

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 Repealed.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.
- 2405. Deputy Administrator for Defense Nuclear Nonproliferation.
- 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.
- 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.
- 2425. Government access to information on Administration computers.
- 2426. Congressional oversight of special access programs.

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.
- 2442. Repealed.
- 2443. Notification of employee practices affecting national security.
- 2444. Nonproliferation and national security scholarship and fellowship program.
- 2445. Limitation on bonuses for employees who engage in improper program management.
- 2446. Treatment of contractors who engage in improper program management.

Sec.
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. Repealed.
- 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 known as the National Nuclear Security Administration (in this chapter referred to as the “Administration”).

(b) Mission

The mission of the Administration shall be the following:

- (1) To enhance United States national security through the military application of nuclear energy.
- (2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.
- (3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.
- (4) To promote international nuclear safety and nonproliferation.
- (5) To reduce global danger from weapons of mass destruction.
- (6) To support United States leadership in science and technology.

(c) Operations and activities to be carried out consistently with certain principles

In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of—

- (1) protecting the environment;
- (2) safeguarding the safety and health of the public and of the workforce of the Administration; and
- (3) ensuring the security of the nuclear weapons, nuclear material, and classified information in the custody of the Administration.

(Pub. L. 106-65, div. C, title XXXII, § 3211, Oct. 5, 1999, 113 Stat. 957; Pub. L. 113-66, div. C, title XXXI, § 3111, Dec. 26, 2013, 127 Stat. 1049.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title XXXII of div. C of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 953, as amended, which is classified principally to this chapter. For complete classification of title XXXII to the Code, see Short Title note set out below and Tables.

AMENDMENTS

2013—Subsec. (c). Pub. L. 113-66 amended subsec. (c) generally. Prior to amendment, text read as follows: “In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.”

EFFECTIVE DATE

Pub. L. 106-65, div. C, title XXXII, § 3299, Oct. 5, 1999, 113 Stat. 971, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title [see Short Title note below] shall take effect on March 1, 2000.

“(b) EXCEPTIONS.—(1) Sections 3202, 3204, 3251, 3295, and 3297 [enacting section 2451 and former section 2483 of this title and sections 7144a to 7144c of Title 42, The Public Health and Welfare, amending section 7132 of Title 42, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 5, 1999].

“(2) Sections 3234 and 3235 [enacting sections 2424 and 2425 of this title] shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.”

SHORT TITLE

Pub. L. 106-65, div. C, title XXXII, § 3201, Oct. 5, 1999, 113 Stat. 953, provided that: “This title [enacting this chapter and sections 7144 to 7144c of Title 42, The Public Health and Welfare, amending sections 5314, 5315, 5595, and 8905a of Title 5, Government Organization and Employees, and sections 7132, 7133, and 7158 of Title 42, repealing sections 2122a, 7143, and 7271b of Title 42, enacting provisions set out as notes under this section, and amending provisions set out as a note under section 435 of this title] may be cited as the ‘National Nuclear Security Administration Act’.”

PREPARATION OF INFRASTRUCTURE PLAN FOR THE NUCLEAR WEAPONS COMPLEX

Pub. L. 107-107, div. B, title XXX, § 3008, Dec. 28, 2001, 115 Stat. 1352, provided that:

“(a) INFRASTRUCTURE PLAN FOR NUCLEAR WEAPONS COMPLEX.—

“(1) PREPARATION AND SUBMISSION.—Not later than the date on which the budget for the Department of Energy for fiscal year 2004 is submitted to Congress, the Secretary of Energy shall submit to Congress an infrastructure plan for the nuclear weapons complex

adequate to support the nuclear weapons stockpile, the naval reactors program, and nonproliferation and national security activities.

“(2) SPECIAL CONSIDERATIONS.—In preparing the infrastructure plan, the Secretary shall take into consideration the following:

“(A) The Department of Defense Nuclear Posture Review required pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262 [former 10 U.S.C. 118 note]).

“(B) Any efficiencies and security benefits of consolidation of facilities of the nuclear weapons complex.

“(C) The necessity to have a residual production capability.

“(b) RECOMMENDATIONS REGARDING REALIGNMENTS AND CLOSURES.—On the basis of the infrastructure plan prepared under subsection (a), the Secretary shall make such recommendations regarding the need to close or realign facilities of the nuclear weapons complex as the Secretary considers appropriate, including the Secretary’s recommendations on whether to establish a process by which a round of closures and realignments would be carried out and any additional legislative authority necessary to implement the recommendations. The Secretary shall submit the recommendations as part of the infrastructure plan under subsection (a).

“(c) DEFINITIONS.—In this section:

“(1) The terms ‘Secretary’ and ‘Secretary of Energy’ mean the Secretary of Energy, acting after consideration of the recommendations of the Administrator for Nuclear Security.

“(2) The term ‘nuclear weapons complex’ means the national security laboratories and nuclear weapons production facilities (as such terms are defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) and the facilities of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order (as such term is defined in section 3216 of such Act (50 U.S.C. 2406)).”

