

Editorial Notes**CODIFICATION**

Section was formerly classified to section 7383d of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-291, §3142(k)(1), reenacted heading without change.

Subsec. (e)(2). Pub. L. 113-291, §3142(k)(2), made technical amendment to reference in original act which appears in text as reference to section 3091 of this title.

2013—Pub. L. 112-239, §3131(m)(1)(A), substituted “atomic” for “nuclear” in section catchline.

Subsec. (a). Pub. L. 112-239, §3131(bb)(1)(D), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Pub. L. 112-239, §3131(m)(1)(C), substituted “atomic energy defense” for “nuclear defense”.

Subsec. (b). Pub. L. 112-239, §3131(m)(1)(B), (C), substituted “atomic energy” for “nuclear” in heading and “atomic energy defense” for “nuclear defense” in text.

Subsec. (c). Pub. L. 112-239, §3131(m)(1)(C), substituted “atomic energy defense” for “nuclear defense”.

Subsec. (e)(2). Pub. L. 113-66 substituted “Congress” for “the Congress”.

§ 2657. Annual report and certification on status of security of atomic energy defense facilities

(a) Report and certification on nuclear security enterprise

(1) Not later than September 30 of each even-numbered year, the Administrator shall submit to the Secretary of Energy—

(A) a report detailing the status of security at facilities holding Category I and II quantities of special nuclear material that are administered by the Administration; and

(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Administration and the Department of Energy.

(2) If the Administrator is unable to make the certification described in paragraph (1)(B) with respect to a facility, the Administrator shall submit to the Secretary with the matters required by paragraph (1) a corrective action plan for the facility describing—

(A) the deficiency that resulted in the Administrator being unable to make the certification;

(B) the actions to be taken to correct the deficiency; and

(C) timelines for taking such actions.

(3) Not later than December 1 of each even-numbered year, the Secretary shall submit to the congressional defense committees the unaltered report, certification, and any corrective action plans submitted by the Administrator under paragraphs (1) and (2) together with any comments of the Secretary.

(b) Report and certification on atomic energy defense facilities not administered by the Administration

(1) Not later than December 1 of each even-numbered year, the Secretary shall submit to the congressional defense committees—

(A) a report detailing the status of the security of atomic energy defense facilities hold-

ing Category I and II quantities of special nuclear material that are not administered by the Administration; and

(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.

(2) If the Secretary is unable to make the certification described in paragraph (1)(B) with respect to a facility, the Secretary shall submit to the congressional defense committees, together with the matters required by paragraph (1), a corrective action plan describing—

(A) the deficiency that resulted in the Secretary being unable to make the certification;

(B) the actions to be taken to correct the deficiency; and

(C) timelines for taking such actions.

(Pub. L. 107-314, div. D, title XLV, §4506, formerly Pub. L. 105-85, div. C, title XXXI, §3162, Nov. 18, 1997, 111 Stat. 2049; Pub. L. 106-65, div. C, title XXXI, §3142(h)(2), Oct. 5, 1999, 113 Stat. 934; renumbered Pub. L. 107-314, div. D, title XLV, §4506, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(7), Nov. 24, 2003, 117 Stat. 1773; Pub. L. 113-66, div. C, title XXXI, §3121(a), Dec. 26, 2013, 127 Stat. 1060; Pub. L. 114-328, div. C, title XXXI, §3135, Dec. 23, 2016, 130 Stat. 2771; Pub. L. 115-91, div. C, title XXXI, §3133(b), Dec. 12, 2017, 131 Stat. 1896.)

Editorial Notes**CODIFICATION**

Section was formerly set out as a note under section 7274m of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2017—Subsecs. (a)(1), (3), (b)(1). Pub. L. 115-91 substituted “of each even-numbered year” for “of each year”.

2016—Subsec. (b)(1)(B). Pub. L. 114-328 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “written certification that such facilities meet the security standards and requirements of the Department of Energy.”

2013—Pub. L. 113-66 amended section generally. Prior to amendment, text read as follows: “Not later than September 1 each year, the Secretary of Energy shall submit to the congressional defense committees the report entitled ‘Annual Report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities’, or any successor report to such report.”

