

(ii) not later than 18 months after October 14, 2008, a report on the status of implementing the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(b) Omitted

(c) Presidential report

(1) In general

Not later than 90 days after October 14, 2008, the President shall submit to the appropriate committees of Congress a report on the involvement of senior-level executive branch leadership in nuclear terrorism preparedness exercises that include nuclear forensics analysis.

(2) Appropriate committees of Congress

In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(Pub. L. 110-417, div. C, title XXXI, §3114, Oct. 14, 2008, 122 Stat. 4756.)

CODIFICATION

Section is comprised of section 3114 of Pub. L. 110-417. Subsec. (b) of section 3114 of Pub. L. 110-417 amended section 3129(b) of Pub. L. 110-181, div. C, title XXXI, Jan. 28, 2008, 122 Stat. 585.

Section was enacted as part of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and not as part of the Atomic Energy Defense Act which comprises this chapter.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees has the meaning given that term in section 101(a)(16) of Title 10, Armed Forces, see section 3 of Pub. L. 110-417, Oct. 14, 2008, 122 Stat. 4372. See note under section 101 of Title 10.

§ 2575. Defense nuclear nonproliferation management plan

(a) In general

Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, in each fiscal year, the Administrator shall submit to the congressional defense committees a five-year management plan for activities associated with the defense nuclear nonproliferation programs of the Administration to prevent and counter the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize and address the risk of nuclear terrorism and the proliferation of such weapons.

(b) Elements

The plan required by subsection (a) shall include, with respect to each defense nuclear nonproliferation program of the Administration, the following:

(1) A description of the policy context in which the program operates, including—

(A) a list of relevant laws, policy directives issued by the President, and international agreements; and

(B) nuclear nonproliferation activities carried out by other Federal agencies.

(2) A description of the objectives and priorities of the program during the year preceding the submission of the plan required by subsection (a).

(3) A description of the activities carried out under the program during that year.

(4) A description of the accomplishments and challenges of the program during that year, based on an assessment of metrics and objectives previously established to determine the effectiveness of the program.

(5) A description of any gaps that remain that were not or could not be addressed by the program during that year.

(6) An identification and explanation of uncommitted or uncosted balances for the program, as of the date of the submission of the plan required by subsection (a), that are greater than the acceptable carryover thresholds, as determined by the Secretary of Energy.

(7) An identification of funds for the program received through contributions from or cost-sharing agreements with foreign governments consistent¹ section 2569(f) of this title during the year preceding the submission of the plan required by subsection (a) and an explanation of such contributions and agreements.

(8) A description and assessment of activities carried out under the program during that year that were coordinated with other elements of the Department of Energy, with the Department of Defense, and with other Federal agencies, to maximize efficiency and avoid redundancies.

(9) Plans for activities of the program during the five-year period beginning on the date on which the plan required by subsection (a) is submitted, including activities with respect to the following:

(A) Preventing nuclear and radiological proliferation and terrorism, including through—

(i) material management and minimization, particularly with respect to removing or minimizing the use of highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the countries in which such materials are located), efforts to dispose of surplus material, converting reactors from highly enriched uranium to low-enriched uranium (and identifying the countries in which such reactors are located);

(ii) global nuclear material security, including securing highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the countries in which such materials are located), and providing radiation detection capabilities at foreign ports and borders;

¹ So in original. Probably should be followed by “with”.

(iii) nonproliferation and arms control, including nuclear verification and safeguards;

(iv) defense nuclear research and development, including a description of activities related to developing and improving technology to detect the proliferation and detonation of nuclear weapons, verifying compliance of foreign countries with commitments under treaties and agreements relating to nuclear weapons, and detecting the diversion of nuclear materials (including safeguards technology); and

(v) nonproliferation construction programs, including activities associated¹ Department of Energy Order 413.1 (relating to program management controls).

(B) Countering nuclear and radiological proliferation and terrorism.

(C) Responding to nuclear and radiological proliferation and terrorism, including through—

- (i) crisis operations;
- (ii) consequences management; and
- (iii) emergency management, including international capacity building.

