

(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 consistent¹ 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-

¹ So in original. Probably should be followed by “with”.

ing or minimizing the use of highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the countries in which such materials are located), efforts to dispose of surplus material, converting reactors from highly enriched uranium to low-enriched uranium (and identifying the countries in which such reactors are located);

(ii) global nuclear material security, including securing highly enriched uranium, plutonium, and radiological materials worldwide (and identifying the countries in which such materials are located), and providing radiation detection capabilities at foreign ports and borders;

(iii) nonproliferation and arms control, including nuclear verification and safeguards;

(iv) defense nuclear research and development, including a description of activities related to developing and improving technology to detect the proliferation and detonation of nuclear weapons, verifying compliance of foreign countries with commitments under treaties and agreements relating to nuclear weapons, and detecting the diversion of nuclear materials (including safeguards technology); and

(v) nonproliferation construction programs, including activities associated¹ Department of Energy Order 413.1 (relating to program management controls).

(B) Countering nuclear and radiological proliferation and terrorism.

(C) Responding to nuclear and radiological proliferation and terrorism, including through—

- (i) crisis operations;
- (ii) consequences management; and
- (iii) emergency management, including international capacity building.

(10) A threat assessment, carried out by the intelligence community (as defined in section 3003(4) of this title), with respect to the risk of nuclear and radiological proliferation and terrorism and a description of how each activity carried out under the program will counter the threat 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 and, as appropriate, in the longer term.

(11) A plan for funding the program during that five-year period.

(12) An identification of metrics and objectives for determining the effectiveness of each activity carried out under the program during that five-year period.

(13) A description of the activities to be carried out under the program during that five-year period and a description of how the program will be prioritized relative to other defense nuclear nonproliferation programs of the Administration during that five-year period to address the highest priority risks and requirements, as informed by the threat assessment carried out under paragraph (10).

(14) A description and assessment of activities to be carried out under the program dur-

ing that five-year period that will be 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.

(15) A summary of the technologies and capabilities documented under section 2576(a) of this title.

(16) A summary of the assessments conducted under section 2576(b)(1) of this title.

(17) Such other matters as the Administrator considers appropriate.

(Pub. L. 107-314, div. D, title XLIII, §4309, as added Pub. L. 114-92, div. C, title XXXI, §3132(a)(1), Nov. 25, 2015, 129 Stat. 1202; amended Pub. L. 115-91, div. C, title XXXI, §§3114(b), 3133(f), Dec. 12, 2017, 131 Stat. 1885, 1897; Pub. L. 115-232, div. A, title X, §1081(e)(3), Aug. 13, 2018, 132 Stat. 1986.)

AMENDMENTS

2018—Subsec. (c)(16) to (18). Pub. L. 115-232 redesignated pars. (17) and (18) as (16) and (17), respectively.

2017—Subsec. (a). Pub. L. 115-91, §3133(f)(1)(C), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Concurrent with the submission to Congress of the budget of the President under section 1105(a) of title 31, in each fiscal year, the Administrator shall submit to the congressional defense committees 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.”

Subsec. (b). Pub. L. 115-91, §3133(f)(1)(C), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (b)(16) to (18). Pub. L. 115-91, §3114(b), added pars. (16) and (17) and redesignated former par. (16) as (18).

Subsec. (c). Pub. L. 115-91, §3133(f)(1)(A), (B), redesignated subsec. (b) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “The plan required by subsection (a) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex if necessary.”

Subsec. (c)(2). Pub. L. 115-91, §3133(f)(3)(A), substituted “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be” for “the plan required by subsection (a)”.

Subsec. (c)(6). Pub. L. 115-91, §3133(f)(3)(B), substituted “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be” for “the plan required by subsection (a)”.

Subsec. (c)(7). Pub. L. 115-91, §3133(f)(3)(C), substituted “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,” for “the plan required by subsection (a)”.

Subsec. (c)(9). Pub. L. 115-91, §3133(f)(3)(D), substituted “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,” for “the plan required by subsection (a)” in introductory provisions.

Subsec. (c)(10). Pub. L. 115-91, §3133(f)(3)(E), substituted “the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,” for “the plan required by subsection (a)”.

Subsec. (c)(14) to (16). Pub. L. 115-91, §3133(f)(2), redesignated pars. (15) and (16) as (14) and (15), respectively, and struck out former par. (14) which read as follows:

“A description of funds for the program expected to be received during that five-year period through contributions from or cost-sharing agreements with foreign governments consistent section 2569(f) of this title.”

§ 2576. Information relating to certain defense nuclear nonproliferation programs

(a) Technologies and capabilities

The Administrator shall document, for efforts that are not focused on basic research, the technologies and capabilities of the defense nuclear nonproliferation research and development program that—

- (1) are transitioned to end users for further development or deployment; and
- (2) are deployed.

