary of Defense: weapons development and procurement schedules for armed forces; reports; supplemental reports”, 139a “Oversight of cost growth in major programs: Selected Acquisition Reports”, 139b “Oversight of cost growth in major programs: unit cost reports”, 139c “Major defense acquisition programs: independent cost estimates”, 140 “Emergencies and extraordinary expenses”, 140a “Secretary of Defense: funds transfers for foreign cryptologic support”, 140b “Prohibition of certain civilian personnel management constraints”, and 140c “Secretary of Defense: authority to withhold from public disclosure certain technical data”.

Pub. L. 99-348, title V, §501(e)(2), July 1, 1986, 100 Stat. 708, added item 134a and substituted “Under Secretary of Defense for Policy; Director of Defense Research and Engineering: appointments” for “Under Secretaries of Defense: appointment” in item 135.

1983—Pub. L. 98-94, title XII, §§1203(a)(2), 1211(a)(2), 1217(b), Sept. 24, 1983, 97 Stat. 683, 686, 690, added items 136a, 139c, and 140c.

1982—Pub. L. 97-295, §1(2)(B), Oct. 12, 1982, 96 Stat. 1288, added items 133a and 133b.

Pub. L. 97-252, title XI, §1107(a)(2), Sept. 8, 1982, 96 Stat. 745, added items 139a and 139b.

1981—Pub. L. 97-86, title IX, §904(b), Dec. 1, 1981, 95 Stat. 1114, added item 140b.

1980—Pub. L. 96-450, title IV, §401(b), Oct. 14, 1980, 94 Stat. 1977, added item 140a.

Pub. L. 96-342, title X, §1001(d)(2), Sept. 8, 1980, 94 Stat. 1119, substituted “Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports” for “Secretary of Defense: Annual authorization of appropriations for armed forces” in item 138.

1977—Pub. L. 95-140, §§1(b), 2(b), Oct. 21, 1977, 91 Stat. 1172, 1173, substituted “Deputy Secretary” for “Deputy Secretaries” in item 134 and “Under Secretaries of Defense” for “Director of Defense Research and Engineering” in item 135.

1975—Pub. L. 94-106, title VIII, §804(a), Oct. 7, 1975, 89 Stat. 538, added item 140.

1973—Pub. L. 93-155, title VIII, §803(a), Nov. 16, 1973, 87 Stat. 612, added items 138 and 139.

1972—Pub. L. 92-596, §4(3), Oct. 27, 1972, 86 Stat. 1318, substituted “Deputy Secretaries” for “Deputy Secretary” in item 134.

### § 131. Office of the Secretary of Defense

(a) There is in the Department of Defense an Office of the Secretary of Defense. The function