

Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. The plan shall include the following:

- (1) A review of each option considered for such disposal.
- (2) An identification of the preferred option for such disposal.
- (3) With respect to the facilities for such disposal that are required by the Department of Energy's Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997—
  - (A) a statement of the cost of construction and operation of such facilities;
  - (B) a schedule for the expeditious construction of such facilities, including milestones; and
  - (C) a firm schedule for funding the cost of such facilities.
- (4) A specification of the means by which all such defense plutonium and defense plutonium materials will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

**(d) Plan for alternative disposition**

If the Secretary determines not to proceed at the Savannah River Site with construction of the plutonium immobilization plant, or with the mixed oxide fuel fabrication facility, the Secretary shall prepare a plan that identifies a disposition path for all defense plutonium and defense plutonium materials that would otherwise have been disposed of at such plant or such facility, as applicable.

**(e) Submission of plans**

Not later than February 1, 2002, the Secretary shall submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable).

**(f) Limitation on plutonium shipments**

If the Secretary does not submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable) by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plans are submitted to Congress.

**(g) Rule of construction**

Nothing in this section may be construed to prohibit or limit the Secretary from shipping defense plutonium or defense plutonium materials to sites other than the Savannah River Site during the period referred to in subsection (f) or any other period.

**(h) Annual report on funding for fissile materials disposition activities**

The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) a report setting forth the extent to which amounts requested for the Department for such

fiscal year for fissile materials disposition activities will enable the Department to meet commitments for the disposition of surplus defense plutonium and defense plutonium materials located at the Savannah River Site, and for any other fissile materials disposition activities, in such fiscal year.

(Pub. L. 107-314, div. D, title XLIII, §4306A, formerly Pub. L. 107-107, div. C, title XXXI, §3155, Dec. 28, 2001, 115 Stat. 1378; renumbered Pub. L. 107-314, div. D, title XLIII, §4306A, by Pub. L. 108-136, div. C, title XXXI, §3141(f)(7)(B), Nov. 24, 2003, 117 Stat. 1763.)

**§2568. Authority to use international nuclear materials protection and cooperation program funds outside the former Soviet Union**

**(a) Authority**

Subject to the provisions of this section, the President may obligate and expend international nuclear materials protection and cooperation program funds for a fiscal year, and any such funds for a fiscal year before such fiscal year that remain available for obligation, for a defense nuclear nonproliferation project or activity outside the states of the former Soviet Union that has not previously been authorized by Congress if the President determines each of the following:

- (1) That such project or activity will—
  - (A)(i) assist the United States in the resolution of a critical emerging proliferation threat; or
  - (ii) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals; and
  - (B) be completed in a short period of time.
- (2) That the Department of Energy is the entity of the Federal Government that is most capable of carrying out such project or activity.

**(b) Scope of authority**

The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for such project or activity utilizing such funds, but does not include authority to provide cash directly to such project or activity.

**(c) Limitation on availability of funds**

- (1) The President may not obligate funds for a project or activity under the authority in subsection (a) until the President makes each determination specified in that subsection with respect to such project or activity.
- (2) Not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity, the President shall notify Congress in writing of the determinations made under paragraph (1) with respect to such project or activity, together with—
  - (A) a justification for such determinations; and
  - (B) a description of the scope and duration of such project or activity.

**(d) Additional limitations and requirements**

Except as otherwise provided in subsections (a) and (b), the exercise of the authority in sub-

section (a) shall be subject to any requirement or limitation under another provision of law as follows:

(1) Any requirement for prior notice or other reports to Congress on the use of international nuclear materials protection and cooperation program funds or on international nuclear materials protection and cooperation program projects or activities.

(2) Any limitation on the obligation or expenditure of international nuclear materials protection and cooperation program funds.

(3) Any limitation on international nuclear materials protection and cooperation program projects or activities.

**(e) Funds**

As used in this section, the term “international nuclear materials protection and cooperation program funds” means the funds appropriated pursuant to an authorization of appropriations for the International Nuclear Materials Protection and Cooperation Program.

(Pub. L. 108-136, div. C, title XXXI, §3124, Nov. 24, 2003, 117 Stat. 1747; Pub. L. 108-375, div. C, title XXXI, §3131, Oct. 28, 2004, 118 Stat. 2165.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Atomic Energy Defense Act which comprises this chapter.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-375, §3131(a), inserted “that has not previously been authorized by Congress” after “states of the former Soviet Union”.

Subsec. (c). Pub. L. 108-375, §3131(b), redesignated subsec. (d) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “The amount that may be obligated in a fiscal year under the authority in subsection (a) may not exceed \$50,000,000.”

Subsec. (d). Pub. L. 108-375, §3131(b)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 108-375, §3131(c), substituted “the funds appropriated pursuant to an authorization of appropriations for the International Nuclear Materials Protection and Cooperation Program” for “the funds appropriated pursuant to the authorization of appropriations in section 3101(a)(2) for such program”.

Pub. L. 108-375, §3131(b)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 108-375, §3131(b)(2), redesignated subsec. (f) as (e).

**§ 2569. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide**

**(a) Sense of Congress**

(1) It is the sense of Congress that the security, including the rapid removal or secure storage, of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top priority among the activities to achieve the national security of the United States.

(2) It is the sense of Congress that the President may establish in the Department of Energy a task force to be known as the Task Force on Nuclear Materials to carry out the program authorized by subsection (b).

**(b) Program authorized**

The Secretary of Energy may carry out a program to undertake an accelerated, comprehen-

sive worldwide effort to mitigate the threats posed by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

**(c) Program elements**

(1) Activities under the program under subsection (b) may include the following:

(A) Accelerated efforts to secure, remove, or eliminate proliferation-attractive fissile materials or radiological materials in research reactors, other reactors, and other facilities worldwide.

(B) Arrangements for the secure shipment of proliferation-attractive fissile materials, radiological materials, and related equipment to other countries willing to accept such materials and equipment, or to the United States if such countries cannot be identified, and the provision of secure storage or disposition of such materials and equipment following shipment.

(C) The transportation of proliferation-attractive fissile materials, radiological materials, and related equipment from sites identified as proliferation risks to secure facilities in other countries or in the United States.

(D) The processing and packaging of proliferation-attractive fissile materials, radiological materials, and related equipment in accordance with required standards for transport, storage, and disposition.

(E) The provision of interim security upgrades for vulnerable, proliferation-attractive fissile materials, radiological materials, and related equipment pending their removal from their current sites.

(F) The utilization of funds to upgrade security and accounting at sites where proliferation-attractive fissile materials or radiological materials will remain for an extended period of time in order to ensure that such materials are secure against plausible potential threats and will remain so in the future.

(G) The management of proliferation-attractive fissile materials, radiological materials, and related equipment at secure facilities.

(H) Actions to ensure that security, including security upgrades at sites and facilities for the storage or disposition of proliferation-attractive fissile materials, radiological materials, and related equipment, continues to function as intended.

(I) The provision of technical support to the International Atomic Energy Agency (IAEA), other countries, and other entities to facilitate removal of, and security upgrades to facilities that contain, proliferation-attractive fissile materials, radiological materials, and related equipment worldwide.

(J) The development of alternative fuels and irradiation targets based on low-enriched uranium to convert research or other reactors fueled by highly-enriched uranium to such alternative fuels, as well as the conversion of reactors and irradiation targets employing highly-enriched uranium to employment of such alternative fuels and targets.

(K) Accelerated actions for the blend down of highly-enriched uranium to low-enriched uranium.