

designated foreign nationals, their facilities, and their property under any of the bases in domestic or international law in the circumstances enumerated in paragraph (1), and the conditions under which any such Rules of Engagement would be modified.

“(6) A description of the process through which policy guidance pertaining to the authorization for, and the provision by members of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property is to be disseminated to the level of tactical execution.

“(7) Such other matters as the Secretary considers appropriate.

“(c) REPORT ON POLICY.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations] of the Senate and the House of Representatives] a report setting forth the policy required by subsection (a).

“(2) DoD GENERAL COUNSEL STATEMENT.—The Secretary shall include in the report under paragraph (1) a statement by the General Counsel of the Department of Defense as to whether the policy prescribed pursuant to subsection (a) is consistent with domestic and international law.

“(3) FORM.—The report required by paragraph (1) may be submitted in classified form.

“(d) BRIEFING ON POLICY.—Not later than 30 days after the date of the submittal of the report required by subsection (c), the Secretary shall provide the congressional defense committees a classified briefing on the policy prescribed pursuant to subsection (a). The briefing shall make use of vignettes designated to illustrate real world application of the policy in each [of] the circumstances enumerated in subsection (b)(1).”

#### 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. Renumbered § 394]

#### [§ 130h. Repealed. Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199]

Section, 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; Pub. L. 115–232, div. A, title XVI, §1678, Aug. 13, 2018, 132 Stat. 2161; Pub. L. 116–283, div. A, title XVI, §1642, Jan. 1, 2021, 134 Stat. 4062; Pub. L. 117–263, div. A, title XVI, §1653, Dec. 23, 2022, 136 Stat. 2949, prohibited the Department of Defense from using appropriated funds to provide the Russian Federation with “hit-to-kill” technology and telemetry data for missile defense interceptors or target vehicles and other sensitive missile defense information. See section 5551 of this title.

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

(a) AUTHORITY.—Notwithstanding section 46502 of title 49, or any provision of title 18, the Secretary of Defense may take, and may authorize members of the armed forces and officers and civilian employees of the Department of Defense with assigned duties that include safety, security, or protection of personnel, facilities, or assets, to take, such actions described in sub-

section (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 communication, an oral communication, or an 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 subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

(d) REGULATIONS AND GUIDANCE.—(1) 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.

(2)(A) The Secretary of Defense and the Secretary of Transportation shall coordinate in the development of guidance under paragraph (1).

(B) The Secretary of Defense shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance or otherwise implementing this section if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

(e) PRIVACY PROTECTION.—The regulations prescribed or guidance issued under subsection (d) shall ensure that—

(1) the interception or acquisition of, or access to, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the fourth amendment to the Constitution and applicable provisions of Federal law;

(2) communications to or from an unmanned aircraft system are intercepted, acquired, or

accessed only to the extent necessary to support a function of the Department of Defense;

(3) records of such communications are not maintained for more than 180 days unless the Secretary of Defense determines that maintenance of such records—

(A) is necessary to support one or more functions of the Department of Defense; or

(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

(4) such communications are not disclosed outside the Department of Defense unless the disclosure—

(A) would fulfill a function of the Department of Defense;

(B) would support a civilian law enforcement agency or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory action with regard to, an action described in subsection (b)(1); or

(C) is otherwise required by law or regulation.

(f) **BUDGET.**—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2018, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Defense. The funding display shall be in unclassified form, but may contain a classified annex.

(g) **SEMIANNUAL BRIEFINGS.**—(1) On a semi-annual basis during the five-year period beginning March 1, 2018, the Secretary of Defense and the Secretary of Transportation, shall jointly provide a briefing to the appropriate congressional committees on the activities carried out pursuant to this section. Such briefings shall include—

(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

(B) a description of instances where actions described in subsection (b)(1) have been taken;

(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and

(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

(h) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to—

(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49; and

(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title.

(i) **PARTIAL TERMINATION.**—(1) Except as provided by paragraph (2), the authority to carry

out this section with respect to the covered facilities or assets specified in clauses (iv) through (viii) of subsection (j)(3)(C) shall terminate on December 31, 2026.

(2) The President may extend by 180 days the termination date specified in paragraph (1) if before November 15, 2026, the President certifies to Congress that such extension is in the national security interests of the United States.

