

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (b) and (d), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

**CHAPTER 3—GENERAL POWERS AND FUNCTIONS**

- Sec.
- 121. Regulations.
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- 129. Civilian personnel management.
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- 129d. Disclosure to litigation support contractors.
- 130. Authority to withhold from public disclosure certain technical data.
- [130a. Repealed.]
- 130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information.
- 130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations.
- 130d. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.
- 130e. Treatment under Freedom of Information Act of certain critical infrastructure security information.
- 130f. Notification requirements for sensitive military operations.
- [130g. Renumbered.]
- 130h. Prohibitions relating to missile defense information and systems.
- 130i. Protection of certain facilities and assets from unmanned aircraft.
- [130j, 130k Renumbered.]

AMENDMENTS

2021—Pub. L. 116-283, div. A, title IX, §911(a)(2), title X, §1052(b), Jan. 1, 2021, 134 Stat. 3801, 3850, added items 125a and 127f.  
 2018—Pub. L. 115-232, div. A, title X, §1081(a)(2), title XVI, §1631(c)(1), Aug. 13, 2018, 132 Stat. 1983, 2123, struck out item 130g “Authorities concerning military cyber

operations” and made technical correction to and struck out items 130j “Notification requirements for sensitive military cyber operations” and 130k “Notification requirements for cyber weapons”.  
 2017—Pub. L. 115-91, div. A, title XVI, §1631(b), Dec. 12, 2017, 131 Stat. 1738, added items 130j and 130k.  
 2016—Pub. L. 114-328, div. A, title X, §1036(f)(2), title XI, §1101(b)(2), title XII, §§1203(a)(2), 1245(b), title XVI, §§1662(a)(3), 1682(a)(2), 1697(b), Dec. 23, 2016, 130 Stat. 2392, 2444, 2476, 2520, 2614, 2624, 2640, added items 127e, 128, 130f, 130h, and 130i, substituted “Civilian personnel management” for “Prohibition of certain civilian personnel management constraints” in item 129, and struck out former items 127d “Allied forces participating in combined operations: authority to provide logistic support, supplies, and services”, 128 “Physical protection of special nuclear material: limitation on dissemination of unclassified information”, 130f “Congressional notification of sensitive military operations”, and 130h “Prohibitions on providing certain missile defense information to Russian Federation”.  
 2015—Pub. L. 114-92, div. A, title X, §1042(d)(2), title XVI, §§1642(b), 1671(a)(2), Nov. 25, 2015, 129 Stat. 977, 1116, 1130, added items 130g and 130h and substituted “Department of Defense rewards program” for “Assistance in combating terrorism: rewards” in item 127b.  
 2014—Pub. L. 113-291, div. A, title X, §1071(f)(2), Dec. 19, 2014, 128 Stat. 3510, 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 item 130e and “Congressional notification of sensitive military operations” for “Congressional notification regarding sensitive military operations” in item 130f.  
 2013—Pub. L. 113-66, div. A, title X, §§1041(a)(2), 1091(a)(2), Dec. 26, 2013, 127 Stat. 857, 875, added item 130f and substituted “Treatment under Freedom of Information Act of critical infrastructure security information” for “Treatment under Freedom of Information Act of certain critical infrastructure security information” in item 130e.  
 2011—Pub. L. 112-81, div. A, title VIII, §802(a)(2), title IX, §931(b), title X, §1091(b), Dec. 31, 2011, 125 Stat. 1485, 1543, 1605, added items 129d and 130e and substituted “General policy for total force management” for “General personnel policy” in item 129a.  
 Pub. L. 111-383, div. A, title X, §1061(a)(2), Jan. 7, 2011, 124 Stat. 4362, added item 122a.  
 2008—Pub. L. 110-417, [div. A], title IV, §416(c)(2), Oct. 14, 2008, 122 Stat. 4430, substituted “Suspension of end-strength and other strength limitations in time of war or national emergency” for “Suspension of end-strength limitations in time of war or national emergency” in item 123a.  
 Pub. L. 110-181, div. A, title X, §1063(a)(1)(B), Jan. 28, 2008, 122 Stat. 321, which directed amendment of chapter 3 of title 10 “by revising the table of sections at the beginning of such chapter to reflect the redesignation and transfer made by paragraph (1)”, was executed to reflect the probable intent of Congress by amending the analysis to this chapter to reflect the redesignation and transfer made by section 1063(a)(1)(A) of Pub. L. 110-181, which redesignated the section 127c relating to allied forces participating in combined operations as 127d, and transferred it so as to appear immediately after section 127c relating to purchase of weapons overseas.  
 Pub. L. 110-181, div. A, title IX, §901(a)(2), Jan. 28, 2008, 122 Stat. 272, struck out item 130a “Major Department of Defense headquarters activities personnel: limitation”.  
 2006—Pub. L. 109-364, div. A, title XII, §1201(b), title XIV, §1405(b), Oct. 17, 2006, 120 Stat. 2412, 2436, added items 127c, relating to allied forces participating in combined operations, and 130d.  
 Pub. L. 109-163, div. A, title XII, §1231(b), Jan. 6, 2006, 119 Stat. 3468, added item 127c relating to purchase of weapons overseas.  
 2003—Pub. L. 108-136, div. A, title VIII, §841(b)(2), Nov. 24, 2003, 117 Stat. 1552, substituted “Authority to pro-

cure personal services” for “Experts and consultants: authority to procure services of” in item 129b.

2002—Pub. L. 107-314, div. A, title X, §1065(b), Dec. 2, 2002, 116 Stat. 2656, added item 127b.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1073(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-280, added item 130c.

