

and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

“(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

“(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

“SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

“(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

“(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), and consistent with the requirement for ‘appropriate effective’ physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, should seek the broadest possible international agreement on a global standard for nuclear security that—

“(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

“(2) takes into account the limitations of equipment and human performance; and

“(3) includes steps to provide confidence that the needed measures have in fact been implemented.

“(c) INTERNATIONAL EFFORTS.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, should—

“(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

“(A) accounts for the nature of the terrorist and criminal threat in each such country; and

“(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

“(2) ensure that United States financial and technical assistance is available, as appropriate, to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

“(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and

formula quantities of strategic special nuclear material around the world.

“SEC. 3134. ANNUAL REPORT.

“(a) IN GENERAL.—Not later than September 1 of each year through 2012, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons and related equipment and formula quantities of strategic special nuclear material outside of the United States.

“(b) ELEMENTS.—The report required under subsection (a) shall include the following:

“(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

“(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, or formula quantities of strategic special nuclear material.

“(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material, taking into account risk of theft from such facilities and sites, and organized by level of priority.

“(C) A prioritized plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

“(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material at such facilities and sites worldwide.

“(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide, using the financial and technical assistance of the United States, are effectively sustained after such assistance ends.

“(iii) The role that international agencies and the international community have committed to play, together with a plan for securing international contributions.

“(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material.

“(2) A section on efforts to establish and implement the international nuclear security standard described in section 3133(b) and related policies.

“(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.”

[Functions of President under section 3134 of Pub. L. 110–181, set out above, delegated to Secretary of Energy by Memorandum of President of the United States, July 21, 2010, 75 F.R. 43793.]

SUBCHAPTER III—UNITED STATES  
ASSISTANCE TO DEVELOPING COUNTRIES

§ 3261. Congressional declaration of policy; Presidential report to Congress

The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protect-

ing the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

(Pub. L. 95-242, title V, §501, Mar. 10, 1978, 92 Stat. 148.)

#### EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as a note under section 3201 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section requiring the President to report annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 126 of House Document No. 103-7.

#### DELEGATION OF FUNCTIONS

Secretary of State responsible for performing functions vested in President under this section, see section 2(a) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

### § 3262. Programs

#### (a) Energy development programs

The United States shall initiate a program, consistent with the aims of section 3261 of this title, to cooperate with developing countries for the purpose of—

- (1) meeting the energy needs required for the development of such countries;
- (2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and
- (3) expanding the energy alternatives available to such countries.

#### (b) Energy assessments and cooperative projects

Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

#### (c) Exchange of scientists, technicians, and energy experts

As an integral part of such program, the Department of Energy, under the general policy

guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

#### (d) Authorization of appropriations

For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

#### (e) Coordination with related United States activities abroad

Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this subchapter with other related activities of the United States conducted abroad, including the programs authorized by sections 2151a(c), 2151d(a)(2),<sup>1</sup> and 2151q<sup>1</sup> of this title.

(Pub. L. 95-242, title V, §502, Mar. 10, 1978, 92 Stat. 149.)

#### REFERENCES IN TEXT

Section 2151d(a)(2) of this title, referred to in subsec. (e), which at the time of enactment of this section related to programs to increase energy production and conservation in developing countries, was deleted in the general amendment of section 2151d by Pub. L. 96-53, title I, §§104(b), 105, Aug. 14, 1979, 93 Stat. 360, 362. For provisions relating to cooperative programs with developing countries in energy production and conservation, see section 2151d(b)(2) of this title.

Section 2151q of this title, referred to in subsec. (e), was repealed by Pub. L. 96-533, title III, §304(g), Dec. 16, 1980, 94 Stat. 3147. See section 2151d(a)(2), (b)(2), (c) of this title.

#### FEASIBILITY OF EXPANDING COOPERATIVE ACTIVITIES INTO INTERNATIONAL COOPERATIVE EFFORT; PRESIDENTIAL REPORT TO CONGRESS NOT LATER THAN MARCH 10, 1979

Pub. L. 95-242, title V, §503, Mar. 10, 1978, 92 Stat. 149, directed President, not later than twelve months after Mar. 10, 1978, to report to Congress on feasibility of expanding cooperative activities established pursuant to subsec. (c) of this section into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for purpose of engaging in projects to aid in meeting the energy needs of such countries through search for and utilization of indigenous energy resources and application of suitable technology, including widespread utilization of renewable and unconventional energy technologies, and to also include in report a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage utilization of such technologies in developing countries.

<sup>1</sup> See References in Text note below.