(j) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

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

(A) is identified by the Secretary of Defense, in consultation with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

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

(C) directly relates to the missions of the Department of Defense pertaining to—

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

(ii) missile defense;

(iii) national security space;

(iv) assistance in protecting the President or the Vice President (or other officer immediately next in order of succession to the office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

(v) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system;

(vi) combat support agencies (as defined in paragraphs (1) through (4) of section 193(f) of this title);

(vii) special operations activities specified in paragraphs (1) through (9) of section 167(k) of this title;

(viii) production, storage, transportation, or decommissioning of high-yield explosive munitions, by the Department; or

(ix) a Major Range and Test Facility Base (as defined in section 4173 of this title).

(4) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary

of Defense in support of the budget for that fiscal year.

(5) The terms “electronic communication”, “intercept”, “oral communication”, and “wire communication” have the meanings given those terms in section 2510 of title 18.

(6) The terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 44801 of title 49.

(Added Pub. L. 114–328, div. A, title XVI, § 1697(a), Dec. 23, 2016, 130 Stat. 2639; amended Pub. L. 115–91, div. A, title XVI, § 1692, Dec. 12, 2017, 131 Stat. 1788; Pub. L. 116–92, div. A, title XVI, § 1694, title XVII, § 1731(a)(6), Dec. 20, 2019, 133 Stat. 1791, 1812; Pub. L. 116–283, div. A, title X, § 1081(a)(8), title XVIII, § 1845(c)(4), Jan. 1, 2021, 134 Stat. 3871, 4247; Pub. L. 118–31, div. A, title XVI, § 1681, Dec. 22, 2023, 137 Stat. 611; Pub. L. 118–159, div. A, title XVII, § 1701(a)(2), div. B, title XXVIII, § 2871(c)(1), Dec. 23, 2024, 138 Stat. 2203, 2281.)

### Editorial Notes

#### REFERENCES IN TEXT

The Presidential Protection Assistance Act of 1976, referred to in subsec. (j)(3)(C)(iv), is Pub. L. 94–524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

2024—Subsec. (j)(3)(C)(ix). Pub. L. 118–159, § 2871(c)(1), which directed substitution of “section 4173” for “sections 4173(i)”, was executed by making the substitution for “section 4173(i)”, to reflect the probable intent of Congress and the intervening amendment by Pub. L. 118–159, § 1701(a)(2). See below and see section 1701(h) of Pub. L. 118–159, set out as a Coordination of Certain Sections of an Act With Other Provisions of That Act under section 101 of this title.

Pub. L. 118–159, § 1701(a)(2), substituted “section” for “sections”.

2023—Subsec. (i). Pub. L. 118–31 substituted “2026” for “2023” in pars. (1) and (2).

2021—Subsec. (i)(1). Pub. L. 116–283, § 1081(a)(8)(A), substituted “of subsection (j)(3)(C) shall” for “of subsection (j)(3)(C) shall”, resulting in no change in text. See 2019 Amendment notes and Coordination of Amendments by Pub. L. 116–92 note below.

Subsec. (j)(3)(C)(ix). Pub. L. 116–283, § 1845(c)(4), substituted “sections 4173(i)” for “section 196(i)”.

Subsec. (j)(6). Pub. L. 116–283, § 1081(a)(8)(B), inserted a period at end.

2019—Subsec. (i). Pub. L. 116–92, § 1694(a), substituted “2023” for “2020” in two places.

Subsec. (i)(1). Pub. L. 116–92, § 1731(a)(6)(A), inserted “(C)” after “subsection (j)(3)”.

Pub. L. 116–92, § 1694(b)(1), which directed substitution of “of subsection (j)(3)(C)” for “of subsection (j)(3)”, resulted in no change in text because of prior execution of amendment by Pub. L. 116–92, § 1731(a)(6)(A). See Amendment note above and Coordination of Amendments by Pub. L. 116–92 note below.

Subsec. (j)(6). Pub. L. 116–92, § 1731(a)(6)(B), substituted “44802” for “40101”.

Pub. L. 116–92, § 1694(b)(2), substituted “in section 44801 of title 49” for “in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 44802 note).”

