

quisition program” means an atomic energy defense acquisition program of the Administration—

- (i) the total project cost of which is more than \$500,000,000; or
- (ii) the total lifetime cost of which is more than \$1,000,000,000.

**(B) Exclusion of capital assets acquisition projects**

The term “major atomic energy defense acquisition program” does not include a project covered by Department of Energy Order 413.3 (or a successor order) for the acquisition of capital assets for atomic energy defense activities.

**(3) Performance baseline**

The term “performance baseline”, with respect to a major atomic energy defense acquisition program, means the key parameters with respect to performance, scope, cost, and schedule for the project budget of the program.

(Pub. L. 106–65, div. C, title XXXII, § 3221, as added Pub. L. 113–66, div. C, title XXXI, § 3112(a)(1), Dec. 26, 2013, 127 Stat. 1050; amended Pub. L. 113–291, div. C, title XXXI, § 3117, Dec. 19, 2014, 128 Stat. 3889.)

AMENDMENTS

2014—Subsec. (h)(1) to (3). Pub. L. 113–291 added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

SUBCHAPTER II—MATTERS RELATING TO SECURITY

**§ 2421. Protection of national security information**

**(a) Policies and procedures required**

The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.

**(b) Prompt reporting**

The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the management of classified information by personnel of the Administration.

(Pub. L. 106–65, div. C, title XXXII, § 3231, Oct. 5, 1999, 113 Stat. 960.)

**§ 2422. Office of Defense Nuclear Security**

**(a) Establishment**

There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for such position.

**(b) Chief of Defense Nuclear Security**

(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Secretary and Administrator.

(2) The Chief shall have direct access to the Secretary and all other officials of the Depart-

ment and the contractors of the Department concerning security matters.

(3) The Chief shall be responsible for the development and implementation of security programs for the Administration, including the protection, control and accounting of materials, and for the physical and cyber security for all facilities of the Administration.

(Pub. L. 106–65, div. C, title XXXII, § 3232, Oct. 5, 1999, 113 Stat. 960; Pub. L. 109–364, div. C, title XXXI, § 3117(b)(1), Oct. 17, 2006, 120 Stat. 2507.)

AMENDMENTS

2006—Pub. L. 109–364, § 3117(b)(1)(A), struck out “Office of Defense Nuclear Counterintelligence and” before “Office of Defense Nuclear Security” in section catchline.

Subsec. (a). Pub. L. 109–364, § 3117(b)(1)(B), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) There are within the Administration—

“(A) an Office of Defense Nuclear Counterintelligence; and

“(B) an Office of Defense Nuclear Security.

“(2) Each office established under paragraph (1) shall be headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for each such position.”

Subsecs. (b), (c). Pub. L. 109–364, § 3117(b)(1)(C), (D), redesignated subsec. (c) as (b) and struck out former subsec. (b) which related to the Chief of Defense Nuclear Counterintelligence.

**§ 2423. Counterintelligence programs**

**(a) National security laboratories and nuclear weapons production facilities**

The Secretary of Energy shall, at each national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

**(b) Other facilities**

The Secretary of Energy shall, at each Administration facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Counterintelligence of the Department of Energy who shall be responsible for and assess counterintelligence matters at that facility.

(Pub. L. 106–65, div. C, title XXXII, § 3233, Oct. 5, 1999, 113 Stat. 961; Pub. L. 109–364, div. C, title XXXI, § 3117(a)(2)(C), (c), Oct. 17, 2006, 120 Stat. 2507, 2508; Pub. L. 111–84, div. C, title XXXI, § 3121, Oct. 28, 2009, 123 Stat. 2710.)

AMENDMENTS

2009—Pub. L. 111–84 amended Pub. L. 109–364, § 3117(a), see 2006 Amendment note below.

2006—Pub. L. 109–364, § 3117(a), which, in par. (2), directed amendment of this section by substituting “Administrator” for “Secretary of Energy” in subsecs. (a) and (b) and “Administration” for “Office of Counterintelligence of the Department of Energy” in subsec. (b), effective Sept. 30, 2010, was amended generally by Pub. L. 111–84, and as so amended, no longer contains a par. (2) or amends this section.

Pub. L. 109–364, § 3117(c), substituted “Secretary of Energy” for “Administrator” in subsecs. (a) and (b) and “Office of Counterintelligence of the Department of Energy” for “Office of Defense Nuclear Counterintelligence” in subsec. (b).