

spect 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.)

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.)

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.

PART B—CLASSIFIED INFORMATION

§ 2671. Review of certain documents before declassification and release**(a) In general**

The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains Restricted Data.

(b) Limitation on declassification

The Secretary may not implement the automatic declassification provisions of Executive Order No. 13526 (50 U.S.C. 3161 note) if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing Restricted Data.

(Pub. L. 107–314, div. D, title XLV, §4521, formerly Pub. L. 104–106, div. C, title XXXI, §3155, Feb. 10, 1996, 110 Stat. 625; renumbered Pub. L. 107–314, div. D, title XLV, §4521, by Pub. L. 108–136, div. C, title XXXI, §3141(h)(11), Nov. 24, 2003, 117 Stat. 1774; amended Pub. L. 112–239, div. C, title XXXI, §3131(p), Jan. 2, 2013, 126 Stat. 2183; Pub. L. 113–66, div. C, title XXXI, §3146(a)(2)(G), Dec. 26, 2013, 127 Stat. 1073; Pub. L. 113–291, div. C, title XXXI, §3142(l), Dec. 19, 2014, 128 Stat. 3901.)

CODIFICATION

Section was formerly set out as a note under section 2162 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113–291 substituted “Executive Order No. 13526 (50 U.S.C. 3161 note)” for “Executive Order 12958”.

¹ See References in Text note below.

2013—Subsecs. (a), (b). Pub. L. 113–66 substituted “Restricted Data” for “restricted data”.

Subsec. (c). Pub. L. 112–239 struck out subsec. (c), which defined “restricted data”.

§ 2672. Protection against inadvertent release of Restricted Data and Formerly Restricted Data**(a) Plan for protection against release**

The Secretary of Energy and the Archivist of the United States shall, after consultation with the members of the National Security Council and in consultation with the Secretary of Defense and the heads of other appropriate Federal agencies, develop a plan to prevent the inadvertent release of records containing Restricted Data or Formerly Restricted Data during the automatic declassification of records under Executive Order No. 13526 (50 U.S.C. 3161 note).

(b) Plan elements

The plan under subsection (a) shall include the following:

(1) The actions to be taken in order to ensure that records subject to Executive Order No. 13526 are reviewed on a page-by-page basis for Restricted Data and Formerly Restricted Data unless they have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.

(2) The criteria and process by which documents are determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.

(3) The actions to be taken in order to ensure proper training, supervision, and evaluation of personnel engaged in declassification under that Executive order so that such personnel recognize Restricted Data and Formerly Restricted Data.

(4) The extent to which automated declassification technologies will be used under that Executive order to protect Restricted Data and Formerly Restricted Data from inadvertent release.

(5) Procedures for periodic review and evaluation by the Secretary of Energy, in consultation with the Director of the Information Security Oversight Office of the National Archives and Records Administration, of compliance by Federal agencies with the plan.

(6) Procedures for resolving disagreements among Federal agencies regarding declassification procedures and decisions under the plan.

(7) The funding, personnel, and other resources required to carry out the plan.

(8) A timetable for implementation of the plan.

(c) Limitation on declassification of certain records

(1) Effective on October 17, 1998, and except as provided in paragraph (3), a record referred to in subsection (a) may not be declassified unless the agency having custody of the record reviews the record on a page-by-page basis to ensure that the record does not contain Restricted Data or Formerly Restricted Data.

(2) Any record determined as a result of a review under paragraph (1) to contain Restricted