2017—Pub. L. 115–91 amended section generally. Prior to amendment, section related to protection of certain facilities and assets from unmanned aircraft and consisted of provisions relating to authority of Secretary of Defense, authorized actions, forfeiture, regulations, and definitions.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1845(c)(4) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

#### COUNTER UNMANNED AERIAL SYSTEM THREAT LIBRARY

Pub. L. 118–159, div. A, title III, § 353, Dec. 23, 2024, 138 Stat. 1858, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of the Army, through the Joint Counter-Small Unmanned Aircraft Systems Office, shall establish and maintain a threat library, or expand and maintain an existing threat library, to coordinate efforts across the Department of Defense to counter unmanned aircraft systems.

“(b) INFORMATION TO BE INCLUDED.—The threat library required under subsection (a) shall include—

“(1) classified and unclassified information relating to known or suspected threats from unmanned aircraft systems;

“(2) proposed solutions for countering such known threats; and

“(3) a comprehensive listing of global incursions from unmanned aircraft systems at installations of the Department of Defense.

“(c) DISSEMINATION.—The Secretary of the Army, through the Joint Counter-Small Unmanned Aircraft Systems Office, shall establish a framework to share the information contained in the threat library required under subsection (a) with the military departments, the combatant commands, other Federal agencies, and relevant industries, as determined by the Secretary of the Army, in order to maintain technological superiority in aerial defense.”

#### COUNTER UNMANNED AERIAL SYSTEMS TASK FORCE

Pub. L. 118–159, div. A, title IX, § 925, Dec. 23, 2024, 138 Stat. 2041, provided that:

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall establish, or designate from existing organizations and personnel of the Department of Defense, a counter unmanned aerial systems task force, to be known as the ‘C-UAS Task Force’.

“(b) REVIEW OF MEMORANDA AND DIRECTIVES.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, acting through the C-UAS Task Force, shall review and, if necessary, consolidate and update all Department of Defense memoranda and directives related to the countering of unmanned aircraft systems in United States airspace to provide clarity to and an expedited decision-making process for commanders with respect to effectively countering unmanned aircraft systems or unmanned aircraft incursions at military installations in the United States.

“(2) INCLUDED MEMORANDA AND DIRECTIVES.—The memoranda and directives required to be reviewed and, if necessary, consolidated and updated under paragraph (1) include the following:

“(A) The Counter-Small Unmanned Aircraft Systems Strategy of the Department of Defense, dated January 7, 2021.

“(B) The Deputy Secretary of Defense Memorandum entitled ‘Risk-based Assessment in Support of Counter-Unmanned Aircraft Activities to Protect DOD Facilities and Assets’ and dated May 7, 2020.

“(C) Deputy Secretary of Defense Policy Memorandum 16–003, entitled ‘Interim Guidance for Countering Unmanned Aircraft’ and dated August 18, 2016.

“(D) Deputy Secretary of Defense Policy Memorandum 17–00X, entitled ‘Supplemental Guidance

for Countering Unmanned Aircraft’ and dated July 5, 2017.

“(E) Chairman of the Joint Chiefs of Staff Notice 3124, entitled ‘Interim Guidance for Countering Unmanned Aircraft’ and dated February 8, 2017.

“(F) Other related general administrative notices of the Joint Staff.

“(G) Any other associated memoranda or directives of the Department of Defense relating to unmanned aircraft systems, as the Secretary of Defense and the Chairman of the Joint Chiefs of Staff determine necessary.

“(c) ISSUANCE OF UPDATED GUIDANCE.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue new memoranda, directives, and guidance related to authorities to counter unmanned aircraft systems.

“(2) DISSEMINATION TO INSTALLATION COMMANDERS.—The Secretary of Defense shall ensure that memoranda, directives, and guidance issued under paragraph (1), and any subsequent memoranda, directives and guidance, are included in pre-briefings for any officers that assume command of a military installation in the United States on or after July 1, 2025.

“(3) STANDARD OPERATING PROCEDURES FOR MILITARY INSTALLATIONS.—

“(A) IN GENERAL.—Not later than 60 days after the issuance of the memoranda, directives, and guidance required by paragraph (1), each commander of a military installation shall issue operating procedures specific to their military installation for countering unmanned aircraft systems at the installation.

