

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

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 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 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 year, the Secretary shall submit to the congressional defense committees—

(A) a report detailing the status of the security of atomic energy defense facilities holding Category I and II quantities of special nuclear material that are not administered by the Administration; and

(B) written certification that 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.)

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

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. Report on security vulnerabilities of national security laboratory computers

(a) Report required

Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report on the security vulnerabilities of the computers of the national security laboratories.

(b) Preparation of report

In preparing the report, the National Counterintelligence Policy Board shall establish a so-

called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of one or more national security laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) Submission of report to Secretary of Energy and to FBI Director

Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) Forwarding to congressional committees

Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(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.)

CODIFICATION

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

AMENDMENTS

2013—Pub. L. 112–239, § 3131(o)(1)(A), substituted “national security laboratory” for “national laboratory” in section catchline.

Subsecs. (a), (b). Pub. L. 112–239, § 3131(o)(1)(B), substituted “national security laboratories” for “national laboratories”.

Subsecs. (e), (f). Pub. L. 112–239, § 3131(o)(1)(C), struck out subsecs. (e) and (f), which provided, respectively, that first report under this section would be for the year 2000 and for definition of “national laboratory”.

2003—Subsec. (f). Pub. L. 108–136, § 3141(h)(9)(D), added subsec. (f).

§ 2660. Design and use of prototypes of nuclear weapons for intelligence purposes

(a) Prototypes

The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production facilities to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.

(b) Prohibition on production of nuclear yields

In carrying out subsection (a), the Administrator may not conduct any experiments that produce a nuclear yield.

(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.)

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 12958 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.)

REFERENCES IN TEXT

Executive Order 12958, referred to in subsec. (b), which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 13526, § 6.2(g), Dec. 29, 2009, 75 F.R. 731.

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

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. 12958 ([former] 50 U.S.C. 435 note).

(b) Plan elements

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