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 L. 107–314 repealed section 2655 of this title.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 Repealed.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.)

**Editorial Notes**

CODIFICATION

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

AMENDMENTS

2014—Subsec. (b). Pub. L. 113–291, § 3142(k)(1), reenacted heading without change.

Subsec. (e)(2). Pub. L. 113–291, § 3142(k)(2), made technical amendment to reference in original act which appears in text as reference to section 3091 of this title.

2013—Pub. L. 112–239, § 3131(m)(1)(A), substituted ''atomic'' for ''nuclear'' in section catchline.

Subsec. (a). Pub. L. 112–239, § 3131(bb)(1)(D), substituted ''Director of National Intelligence'' for ''Director of Central Intelligence''.

Pub. L. 112–239, § 3131(m)(1)(C), substituted ''atomic energy defense'' for ''nuclear defense''.

Subsec. (b). Pub. L. 112–239, § 3131(m)(1)(B), (C), substituted ''atomic energy'' for ''nuclear'' in heading and ''atomic energy defense'' for ''nuclear defense'' in text.

Subsec. (c). Pub. L. 112–239, § 3131(m)(1)(C), substituted ''atomic energy defense'' for ''nuclear defense''.

Subsec. (e)(2). Pub. L. 113–66 substituted ''Congress'' for ''the Congress''.

### § 2657. Annual report and certification on status of security of atomic energy defense facilities

#### (a) Report and certification on nuclear security enterprise

(1) Not later than September 30 of each even-numbered year, the Administrator shall submit to the Secretary of Energy—

(A) a report detailing the status of security at facilities holding Category I and II quantities of special nuclear material that are administered by the Administration; and

(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Administration and the Department of Energy.

(2) If the Administrator is unable to make the certification described in paragraph (1)(B) with respect to a facility, the Administrator shall submit to the Secretary with the matters required by paragraph (1) a corrective action plan for the facility describing—

(A) the deficiency that resulted in the Administrator being unable to make the certification;

(B) the actions to be taken to correct the deficiency; and

(C) timelines for taking such actions.

(3) Not later than December 1 of each even-numbered year, the Secretary shall submit to the congressional defense committees the unaltered report, certification, and any corrective action plans submitted by the Administrator under paragraphs (1) and (2) together with any comments of the Secretary.

#### (b) Report and certification on atomic energy defense facilities not administered by the Administration

(1) Not later than December 1 of each even-numbered year, the Secretary shall submit to the congressional defense committees—

(A) a report detailing the status of the security of atomic energy defense facilities holding Category I and II quantities of special nuclear material that are not administered by the Administration; and

(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.

(2) If the Secretary is unable to make the certification described in paragraph (1)(B) with respect to a facility, the Secretary shall submit to the congressional defense committees, together with the matters required by paragraph (1), a corrective action plan describing—

(A) the deficiency that resulted in the Secretary being unable to make the certification;

(B) the actions to be taken to correct the deficiency; and

(C) timelines for taking such actions.

(Pub. L. 107–314, div. D, title XLV, § 4506, formerly Pub. L. 105–85, div. C, title XXXI, § 3162, Nov. 18, 1997, 111 Stat. 2049; Pub. L. 106–65, div. C, title XXXI, § 3142(h)(2), Oct. 5, 1999, 113 Stat. 934; renumbered Pub. L. 107–314, div. D, title XLV, § 4506, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(h)(7), Nov. 24, 2003, 117 Stat. 1773; Pub. L. 113–66, div. C, title XXXI, § 3121(a), Dec. 26, 2013, 127 Stat. 1060; Pub. L. 114–328, div. C, title XXXI, § 3135, Dec. 23, 2016, 130 Stat. 2771; Pub. L. 115–91, div. C, title XXXI, § 3133(b), Dec. 12, 2017, 131 Stat. 1896.)

**Editorial Notes**

CODIFICATION

Section was formerly set out as a note under section 7274m of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2017—Subsecs. (a)(1), (3), (b)(1). Pub. L. 115–91 substituted ''of each even-numbered year'' for ''of each year''.

2016—Subsec. (b)(1)(B). Pub. L. 114–328 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''written certification that such facilities meet the security standards and requirements of the Department of Energy.''

2013—Pub. L. 113–66 amended section generally. Prior to amendment, text read as follows: ''Not later than September 1 each year, the Secretary of Energy shall submit to the congressional defense committees the report entitled 'Annual Report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities', or any successor report to such report.''

2003—Subsec. (b). Pub. L. 108–136, § 3141(h)(7)(D), which directed the amendment of subsec. (b) by inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note)'' after ''section 3161'', could not be executed because of the repeal of subsec. (b) by Pub. L. 106–65. See 1999 Amendment note below.

1999—Pub. L. 106–65 struck out subsec. (a) designation and heading and struck out heading and text of subsec. (b). Text read as follows: ''The Secretary shall include with each report submitted under subsection (a) in fiscal years 1998 through 2000 any comments on such report by the members of the Department of Energy Security Management Board established under section 3161 that such members consider appropriate.''

### § 2658. Repealed. Pub. L. 113–66, div. C, title XXXI, § 3132(a)(1), Dec. 26, 2013, 127 Stat. 1068

Section, Pub. L. 107–314, div. D, title XLV, § 4507, formerly Pub. L. 106–65, div. C, title XXXI, § 3152, Oct. 5,