

## AMENDMENTS

2013—Pub. L. 112-239, §3131(k)(1)(A), substituted “national security laboratories” for “national laboratories” in section catchline.

Pub. L. 112-239, §3131(k)(1)(B), substituted “national security laboratory” for “national laboratory” wherever appearing.

Subsecs. (b)(3), (f), (g)(1). Pub. L. 112-239, §3131(bb)(1)(D), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (g)(3), (4). Pub. L. 112-239, §3131(k)(1)(C), struck out pars. (3) and (4), which defined “national laboratory” and “Restricted Data”, respectively.

2003—Subsec. (b)(2). Pub. L. 108-136, §3141(h)(3)(D)(i)(I), substituted “on November 4, 1999,” for “30 days after October 5, 1999,” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 108-136, §3141(h)(3)(D)(i)(II), substituted “January 3, 2000” for “The date that is 90 days after October 5, 1999”.

Subsec. (d)(1). Pub. L. 108-136, §3141(h)(3)(D)(ii), substituted “October 5, 1999,” for “the date of the enactment of this Act,” in the original, which for purposes of codification had been changed to “October 5, 1999,” thus requiring no change in text.

Subsec. (g)(3), (4). Pub. L. 108-136, §3141(h)(3)(D)(iii), added pars. (3) and (4).

### § 2653. Background investigations of certain personnel at Department of Energy facilities

The Secretary of Energy shall ensure that an investigation meeting the requirements of section 2165 of title 42 is made for each Department of Energy employee, or contractor employee, at a national security laboratory or nuclear weapons production facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is present; or

(2) has or may have regular access to a location where Restricted Data is present.

(Pub. L. 107-314, div. D, title XLV, §4503, formerly Pub. L. 106-65, div. C, title XXXI, §3143, Oct. 5, 1999, 113 Stat. 934; renumbered Pub. L. 107-314, div. D, title XLV, §4503, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(4), Nov. 24, 2003, 117 Stat. 1772; Pub. L. 112-239, div. C, title XXXI, §3131(l), Jan. 2, 2013, 126 Stat. 2182.)

## CODIFICATION

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

## AMENDMENTS

2013—Pub. L. 112-239 struck out subsec. (a) designation and heading “In general”, substituted “national security laboratory” for “national laboratory” in introductory provisions of text, and struck out subsecs. (b) and (c), which, respectively, required compliance by Secretary with former subsec. (a) and defined “national laboratory” and “Restricted Data”.

2003—Subsec. (b). Pub. L. 108-136, §3141(h)(4)(D)(i), substituted “October 5, 1999,” for “the date of the enactment of this Act” in the original, which for purposes of codification had been changed to “October 5, 1999,” thus requiring no change in text.

Subsec. (c). Pub. L. 108-136, §3141(h)(4)(D)(ii), added subsec. (c).

### § 2654. Department of Energy counterintelligence polygraph program

#### (a) New counterintelligence polygraph program required

The Secretary of Energy shall carry out, under regulations prescribed under this section, a new

counterintelligence polygraph program for the Department of Energy. The purpose of the new program is to minimize the potential for release or disclosure of classified data, materials, or information.

#### (b) Authorities and limitations

(1) The Secretary shall prescribe regulations for the new counterintelligence polygraph program required by subsection (a) in accordance with the provisions of subchapter II of chapter 5 of title 5 (commonly referred to as the Administrative Procedures Act).

(2) In prescribing regulations for the new program, the Secretary shall take into account the results of the Polygraph Review.

(3) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall issue a notice of proposed rulemaking for the new program.

#### (c) Omitted

#### (d) Report on further enhancement of personnel security program

(1) Not later than January 1, 2003, the Administrator for Nuclear Security shall submit to Congress a report setting forth the recommendations of the Administrator for any legislative action that the Administrator considers appropriate in order to enhance the personnel security program of the Department of Energy.

(2) Any recommendations under paragraph (1) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

#### (e) Polygraph Review defined

In this section, the term “Polygraph Review” means the review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

(Pub. L. 107-314, div. D, title XLV, §4504, formerly Pub. L. 107-107, div. C, title XXXI, §3152, Dec. 28, 2001, 115 Stat. 1376; renumbered Pub. L. 107-314, div. D, title XLV, §4504, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(5)(A), Nov. 24, 2003, 117 Stat. 1772.)

## CODIFICATION

Section is comprised of section 4504 of Pub. L. 107-314. Subsec. (c) of section 4504 of Pub. L. 107-314 repealed section 2655 of this title.

Section was formerly classified to section 7383h-1 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

## AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136, §3141(h)(5)(A)(iv), made technical amendment. See Codification note above.

**§ 2655. Repealed. Pub. L. 107-314, div. D, title XLV, § 4504(c), formerly Pub. L. 107-107, div. C, title XXXI, § 3152(c), Dec. 28, 2001, 115 Stat. 1377; renumbered Pub. L. 107-314, div. D, title XLV, § 4504(c), and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(5)(A), Nov. 24, 2003, 117 Stat. 1772**

Section, Pub. L. 107-314, div. D, title XLV, §4504A, formerly Pub. L. 106-65, div. C, title XXXI, §3154, Oct. 5, 1999, 113 Stat. 941; Pub. L. 106-398, §1 [div. C, title XXXI, §3135], Oct. 30, 2000, 114 Stat. 1654, 1654A-456; renumbered Pub. L. 107-314, div. D, title XLV, §4504A, and