

tion 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 subssecs. (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.

(3) Not later than six months after obtaining the results of the Polygraph Review, the Secretary shall issue a notice of proposed rule-making for the new program.

(4) In the event of a counterintelligence investigation, the regulations prescribed under paragraph (1) may ensure that the persons subject to the counterintelligence polygraph program required by subsection (a) include any person who is—

- (A) a national of the United States (as such term is defined in section 1101 of title 8) and also a national of a foreign state; and

(B) an employee or contractor who requires access to classified information.

(c) Omitted

(d) Polygraph Review defined

In this section, the term “Polygraph Review” means the review of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

(Pub. L. 107-314, div. D, title XLV, §4504, formerly Pub. L. 107-107, div. C, title XXXI, §3152, Dec. 28, 2001, 115 Stat. 1376; renumbered Pub. L. 107-314, div. D, title XLV, §4504, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(5)(A), Nov. 24, 2003, 117 Stat. 1772; Pub. L. 113-66, div. C, title XXXI, §3146(f)(2), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 115-232, div. C, title XXXI, §3112, Aug. 13, 2018, 132 Stat. 2290.)

CODIFICATION

Section is comprised of section 4504 of Pub. L. 107-314. Subsec. (c) of section 4504 of Pub. L. 107-314 repealed section 2655 of this title.

Section was formerly classified to section 7383h-1 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2018—Subsec. (b)(4). Pub. L. 115-232 added par. (4).

2013—Subsecs. (d), (e). Pub. L. 113-66 redesignated subsec. (e) as (d) and struck out former subsec. (d) which required submission of a report on further enhancement of personnel security program.

2003—Subsec. (c). Pub. L. 108-136, §3141(h)(5)(A)(iv), made technical amendment. See Codification note above.

§ 2655. Repealed. Pub. L. 107-314, div. D, title XLV, § 4504(c), formerly Pub. L. 107-107, div. C, title XXXI, § 3152(c), Dec. 28, 2001, 115 Stat. 1377; renumbered Pub. L. 107-314, div. D, title XLV, § 4504(c), and amended Pub. L. 108-136, div. C, title XXXI, § 3141(h)(5)(A), Nov. 24, 2003, 117 Stat. 1772

Section, Pub. L. 107-314, div. D, title XLV, §4504A, formerly Pub. L. 106-65, div. C, title XXXI, §3154, Oct. 5, 1999, 113 Stat. 941; Pub. L. 106-398, §1 [div. C, title XXXI, §3135], Oct. 30, 2000, 114 Stat. 1654, 1654A-456; renumbered Pub. L. 107-314, div. D, title XLV, §4504A, and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(5)(B), Nov. 24, 2003, 117 Stat. 1773, related to a counterintelligence polygraph program for the defense-related activities of the Department of Energy. See section 2654 of this title.

EFFECTIVE DATE OF REPEAL

Pub. L. 107-314, div. D, title XLV, §4504(c), formerly Pub. L. 107-107, div. C, title XXXI, §3152(c), Dec. 28, 2001, 115 Stat. 1377, renumbered Pub. L. 107-314, div. D, title XLV, §4504(c), and amended Pub. L. 108-136, div. C, title XXXI, §3141(h)(5)(A), Nov. 24, 2003, 117 Stat. 1772, provided that the repeal of this section is effective 30 days after the Secretary of Energy submits to the Committees on Armed Services and Appropriations of Senate and House of Representatives the Secretary’s certification that the final rule for the new counterintelligence polygraph program required by section 2654(a) of this title has been fully implemented (Such certifications were submitted Oct. 31, 2006.).

§ 2656. Notice to congressional committees of certain security and counterintelligence failures within atomic energy defense programs

(a) Required notification

The Secretary of Energy shall submit to the Committees on Armed Services of the Senate