(10) A threat assessment, carried out by the intelligence community (as defined in section 3003(4) of this title), with respect to the risk of nuclear and radiological proliferation and terrorism and a description of how each activity carried out under the program will counter the threat during the five-year period beginning on the date on which the plan required by subsection (a) is submitted and, as appropriate, in the longer term.

(11) A plan for funding the program during that five-year period.

(12) An identification of metrics and objectives for determining the effectiveness of each activity carried out under the program during that five-year period.

(13) A description of the activities to be carried out under the program during that five-year period and a description of how the program will be prioritized relative to other defense nuclear nonproliferation programs of the Administration during that five-year period to address the highest priority risks and requirements, as informed by the threat assessment carried out under paragraph (10).

(14) A description of funds for the program expected to be received during that five-year period through contributions from or cost-sharing agreements with foreign governments consistent¹ section 2569(f) of this title.

(15) A description and assessment of activities to be carried out under the program during that five-year period that will be coordinated with other elements of the Department of Energy, with the Department of Defense, and with other Federal agencies, to maximize efficiency and avoid redundancies.

(16) Such other matters as the Administrator considers appropriate.

(c) Form of report

The plan required by subsection (a) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex if necessary.

(Pub. L. 107-314, div. D, title XLIII, §4309, as added Pub. L. 114-92, div. C, title XXXI, §3132(a)(1), Nov. 25, 2015, 129 Stat. 1202.)

**SUBCHAPTER IV—DEFENSE
ENVIRONMENTAL CLEANUP MATTERS**

AMENDMENTS

2013—Pub. L. 113-66, div. C, title XXXI, §3146(e)(16)(A), Dec. 26, 2013, 127 Stat. 1078, substituted “DEFENSE ENVIRONMENTAL CLEANUP” for “ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT” in subchapter heading.

PART A—DEFENSE ENVIRONMENTAL CLEANUP

AMENDMENTS

2013—Pub. L. 113-66, div. C, title XXXI, §3146(e)(16)(B), Dec. 26, 2013, 127 Stat. 1078, substituted “Defense Environmental Cleanup” for “Environmental Restoration and Waste Management” in part heading.

§ 2581. Defense Environmental Cleanup Account

(a) Establishment

There is hereby established in the Treasury of the United States for the Department of Energy an account to be known as the “Defense Environmental Cleanup Account” (hereafter in this section referred to as the “Account”).

(b) Amounts in Account

All sums appropriated to the Department of Energy for defense environmental cleanup at defense nuclear facilities shall be credited to the Account. Such appropriations shall be authorized annually by law. To the extent provided in appropriations Acts, amounts in the Account shall remain available until expended.

(Pub. L. 107-314, div. D, title XLIV, §4401, formerly Pub. L. 102-190, div. C, title XXXI, §3134, Dec. 5, 1991, 105 Stat. 1575; renumbered Pub. L. 107-314, div. D, title XLIV, §4401, by Pub. L. 108-136, div. C, title XXXI, §3141(g)(2), Nov. 24, 2003, 117 Stat. 1764; Pub. L. 113-66, div. C, title XXXI, §3146(e)(1), Dec. 26, 2013, 127 Stat. 1075.)

CODIFICATION

Section was formerly classified to section 7274f of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Pub. L. 113-66, §3146(e)(1)(A), substituted “Cleanup” for “Restoration and Waste Management” in section catchline.

Subsec. (a). Pub. L. 113-66, §3146(e)(1)(B), substituted “‘Defense Environmental Cleanup Account’” for “‘Defense Environmental Restoration and Waste Management Account’”.

Subsec. (b). Pub. L. 113-66, §3146(e)(1)(C), substituted “defense environmental cleanup” for “environmental restoration and waste management”.

§ 2582. Requirement to develop future use plans for defense environmental cleanup

(a) Authority to develop future use plans

The Secretary of Energy may develop future use plans for any defense nuclear facility at which defense environmental cleanup activities are occurring.

(b) Requirement to develop future use plans

The Secretary shall develop a future use plan for each of the following defense nuclear facilities: