''(1) ROLE OF SECRETARY.—Under the pilot program under subsection (a), the Secretary shall conduct background reviews for all individuals described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) seeking admission to facilities of national security laboratories described in that section. Such reviews by the Secretary shall be conducted independent of and in addition to background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under that section.

''(2) ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—Notwithstanding paragraph (1), during the period during which the pilot program established under subsection (a) is being carried out, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall retain primary responsibility for the conduct of all background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)).

''(d) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act [Aug. 13, 2018].

''(e) REPORT REQUIRED.—Not later than 90 days after the date on which the pilot program established under subsection (a) terminates under subsection (d), the Secretary of Energy, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the conduct of background reviews under the pilot program that includes—

''(1) a comparison of the effectiveness of and timelines required for background reviews conducted by the Secretary under the pilot program and background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)); and

''(2) the number of such reviews conducted for individuals who are citizens or agents of each country on the sensitive countries list referred to in that section.

''(f) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) NATIONAL SECURITY LABORATORY.—The term 'national security laboratory' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).''

§ 2653. Background investigations of certain personnel at Department of Energy facilities

The Secretary of Energy shall ensure that an investigation meeting the requirements of section 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.)

Editorial Notes

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 subsecs. (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 rulemaking 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 and House of Representatives a notification of each significant atomic energy defense intelligence loss. Any such notification shall be provided only after consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, as appropriate.

(b) Significant atomic energy defense intelligence losses

In this section, the term ''significant atomic energy defense intelligence loss'' means any national security or counterintelligence failure or compromise of classified information at a facility of the Department of Energy or operated by a contractor of the Department that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(c) Manner of notification

Notification of a significant atomic energy defense intelligence loss under subsection (a) shall be provided, in accordance with the procedures established pursuant to subsection (d), not later than 30 days after the date on which the Department of Energy determines that the loss has taken place.

(d) Procedures

The Secretary of Energy and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

(e) Statutory construction

(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 3091 of this title for the President to ensure that the congressional intelligence committees are kept fully informed of the intelligence activities of the United States and for those committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of those committees.

(Pub. L. 107–314, div. D, title XLV, § 4505, formerly Pub. L. 106–65, div. C, title XXXI, § 3150, Oct. 5, 1999, 113 Stat. 939; renumbered Pub. L. 107–314, div. D, title XLV, § 4505, by Pub. L. 108–136, div. C, title XXXI, § 3141(h)(6), Nov. 24, 2003, 117 Stat. 1773; Pub. L. 112–239, div. C, title XXXI, § 3131(m)(1), (bb)(1)(D), Jan. 2, 2013, 126 Stat. 2182, 2185; Pub. L. 113–66, div. C, title XXXI, § 3146(f)(3), Dec. 26, 2013, 127 Stat. 1079; Pub. L. 113–291, div. C, title XXXI, § 3142(k), Dec. 19, 2014, 128 Stat. 3901.)