

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.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

Executive Documents

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—

(1) meeting the energy needs required for the development of such countries;

(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and

(3) expanding the energy alternatives available to such countries.

(b) Energy assessments and cooperative projects

Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

(c) Exchange of scientists, technicians, and energy experts

As an integral part of such program, the Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

(d) Authorization of appropriations

For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

(e) Coordination with related United States activities abroad

Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this subchapter with other related activities of the United States conducted abroad, including the programs authorized by sections 2151a(c), 2151d(a)(2),¹ and 2151q¹ of this title.

(Pub. L. 95-242, title V, §502, Mar. 10, 1978, 92 Stat. 149.)

Editorial Notes

REFERENCES IN TEXT

Section 2151d(a)(2) of this title, referred to in subsec. (e), which at the time of enactment of this section related to programs to increase energy production and conservation in developing countries, was deleted in the general amendment of section 2151d by Pub. L. 96-53, title I, §§104(b), 105, Aug. 14, 1979, 93 Stat. 360, 362. For provisions relating to cooperative programs with developing countries in energy production and conservation, see section 2151d(b)(2) of this title.

¹ See References in Text note below.

Section 2151q of this title, referred to in subsec. (e), was repealed by Pub. L. 96-533, title III, §304(g), Dec. 16, 1980, 94 Stat. 3147. See section 2151d(a)(2), (b)(2), (c) of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

FEASIBILITY OF EXPANDING COOPERATIVE ACTIVITIES INTO INTERNATIONAL COOPERATIVE EFFORT; PRESIDENTIAL REPORT TO CONGRESS NOT LATER THAN MARCH 10, 1979

Pub. L. 95-242, title V, §503, Mar. 10, 1978, 92 Stat. 149, directed President, not later than twelve months after Mar. 10, 1978, to report to Congress on feasibility of expanding cooperative activities established pursuant to subsec. (c) of this section into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for purpose of engaging in projects to aid in meeting the energy needs of such countries through search for and utilization of indigenous energy resources and application of suitable technology, including widespread utilization of renewable and unconventional energy technologies, and to also include in report a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage utilization of such technologies in developing countries.

SUBCHAPTER IV—EXECUTIVE REPORTING

§ 3281. Annual Presidential report to Congress on governmental efforts to prevent proliferation

(a) Review of Government activities; description of progress; assessment of impact of progress; determinations regarding non-nuclear-weapon states; counterproductiveness of policies

The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

- (1) a description of the progress made toward—
 - (A) negotiating the initiatives contemplated in sections 3223 and 3224 of this title;
 - (B) negotiating the international arrangements or other mutual undertakings contemplated in section 2153b of title 42;
 - (C) encouraging non-nuclear-weapon states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to foreswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;
 - (D) strengthening the safeguards of the IAEA as contemplated in section 3241 of this title; and
 - (E) renegotiating agreements for cooperation as contemplated in section 2153c(a) of title 42;

(2) an assessment of the impact of the progress described in paragraph (1) on the non-proliferation policy of the United States; an explanation of the precise reasons why progress has not been made on any particular point and recommendations with respect to appropriate measures to encourage progress; and a statement of what legislative modifications, if any, are necessary in his judgment to achieve the non-proliferation policy of the United States;

(3) a determination as to which non-nuclear-weapon states with which the United States has an agreement for cooperation in effect or under negotiation, if any, have—

- (A) detonated a nuclear device; or
- (B) refused to accept the safeguards of the IAEA on all of their peaceful nuclear activities; or
- (C) refused to give specific assurances that they will not manufacture or otherwise acquire any nuclear explosive device; or
- (D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices;

(4) an assessment of whether any of the policies set forth in this chapter have, on balance, been counterproductive from the standpoint of preventing proliferation;

(5) a description of the progress made toward establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses in order to enhance the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;¹

(6) a description of the implementation of nuclear and nuclear-related dual-use export controls in the preceding calendar year, including a summary by type of commodity and destination of—

(A) all transactions for which—

- (i) an export license was issued for any good controlled under section 2139a(c) of title 42;
- (ii) an export license was issued under section 2139(b) of title 42;
- (iii) approvals were issued under the Export Administration Act of 1979, or section 2139(b)(3) of title 42, for the retransfer of any item, technical data, component, or substance; or
- (iv) authorizations were made as required by section 2077(b)(2) of title 42 to engage, directly or indirectly, in the production of special nuclear material;

(B) each instance in which—

- (i) a sanction has been imposed under section 6301(a) of this title or section 6303 of this title or section 2799aa-1(b)(1) of this title;
- (ii) sales or leases have been denied under section 2753(f) of this title or transactions prohibited by reason of acts relating to proliferation of nuclear explosive devices as described in section 2780(d) of this title;

¹ So in original. Probably should be “; and”.