

views carried out under this section are completed in not more than 15 days.

(c) Definitions

For purposes of this section:

(1) The term “background review”, commonly known as an indices check, means a review of information provided by the Director of National Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(Pub. L. 107-314, div. D, title XLV, § 4502, formerly Pub. L. 106-65, div. C, title XXXI, § 3146, Oct. 5, 1999, 113 Stat. 935; renumbered Pub. L. 107-314, div. D, title XLV, § 4502, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(3), Nov. 24, 2003, 117 Stat. 1771; Pub. L. 112-239, div. C, title XXXI, § 3131(k)(1), (bb)(1)(D), Jan. 2, 2013, 126 Stat. 2182, 2185; Pub. L. 113-66, div. C, title XXXI, § 3146(f)(1), Dec. 26, 2013, 127 Stat. 1079.)

CODIFICATION

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

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.

Subsec. (b). Pub. L. 113-66, § 3146(f)(1)(A), (B), redesignated subsec. (f) as (b) and struck out former subsec. (b) which related to moratorium on admissions to any national security laboratory facility pending certain certifications.

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

Subsec. (c). Pub. L. 113-66, § 3146(f)(1)(A), (B), redesignated subsec. (g) as (c) and struck out former subsec. (c) which related to waiver of moratorium.

Subsec. (c)(2). Pub. L. 113-66, § 3146(f)(1)(C), struck out “as in effect on January 1, 1999” after “Countries”.

Subsecs. (d), (e). Pub. L. 113-66, § 3146(f)(1)(A), struck out subsecs. (d) and (e) which related to exception to moratorium for certain individuals and exception to moratorium for certain programs, respectively.

Subsec. (f). Pub. L. 113-66, § 3146(f)(1)(B), redesignated subsec. (f) as (b).

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

Subsec. (g). Pub. L. 113-66, § 3146(f)(1)(B), redesignated subsec. (g) as (c).

Subsec. (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.