

(b) Violations and penalties

Whoever is in possession of information made available to any department or agency by virtue of this Act or the amendments made by this Act and discloses the information in any form which can be associated with, or otherwise identify, any person, including any business enterprise or establishment, shall be fined not less than \$2,500 nor more than \$25,000 or imprisoned not more than 5 years, or both.

(c) Unlawful access

Whoever procures, by fraud, misrepresentation, or other unlawful act, access to information made available to any department or agency by virtue of this Act or the amendments made by this Act shall be fined not less than \$2,500 nor more than \$25,000 or imprisoned not more than 5 years, or both.

(d) Information immune from process

Information obtained under this Act shall be immune from legal process and shall not be used as evidence or for any purpose in any Federal, State, or local government action, suit, or other administrative or judicial proceeding except as necessary to enforce requirements imposed by law on the collection of information, to enforce the provisions of subsections (b) and (c) of this section.

(e) Implementation

(1) The Secretary of Commerce shall be responsible for the implementation of the exchange of information under this Act between the Bureau of the Census and the Bureau of Economic Analysis, and shall resolve any questions on access to information, data, or methodology that may arise between the Bureau of the Census and the Bureau of Economic Analysis, except that the Secretary shall not construe this section in a manner which would prevent the augmentation and improvement of the quality of international data collected under the International Investment and Trade in Services Survey Act [22 U.S.C. 3101 et seq.]. The Bureau of Economic Analysis and the Bureau of the Census shall agree in writing to the data to be shared under this Act.

(2) The Director of the Office of Management and Budget shall be responsible for the implementation of the exchange of information under this Act between the Bureau of Economic Analysis and the Bureau of Labor Statistics, and shall resolve any questions on access to information, data, or methodology that may arise between the Bureau of Economic Analysis and the Bureau of Labor Statistics, except that the Director shall not construe this section in a manner which would prevent the augmentation and improvement of the quality of international data collected under the International Investment and Trade in Services Survey Act [22 U.S.C. 3101 et seq.].

(Pub. L. 101-533, § 8, Nov. 7, 1990, 104 Stat. 2350.)

REFERENCES IN TEXT

This Act or the amendments made by this Act, referred to in text, is Pub. L. 101-533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For

complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

The International Investment and Trade in Services Survey Act, referred to in subsecs. (a)(2) and (e), is Pub. L. 94-472, Oct. 11, 1976, 90 Stat. 2059, as amended, which is classified generally to chapter 46 (§3101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

§ 3145. Construction of foreign direct investment and international financial data provisions**(a) In general**

Nothing in this Act or the amendments made by this Act shall be construed to require any business enterprise or any of its officers, directors, shareholders, or employees, or any other person, to provide information beyond that which is required before November 7, 1990.

(b) Implementation

All departments and agencies implementing this Act and the amendments made by this Act shall, with respect to surveys or questionnaires used in such implementation—

- (1) eliminate questions that are no longer necessary,
- (2) cooperate with one another in order to ensure that questions asked are consistent among the departments and agencies, and
- (3) develop new questions in order to obtain more refined statistics and analyses,

consistent with the purposes of the provisions of law amended by this Act and the Paperwork Reduction Act of 1980.¹

(Pub. L. 101-533, § 9, Nov. 7, 1990, 104 Stat. 2351.)

REFERENCES IN TEXT

This Act or the amendments made by this Act, referred to in text, is Pub. L. 101-533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

The Paperwork Reduction Act of 1980, referred to in subsec. (b), is Pub. L. 96-511, Dec. 11, 1980, 94 Stat. 2812, as amended, which was classified principally to chapter 35 (§3501 et seq.) of Title 44, Public Printing and Documents, prior to the general amendment of that chapter by Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 163. For complete classification of this Act to the Code, see Short Title of 1980 Amendment note set out under section 101 of Title 44 and Tables.

