

## “(b) LIMITATION.—

“(1) REPORT ON COMMENCEMENT OF PROGRAM.—Of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the National Nuclear Security Administration, not more than 50 percent may be obligated or expended under the program under subsection (a) until the date on which the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(A) For each country selected for the program as of the date of such report—

“(i) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(ii) metrics for evaluating the effectiveness of the program.

“(B) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(2) FORM.—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

## “(c) REPORTS ON MODIFICATION OF PROGRAM.—

“(1) IN GENERAL.—Not later than 30 days before making any modification in the program under subsection (a) (including selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification.

“(2) NEW COUNTRY.—If the modification covered by a report under paragraph (1) consists of the selection for the program of a country not previously selected for the program, the report shall include, for each such country, the matters described in subsection (b)(1)(A).

“(3) WAIVER.—The Administrator may waive the requirement under paragraph (1) to submit a report on a modification in the program under subsection (a) not later than 30 days before making the modification if the Administrator—

“(A) determines that the modification is urgent and necessary to the national security interests of the United States; and

“(B) not later than 30 days after making the modification, submits to the appropriate congressional committees—

“(i) the report on the modification required by paragraph (1); and

“(ii) a justification for exercising the waiver authority under this paragraph.

“(4) FORM.—Each report submitted under paragraph (1) or (3)(B) may be submitted in unclassified form and may include a classified annex.

“(d) REPORT ON COORDINATION WITH OTHER U.S. NON-PROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Administrator shall submit to the appropriate congressional committees a report describing the manner in which the program under subsection (a) coordinates with and complements, but does not duplicate, other nonproliferation programs of the Federal Government.

“(e) TERMINATION.—The authority to carry out the program under subsection (a) shall expire on September 30, 2016.

“(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”

### § 2572. International agreements on nuclear weapons data

The Secretary of Energy may, with the concurrence of the Secretary of State and in coordi-

nation with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(Pub. L. 107-314, div. D, title XLIII, §4307, as added Pub. L. 110-181, div. C, title XXXI, §3129(a)(1), Jan. 28, 2008, 122 Stat. 584.)

### § 2573. International agreements on information on radioactive materials

The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(Pub. L. 107-314, div. D, title XLIII, §4308, as added Pub. L. 110-181, div. C, title XXXI, §3129(a)(1), Jan. 28, 2008, 122 Stat. 584.)

### § 2574. Enhancing nuclear forensics capabilities

#### (a) Research and development plan for nuclear forensics and attribution

##### (1) Research and development

The Secretary of Energy shall prepare and implement a research and development plan to improve nuclear forensics capabilities in the Department of Energy and at the national laboratories overseen by the Department of Energy. The plan shall focus on improving the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database that can attribute nuclear material or a nuclear weapon to its source.

##### (2) Reports

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after October 14, 2008, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(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) Plan required**

The Administrator shall develop and annually update 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) Submission to Congress**

(1) Not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

(2) Not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

(3) Each summary submitted under paragraph (1) and each report submitted under paragraph

(2) shall be submitted in unclassified form, but may include a classified annex if necessary.

**(c) 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 summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be.

(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 summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be, 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 consistent<sup>1</sup> section 2569(f) of this title during the year preceding the submission of the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be, 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 summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be, 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 remov-

<sup>1</sup> So in original. Probably should be followed by “with”.