

**§ 2562. Nonproliferation initiatives and activities****(a) Initiative for Proliferation Prevention program**

(1) Not more than 35 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiatives for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term “country of proliferation concern” means any country so designated by the Director of National Intelligence for purposes of the Initiatives for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiatives for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiatives for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program<sup>1</sup> to offset the amount of such payment.

**(b) Nuclear Cities Initiative**

(1) No amounts authorized to be appropriated by title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title<sup>2</sup> for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under each program are likely to lead to the creation of the jobs intended to be created by that program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of that program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any inter-agency participation in or contribution to the initiative.

**(c) Report**

(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Initiatives for Pro-

<sup>1</sup> So in original. Initial letter probably should be lower case.

<sup>2</sup> See References in Text note below.

liferation Prevention program and the Nuclear Cities Initiative.

(2) The report shall include the following:

(A) A strategic plan for the Initiatives for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiatives for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative.

**(d) Nuclear Cities Initiative defined**

For purposes of this section, the term “Nuclear Cities Initiative” means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

(Pub. L. 107-314, div. D, title XLIII, § 4302, formerly Pub. L. 106-65, div. C, title XXXI, § 3136, Oct. 5, 1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLIII, § 4302, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(f)(3), Nov. 24, 2003, 117 Stat. 1762; Pub. L. 112-81, div. C, title XXXI, § 3121(b), Dec. 31, 2011, 125 Stat. 1709; Pub. L. 112-239, div. C, title XXXI, § 3131(bb)(1)(D), Jan. 2, 2013, 126 Stat. 2185.)

REFERENCES IN TEXT

Title XXXI of the National Defense Authorization Act for Fiscal Year 2000, referred to in subsec. (b)(1), is title XXXI of div. C of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 914, as amended. For complete classification of title XXXI to the Code, see Tables.

This title, referred to in subsec. (b)(2), probably means title XXXI of Pub. L. 106-65. See above.

AMENDMENTS

2013—Subsec. (a)(3)(B). Pub. L. 112-239 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

2011—Subsec. (a)(6). Pub. L. 112-81 amended par. (6) generally. Prior to amendment, par. (6) prohibited use of funds appropriated for the Initiatives for Proliferation Prevention program to be used to pay Russian

Federation taxes or customs duties and, in the event funds were used to pay such taxes or duties, required the Secretary of Energy to provide explanation to the congressional defense committees and to provide additional funds to the program to offset the payment.

2003—Subsec. (b)(1). Pub. L. 108-136, § 3141(f)(3)(D), substituted “title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65)” for “this title”.

PROGRAM ON SCIENTIFIC ENGAGEMENT FOR  
NONPROLIFERATION

Pub. L. 112-239, div. C, title XXXI, § 3122, Jan. 2, 2013, 126 Stat. 2176, provided that:

“(a) PROGRAM REQUIRED.—

“(1) SCIENTIFIC ENGAGEMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program to advance global nonproliferation and nuclear security efforts.

“(2) ELEMENTS.—The program under paragraph (1) shall include the following elements:

“(A) Training and capacity-building to strengthen nonproliferation and security best practices.

“(B) Engagement of scientists of the United States with foreign counterparts to advance nonproliferation goals.

“(3) DISTINCT PROGRAM.—The program required by this subsection shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) LIMITATION.—

“(1) REPORT ON COMMENCEMENT OF PROGRAM.—Of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the National Nuclear Security Administration, not more than 50 percent may be obligated or expended under the program under subsection (a) until the date on which the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(A) For each country selected for the program as of the date of such report—

“(i) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(ii) metrics for evaluating the effectiveness of the program.

“(B) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(2) FORM.—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

“(c) REPORTS ON MODIFICATION OF PROGRAM.—

“(1) IN GENERAL.—Not later than 15 days before making any modification in the program under subsection (a) (including selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification.

“(2) NEW COUNTRY.—If the modification covered by a report under paragraph (1) consists of the selection for the program of a country not previously selected for the program, the report shall include, for each such country, the matters described in subsection (b)(1)(A).

“(3) FORM.—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

“(d) REPORT ON COORDINATION WITH OTHER U.S. NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Administrator shall submit to the appropriate congressional committees a report describing the manner in which the program under subsection (a) coordinates with and complements, but does not dupli-

cate, other nonproliferation programs of the Federal Government.

