

(2) Major atomic energy defense acquisition program

The term “major atomic energy defense acquisition program” means an atomic energy defense acquisition program of the Administration—

(A) the total project cost of which is more than \$500,000,000; or

(B) the total lifetime cost of which is more than \$1,000,000,000.

(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; Pub. L. 115-232, div. C, title XXXI, §3113(a), Aug. 13, 2018, 132 Stat. 2290; Pub. L. 116-92, div. C, title XXXI, §3113(a), Dec. 20, 2019, 133 Stat. 1950.)

Editorial Notes

AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 116-92 inserted “The Director shall report directly to the Administrator.” at end.

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.

Statutory Notes and Related Subsidiaries

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.)

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.