

SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.

(a) IN GENERAL.--Chapter 3 of title 10, United States Code, is amended by inserting after section 130d the following new section:

“§ 130e. Treatment under Freedom of Information Act of critical infrastructure security information

“(a) EXEMPTION.--The Secretary of Defense may exempt Department of Defense critical infrastructure 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.”.

(b) CLERICAL AMENDMENT.--The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

<< 10 USCA T. 10 subt. A pt. I ch. 3 prec. § 121 >>

“130e. Treatment under Freedom of Information Act of certain critical infrastructure security information.”.

