

(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 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; Pub. L. 118-31, div. C, title XXXI, §3111(2), Dec. 22, 2023, 137 Stat. 788.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b)(3). Pub. L. 118-31 struck out “and cyber” after “physical”.

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.

§ 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.)

Editorial Notes

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 “Office of Counterintelligence of the Department of Energy” for “Office of Defense Nuclear Counterintelligence” in subsec. (b).

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.

§ 2424. Procedures relating to access by individuals to classified areas and information of Administration

The Administrator shall establish appropriate procedures to ensure that any individual is not permitted unescorted access to any classified area, or access to classified information, of the Administration until that individual has been verified to hold the appropriate security clearances.

(Pub. L. 106-65, div. C, title XXXII, §3234, Oct. 5, 1999, 113 Stat. 961.)

§ 2425. Government access to information on Administration computers

(a) Procedures required

The Administrator shall establish procedures to govern access to information on Administration computers. Those procedures shall, at a minimum, provide that any individual who has access to information on an Administration computer shall be required as a condition of such access to provide to the Administrator written consent which permits access by an authorized investigative agency to any Administration computer used in the performance of the duties of such employee during the period of that individual’s access to information on an Administration computer and for a period of three years thereafter.

(b) Expectation of privacy in Administration computers

Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986 (Public Law 99-508; 100 Stat. 1848)), no user of an Administration computer shall have any expectation of privacy in the use of that computer.

(c) Definition

For purposes of this section, the term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.