

(B) for each requirement so identified, the reasons why such requirement cannot be met through full use of the H-canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet such requirement.

(Pub. L. 107-314, div. D, title XLIV, §4454, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3137(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-460; renumbered Pub. L. 107-314, div. D, title XLIV, §4454, and amended Pub. L. 108-136, div. C, title XXXI, §§3115(b), 3141(g)(24), Nov. 24, 2003, 117 Stat. 1745, 1770; Pub. L. 113-291, div. C, title XXXI, §3142(i), Dec. 19, 2014, 128 Stat. 3900.)

REFERENCES IN TEXT

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, referred to in text, is Pub. L. 106-398, §1 [H.R. 5408], Oct. 30, 2000, 114 Stat. 1654, 1654A-1, as amended. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2014—Pars. (1), (2). Pub. L. 113-291 inserted “of” after “assessment”.

2003—Pub. L. 108-136, §3141(g)(24)(C), inserted section catchline, struck out former subsec. heading, and, in introductory provisions, substituted “the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) or any other Act” for “this or any other Act” and “the Secretary of Energy” for “the Secretary”.

Pub. L. 108-136, §3115(b)(2), substituted “a report setting forth—” and pars. (1) to (3) for “the following:” and former pars. (1) to (3) which contained somewhat similar provisions.

Pub. L. 108-136, §3115(b)(1), in introductory provisions, substituted “submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and the Defense Nuclear Facilities Safety Board,” for “and the Defense Nuclear Facilities Safety Board jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives”.

SUBCHAPTER V—SAFEGUARDS AND SECURITY MATTERS

PART A—SAFEGUARDS AND SECURITY

§ 2651. Prohibition on international inspections of Department of Energy facilities unless protection of Restricted Data is certified

(a) Prohibition on inspections

The Secretary of Energy may not allow an inspection of a national security laboratory or nuclear weapons production facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no Restricted Data will be revealed during such inspection.

(b) Omitted

(Pub. L. 107-314, div. D, title XLV, §4501, formerly Pub. L. 104-106, div. C, title XXXI, §3154, Feb. 10, 1996, 110 Stat. 624; renumbered Pub. L. 107-314, div. D, title XLV, §4501, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(2), Nov. 24, 2003, 117 Stat. 1771; Pub. L. 112-239, div. C, title XXXI, §3131(j), Jan. 2, 2013, 126 Stat. 2182; Pub. L. 113-66, div. C, title XXXI, §3146(a)(2)(F), Dec. 26, 2013, 127 Stat. 1073; Pub. L. 113-291, div. C, title XXXI, §3142(j), Dec. 19, 2014, 128 Stat. 3900.)

CODIFICATION

Section is comprised of section 4501 of Pub. L. 107-314. Subsec. (b) of section 4501 of Pub. L. 107-314 amended provisions set out as a note under section 2153 of Title 42, The Public Health and Welfare.

Subsec. (a) of section 3154 of Pub. L. 104-106 was formerly set out as a note under section 2164 of Title 42, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291 substituted “national security laboratory or nuclear weapons production facility” for “nuclear weapons facility”.

2013—Subsec. (a). Pub. L. 113-66 substituted “Restricted Data” for “restricted data”.

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

2003—Pub. L. 108-136, §3141(h)(2)(D), redesignated par. (1) of subsec. (a) as entire subsec. (a) and par. (2) of subsec. (a) as subsec. (c) and, in subsec. (c), inserted heading and substituted “In this section” for “For purposes of paragraph (1)”. Subsec. (c) was editorially transferred to follow subsec. (b), to reflect the probable intent of Congress.

§ 2652. Restrictions on access to national security laboratories by foreign visitors from sensitive countries

(a) Background review required

The Secretary of Energy may not admit to any facility of a national security laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) Sense of Congress regarding background reviews

It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence should ensure that background reviews 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).

PILOT PROGRAM ON CONDUCT BY DEPARTMENT OF ENERGY OF BACKGROUND REVIEWS FOR ACCESS BY CERTAIN INDIVIDUALS TO NATIONAL SECURITY LABORATORIES

Pub. L. 115-232, div. C, title XXXI, §3121, Aug. 13, 2018, 132 Stat. 2295, provided that:

“(a) IN GENERAL.—The Secretary of Energy shall establish a pilot program to assess the feasibility and advisability of conducting background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) within the Department of Energy.

“(b) REQUIREMENTS.—Under the pilot program established under subsection (a), the Secretary may admit an individual described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) to a facility of a national security laboratory described in that section if, in addition to the conduct of a background review under subsection (a) with respect to that individual—

“(1) the Secretary determines that the admission of that individual to that facility is in the national interest and will further science, technology, and engineering capabilities in support of the mission of the Department of Energy; and

“(2) a security plan is developed and implemented to mitigate the risks associated with the admission of that individual to that facility.

“(c) ROLES OF SECRETARY AND DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—

“(1) ROLE OF SECRETARY.—Under the pilot program under subsection (a), the Secretary shall conduct background reviews for all individuals described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) seeking admission to facilities of national security laboratories described in that section. Such reviews by the Secretary shall be conducted independent of and in addition to background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under that section.

“(2) ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—Notwithstanding paragraph (1), during the period during which the pilot program established under subsection (a) is being carried out, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall retain primary responsibility for the conduct of all background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)).

“(d) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act [Aug. 13, 2018].

“(e) REPORT REQUIRED.—Not later than 90 days after the date on which the pilot program established under subsection (a) terminates under subsection (d), the Secretary of Energy, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the conduct of background reviews under the pilot program that includes—

“(1) a comparison of the effectiveness of and timelines required for background reviews conducted by the Secretary under the pilot program and background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)); and

“(2) the number of such reviews conducted for individuals who are citizens or agents of each country on the sensitive countries list referred to in that section.

“(f) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) NATIONAL SECURITY LABORATORY.—The term ‘national security laboratory’ has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).”

§ 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),