

Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) Support

To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) Design and engineering development

The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

(Pub. L. 107-314, div. D, title XLII, § 4235, formerly Pub. L. 106-65, div. C, title XXXI, § 3134, Oct. 5, 1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLII, § 4235, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(20), Nov. 24, 2003, 117 Stat. 1762.)

SUBCHAPTER III—PROLIFERATION
MATTERS

§ 2561. Repealed. Pub. L. 111-84, div. C, title XXXI, § 3117(a), Oct. 28, 2009, 123 Stat. 2709

Section, Pub. L. 107-314, div. D, title XLIII, § 4301, formerly Pub. L. 105-85, div. C, title XXXI, § 3133, Nov. 18, 1997, 111 Stat. 2036; Pub. L. 105-261, div. A, title X, § 1069(b)(3), div. C, title XXXI, § 3131, Oct. 17, 1998, 112 Stat. 2136, 2246; renumbered Pub. L. 107-314, div. D, title XLIII, § 4301, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(f)(2), Nov. 24, 2003, 117 Stat. 1762, related to international cooperative stockpile stewardship.

§ 2562. Repealed. Pub. L. 113-66, div. C, title XXXI, § 3146(d)(1)(A), Dec. 26, 2013, 127 Stat. 1075

Section, 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, related to nonproliferation initiatives and activities.

§ 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”.

§ 2564. Repealed. Pub. L. 113–66, div. C, title XXXI, § 3146(d)(2)(A), Dec. 26, 2013, 127 Stat. 1075

Section, Pub. L. 107–314, div. D, title XLIII, § 4304, formerly Pub. L. 106–398, § 1 [div. C, title XXXI, § 3172], Oct. 30, 2000, 114 Stat. 1654, 1654A–476; renumbered Pub. L. 107–314, div. D, title XLIII, § 4304, by Pub. L. 108–136, div. C, title XXXI, § 3141(f)(5), Nov. 24, 2003, 117 Stat. 1763, related to the Nuclear Cities Initiative.

§ 2565. Authority to conduct program relating to fissile materials

The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(Pub. L. 107–314, div. D, title XLIII, § 4305, formerly Pub. L. 104–106, div. C, title XXXI, § 3131, Feb. 10, 1996, 110 Stat. 617; Pub. L. 107–314, div. C, title XXXI, § 3152, Dec. 2, 2002, 116 Stat. 2738; renumbered Pub. L. 107–314, div. D, title XLIII, § 4305, by Pub. L. 108–136, div. C, title XXXI, § 3141(f)(6), Nov. 24, 2003, 117 Stat. 1763.)

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

2002—Pub. L. 107–314, § 3152, struck out subsec. (a) designation and heading “Authority” and subsec. (b) heading and text. Prior to amendment, subsec. (b) related to semi-annual reports on obligations of funds.

COMPLETION OF MATERIAL PROTECTION, CONTROL, AND ACCOUNTING ACTIVITIES IN THE RUSSIAN FEDERATION

Pub. L. 113–291, div. C, title XXXI, § 3122(b), Dec. 19, 2014, 128 Stat. 3894, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2) or specifically authorized by Congress, international

material protection, control, and accounting activities in the Russian Federation shall be completed not later than fiscal year 2018.

“(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to international material protection, control, and accounting activities in the Russian Federation associated with the Agreement Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed at Moscow and Washington August 29 and September 1, 2000, and entered into effect July 13, 2011 (TIAS 11–713.1), between the United States and the Russian Federation.”

§ 2566. Disposition of weapons-usable plutonium at Savannah River Site

(a) Plan for construction and operation of MOX facility

(1) Not later than February 1, 2003, the Secretary of Energy shall submit to Congress a plan for the construction and operation of the MOX facility at the Savannah River Site, Aiken, South Carolina.

(2) The plan under paragraph (1) shall include—

(A) a schedule for construction and operations so as to achieve, as of January 1, 2012, and thereafter, the MOX production objective, and to produce 1 metric ton of mixed-oxide fuel by December 31, 2012; and

(B) a schedule of operations of the MOX facility designed so that 34 metric tons of defense plutonium and defense plutonium materials at the Savannah River Site will be processed into mixed-oxide fuel by January 1, 2019.

(3)(A) Not later than February 15 each year, beginning in 2004 and continuing for as long as the MOX facility is in use, the Secretary shall submit to Congress a report on the implementation of the plan required by paragraph (1).

(B) Each report under subparagraph (A) for years before 2010 shall include—

(i) an assessment of compliance with the schedules included with the plan under paragraph (2); and

(ii) a certification by the Secretary whether or not the MOX production objective can be met by January 2012.

(C) Each report under subparagraph (A) for years after 2014 shall—

(i) address whether the MOX production objective has been met; and

(ii) assess progress toward meeting the obligations of the United States under the Plutonium Management and Disposition Agreement.

(D) Each report under subparagraph (A) for years after 2019 shall also include an assessment of compliance with the MOX production objective and, if not in compliance, the plan of the Secretary for achieving one of the following:

(i) Compliance with such objective.

(ii) Removal of all remaining defense plutonium and defense plutonium materials from the State of South Carolina.

(b) Corrective actions

(1) If a report under subsection (a)(3) indicates that construction or operation of the MOX facility is behind the applicable schedule under subsection (g) by 12 months or more, the Secretary