STUDY AND REPORT RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES

Pub. L. 106-398, § 1 [div. C, title XXXI, § 3163], Oct. 30, 2000, 114 Stat. 1654, 1654A-473, provided that:

“(a) STUDY AND REPORT REQUIRED.—The Secretary of Energy shall direct the Secretary of Energy Advisory Board to study and to submit to the Secretary not later than one year after the date of the enactment of this Act [Oct. 30, 2000] a report regarding the following topics:

“(1) The advantages and disadvantages of providing the Administrator for Nuclear Security with authority, notwithstanding the limitations otherwise imposed by the Federal Acquisition Regulation, to enter into transactions with public agencies, private organizations, or individuals on terms the Administrator considers appropriate to the furtherance of basic, applied, and advanced research functions. The Advisory Board shall consider, in its assessment of this authority, the management history of the Department of Energy and the effect of this authority on the National Nuclear Security Administration’s use of contractors to operate the national security laboratories.

“(2) The advantages and disadvantages of establishing and implementing policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among national security laboratories and nuclear weapons production facilities.

“(3) The advantages and disadvantages of making changes in—

“(A) the indemnification requirements for patents or other intellectual property licensed from a

national security laboratory or nuclear weapons production facility;

“(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a national security laboratory or nuclear weapons production facility;

“(C) the licensing procedures and requirements for patents and other intellectual property;

“(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a national security laboratory or nuclear weapons production facility to bring suit against third parties infringing such intellectual property;

“(E) the advance funding requirements for a small business concern funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement;

“(F) the intellectual property rights allocated to a business when it is funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement; and

“(G) policies on royalty payments to inventors employed by a contractor operating a national security laboratory or nuclear weapons production facility, including those for inventions made under a funds-in agreement.

“(b) DEFINITION OF FUNDS-IN AGREEMENT.—For the purposes of this section, the term ‘funds-in agreement’ means a contract between the Department and a non-Federal organization under which that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

“(c) SUBMISSION TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall submit to Congress that report, along with the Secretary’s recommendations for action and proposals for legislation to implement the recommendations.”

DEFINITIONS FOR PURPOSES OF PUB. L. 106-398

Pub. L. 106-398, § 1 [div. C, title XXXI, § 3165], Oct. 30, 2000, 114 Stat. 1654, 1654A-475, provided that: “For purposes of this subtitle [subtitle E (§§ 3161-3165) of title XXXI of div. C of H.R. 5408, as enacted by section 1 of Pub. L. 106-398, enacting provisions set out as notes under this section and section 2402 of this title], the terms ‘national security laboratory’ and ‘nuclear weapons production facility’ have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 968; 50 U.S.C. 2471).”

REPORT CONTAINING IMPLEMENTATION PLAN OF SECRETARY OF ENERGY

Pub. L. 106-65, div. C, title XXXII, § 3297, Oct. 5, 1999, 113 Stat. 971, which provided that not later than January 1, 2000, the Secretary of Energy was to submit to the Armed Services committees a report containing the Secretary’s plan for the implementation of the provisions of this title, was repealed by Pub. L. 112-239, div. C, title XXXI, § 3132(c)(1)(D), Jan. 2, 2013, 126 Stat. 2187.

CLASSIFICATION IN UNITED STATES CODE

Pub. L. 106-65, div. C, title XXXII, § 3298, Oct. 5, 1999, 113 Stat. 971, provided that: “Subtitles A through F of this title [§§ 3211-3281, enacting this chapter and amending sections 5595 and 8905a of Title 5, Government Organization and Employees] (other than provisions of those subtitles amending existing provisions of law) shall be classified to the United States Code as a new chapter of title 50, United States Code.”

§ 2402. Administrator for Nuclear Security

(a) In general

(1) There is at the head of the Administration an Administrator for Nuclear Security (in this chapter referred to as the “Administrator”).

(2) Pursuant to subsection (c) of section 7132 of title 42, the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) Functions

The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 2406(b) of this title), including the following:

- (1) Strategic management.
- (2) Policy development and guidance.
- (3) Budget formulation, guidance, and execution, and other financial matters.
- (4) Resource requirements determination and allocation.
- (5) Program management and direction.
- (6) Safeguards and security.
- (7) Emergency management.
- (8) Integrated safety management.
- (9) Environment, safety, and health operations.
- (10) Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.
- (11) Intelligence.
- (12) Counterintelligence.
- (13) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subchapter III of this chapter.
- (14) Procurement of services of experts and consultants in accordance with section 3109 of title 5.
- (15) Legal matters.
- (16) Legislative affairs.
- (17) Public affairs.
- (18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.
- (19) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(c) Procurement authority

The Administrator is the senior procurement executive for the Administration for the purposes of section 1702(c) of title 41.

(d) Policy authority

The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.

(e) Membership on Nuclear Weapons Council

The Administrator serves as a member of the Nuclear Weapons Council under section 179 of title 10.

(f) Reorganization authority

Except as provided by subsections (b) and (c) of section 2481 of this title:

- (1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.
- (2) Such authority does not apply to the abolition of organizational units or components