

(e) WAIVER.—

(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

(A) the congressional defense committees are notified of the program; and

(B) a period of 30 days elapses after such notification is received.

(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.

(g) CONGRESSIONAL OVERSIGHT.—(1) Neither the Secretary of Defense nor the Director of National Intelligence may take any action that would have the effect of limiting the access of the congressional defense committees to—

(A) any classified program, or any information about any classified program, to which such committees have access as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022; or

(B) any classified program established, or any information about any classified program that becomes available, after the date of the enactment of such Act that is within the jurisdiction of such committees.

(2) In this subsection, the term “classified program” includes any special access program, alternative compensatory control measure, or any other controlled access program.

(Added Pub. L. 114-328, div. A, title X, §1062(a), Dec. 23, 2016, 130 Stat. 2405; amended Pub. L. 116-92, div. A, title XVII, §1731(a)(4), Dec. 20, 2019, 133 Stat. 1812; Pub. L. 117-81, div. A, title X, §1041(b), Dec. 27, 2021, 135 Stat. 1903.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 and the date of the enactment of such Act, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 117-81, which was approved Dec. 27, 2021.

AMENDMENTS

2021—Subsec. (g). Pub. L. 117-81 added subsec. (g).

2019—Subsecs. (a), (b). Pub. L. 116-92 substituted “ACCMS” for “AACMS” in subsec. heading.

§ 120. Department of Defense executive aircraft controlled by Secretaries of military departments

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Chief of the Air Force Special Air Mission Office is given the responsibility for coordination of scheduling all Department of Defense executive aircraft controlled by the Secretaries of the military departments in order to support required use travelers.

(b) RESPONSIBILITIES.—(1) Not later than 180 days after the date of the enactment of this section, the Secretary of each of the military departments shall execute a memorandum of understanding with the Air Force Special Air Mission Office regarding oversight and management of executive aircraft controlled by that military department.

(2) The Secretary of Defense shall be responsible for prioritizing travel when requests exceed available executive airlift capability.

(3) The Secretary of a military department shall maintain overall authority for scheduling the required use travelers of that military department on executive aircraft controlled by the Secretary. When an executive aircraft controlled by the Secretary of a military department is not supporting required use travelers of that military department, the Secretary of the military department shall make such executive aircraft available for scheduling of other required use travelers.

(c) LIMITATIONS.—(1) The Secretary of Defense may not establish a new command and control organization to support aircraft.

(2) No executive aircraft controlled by the Secretary of a military department may be permanently stationed at any location without a required use traveler without the approval of the Secretary of Defense.

(d) DEFINITIONS.—In this section:

(1) The term “required use traveler” has the meaning given such term in Department of Defense directive 4500.56, as in effect on the date of the enactment of this section.

(2) The term “executive aircraft” has the meaning given such term in Department of Defense directive 4500.43, as in effect on the date of the enactment of this section.

(Added Pub. L. 116-92, div. A, title X, §1051(a), Dec. 20, 2019, 133 Stat. 1590.)

Editorial Notes

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**

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[130g.	Renumbered.]
[130h.	Repealed.]
130i.	Protection of certain facilities and assets from unmanned aircraft.
[130j, 130k	Renumbered.]

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title XVI, §1649(b)(1), Dec. 23, 2024, 138 Stat. 2199, struck out item 130h “Prohibitions relating to missile defense information and systems”. Amendment was made pursuant to operation of section 102 of this title.

2023—Pub. L. 118–31, div. A, title XII, §§1201(b), 1221(b), Dec. 22, 2023, 137 Stat. 441, 453, added items 127d and 127f

and struck out former item 127f “Expenditure of funds for clandestine activities that support operational preparation of the environment”.

2022—Pub. L. 117–263, div. A, title X, §1042(b), Dec. 23, 2022, 136 Stat. 2770, added item 130a.

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 Depart-