

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 relating to missile defense information and systems

(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 subsections (a) and (b) shall not apply to the United States providing to the Russian Federation information regarding ballistic missile early warning.

(d) INTEGRATION.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation or a missile defense system of the People’s Republic of China into any missile defense system of the United States.

(e) SUNSET.—The prohibitions in subsections (a), (b), and (d) shall expire on January 1, 2019.

(Added Pub. L. 114-92, div. A, title XVI, §1671(a)(1), Nov. 25, 2015, 129 Stat. 1129; amended Pub. L. 114-328, div. A, title X, §1081(a)(1), title XVI, §1682(a)(1), (b), Dec. 23, 2016, 130 Stat. 2417, 2623, 2624.)

AMENDMENTS

2016—Pub. L. 114-328, §1682(a)(1)(C), added section catchline and struck out former section catchline which read as follows: “Prohibitions on providing certain missile defense information to Russian Federation”.

Subsec. (c). Pub. L. 114-328, §1081(a)(1), substituted “subsections (a) and (b)” for “subsection (a) and (b)”.

Subsec. (d). Pub. L. 114-328, §1682(a)(1)(B), added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 114-328, §1081(a)(1), substituted “subsections (a) and (b)” for “subsection (a) and (b)”.

Subsec. (e). Pub. L. 114-328, §1682(a)(1)(A), (b), redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, text read as follows: “The prohibitions in subsections (a) and (b) shall expire on January 1, 2017.”

§ 130i. Protection of certain facilities and assets from unmanned aircraft

(a) AUTHORITY.—Notwithstanding any provision of title 18, the Secretary of Defense may take, and may authorize the armed forces to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire, oral, or electronic communication used to control the unmanned aircraft system or unmanned aircraft.

(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in sub-

section (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

(d) REGULATIONS.—The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

(e) DEFINITIONS.—In this section:

(1) The term “covered facility or asset” means any facility or asset that—

(A) is identified by the Secretary of Defense for purposes of this section;

(B) is located in the United States (including the territories and possessions of the United States); and

(C) relates to—

(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

(ii) the missile defense mission of the Department; or

(iii) the national security space mission of the Department.

(2) The terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(Added Pub. L. 114–328, div. A, title XVI, § 1697(a), Dec. 23, 2016, 130 Stat. 2639.)

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.	Under Secretary of Defense for Research and Engineering.
133b.	Under Secretary of Defense for Acquisition and Sustainment.
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.	Special Operations Policy and Oversight Council.
[139c.	Repealed.]
[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. 114–328, div. A, title IX, § 901(g)(2), Dec. 23, 2016, 130 Stat. 2342, provided that, ef-

fective on Feb. 1, 2018, this analysis is amended by striking out item 133 “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

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.” See 2014 Amendment note below.

AMENDMENTS

2016—Pub. L. 114–328, div. A, title IX, § 901(g)(2), Dec. 23, 2016, 130 Stat. 2342, effective on Feb. 1, 2018, added items 133a and 133b.

Pub. L. 114–328, div. A, title IX, §§ 901(g)(1), 922(b)(2), Dec. 23, 2016, 130 Stat. 2342, 2356, added item 139b and struck out former item 139b “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance” and item 139c “Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy”.

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, which directed substitution of “Under Secretary of Defense for Business Management and Information” for “Deputy Chief Management Officer” in item 132a, effective Feb. 1, 2017, was not executed to reflect the probable intent of Congress. Section 901(a)(1) of Pub. L. 113–291, which amended section 132a of this title to establish the Under Secretary of Defense for Business Management and Information, was repealed by Pub. L. 114–328, effective Dec. 23, 2016.

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.