

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.)

§ 130f. Congressional notification of sensitive military operations

(a) IN GENERAL.—The Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of any sensitive military operation conducted under this title following such operation. Department of Defense support to operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is addressed in the classified annex prepared to accompany the National Defense Authorization Act for Fiscal Year 2014.

(b) PROCEDURES.—(1) The Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirements of subsection (a) consistent with the national security of the United States and the protection of operational integrity.

(2) The congressional defense committees shall ensure that committee procedures designed to protect from unauthorized disclosure classified information relating to national security of the United States are sufficient to protect the information that is submitted to the committees pursuant to this section.

(c) BRIEFING REQUIREMENT.—The Secretary of Defense shall periodically brief the congressional defense committees on Department of Defense personnel and equipment assigned to sensitive military operations.

(d) SENSITIVE MILITARY OPERATION DEFINED.—The term “sensitive military operation” means a lethal operation or capture operation conducted by the armed forces outside the United States and outside a theater of major hostilities pursuant to—

(1) the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note); or

(2) any other authority except—

(A) a declaration of war; or

(B) a specific statutory authorization for the use of force other than the authorization referred to in paragraph (1).

(e) EXCEPTION.—The notification requirement under subsection (a) shall not apply with respect to a sensitive military operation executed within the territory of Afghanistan pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any new authority or to alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), or any requirement under the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(Added Pub. L. 113-66, div. A, title X, §1041(a)(1), Dec. 26, 2013, 127 Stat. 856.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsecs. (a) and (f), is act July 26, 1947, ch. 343, 61 Stat. 495, which is classified principally to chapter 44 (§3001 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

The National Defense Authorization Act for Fiscal Year 2014, referred to in subsec. (a), is Pub. L. 113-66, Dec. 26, 2013, 127 Stat. 672. For complete classification of this Act to the Code, see Tables.

The War Powers Resolution, referred to in subsec. (f), is Pub. L. 93-148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to chapter 33 (§1541 et seq.) of Title 50, War and National Defense. For complete classification of this Resolution to the Code, see Short Title note set out under section 1541 of Title 50 and Tables.

EFFECTIVE DATE

Pub. L. 113-66, div. A, title X, §1041(b), Dec. 26, 2013, 127 Stat. 857, provided that: “Section 130f of title 10, United States Code, as added by subsection (a), shall apply with respect to any sensitive military operation (as defined in subsection (d) of such section) executed on or after the date of the enactment of this Act [Dec. 26, 2013].”

DEADLINE FOR SUBMITTAL OF PROCEDURES

Pub. L. 113-66, div. A, title X, §1041(c), Dec. 26, 2013, 127 Stat. 857, provided that: “The Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the procedures required under section 130f(b) of title 10, United States Code, as added by subsection (a), by not later than 60 days after the date of the enactment of this Act [Dec. 26, 2013].”

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.	
[133a.]	Repealed.]
[133b.]	Repealed.]
134.	Under Secretary of Defense for Policy.
[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.

- Sec.
 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.
 144. Director of Small Business Programs.

AMENDMENTS

2013—Pub. L. 112-239, div. A, title X, §1076(f)(2), Jan. 2, 2013, 126 Stat. 1952, struck out item 133b “Deputy Under Secretary of Defense for Logistics and Materiel Readiness”.

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, formerly 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.