§ 3146. Definitions

For purposes of this Act—

(1) the terms “foreign”, “direct investment”, “international investment”, “United States”, “business enterprise”, “foreign person”, and “United States person” have the meanings given those terms in section 3102 of this title; and

(2) the term “foreign direct investment in the United States” means direct investment by foreign persons in any business enterprise that is a United States person.

(Pub. L. 101-533, § 10, Nov. 7, 1990, 104 Stat. 2351.)

¹ See References in Text note below.

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101-533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

CHAPTER 47—NUCLEAR NON-PROLIFERATION

- Sec.
3201. Congressional declaration of policy.
3202. Congressional statement of purpose.
3203. Definitions.

SUBCHAPTER I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

3221. Congressional declaration of policy.
3222. Uranium enrichment capacity.
3223. International undertakings.
3224. Reevaluation of nuclear fuel cycle.
3224a. Studies and agreements by Secretary of Energy on multinational or international basis concerning spent fuel storage facilities and transportation systems; Congressional consent; authorization of appropriations; limitations on use of funds; exceptions; special nuclear material for India.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

3241. Congressional declaration of policy.
3242. Training program.
3243. Negotiations.
3244. Actions to combat international nuclear terrorism.

SUBCHAPTER III—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

3261. Congressional declaration of policy; Presidential report to Congress.
3262. Programs.

SUBCHAPTER IV—EXECUTIVE REPORTING

3281. Annual Presidential report to Congress on governmental efforts to prevent proliferation.
3282. Reports by departments and agencies.

§ 3201. Congressional declaration of policy

The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishment of common international sanctions;

(b) take such actions as are required to confirm the reliability of the United States in

meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

(Pub. L. 95-242, § 2, Mar. 10, 1978, 92 Stat. 120.)

EFFECTIVE DATE

Section 603(c) of Pub. L. 95-242 provided that: "Except where otherwise provided, the provisions of this Act [see Short Title note below] shall take effect immediately upon enactment [Mar. 10, 1978] regardless of any requirement for the promulgation of regulations to implement such provisions."

SHORT TITLE

Section 1 of Pub. L. 95-242 provided: "That this Act [enacting this chapter and sections 2139a, 2141, 2153a to 2153e, 2153f, and 2155 to 2160a of Title 42, The Public Health and Welfare, amending sections 2074, 2075, 2077, 2094, 2139, and 2153 of Title 42, and enacting provisions set out as notes under sections 3201, 3222, and 3262 of this title and section 2139 of Title 42] may be cited as the 'Nuclear Non-Proliferation Act of 1978'."

NUCLEAR PROLIFERATION PREVENTION; EFFECTIVE AND TERMINATION DATES OF 1994 AMENDMENT

Title VIII of Pub. L. 103-236, Apr. 30, 1994, 108 Stat. 507, known as the Nuclear Proliferation Prevention Act of 1994, was amended by Pub. L. 104-164, title I, § 157, July 21, 1996, 110 Stat. 1440. As so amended, title VIII has been primarily transferred to chapter 72 (§ 6301 et seq.) of this title. For complete classification of title VIII to the Code, see Short Title note set out under section 6301 of this title and Tables.

ADVOCACY AND ENCOURAGEMENT BY UNITED STATES OF NONPARTIES TO TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS TO BECOME SIGNATORIES; REPORT TO CONGRESS

Pub. L. 96-53, title V, § 507, Aug. 14, 1979, 93 Stat. 378, as amended by Pub. L. 97-113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560, provided that:

"(a) In accordance with the Nuclear Non-Proliferation Act of 1978 [see Short Title note above], the Congress strongly urges all nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

"(b) [Repealed. Pub. L. 97-113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560.]"

EX. ORD. NO. 12058. FUNCTIONS RELATING TO NUCLEAR NON-PROLIFERATION

Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, provided:

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 120, 22 U.S.C. 3201) [see Short Title note above] and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy*. The following functions vested in the President by the Nuclear Non-Pro-