

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 4612(b)(4) of this title and under section 2797b(d) of title 22.

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

#### (d) Exclusions

The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

#### (e) Classification of report

The Secretary shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

#### (f) Definitions

In this section:

##### (1) Designated congressional committees

The term “designated congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

##### (2) Missile; MTCR; MTCR equipment or technology

The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 2797c of title 22.

#### (3) Person

The term “person” means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

#### (4) Weaponize; weaponization

The term “weaponize” or “weaponization” means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(Pub. L. 107-228, div. B, title XIII, §1308, Sept. 30, 2002, 116 Stat. 1439.)

#### REFERENCES IN TEXT

The Iran-Iraq Arms Non-Proliferation Act of 1992, referred to in subsec. (c)(10), is title XVI of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2571, as amended, which is set out as a note under section 1701 of this title.

#### CODIFICATION

Section is comprised of section 1308 of Pub. L. 107-228. Subsec. (g) of section 1308 of Pub. L. 107-228 repealed section 5606 of Title 22, Foreign Relations and Inter-course, amended provisions set out as notes under section 1701 of this title and section 2656 of Title 22, and repealed provisions set out as a note under section 2751 of Title 22.

Section was enacted as part of the Security Assistance Act of 2002, and also as part of the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

#### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (a) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

#### DEFINITIONS

For definition of “Secretary” as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of Title 22, Foreign Relations and Inter-course.

**§ 2369. Repealed. Pub. L. 111-84, div. A, title X, § 1055(f), Oct. 28, 2009, 123 Stat. 2462, as amended by Pub. L. 111-383, div. A, title X, § 1075(d)(13), Jan. 7, 2011, 124 Stat. 4373**

Section, Pub. L. 104-293, title VII, §722, as added Pub. L. 107-314, div. A, title XII, §1209(a), Dec. 2, 2002, 116 Stat. 2668, related to semiannual report on contributions of foreign persons to weapons of mass destruction and delivery systems efforts of countries of proliferation concern.

**§ 2370. Notification of Committees on Armed Services with respect to certain non-proliferation and proliferation activities**

#### (a) Notification with respect to nonproliferation activities

The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commis-

sion shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

**(b) Notification with respect to proliferation activities in foreign nations**

**(1) In general**

The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

**(2) Fully and currently informed defined**

For purposes of paragraph (1), the term “fully and currently informed” means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

(Pub. L. 110-417, [div. A], title X, §1062, Oct. 14, 2008, 122 Stat. 4614.)

CODIFICATION

Section was enacted as part of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

**§ 2371. Repealed. Pub. L. 114-113, div. M, title VII, § 701(d), Dec. 18, 2015, 129 Stat. 2930**

Section, Pub. L. 111-84, div. A, title X, §1055, Oct. 28, 2009, 123 Stat. 2461; Pub. L. 111-383, div. A, title X, §1075(d)(13), Jan. 7, 2011, 124 Stat. 4373; Pub. L. 112-81, div. A, title X, §1071, Dec. 31, 2011, 125 Stat. 1592, related to report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.

**CHAPTER 41—NATIONAL NUCLEAR SECURITY ADMINISTRATION**

**SUBCHAPTER I—ESTABLISHMENT AND ORGANIZATION**

- Sec. 2401. Establishment and mission.
- 2402. Administrator for Nuclear Security.
- 2403. Principal Deputy Administrator for Nuclear Security.
- 2404. Deputy Administrator for Defense Programs.
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- 2406. Deputy Administrator for Naval Reactors.
- 2407. General Counsel.
- 2408. Staff of Administration.
- 2409. Scope of authority of Secretary of Energy to modify organization of Administration.

- Sec. 2410. Status of Administration and contractor personnel within Department of Energy.
- 2411. Director for Cost Estimating and Program Evaluation.

**SUBCHAPTER II—MATTERS RELATING TO SECURITY**

- 2421. Protection of national security information.
- 2422. Office of Defense Nuclear Security.
- 2423. Counterintelligence programs.
- 2424. Procedures relating to access by individuals to classified areas and information of Administration.
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**SUBCHAPTER III—MATTERS RELATING TO PERSONNEL**

- 2441. Authority to establish certain contracting, program management, scientific, engineering, and technical positions.
- 2441a. Authorized personnel levels of the Office of the Administrator.
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- 2444. Nonproliferation and national security scholarship and fellowship program.
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**SUBCHAPTER IV—BUDGET AND FINANCIAL MANAGEMENT**

- 2451. Separate treatment in budget.
- 2452. Planning, programming, and budgeting process.
- 2453. Future-years nuclear security program.
- 2454. Semiannual financial reports on defense nuclear nonproliferation programs.
- 2455. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.
- 2455a. National Nuclear Security Administration authority for urgent nonproliferation activities.

**SUBCHAPTER V—MISCELLANEOUS PROVISIONS**

- 2461. Environmental protection, safety, and health requirements.
- 2462. Compliance with Federal Acquisition Regulation.
- 2463. Sharing of technology with Department of Defense.
- 2464. Use of capabilities of national security laboratories by entities outside the Administration.
- 2465. Enhancing private-sector employment through cooperative research and development activities.

**SUBCHAPTER VI—DEFINITIONS**

- 2471. Definitions.

**SUBCHAPTER VII—TRANSITION PROVISIONS**

- 2481. Functions transferred.
- 2482, 2483. Repealed.
- 2484. Applicability of preexisting laws and regulations.

**SUBCHAPTER I—ESTABLISHMENT AND ORGANIZATION**

**§ 2401. Establishment and mission**

**(a) Establishment**

There is established within the Department of Energy a separately organized agency to be