

Data or Formerly Restricted Data may not be declassified until the Secretary of Energy, in conjunction with the head of the agency having custody of the record, determines that the document is suitable for declassification.

(3) After the date occurring 60 days after the submission of the plan required by subsection (a) to the committees referred to in paragraphs (1) and (2) of subsection (d), the requirement under paragraph (1) to review a record on a page-by-page basis shall not apply in the case of a record determined, under the actions specified in the plan pursuant to subsection (b)(1), to be a record that is highly unlikely to contain Restricted Data or Formerly Restricted Data.

(d) Submission of plan

The Secretary of Energy shall submit the plan required under subsection (a) to the following:

- (1) The Committee on Armed Services of the Senate.
- (2) The Committee on Armed Services of the House of Representatives.
- (3) The Assistant to the President for National Security Affairs.

(e) Report and notification regarding inadvertent releases

(1) The Secretary of Energy shall submit to the committees and Assistant to the President specified in subsection (d) a report on inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 that occurred before October 17, 1998.

(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 13526 discovered in the two-year period preceding the submittal of the report.

(Pub. L. 107-314, div. D, title XLV, § 4522, formerly Pub. L. 105-261, div. C, title XXXI, § 3161, Oct. 17, 1998, 112 Stat. 2259; Pub. L. 106-65, div. A, title X, § 1067(3), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3193(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-480; renumbered Pub. L. 107-314, div. D, title XLV, § 4522, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(12), Nov. 24, 2003, 117 Stat. 1774; Pub. L. 110-417, div. C, title XXXI, § 3123, Oct. 14, 2008, 122 Stat. 4759; Pub. L. 113-66, div. C, title XXXI, § 3146(a)(2)(H), Dec. 26, 2013, 127 Stat. 1073; Pub. L. 113-291, div. C, title XXXI, § 3142(m), Dec. 19, 2014, 128 Stat. 3901; Pub. L. 114-328, div. C, title XXXI, § 3137(a), Dec. 23, 2016, 130 Stat. 2771.)

REFERENCES IN TEXT

Executive Order No. 12958, referred to in subsec. (e)(1), 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 435 of this title prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2016—Subsecs. (e), (f). Pub. L. 114-328 redesignated subsec. (f) as (e) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows:

“The Secretary of Energy shall, in each even-numbered year, submit a summary of the results of the periodic reviews and evaluations specified in the plan pursuant to subsection (b)(5) to the committees and Assistant to the President specified in subsection (d).”

2014—Subsec. (a). Pub. L. 113-291, § 3142(m)(1), substituted “Executive Order No. 13526 (50 U.S.C. 3161 note)” for “Executive Order No. 12958 (50 U.S.C. 435 note)”.

Subsec. (b)(1). Pub. L. 113-291, § 3142(m)(2), substituted “Executive Order No. 13526” for “Executive Order No. 12958”.

Subsec. (f)(2). Pub. L. 113-291, § 3142(m)(3), substituted “Executive Order No. 13526” for “Executive Order No. 12958”.

2013—Subsec. (g). Pub. L. 113-66 struck out subsec. (g) which defined “Restricted Data”.

2008—Subsec. (e). Pub. L. 110-417, § 3121(a)(1), (b), substituted “in each even-numbered year” for “on a periodic basis” and “subsection (b)(5)” for “subsection (b)(4)”.

Subsec. (f). Pub. L. 110-417, § 3123(a)(2), added par. (2) and struck out former par. (2) which read as follows: “Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary of Energy shall, on a quarterly basis, submit a report to the committees and Assistant to the President specified in subsection (d). The report shall state whether any inadvertent releases described in paragraph (1) occurred during the immediately preceding quarter and, if so, shall identify each such release.”

2003—Subsec. (c)(1). Pub. L. 108-136, § 3141(h)(12)(D)(i), substituted “October 17, 1998,” for “the date of the enactment of this Act”.

Subsec. (f)(1). Pub. L. 108-136, § 3141(h)(12)(D)(ii), substituted “October 17, 1998” for “the date of the enactment of this Act”.

Subsec. (f)(2). Pub. L. 108-136, § 3141(h)(12)(D)(iii), substituted “Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary” for “The Secretary”.

2000—Subsec. (f)(2). Pub. L. 106-398 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Not later than 30 days after any such inadvertent release occurring after the date of the enactment of this Act, the Secretary of Energy shall notify the committees and Assistant to the President specified in subsection (d) of such releases.”

