

§ 8143. Specific enforcement**(a) Jurisdiction**

The district courts of the United States shall have jurisdiction over civil actions brought by the head of an executive agency designated under section 8111(a) of this title—

(1) to restrain any conduct in violation of section 8124 of this title or section 8141 of this title; or

(2) to compel the taking of any action required by or under this chapter or the Additional Protocol.

(b) Civil actions**(1) In general**

A civil action described in subsection (a) may be brought—

(A) in the case of a civil action described in paragraph (1) of such subsection, in the United States district court for the judicial district in which any act, omission, or transaction constituting a violation of section 8124 of this title or section 8141 of this title occurred or in which the defendant is found or transacts business; or

(B) in the case of a civil action described in paragraph (2) of such subsection, in the United States district court for the judicial district in which the defendant is found or transacts business.

(2) Service of process

In any such civil action, process shall be served on a defendant wherever the defendant may reside or may be found.

(Pub. L. 109–401, title II, § 243, Dec. 18, 2006, 120 Stat. 2749.)

SUBCHAPTER V—ENVIRONMENTAL
SAMPLING

§ 8151. Notification to Congress of IAEA Board approval of wide-area environmental sampling**(a) In general**

Not later than 30 days after the date on which the Board of Governors of the IAEA approves wide-area environmental sampling for use as a safeguards verification tool, the President shall notify the appropriate congressional committees.

(b) Content

The notification under subsection (a) shall contain—

(1) a description of the specific methods and sampling techniques approved by the Board of Governors that are to be employed for purposes of wide-area sampling;

(2) a statement as to whether or not such sampling may be conducted in the United States under the Additional Protocol; and

(3) an assessment of the ability of the approved methods and sampling techniques to detect, identify, and determine the conduct, type, and nature of nuclear activities.

(Pub. L. 109–401, title II, § 251, Dec. 18, 2006, 120 Stat. 2749.)

§ 8152. Application of national security exclusion to wide-area environmental sampling

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any wide-area environmental sampling proposed by the IAEA to be conducted at a specified location in the United States under Article 9 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of wide-area environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of wide-area environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving wide-area environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of wide-area environmental sampling.

(Pub. L. 109–401, title II, § 252, Dec. 18, 2006, 120 Stat. 2750.)

§ 8153. Application of national security exclusion to location-specific environmental sampling

In accordance with Article 1(b) of the Additional Protocol, the United States shall not permit any location-specific environmental sampling in the United States under Article 5 of the Additional Protocol unless the President has determined and reported to the appropriate congressional committees with respect to that proposed use of environmental sampling that—

(1) the proposed use of location-specific environmental sampling is necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party;

(2) the proposed use of location-specific environmental sampling will not result in access by the IAEA to locations, activities, or information of direct national security significance; and

(3) with respect to the proposed use of environmental sampling, the United States—

(A) has been provided sufficient opportunity for consultation with the IAEA if the IAEA has requested complementary access involving location-specific environmental sampling; or

(B) has requested under Article 8 of the Additional Protocol that the IAEA engage in complementary access in the United States that involves the use of location-specific environmental sampling.

(Pub. L. 109–401, title II, § 253, Dec. 18, 2006, 120 Stat. 2750.)

§ 8154. Rule of construction

As used in this subchapter, the term “necessary to increase the capability of the IAEA to detect undeclared nuclear activities in the territory of a non-nuclear-weapon State Party” shall not be construed to encompass proposed uses of environmental sampling that might assist the IAEA in detecting undeclared nuclear activities in the territory of a non-nuclear-weapon State Party by—

- (1) setting a good example of cooperation in the conduct of such sampling; or
- (2) facilitating the formation of a political consensus or political support for such sampling in the territory of a non-nuclear-weapon State Party.

(Pub. L. 109–401, title II, §254, Dec. 18, 2006, 120 Stat. 2751.)

SUBCHAPTER VI—PROTECTION OF NATIONAL SECURITY INFORMATION AND ACTIVITIES

§ 8161. Protection of certain information**(a) Locations and facilities of direct national security significance**

No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) Information of direct national security significance

No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) Restricted data

Nothing in this chapter shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular “Restricted Data” as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) Classified information

Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

(Pub. L. 109–401, title II, §261, Dec. 18, 2006, 120 Stat. 2751.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (c), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 921, and amended, which is classified generally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

This Act, referred to in subsec. (d), is Pub. L. 109–401, Dec. 18, 2006, 120 Stat. 2726, which enacted this chapter and chapter 87 (§8001 et seq.) of this title and amended section 2652c of this title and section 2153 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

§ 8162. IAEA inspections and visits**(a) Certain individuals prohibited from obtaining access**

No national of a country designated by the Secretary of State under section 2371 of this title as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) Presence of United States Government personnel

IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or activities in the United States under the Additional Protocol.

(c) Vulnerability and related assessments

The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

(Pub. L. 109–401, title II, §262, Dec. 18, 2006, 120 Stat. 2751.)

SUBCHAPTER VII—REPORTS

§ 8171. Report on initial United States declaration

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA, and a report thereon.

(Pub. L. 109–401, title II, §271, Dec. 18, 2006, 120 Stat. 2752.)

§ 8172. Report on revisions to initial United States declaration

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration, and a report thereon.

(Pub. L. 109–401, title II, §272, Dec. 18, 2006, 120 Stat. 2752.)

§ 8173. Content of reports on United States declarations

The reports required under section 8171 of this title and section 8172 of this title shall present the reasons for each site, location, facility, and activity being declared or being removed from the declaration list and shall certify that—

- (1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and