

material to be used as fuel for the Tarapur Atomic Power Station or any other order of the Nuclear Regulatory Commission to issue a license for the export of special nuclear material and subsequent exports thereby licensed, or any consideration by the Nuclear Regulatory Commission of a license application for the export of special nuclear material.

(Pub. L. 95-238, title I, §107, Feb. 25, 1978, 92 Stat. 55; Pub. L. 103-437, §9(c), Nov. 2, 1994, 108 Stat. 4588.)

REFERENCES IN TEXT

Section 101(20) of this Act, referred to in text, is section 101(20) of Pub. L. 95-238, title I, Feb. 25, 1978, 92 Stat. 48, which authorized appropriations for fuel cycle research and development and which was not classified to the Code. Pub. L. 95-238 is known as the Department of Energy Act of 1978—Civilian Applications.

The Impoundment Control Act of 1974, referred to in text, is parts A and B of title X of Pub. L. 93-344, July 12, 1974, 88 Stat. 332, as amended, which is classified principally to subchapters I (§681) and II (§682 et seq.) of chapter 17B of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 681 of Title 2 and Tables.

CODIFICATION

Section was enacted as part of the Department of Energy Act of 1978—Civilian Applications, and not as part of the Nuclear Non-Proliferation Act of 1978 which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Science, Space, and Technology” for “Science and Technology”.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

§ 3241. Congressional declaration of policy

The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective and comprehensive international

safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

(Pub. L. 95-242, title II, §201, Mar. 10, 1978, 92 Stat. 124.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as a note under section 3201 of this title.

§ 3242. Training program

The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

(Pub. L. 95-242, title II, §202, Mar. 10, 1978, 92 Stat. 124.)

§ 3243. Negotiations

The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

(Pub. L. 95-242, title II, §203, Mar. 10, 1978, 92 Stat. 124.)

§ 3244. Actions to combat international nuclear terrorism**(a) Actions to be taken by President**

The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agen-

cies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for adequately protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) Reports to Congress

The President shall report to the Congress annually, in the reports required by section 3281 of this title, on the progress made during the preceding year in achieving the objectives described in this section.

(Pub. L. 99-399, title VI, §601, Aug. 27, 1986, 100 Stat. 874.)

CODIFICATION

Section was enacted as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, and not as part of the Nuclear Non-Proliferation Act of 1978 which comprises this chapter.

NUCLEAR TERRORISM PREVENTION

Pub. L. 110-181, div. C, title XXXI, subtitle D, Jan. 28, 2008, 122 Stat. 586, provided that:

“SEC. 3131. DEFINITIONS.

“In this subtitle:

“(1) The term ‘Convention on the Physical Protection of Nuclear Material’ means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

“(2) The term ‘formula quantities of strategic special nuclear material’ means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), as set forth in the definitions of ‘formula quantity’ and ‘strategic special nuclear material’ in section 73.2 of title 10, Code of Federal Regulations.

“(3) The term ‘Nuclear Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

“(4) The term ‘nuclear weapon’ means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

“SEC. 3132. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

“It is the sense of Congress that—

“(1) the President should make the prevention of a nuclear terrorist attack on the United States a high priority;

“(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

“(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

“(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

“(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

“SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

“(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

“(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), and consistent with the requirement for ‘appropriate effective’ physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, should seek the broadest possible international agreement on a global standard for nuclear security that—

“(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

“(2) takes into account the limitations of equipment and human performance; and

“(3) includes steps to provide confidence that the needed measures have in fact been implemented.

“(c) INTERNATIONAL EFFORTS.—It is the sense of Congress that, in furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, should—

“(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

“(A) accounts for the nature of the terrorist and criminal threat in each such country; and

“(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

“(2) ensure that United States financial and technical assistance is available, as appropriate, to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

“(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

“SEC. 3134. ANNUAL REPORT.

“(a) IN GENERAL.—Not later than September 1 of each year through 2012, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons and related equipment and formula quantities of strategic special nuclear material outside of the United States.

“(b) ELEMENTS.—The report required under subsection (a) shall include the following:

“(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

“(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, or formula quantities of strategic special nuclear material.

“(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material, taking into account risk of theft from such facilities and sites, and organized by level of priority.

“(C) A prioritized plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

“(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material at such facilities and sites worldwide.

“(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide, using the financial and technical assistance of the United States, are effectively sustained after such assistance ends.

“(iii) The role that international agencies and the international community have committed to play, together with a plan for securing international contributions.

“(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material.

“(2) A section on efforts to establish and implement the international nuclear security standard described in section 3133(b) and related policies.

“(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.”

[Functions of President under section 3134 of Pub. L. 110-181, set out above, delegated to Secretary of Energy by Memorandum of President of the United States, July 21, 2010, 75 F.R. 43793.]

SUBCHAPTER III—UNITED STATES
ASSISTANCE TO DEVELOPING COUNTRIES

§ 3261. Congressional declaration of policy; Presidential report to Congress

The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

(Pub. L. 95-242, title V, § 501, Mar. 10, 1978, 92 Stat. 148.)

EFFECTIVE DATE

Subchapter effective Mar. 10, 1978, except as otherwise provided and regardless of any requirements for the promulgation of implementing regulations, see section 603(c) of Pub. L. 95-242, set out as a note under section 3201 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section requiring the President to report annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 126 of House Document No. 103-7.

DELEGATION OF FUNCTIONS

Secretary of State responsible for performing functions vested in President under this section, see section 2(a) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

§ 3262. Programs

(a) Energy development programs

The United States shall initiate a program, consistent with the aims of section 3261 of this title, to cooperate with developing countries for the purpose of—