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, § 1 [div. C, title XXXI, § 3193(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-481, provided that: “The amendment made by subsection (a) [amending this section] apply [sic] with respect to inadvertent releases of Restricted Data and Formerly Restricted Data that are discovered on or after the date of the enactment of this Act [Oct. 30, 2000].”

§ 2673. Supplement to plan for declassification of Restricted Data and Formerly Restricted Data

(a) Supplement to plan

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 supplement to the plan required under subsection (a) of section 2672 of this title.

(b) Contents of supplement

The supplement shall provide for the application of that plan (including in particular the ele-

ment of the plan required by subsection (b)(1) of section 2672 of this title) to all records subject to Executive Order No. 12958 that were determined before October 17, 1998, to be suitable for declassification.

(c) Limitation on declassification of records

All records referred to in subsection (b) shall be treated, for purposes of subsection (c) of section 2672 of this title, in the same manner as records referred to in subsection (a) of such section.

(d) Submission of supplement

The Secretary of Energy shall submit the supplement required under subsection (a) to the recipients of the plan referred to in subsection (d) of section 2672 of this title.

(Pub. L. 107-314, div. D, title XLV, §4523, formerly Pub. L. 106-65, div. C, title XXXI, §3149, Oct. 5, 1999, 113 Stat. 938; renumbered Pub. L. 107-314, div. D, title XLV, §4523, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(13), Nov. 24, 2003, 117 Stat. 1775.)

REFERENCES IN TEXT

Executive Order No. 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 435 of this title prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136, §3141(h)(13)(D)(i), substituted “subsection (a) of section 2672 of this title” for “subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2260; 50 U.S.C. 435 note)”.

Subsec. (b). Pub. L. 108-136, §3141(h)(13)(D)(ii), substituted “subsection (b)(1) of section 2672 of this title” for “section 3161(b)(1) of that Act” and “October 17, 1998,” for “the date of the enactment of that Act”.

Subsec. (c). Pub. L. 108-136, §3141(h)(13)(D)(iii), substituted “subsection (c) of section 2672 of this title” for “section 3161(c) of that Act” and “subsection (a) of such section” for “section 3161(a) of that Act”.

Subsec. (d). Pub. L. 108-136, §3141(h)(13)(D)(iv), substituted “subsection (d) of section 2672 of this title” for “section 3161(d) of that Act”.

§ 2674. Protection of classified information during laboratory-to-laboratory exchanges

(a) Provision of training

The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) Countering of espionage and intelligence-gathering abroad

(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department em-

ployees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(Pub. L. 107-314, div. D, title XLV, §4524, formerly Pub. L. 106-65, div. C, title XXXI, §3145, Oct. 5, 1999, 113 Stat. 935; renumbered Pub. L. 107-314, div. D, title XLV, §4524, by Pub. L. 108-136, div. C, title XXXI, §3141(h)(14), Nov. 24, 2003, 117 Stat. 1775.)

CODIFICATION

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

§ 2675. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities

(a) Amounts for declassification of records

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) Certification required with respect to automatic declassification of records

No records of the Department of Energy that have not as of October 5, 1999, been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Energy certifies to Congress that such declassification would not harm the national security.

(Pub. L. 107-314, div. D, title XLV, §4525, formerly Pub. L. 106-65, div. C, title XXXI, §3173, Oct. 5, 1999, 113 Stat. 949; renumbered Pub. L. 107-314, div. D, title XLV, §4525, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(15), Nov. 24, 2003, 117 Stat. 1775; Pub. L. 113-66, div. C, title XXXI, §3146(f)(4), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 113-291, div. C, title XXXI, §3142(n), Dec. 19, 2014, 128 Stat. 3901.)

CODIFICATION

Section was formerly set out as a note under section 435 of this title prior to renumbering by Pub. L. 108-136.

PRIOR PROVISIONS

A prior section 2691, Pub. L. 107-314, div. D, title XLV, §4541, formerly Pub. L. 104-106, div. C, title XXXI, §3158, Feb. 10, 1996, 110 Stat. 626; renumbered Pub. L. 107-314, div. D, title XLV, §4541, by Pub. L. 108-136, div. C, title XXXI, §3141(h)(17), Nov. 24, 2003, 117 Stat. 1776, related