1999—Pub. L. 106-65, div. A, title IX, §921(a)(2), title X, §1044(b), Oct. 5, 1999, 113 Stat. 723, 762, substituted “Major Department of Defense headquarters activities personnel: limitation” for “Management headquarters and headquarters support activities personnel: limitation” in item 130a and added item 130b.

1997—Pub. L. 105-85, div. A, title IX, §911(a)(2), Nov. 18, 1997, 111 Stat. 1858, added item 130a.

1996—Pub. L. 104-106, div. A, title XV, §1504(a)(8), Feb. 10, 1996, 110 Stat. 513, made technical correction to directory language of Pub. L. 103-337, §1312(a)(2). See 1994 Amendment note below.

Pub. L. 104-106, div. A, title V, §564(a)(2), title X, §1003(a)(2), Feb. 10, 1996, 110 Stat. 326, 417, substituted “Operations for which funds are not provided in advance: funding mechanisms” for “Expenses for contingency operations” in item 127a and added item 129c.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(2), Oct. 5, 1994, 108 Stat. 3013, added item 123 and struck out former item 123 “Suspension of certain provisions of law relating to reserve commissioned officers”.

Pub. L. 103-337, div. A, title XIII, §1312(a)(2), Oct. 5, 1994, 108 Stat. 2894, as amended by Pub. L. 104-106, div. A, title XV, §1504(a)(8), Feb. 10, 1996, 110 Stat. 513, added item 123b.

1993—Pub. L. 103-160, div. A, title XI, §1108(a)(2), Nov. 30, 1993, 107 Stat. 1752, added item 127a.

1990—Pub. L. 101-510, div. A, title XIV, §§1481(b)(2), 1483(c)(2), Nov. 5, 1990, 104 Stat. 1705, 1715, added items 123a, 129a, and 129b.

1989—Pub. L. 101-189, div. A, title XII, §1202(a)(2), Nov. 29, 1989, 103 Stat. 1563, added item 124.

1987—Pub. L. 100-180, div. A, title XI, §1123(b), Dec. 4, 1987, 101 Stat. 1150, added item 128.

Pub. L. 100-26, §9(b)(1), Apr. 21, 1987, 101 Stat. 287, struck out item 128 “Funds transfers for foreign cryptologic support”.

1986—Pub. L. 99-433, title I, §110(c)(2), (e)(1), title II, §211(c)(2), Oct. 1, 1986, 100 Stat. 1002, 1003, 1017, inserted “and Functions” after “General Powers” in chapter heading, struck out item 124 “Combatant commands: establishment; composition; functions; administration and support”, and added items 127 to 130.

1962—Pub. L. 87-651, title II, §201(b), Sept. 7, 1962, 76 Stat. 517, added items 124 to 126.

1958—Pub. L. 85-861, §1(2)(B), Sept. 2, 1958, 72 Stat. 1437, added items 122 and 123.

**§ 121. Regulations**

The President may prescribe regulations to carry out his functions, powers, and duties under this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 6.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
121 .....	[No source].	[No source].

The revised section is inserted to make express the President's general authority to issue regulations, which has been expressly reflected in many laws and left to inference in the remainder.

**§ 122. Official registers**

The Secretary of a military department may have published, annually or at such other times as he may designate, official registers containing the names of, and other pertinent information about, such regular and reserve officers

of the armed forces under his jurisdiction as he considers appropriate. The register may also contain any other list that the Secretary considers appropriate.

(Added Pub. L. 85-861, §1(2)(A), Sept. 2, 1958, 72 Stat. 1437.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
122 .....	10 App.:20b. 34 App.:609.	July 24, 1956, ch. 677, §1, 70 Stat. 623.

**§ 122a. Public availability of Department of Defense reports required by law**

(a) IN GENERAL.—To the maximum extent practicable, on or after the date on which each report described in subsection (b) is submitted to Congress, the Secretary of Defense, acting through the Assistant to the Secretary of Defense for Public Affairs, shall ensure that the report is made available to the public by—

(1) posting the report on a publicly accessible Internet website of the Department of Defense; and

(2) upon request, transmitting the report by other means, as long as such transmission is at no cost to the Department.

(b) COVERED REPORTS.—(1) Except as provided in paragraph (2), a report described in this subsection is any report that is required by law to be submitted to Congress by the Secretary of Defense, or by any element of the Department of Defense.

(2) A report otherwise described in paragraph (1) is not a report described in this subsection if the report contains—

(A) classified information;

(B) proprietary information;

(C) information that is exempt from disclosure under section 552 of title 5 (commonly referred to as the “Freedom of Information Act”); or

(D) any other type of information that the Secretary of Defense determines should not be made available to the public in the interest of national security.

(Added Pub. L. 111-383, div. A, title X, §1061(a)(1), Jan. 7, 2011, 124 Stat. 4362; amended Pub. L. 112-81, div. A, title X, §1068, Dec. 31, 2011, 125 Stat. 1589; Pub. L. 113-66, div. A, title X, §1081(a), Dec. 26, 2013, 127 Stat. 871; Pub. L. 115-91, div. A, title X, §1081(a)(3), Dec. 12, 2017, 131 Stat. 1594.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91 substituted “acting through the Assistant to the Secretary of Defense for Public Affairs” for “acting through the Office of the Assistant Secretary of Defense for Public Affairs” in introductory provisions.

2013—Subsec. (a). Pub. L. 113-66 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall ensure that each report described in subsection (b) is

“(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

“(2) to the maximum extent practicable, transmitted in an electronic format.”