

2018—Subsecs. (h), (i). Pub. L. 115-232, §3113(a)(1), (2), added subsec. (h) and redesignated former subsec. (h) as (i).

Subsec. (i)(2). Pub. L. 115-232, §3113(a)(3), struck out subpar. (A) designation and heading “In general”, substituted “The term” for “Except as provided in subparagraph (B), the term”, redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, realigned margins, and struck out former subpar. (B). Prior to amendment, text of subpar. (B) read as follows: “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.”

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.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. C, title XXXI, §3113(b), Aug. 13, 2018, 132 Stat. 2290, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is 18 months after the date of the enactment of this Act [Aug. 13, 2018].”

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.)

EFFECTIVE DATE

Section effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as a note under section 2401 of this title.

§ 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 Department 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.

EFFECTIVE DATE

Section effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as a note under section 2401 of this title.

§ 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 Department facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Intelligence and 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; Pub. L. 116-92, div. E, title LXVII, §6744(a), Dec. 20, 2019, 133 Stat. 2241.)

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-92 substituted “Department facility” for “Administration facility” and inserted “Intelligence and” after “the Office of”.

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