“(B) EXTENSION DURING CHANGES IN COMMAND.—If there is a change of command of a military installation during the 60-day period described in subparagraph (A), the incoming commander of the installation shall issue operating procedures specific to their military installation required by that subparagraph not later than 60 days after receiving the pre-briefing described in paragraph (2).

“(d) REPORT ON EXISTING TRAINING EFFORTS.—Not later than 120 days after the date of the enactment of this Act, 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] a report on the counter-unmanned aircraft systems training efforts of the Department of Defense in effect as of the date of the enactment of this Act. The report shall include—

“(1) a description of any training that is commonly provided to members of the Armed Forces on countering threats posed by unmanned aircraft systems; and

“(2) a summary of the training curriculum that is provided for installation commanders and deployed forces to counter unmanned aircraft systems.”

ASSESSMENT AND STRATEGY FOR FIELDING CAPABILITIES TO COUNTER THREATS POSED BY UNMANNED AERIAL SYSTEM SWARMS

Pub. L. 117–263, div. A, title I, §162, Dec. 23, 2022, 136 Stat. 2462, provided that:

“(a) ASSESSMENT, ANALYSIS, AND REVIEW.—The Secretary of Defense shall conduct—

“(1) an assessment of the threats posed by unmanned aerial system swarms and unmanned aerial systems with swarm capabilities to installations and deployed Armed Forces;

“(2) an analysis of the use or potential use of unmanned aerial system swarms by adversaries, including the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of North Korea, and non-state actors;

“(3) an analysis of the national security implications of swarming technologies such as autonomous intelligence and machine learning;

“(4) a review of the capabilities used by the Department of Defense to counter threats posed by un-

manned aerial systems and an assessment of the effectiveness of such capabilities at countering the threat of unmanned aerial system swarms; and

“(5) an overview of the efforts of the Department of Defense to develop and field test technologies that offer scalable, modular, and rapidly deployable capabilities with the ability to counter unmanned aerial system swarms.

“(b) STRATEGY DEVELOPMENT AND IMPLEMENTATION REQUIRED.—

“(1) IN GENERAL.—The Secretary of Defense shall develop and implement a strategy to field capabilities to counter threats posed by unmanned aerial system swarms.

“(2) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

“(A) The development of a comprehensive definition of ‘unmanned aerial system swarm’.

“(B) A plan to establish and incorporate requirements for the development, testing, and fielding of technologies and capabilities to counter unmanned aerial system swarms.

“(C) A plan to acquire and field adequate capabilities to counter unmanned aerial system swarms in defense of the Armed Forces, infrastructure, and other assets of the United States across land, air, and maritime domains.

“(D) An estimate of the resources needed by each Armed Force to implement the strategy.

“(E) An analysis, determination, and prioritization of legislative action required to ensure the Department of Defense has the ability to counter the threats posed by unmanned aerial system swarms.

“(F) Such other matters as the Secretary determines to be relevant to the strategy.

“(3) INCORPORATION INTO EXISTING STRATEGY.—The Secretary of Defense may incorporate the strategy required by paragraph (1) into a comprehensive strategy of the Department of Defense to counter the threat of unmanned aerial systems.

“(c) INFORMATION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act [Dec. 23, 2022], 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] a report on—

“(1) the findings of the Secretary under subsection (a); and

“(2) the strategy developed and implemented by the Secretary under subsection (b).”

COORDINATION OF AMENDMENTS BY PUB. L. 116–92

Amendments to this section by section 1731 of Pub. L. 116–92 to be treated as having been enacted immediately before amendments by other provisions of Pub. L. 116–92, see section 1731(f) of Pub. L. 116–92, set out as a Coordination of Certain Sections of an Act With Other Provisions of That Act note under section 101 of this title.

[[§§ 130j, 130k. Renumbered §§ 395, 396]

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.	
131.	Office of the Secretary of Defense.
132.	Deputy Secretary of Defense.
132a.	Performance improvement officer. <sup>1</sup>
[133.	Repealed.]
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.

<sup>1</sup>So in original. Probably should be capitalized as “Performance Improvement Officer”.