

(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 Repealed.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

support the Cooperative Threat Reduction program.

(Pub. L. 110-53, title XVIII, §1801, Aug. 3, 2007, 121 Stat. 491.)

§ 2902. Definitions

In this chapter:

(1) The terms “prevention of weapons of mass destruction proliferation and terrorism” and “prevention of WMD proliferation and terrorism” include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note);¹

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2729);

(C) programs authorized by section 5854 of title 22 and programs authorized by section 5902 of title 22; and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms “weapons of mass destruction” and “WMD” mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials used in the manufacture of such weapons.

(3) The term “items of proliferation concern” means—

(A) equipment, materials, or technology listed in—

(i) the Trigger List of the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group;

(ii) the Annex of the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology of the Nuclear Suppliers Group; or

(iii) any of the Common Control Lists of the Australia Group; and

(B) any other sensitive items.

(Pub. L. 110-53, title XVIII, §1802, Aug. 3, 2007, 121 Stat. 491.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XVIII of Pub. L. 110-53, which enacted this chapter, amended section 3021 of this title and sections 5952 and 5963 of Title 22, Foreign Relations and Intercourse, and amended provisions set out as notes under sections 2551 and 5952 of Title 22. For complete classification of title XVIII to the Code, see Tables.

Section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997, referred to in par. (1)(A), is section 1501(b) of Pub. L. 104-201, which was set out in a note under section 2362 of this title, prior to repeal by Pub. L. 113-291, div. A, title XIII, §1351(5), Dec. 19, 2014, 128 Stat. 3607.

¹ See References in Text note below.

Section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), referred to in par. (1)(B), is not classified to the Code.

SUBCHAPTER I—PROLIFERATION SECURITY INITIATIVE

§ 2911. Proliferation Security Initiative improvements and authorities

(a) Sense of Congress

It is the sense of Congress, consistent with the 9/11 Commission’s recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (in this subchapter referred to as “PSI”) announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant United States Government agencies and departments that directs such agencies and departments to—

(A) establish clear PSI authorities, responsibilities, and structures;

(B) include in the budget request for each such agency or department for each fiscal year, a request for funds necessary for United States PSI-related activities; and

(C) provide other necessary resources to achieve more efficient and effective performance of United States PSI-related activities.

(2) Increasing PSI cooperation with all countries.

(3) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled “Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities” (GAO-06-937C) regarding the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(4) Establishing a multilateral mechanism to increase coordination, cooperation, and compliance among PSI-participating countries.

(b) Budget submission

(1) In general

Each fiscal year in which activities are planned to be carried out under the PSI, the President shall include in the budget request for each participating United States Government agency or department for that fiscal year, a description of the funding and the activities for which the funding is requested for each such agency or department.

(2) Report

Not later than the first Monday in February of each even-numbered year in which the President submits a budget request described in paragraph (1), the Secretary of Defense and