2003—Subsec. (b). Pub. L. 108-136, §3141(h)(7)(D), which directed the amendment of subsec. (b) by inserting “of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2048; 42 U.S.C. 7251 note)” after “section 3161”, could not be executed because of the repeal of subsec. (b) by Pub. L. 106-65. See 1999 Amendment note below.

1999—Pub. L. 106-65 struck out subsec. (a) designation and heading and struck out heading and text of subsec. (b). Text read as follows: “The Secretary shall include with each report submitted under subsection (a) in fiscal years 1998 through 2000 any comments on such report by the members of the Department of Energy Security Management Board established under section 3161 that such members consider appropriate.”

§ 2658. Repealed. Pub. L. 113-66, div. C, title XXXI, §3132(a)(1), Dec. 26, 2013, 127 Stat. 1068

Section, Pub. L. 107-314, div. D, title XLV, §4507, formerly Pub. L. 106-65, div. C, title XXXI, §3152, Oct. 5,

1999, 113 Stat. 940; renumbered Pub. L. 107-314, div. D, title XLV, § 4507, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(8), Nov. 24, 2003, 117 Stat. 1773; Pub. L. 112-239, div. C, title XXXI, § 3131(n)(1), Jan. 2, 2013, 126 Stat. 2183, related to the annual submission and contents of a report on counterintelligence and security practices at national security laboratories.

§ 2659. Repealed. Pub. L. 114-113, div. M, title VII, § 701(f), Dec. 18, 2015, 129 Stat. 2930

Section, Pub. L. 107-314, div. D, title XLV, § 4508, formerly Pub. L. 106-65, div. C, title XXXI, § 3153, Oct. 5, 1999, 113 Stat. 940; renumbered Pub. L. 107-314, div. D, title XLV, § 4508, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(9), Nov. 24, 2003, 117 Stat. 1774; Pub. L. 112-239, div. C, title XXXI, § 3131(o)(1), Jan. 2, 2013, 126 Stat. 2183, related to report on security vulnerabilities of national security laboratory computers.

§ 2660. Repealed. Pub. L. 115-91, div. C, title XXXI, § 3135(c)(1), Dec. 12, 2017, 131 Stat. 1899

Section, Pub. L. 107-314, div. D, title XLV, § 4509, as added Pub. L. 112-239, div. C, title XXXI, § 3115(a), Jan. 2, 2013, 126 Stat. 2172; amended Pub. L. 113-291, div. C, title XXXI, § 3111, Dec. 19, 2014, 128 Stat. 3884, related to design and use of prototypes of nuclear weapons for intelligence purposes.

§ 2661. Protection of certain nuclear facilities and assets from unmanned aircraft

(a) Authority

Notwithstanding any provision of title 18, the Secretary of Energy may take such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Energy, 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 Energy 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 Energy is subject to forfeiture to the United States.

(d) Regulations

The Secretary of Energy 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 is—

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

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

(C) owned by the United States or contracted to the United States, to store or use special nuclear material.

(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. 40101¹ note).

(Pub. L. 107-314, div. D, title XLV, § 4510, as added Pub. L. 114-328, div. C, title XXXI, § 3112(a), Dec. 23, 2016, 130 Stat. 2756.)

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REFERENCES IN TEXT

Section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95), referred to in subsec. (e)(2), which was formerly set out in a note under section 40101 of Title 49, Transportation, was transferred and is now set out in a note under section 44802 of Title 49.

§ 2662. Reporting on penetrations of networks of contractors and subcontractors

(a) Procedures for reporting penetrations

The Administrator shall establish procedures that require each contractor and subcontractor to report to the Chief Information Officer when a covered network of the contractor or subcontractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

(b) Establishment of criteria for covered networks

(1) In general

The Administrator shall, in consultation with the officials specified in paragraph (2), establish criteria for covered networks to be subject to the procedures for reporting penetrations under subsection (a).

(2) Officials specified

The officials specified in this paragraph are the following officials of the Administration:

(A) The Deputy Administrator for Defense Programs.

(B) The Associate Administrator for Acquisition and Project Management.

¹ See References in Text note below.