(b) Assessments of status

(1) In assessing projects under the defense nuclear nonproliferation research and development program or the defense nuclear nonproliferation and arms control program, the Administrator shall compare the status of each such project, including with respect to the final results of such project, to the baseline targets and goals established in the initial project plan of such project.

(2) The Administrator may carry out paragraph (1) using a common template or such other means as the Administrator determines appropriate.

(Pub. L. 107–314, div. D, title XLIII, § 4310, as added Pub. L. 115–91, div. C, title XXXI, § 3114(a), Dec. 12, 2017, 131 Stat. 1885.)

§ 2577. Annual Selected Acquisition Reports on certain hardware relating to defense nuclear nonproliferation

(a) Annual Selected Acquisition Reports

(1) In general

At the end of each fiscal year, the Administrator shall submit to the congressional defense committees a report on each covered hardware project. The reports shall be known as Selected Acquisition Reports for the covered hardware project concerned.

(2) Matters included

The information contained in the Selected Acquisition Report for a fiscal year for a covered hardware project shall be the information contained in the Selected Acquisition Report for such fiscal year for a major defense acquisition program under section 2432 of title 10 expressed in terms of the covered hardware project.

(b) Covered hardware project defined

In this section, the term “covered hardware project” means a project carried out under the defense nuclear nonproliferation research and development program that—

- (1) is focused on the production and deployment of hardware, including with respect to the development and deployment of satellites or satellite payloads; and
- (2) exceeds \$500,000,000 in total program cost over the course of five years.

(Pub. L. 107–314, div. D, title XLIII, § 4311, as added Pub. L. 115–91, div. C, title XXXI, § 3131(a), Dec. 12, 2017, 131 Stat. 1894.)

SUBCHAPTER IV—DEFENSE ENVIRONMENTAL CLEANUP MATTERS

CODIFICATION

Pub. L. 113–66, div. C, title XXXI, § 3146(e)(16)(A), Dec. 26, 2013, 127 Stat. 1078, substituted “DEFENSE ENVIRONMENTAL CLEANUP” for “ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT” in subchapter heading.

PART A—DEFENSE ENVIRONMENTAL CLEANUP

CODIFICATION

Pub. L. 113–66, div. C, title XXXI, § 3146(e)(16)(B), Dec. 26, 2013, 127 Stat. 1078, substituted “Defense Environmental Cleanup” for “Environmental Restoration and Waste Management” in part heading.

§ 2581. Defense Environmental Cleanup Account

(a) Establishment

There is hereby established in the Treasury of the United States for the Department of Energy an account to be known as the “Defense Environmental Cleanup Account” (hereafter in this section referred to as the “Account”).

(b) Amounts in Account

All sums appropriated to the Department of Energy for defense environmental cleanup at defense nuclear facilities shall be credited to the Account. Such appropriations shall be authorized annually by law. To the extent provided in appropriations Acts, amounts in the Account shall remain available until expended.

(Pub. L. 107–314, div. D, title XLIV, § 4401, formerly Pub. L. 102–190, div. C, title XXXI, § 3134, Dec. 5, 1991, 105 Stat. 1575; renumbered Pub. L. 107–314, div. D, title XLIV, § 4401, by Pub. L. 108–136, div. C, title XXXI, § 3141(g)(2), Nov. 24, 2003, 117 Stat. 1764; Pub. L. 113–66, div. C, title XXXI, § 3146(e)(1), Dec. 26, 2013, 127 Stat. 1075.)

CODIFICATION

Section was formerly classified to section 7274f of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Pub. L. 113–66, § 3146(e)(1)(A), substituted “Cleanup” for “Restoration and Waste Management” in section catchline.

Subsec. (a). Pub. L. 113–66, § 3146(e)(1)(B), substituted “‘Defense Environmental Cleanup Account’” for “‘Defense Environmental Restoration and Waste Management Account’”.

Subsec. (b). Pub. L. 113–66, § 3146(e)(1)(C), substituted “defense environmental cleanup” for “environmental restoration and waste management”.

CLASSIFICATION OF DEFENSE ENVIRONMENTAL CLEANUP AS CAPITAL ASSET PROJECTS OR OPERATIONS ACTIVITIES

Pub. L. 116–283, div. C, title XXXI, § 3123, Jan. 1, 2021, 134 Stat. 4381, provided that:

“(a) IN GENERAL.—The Assistant Secretary of Energy for Environmental Management, in consultation with other appropriate officials of the Department of Energy, shall establish requirements for the classification of defense environmental cleanup projects as capital asset projects or operations activities.

“(b) REPORT REQUIRED.—Not later than March 1, 2021, the Assistant Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report—