

121. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES

~~AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MALONEY OF NEW YORK~~

Beginning on page 513, line 17, strike section 1091
and insert the following:

1 **SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMA-**
2 **TION ACT OF CERTAIN DEPARTMENT OF DE-**
3 **FENSE CRITICAL INFRASTRUCTURE SECU-**
4 **RITY INFORMATION.**

5 (a) IN GENERAL.—Chapter 3 of title 10, United
6 States Code, is amended by adding after section 130e, as
7 added by section 1055, the following new section:

8 **“§ 130f. Treatment under Freedom of Information Act**
9 **of critical infrastructure security infor-**
10 **mation**

11 “(a) EXEMPTION.—Department of Defense critical
12 infrastructure security information that, if disclosed, may
13 result in the disruption, degradation, or destruction of op-
14 erations, property, or facilities of the Department of De-
15 fense, shall be exempt from disclosure pursuant to section
16 552(b)(3) of title 5, if the Secretary of Defense determines
17 that the public interest consideration in the disclosure of
18 such information does not outweigh preventing the dislo-
19 sure of such information.

1 “(b) INFORMATION PROVIDED TO STATE AND LOCAL
2 GOVERNMENTS.—Department of Defense critical infra-
3 structure security information obtained by a State or local
4 government from a Federal agency shall remain under the
5 control of the Federal agency, and a State or local law
6 authorizing or requiring such a government to disclose in-
7 formation shall not apply to such critical infrastructure
8 security information.

9 “(c) DEPARTMENT OF DEFENSE CRITICAL INFRA-
10 STRUCTURE SECURITY INFORMATION DEFINED.—In this
11 section, the term ‘Department of Defense critical infra-
12 structure security information’ means sensitive but unclas-
13 sified information related to critical infrastructure infor-
14 mation owned or operated by or on behalf of the Depart-
15 ment of Defense that could substantially facilitate the ef-
16 fectiveness of an attack designed to destroy equipment,
17 create maximum casualties, or steal particularly sensitive
18 military weapons including information regarding the se-
19 curing and safeguarding of explosives, hazardous chemi-
20 cals, or pipelines.

21 “(d) REGULATIONS.—The Secretary of Defense shall
22 prescribe regulations to implement this section. Such regu-
23 lations shall ensure the consistent application of the ex-
24 emption in subsection (a) across the military departments
25 and that specifically identify officials in each military de-

1 partment who shall be delegated the Secretary's authority
2 under this section.”.

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

“130f. Treatment under Freedom of Information Act of certain critical infra-
structure security information.”.

