

(2) Notification of delay in submittal

If the Director of National Intelligence determines that it will not be possible for the Director to submit the first report required under subsection (a) by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that such report will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit such report.

(f) Omitted**(g) Definitions**

In this section:

(1) Foreign person

The term “foreign person” means any of the following:

(A) A natural person who is not a citizen of the United States.

(B) A corporation, business association, partnership, society, trust, or other non-governmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) Country of proliferation concern

The term “country of proliferation concern” means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

(A) in the most recent report under section 2366² of this title; or

(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

(Pub. L. 111-84, div. A, title X, §1055, Oct. 28, 2009, 123 Stat. 2461; Pub. L. 111-383, div. A, title X, §1075(d)(13), Jan. 7, 2011, 124 Stat. 4373; Pub. L. 112-81, div. A, title X, §1071, Dec. 31, 2011, 125 Stat. 1592.)

REFERENCES IN TEXT

Section 2366 of this title, referred to in subsec. (g)(2)(A), was repealed by Pub. L. 112-239, div. A, title X, §1065(c), Jan. 2, 2013, 126 Stat. 1943, and Pub. L. 112-277, title III, §310(a)(1), Jan. 14, 2013, 126 Stat. 2474.

CODIFICATION

Section is comprised of section 1055 of Pub. L. 111-84. Subsec. (f) of section 1055 of Pub. L. 111-84 repealed section 2369 of this title.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part

² See References in Text note below.

of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-81 substituted “the Permanent” for “and the Permanent” and inserted “, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives” before “a report” in introductory provisions.

Subsec. (f). Pub. L. 111-383 made technical amendment to directory language of Pub. L. 111-84, §1055(f). See Codification note above.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, §1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(13) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111-84 as enacted.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 111-84, 123 Stat. 2208. See note under section 101 of Title 10, Armed Forces.

CHAPTER 41—NATIONAL NUCLEAR SECURITY ADMINISTRATION**SUBCHAPTER I—ESTABLISHMENT AND ORGANIZATION**

Sec.	
2401.	Establishment and mission.
2402.	Administrator for Nuclear Security.
2403.	Principal Deputy Administrator for Nuclear Security.
2404.	Deputy Administrator for Defense Programs.
2405.	Deputy Administrator for Defense Nuclear Nonproliferation.
2406.	Deputy Administrator for Naval Reactors.
2407.	General Counsel.
2408.	Staff of Administration.
2409.	Scope of authority of Secretary of Energy to modify organization of Administration.
2410.	Status of Administration and contractor personnel within Department of Energy.

SUBCHAPTER II—MATTERS RELATING TO SECURITY

2421.	Protection of national security information.
2422.	Office of Defense Nuclear Security.
2423.	Counterintelligence programs.
2424.	Procedures relating to access by individuals to classified areas and information of Administration.
2425.	Government access to information on Administration computers.
2426.	Congressional oversight of special access programs.

SUBCHAPTER III—MATTERS RELATING TO PERSONNEL

2441.	Authority to establish certain contracting, program management, scientific, engineering, and technical positions.
2441a.	Authorized personnel levels of the Office of the Administrator.
2442, 2443.	Repealed.
2444.	Nonproliferation and national security scholarship and fellowship program.

SUBCHAPTER IV—BUDGET AND FINANCIAL MANAGEMENT

2451.	Separate treatment in budget.
2452.	Planning, programming, and budgeting process.
2453.	Future-years nuclear security program.
2454.	Semiannual financial reports on defense nuclear nonproliferation programs.

- Sec.
2455. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.
- 2455a. National Nuclear Security Administration authority for urgent nonproliferation activities.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

2461. Environmental protection, safety, and health requirements.
2462. Compliance with Federal Acquisition Regulation.
2463. Sharing of technology with Department of Defense.
2464. Use of capabilities of national security laboratories by entities outside the Administration.
2465. Enhancing private-sector employment through cooperative research and development activities.

SUBCHAPTER VI—DEFINITIONS

2471. Definitions.

SUBCHAPTER VII—TRANSITION PROVISIONS

2481. Functions transferred.
- 2482, 2483. Repealed.
2484. Applicability of preexisting laws and regulations.

SUBCHAPTER I—ESTABLISHMENT AND ORGANIZATION

§ 2401. Establishment and mission

(a) Establishment

There is established within the Department of Energy a separately organized agency to be known as the National Nuclear Security Administration (in this chapter referred to as the “Administration”).

(b) Mission

The mission of the Administration shall be the following:

- (1) To enhance United States national security through the military application of nuclear energy.
- (2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.
- (3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.
- (4) To promote international nuclear safety and nonproliferation.
- (5) To reduce global danger from weapons of mass destruction.
- (6) To support United States leadership in science and technology.

(c) Operations and activities to be carried out consistent with certain principles

In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.

(Pub. L. 106-65, div. C, title XXXII, § 3211, Oct. 5, 1999, 113 Stat. 957.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title XXXII of div. C of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 953, as amended, which is classified principally to this chapter. For complete classification of title XXXII to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Pub. L. 106-65, div. C, title XXXII, § 3299, Oct. 5, 1999, 113 Stat. 971, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title [see Short Title note below] shall take effect on March 1, 2000.

“(b) EXCEPTIONS.—(1) Sections 3202, 3204, 3251, 3295, and 3297 [enacting section 2451 and former section 2483 of this title and sections 7144a to 7144c of Title 42, The Public Health and Welfare, amending section 7132 of Title 42, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 5, 1999].

“(2) Sections 3234 and 3235 [enacting sections 2424 and 2425 of this title] shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.”

SHORT TITLE

Pub. L. 106-65, div. C, title XXXII, § 3201, Oct. 5, 1999, 113 Stat. 953, provided that: “This title [enacting this chapter and sections 7144 to 7144c of Title 42, The Public Health and Welfare, amending sections 5314, 5315, 5595, and 8905a of Title 5, Government Organization and Employees, and sections 7132, 7133, and 7158 of Title 42, repealing sections 2122a, 7143, and 7271b of Title 42, enacting provisions set out as notes under this section, and amending provisions set out as a note under section 435 of this title] may be cited as the ‘National Nuclear Security Administration Act.’”

PREPARATION OF INFRASTRUCTURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX

Pub. L. 107-107, div. B, title XXX, § 3008, Dec. 28, 2001, 115 Stat. 1352, provided that:

“(a) INFRASTRUCTURE PLAN FOR NUCLEAR WEAPONS COMPLEX.—

“(1) PREPARATION AND SUBMISSION.—Not later than the date on which the budget for the Department of Energy for fiscal year 2004 is submitted to Congress, the Secretary of Energy shall submit to Congress an infrastructure plan for the nuclear weapons complex adequate to support the nuclear weapons stockpile, the naval reactors program, and nonproliferation and national security activities.

“(2) SPECIAL CONSIDERATIONS.—In preparing the infrastructure plan, the Secretary shall take into consideration the following:

“(A) The Department of Defense Nuclear Posture Review required pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262 [former 10 U.S.C. 118 note]).

“(B) Any efficiencies and security benefits of consolidation of facilities of the nuclear weapons complex.

“(C) The necessity to have a residual production capability.

“(b) RECOMMENDATIONS REGARDING REALIGNMENTS AND CLOSURES.—On the basis of the infrastructure plan prepared under subsection (a), the Secretary shall make such recommendations regarding the need to close or realign facilities of the nuclear weapons complex as the Secretary considers appropriate, including the Secretary’s recommendations on whether to estab-