“(e) COMPTROLLER GENERAL REPORT.—

“(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act [Jan. 2, 2013], the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program under subsection (a).

“(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

“(A) An assessment by the Comptroller General of the effectiveness of the program, as determined in accordance with the metrics described in subsection (b)(1)(A)(i).

“(B) An assessment of how the program coordinates with, complements, or duplicates other nonproliferation programs of the Federal Government.

“(C) Such other matters on the program as the Comptroller General considers appropriate.

“(f) TERMINATION.—The authority to carry out the program under subsection (a) shall expire on September 30, 2016.

“(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”

### § 2563. Annual report on status of Nuclear Materials Protection, Control, and Accounting Program

#### (a) Report required

Not later than January 1 of each year, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of efforts during the preceding fiscal year under the Nuclear Materials Protection, Control, and Accounting Program of the Department of Energy to secure weapons-usable nuclear materials in countries where such materials have been identified as being at risk for theft or diversion.

#### (b) Contents

Each report under subsection (a) shall include the following:

(1) The number of buildings, including building locations, in each country covered by subsection (a) that received complete and integrated materials protection, control, and accounting systems for nuclear materials described in subsection (a) during the year covered by such report.

(2) The amounts of highly enriched uranium and plutonium in each such country that have been secured under systems described in paragraph (1) as of the date of such report.

(3) The amount of nuclear materials described in subsection (a) in each such country that continues to require securing under systems described in paragraph (1) as of the date of such report.

(4) A plan for actions to secure the nuclear materials identified in paragraph (3) under systems described in paragraph (1), including an estimate of the cost of such actions.

(5) The amounts expended through the fiscal year preceding the date of such report to secure nuclear materials described in subsection

(a) under systems described in paragraph (1), set forth by total amount per country and by amount per fiscal year per country.

#### (c) Limitation on use of certain funds

(1) No amounts authorized to be appropriated for the Department of Energy by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) or any other Act for purposes of the Nuclear Materials Protection, Control, and Accounting Program may be obligated or expended after September 30, 2000, for any project under the program at a site controlled by the Russian Ministry of Atomic Energy (MINATOM) in Russia until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the access policy established with respect to such project, including a certification that the access policy has been implemented.

(2) The access policy with respect to a project under this subsection shall—

(A) permit appropriate determinations by United States officials regarding security requirements, including security upgrades, for the project; and

(B) ensure verification by United States officials that Department of Energy assistance at the project is being used for the purposes intended.

(Pub. L. 107-314, div. D, title XLIII, § 4303, formerly Pub. L. 106-398, § 1 [div. C, title XXXI, § 3171], Oct. 30, 2000, 114 Stat. 1654, 1654A-475; Pub. L. 107-314, div. C, title XXXI, § 3153, Dec. 2, 2002, 116 Stat. 2738; renumbered Pub. L. 107-314, div. D, title XLIII, § 4303, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(f)(4), Nov. 24, 2003, 117 Stat. 1763.)

#### REFERENCES IN TEXT

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, referred to in subsec. (c)(1), is Pub. L. 106-398, § 1 [H.R. 5408], Oct. 30, 2000, 114 Stat. 1654, 1654A-1, as amended. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was formerly set out as a note under section 5952 of Title 22, Foreign Relations and Intercourse, prior to renumbering by Pub. L. 108-136.

#### AMENDMENTS

2003—Subsec. (c)(1). Pub. L. 108-136, § 3141(f)(4)(D), substituted “the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398)” for “this Act”.

2002—Subsec. (a). Pub. L. 107-314, § 3153(a), substituted “countries where such materials” for “Russia that”.

Subsec. (b)(1). Pub. L. 107-314, § 3153(b)(1), inserted “in each country covered by subsection (a)” after “locations”.

Subsec. (b)(2). Pub. L. 107-314, § 3153(b)(2), substituted “in each such country” for “in Russia”.

Subsec. (b)(3). Pub. L. 107-314, § 3153(b)(3), inserted “in each such country” after “subsection (a)”.

Subsec. (b)(5). Pub. L. 107-314, § 3153(b)(4), substituted “by total amount per country and by amount per fiscal year per country” for “by total amount and by amount per fiscal year”.