

pabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ‘covered nuclear weapons facility’ means the following:

- “(1) The Kansas City Plant, Kansas City, Missouri.
- “(2) The Y-12 Plant, Oak Ridge, Tennessee.
- “(3) The Pantex Plant, Amarillo, Texas.
- “(4) The Savannah River Plant, South Carolina.
- “(5) The Nevada Test Site.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-137, title III, §308, Dec. 1, 2003, 117 Stat. 1861.

Pub. L. 108-7, div. D, title III, §308, Feb. 20, 2003, 117 Stat. 154.

Pub. L. 107-66, title III, §309, Nov. 12, 2001, 115 Stat. 509.

Pub. L. 106-377, §1(a)(2) [title III, §310], Oct. 27, 2000, 114 Stat. 1441, 1441A-80.

§ 2813. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets

(a) Purpose

The purpose of this section is to encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of defraying the costs of such disposal or utilization.

(b) Use of proceeds to defray costs

(1) Notwithstanding section 3302 of title 31, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

- (A) the cost of administering the sale, lease, or disposal;
- (B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and
- (C) any other cost associated with the sale, lease, or disposal.

(c) Covered transactions

Subsection (b) applies to the following transactions:

- (1) The sale of heavy water at the Savannah River Site, South Carolina, that is under the jurisdiction of the Defense Environmental Management Program.
- (2) The sale of precious metals that are under the jurisdiction of the Defense Environmental Management Program.
- (3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, that are under the jurisdiction of the Defense Environmental Management Program.
- (4) The lease of buildings and other facilities located at the Savannah River Site that are under the jurisdiction of the Defense Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Defense Environmental Technology Site, Colorado, that is under the jurisdiction of the Defense Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee that are under the jurisdiction of the Defense Environmental Management Program.

(d) Applicability of disposal authority

Nothing in this section shall be construed to limit the application of subchapter II of chapter 5 and section 549 of title 40 to the disposal of equipment and other personal property covered by this section.

(Pub. L. 107-314, div. D, title XLVIII, §4833, formerly Pub. L. 105-85, div. C, title XXXI, §3138, Nov. 18, 1997, 111 Stat. 2039; renumbered Pub. L. 107-314, div. D, title XLVIII, §4833, and amended Pub. L. 108-136, div. C, title XXXI, §3141(k)(13), Nov. 24, 2003, 117 Stat. 1786; Pub. L. 112-239, div. C, title XXXI, §3131(aa), Jan. 2, 2013, 126 Stat. 2185.)

CODIFICATION

Section was formerly set out as a note under section 7256 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (e). Pub. L. 112-239 struck out subsec. (e). Prior to amendment, text read as follows: “Not later than January 31, 1999, the Secretary shall submit to the congressional defense committees a report on amounts retained by the Secretary under subsection (b) during fiscal year 1998.”

2003—Subsec. (d). Pub. L. 108-136, §3141(k)(13)(D), substituted “subchapter II of chapter 5 and section 549 of title 40” for “sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))”.

§ 2814. Department of Energy energy parks program

(a) In general

The Secretary of Energy may establish a program to permit the establishment of energy parks on former defense nuclear facilities.

(b) Objectives

The objectives for establishing energy parks pursuant to subsection (a) are the following:

- (1) To provide locations to carry out a broad range of projects relating to the development and deployment of energy technologies and related advanced manufacturing technologies.
- (2) To provide locations for the implementation of pilot programs and demonstration projects for new and developing energy technologies and related advanced manufacturing technologies.
- (3) To set a national example for the development and deployment of energy technologies and related advanced manufacturing technologies in a manner that will promote energy security, energy sector employment, and energy independence.
- (4) To create a business environment that encourages collaboration and interaction between the public and private sectors.

(c) Consultation

In establishing an energy park pursuant to subsection (a), the Secretary shall consult with—

- (1) the local government with jurisdiction over the land on which the energy park will be located;
- (2) the local governments of adjacent areas; and
- (3) any community reuse organization recognized by the Secretary at the former defense nuclear facility on which the energy park will be located.

(d) Report required

Not later than 120 days after January 7, 2011, the Secretary 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 implementation of the program under subsection (a). The report shall include such recommendations for additional legislative actions as the Secretary considers appropriate to facilitate the development of energy parks on former defense nuclear facilities.

(e) Defense nuclear facility defined

In this section, the term “defense nuclear facility” has the meaning given the term “Department of Energy defense nuclear facility” in section 2286g of title 42.

(Pub. L. 111-383, div. C, title XXXI, § 3124, Jan. 7, 2011, 124 Stat. 4515.)

CODIFICATION

Section was enacted as part of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, and not as part of the Atomic Energy Defense Act which comprises this chapter.

PART D—OTHER MATTERS

§ 2821. Repealed. Pub. L. 112-239, div. C, title XXXI, § 3131(q)(2), Jan. 2, 2013, 126 Stat. 2183

Section, Pub. L. 107-314, div. D, title XLVIII, § 4851, formerly Pub. L. 105-85, div. C, title XXXI, § 3153(f), Nov. 18, 1997, 111 Stat. 2044; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4851, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(15), Nov. 24, 2003, 117 Stat. 1786, required Secretary of Energy to submit to Congress semiannual reports on local impact assistance provided during the preceding six months.

§ 2822. Payment of costs of operation and maintenance of infrastructure at Nevada National Security Site

Notwithstanding any other provision of law and effective as of September 30, 1996, the costs associated with operating and maintaining the infrastructure at the Nevada National Security Site, Nevada, with respect to any activities initiated at the site after that date by the Department of Defense pursuant to a work-for-others agreement may be paid for from funds authorized to be appropriated to the Department of Energy for activities at the Nevada National Security Site.

(Pub. L. 107-314, div. D, title XLVIII, § 4852, formerly Pub. L. 104-201, div. C, title XXXI, § 3144, Sept. 23, 1996, 110 Stat. 2838; renumbered Pub. L.

107-314, div. D, title XLVIII, § 4852, by Pub. L. 108-136, div. C, title XXXI, § 3141(k)(16), Nov. 24, 2003, 117 Stat. 1786; Pub. L. 112-239, div. C, title XXXI, § 3131(bb)(1)(B), (C), Jan. 2, 2013, 126 Stat. 2185.)

AMENDMENTS

2013—Pub. L. 112-239 substituted “Nevada National Security Site” for “Nevada Test Site” in section catchline and in two places in text.

CHAPTER 43—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec.	
2901.	Findings.
2902.	Definitions.

SUBCHAPTER I—PROLIFERATION SECURITY INITIATIVE

2911.	Proliferation Security Initiative improvements and authorities.
2912.	Authority to provide assistance to cooperative countries.

SUBCHAPTER II—ASSISTANCE TO ACCELERATE PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

2921.	Statement of policy.
2922.	Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
2923.	Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

SUBCHAPTER III—OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

2931.	Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
2932.	Sense of Congress on United States-Russia cooperation and coordination on the prevention of weapons of mass destruction proliferation and terrorism.

§ 2901. Findings

The 9/11 Commission has made the following recommendations:

(1) Strengthen “counter-proliferation” efforts

The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) Expand the Proliferation Security Initiative

In carrying out the Proliferation Security Initiative, the United States should—

- (A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;
- (B) make participation open to non-NATO countries; and
- (C) encourage Russia and the People’s Republic of China to participate.

(3) Support the Cooperative Threat Reduction program

The United States should expand, improve, increase resources for, and otherwise fully