

structure 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, destruction, 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; amended Pub. L. 114–92, div. A, title X, §1081(a)(2), Nov. 25, 2015, 129 Stat. 1000.)

AMENDMENTS

2015—Pub. L. 114–92 substituted “Treatment under Freedom of Information Act of certain critical infrastructure security information” for “Treatment under Freedom of Information Act of critical infrastructure security information” in section catchline.

§ 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 pre-

pared 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.—(1) 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).

(2) The exception in paragraph (1) shall cease to be in effect at the close of December 31, 2017.

(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; amended Pub. L. 114–92, div. A, title X, §1043, Nov. 25, 2015, 129 Stat. 977.)

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.

AMENDMENTS

2015—Subsec. (e). Pub. L. 114-92 designated existing provisions as par. (1) and added par. (2).

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].”

§ 130g. Authorities concerning military cyber operations

The Secretary of Defense shall develop, prepare, and coordinate; make ready all armed forces for purposes of; and, when appropriately authorized to do so, conduct, a military cyber operation in response to malicious cyber activity carried out against the United States or a United States person by a foreign power (as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(Added Pub. L. 114-92, div. A, title XVI, §1642(a), Nov. 25, 2015, 129 Stat. 1116.)

§ 130h. Prohibitions on providing certain missile defense information to Russian Federation

(a) CERTAIN “HIT-TO-KILL” TECHNOLOGY AND TELEMETRY DATA.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation with “hit-to-kill” technology and telemetry data for missile defense interceptors or target vehicles.

(b) OTHER SENSITIVE MISSILE DEFENSE INFORMATION.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation with—

(1) information relating to velocity at burn-out of missile defense interceptors or targets of the United States; or

(2) classified or otherwise controlled missile defense information.

(c) EXCEPTION.—The prohibitions in subsection¹ (a) and (b) shall not apply to the United States providing to the Russian Federation information regarding ballistic missile early warning.

(d) SUNSET.—The prohibitions in subsection¹ (a) and (b) shall expire on January 1, 2017.

(Added Pub. L. 114-92, div. A, title XVI, §1671(a)(1), Nov. 25, 2015, 129 Stat. 1129.)

¹ So in original. Probably should be “subsections”.

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.	
131.	Office of the Secretary of Defense.
132.	Deputy Secretary of Defense.
132a.	Deputy Chief Management Officer.
133.	Under Secretary of Defense for Acquisition, Technology, and Logistics.
[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 to 138d.]	Repealed.]
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.	Chief Information Officer.
143.	Office of the Secretary of Defense personnel: limitation.
144.	Director of Small Business Programs.

AMENDMENT OF ANALYSIS

Pub. L. 113-291, div. A, title IX, §901(l)(1)(A), Dec. 19, 2014, 128 Stat. 3468, provided that, effective on Feb. 1, 2017, the item relating to section 132a is amended to read as follows: “132a. Under Secretary of Defense for Business Management and Information.”

AMENDMENTS

2014—Pub. L. 113-291, div. A, title IX, §901(l)(1)(B), (C), Dec. 19, 2014, 128 Stat. 3468, added item 142 and struck out items 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”, and 138d “Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs”.

Pub. L. 113-291, div. A, title IX, §901(l)(1)(A), Dec. 19, 2014, 128 Stat. 3468, substituted “Under Secretary of Defense for Business Management and Information” for “Deputy Chief Management Officer” in item 132a.

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 Sys-