

retary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) Contents

The strategy under subsection (a) shall include—

- (1) a long term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence;
- (2) budget requirements necessary to meet the roadmap; and
- (3) documentation of how the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence will execute this strategy.

(c) Initial report

Not later than 1 year after October 13, 2006, the Secretary shall submit a report to the appropriate congressional committees on—

- (1) the impact of this title,¹ and the amendments made by this title, on the responsibilities under section 182 of this title; and
- (2) the efforts of the Department to coordinate, integrate, and establish priorities for conducting all basic and applied research, development, testing, and evaluation of technology and systems to detect, prevent, protect, and respond to chemical, biological, radiological, and nuclear terrorist attacks.

(d) Annual report

The Director for Domestic Nuclear Detection² and the Under Secretary for Science and Technology shall jointly and annually notify Congress that the strategy and technology road map for nuclear and radiological detection developed under subsections (a) and (b) is consistent with the national policy and strategic plan for identifying priorities, goals, objectives, and policies for coordinating the Federal Government's civilian efforts to identify and develop countermeasures to terrorist threats from weapons of mass destruction that are required under section 182(2) of this title.

(Pub. L. 109-347, title V, § 502, Oct. 13, 2006, 120 Stat. 1935.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (c)(1), is title V of Pub. L. 109-347, Oct. 13, 2006, 120 Stat. 1932, which enacted this subchapter and this section and amended sections 113 and 182 of this title. For complete classification of title V to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

¹ See References in Text note below.

² See Change of Name note below.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director for Domestic Nuclear Detection deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office, see section 2(b)(1)(B) of Pub. L. 115-387, set out as a note under section 591 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 901 of this title.

§ 593. Hiring authority

In hiring personnel for the Office, the Secretary shall have the hiring and management authorities provided in section 1101¹ of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note). The term of appointments for employees under subsection (c)(1) of such section may not exceed 5 years before granting any extension under subsection (c)(2) of such section.

(Pub. L. 107-296, title XIX, § 1924, formerly title XVIII, § 1803, as added Pub. L. 109-347, title V, § 501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, § 1903, Pub. L. 110-53, title I, § 104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294; renumbered § 1924, Pub. L. 115-387, § 2(a)(5), Dec. 21, 2018, 132 Stat. 5163.)

Editorial Notes

REFERENCES IN TEXT

Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, referred to in text, is section 1101 of Pub. L. 105-261, which was formerly set out as a note under section 3104 of Title 5, Government Organization and Employees, prior to repeal by Pub. L. 114-328, div. A, title XI, § 1121(b), Dec. 23, 2016, 130 Stat. 2452. See section 4092 of Title 10, Armed Forces.

§ 594. Testing authority

(a) In general

The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 592 of this title. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 189 of this title. The Office may direct that private sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

(b) Confidentiality of test results

The results of tests performed with services made available shall be confidential and shall

¹ See References in Text note below.

not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

(c) Fees

Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(d) Use of fees

Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

(Pub. L. 107-296, title XIX, §1925, formerly title XVIII, §1804, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, §1904, and amended Pub. L. 110-53, title I, §104(a)(1)–(3), Aug. 3, 2007, 121 Stat. 294; renumbered §1925 and amended Pub. L. 115-387, §2(a)(5), (7), Dec. 21, 2018, 132 Stat. 5163, 5164.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-387, §2(a)(7), made technical amendment to reference in original act which appears in text as reference to section 592 of this title.

2007—Subsec. (a). Pub. L. 110-53, §104(a)(3), made technical amendment to reference in original act which appears in text as reference to section 592 of this title.

§ 595. Repealed. Pub. L. 115-387, §2(a)(4), Dec. 21, 2018, 132 Stat. 5163

Section, Pub. L. 107-296, title XIX, §1905, formerly title XVIII, §1805, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, §1905, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294, related to relationship of Director's authority under this subchapter to other Department entities and Federal agencies.

§ 596. Contracting and grant making authorities

The Secretary, acting through the Assistant Secretary, in carrying out the responsibilities under section 592 of this title, shall—

(1) operate extramural and intramural programs and distribute funds through grants, cooperative agreements, and other transactions and contracts;

(2) ensure that activities under section 592 of this title include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be mounted on cranes and straddle cars used to move shipping containers; and

(3) have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues and carry out other responsibilities under this subchapter.

(Pub. L. 107-296, title XIX, §1926, formerly title XVIII, §1806, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1935; renumbered title XIX, §1906, and amended Pub. L. 110-53,

title I, §104(a)(1), (2), (4), Aug. 3, 2007, 121 Stat. 294; renumbered §1926 and amended Pub. L. 115-387, §2(a)(5), (8), Dec. 21, 2018, 132 Stat. 5163, 5164.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-387, §2(a)(8)(A), in introductory provisions, substituted “Assistant Secretary” for “Director for Domestic Nuclear Detection” and “section 592” for “paragraphs (6) and (7) of section 592(a)”.

Par. (2). Pub. L. 115-387, §2(a)(8)(B), substituted “section 592” for “paragraphs (6) and (7) of section 592(a)”.

2007—Pub. L. 110-53, §104(a)(4), made technical amendment to reference in original act which appears in two places in text as reference to section 592(a) of this title.

§ 596a. Joint annual interagency review of global nuclear detection architecture

(a) Annual review

(1) In general

The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

(A) each relevant agency, office, or entity—

(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and

(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction;

(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—

(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;

(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and

(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture; and

(C) the Assistant Secretary and each of the relevant departments that are partners in the National Technical Forensics Center—