

retary of Defense and the Director of the Federal Bureau of Investigation in order to expand and improve United States efforts to deter the possible proliferation and acquisition of weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, states of the former Soviet Union, and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition.

(Pub. L. 103-337, div. A, title XV, §1504(e)(3)(A), Oct. 5, 1994, 108 Stat. 2918; Pub. L. 108-375, div. A, title XII, §1211(b), Oct. 28, 2004, 118 Stat. 2087.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1995, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

AMENDMENTS

2004—Pub. L. 108-375 substituted “The Secretary of Defense may participate in a” for “The training program referred to in paragraph (1)(B) is a”, inserted “of” after “acquisition”, struck out “and” after “countries,”, and inserted before period at end “, and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition”.

SUBCHAPTER III—CONTROL AND DISPOSITION OF WEAPONS OF MASS DESTRUCTION AND RELATED MATERIALS THREATENING THE UNITED STATES

§ 2341. Elimination of plutonium production

(a) Replacement program

The Secretary of Energy, in consultation with the Secretary of Defense, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk-7 and Krasnoyarsk-26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) Program requirements

(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

- (i) successive steps for the modification or replacement of the reactor cores; and
- (ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) Submission of program plan to Congress

Not later than 180 days after September 23, 1996, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(Pub. L. 104-201, div. A, title XIV, §1432, Sept. 23, 1996, 110 Stat. 2726.)

§ 2342. Cooperative program on research, development, and demonstration of technology regarding nuclear or radiological terrorism

(a) Program required

The Administrator for Nuclear Security shall carry out with the Russian Federation a cooperative program on the research, development, and demonstration of technologies for protection from and response to nuclear or radiological terrorism.

(b) Program elements

In carrying out the program required by subsection (a), the Administrator shall—

(1) conduct research and development of technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, and disposition of radiological materials that could be used for nuclear terrorism; and

(2) provide, where feasible, for the demonstration to other countries of technologies or methodologies on matters relating to nuclear or radiological terrorism, including—

(A) the demonstration of technologies developed under the program to respond to nuclear or radiological terrorism;

(B) the demonstration of technologies developed under the program for the disposal of radioactive materials;

(C) the demonstration of methodologies developed under the program for use in evaluating the radiological threat of radiological sources identified as not under current accounting programs in the audit report of the Inspector General of the Department of Energy titled “Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries” (DOE/IG-0546);

(D) in coordination with the Nuclear Regulatory Commission, the demonstration of methodologies developed under the program to facilitate the development of a regulatory framework for licensing and controlling radioactive sources; and

(E) in coordination with the Office of Environment, Safety, and Health of the Department of Energy, the demonstration of methodologies developed under the program to facilitate development of consistent criteria for screening international transfers of radiological materials.

(c) Consultation

In carrying out activities in accordance with subsection (b)(2), the Administrator shall consult with—

(1) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(2) the International Atomic Energy Agency.

(d) Amount for activities

Of the amount authorized to be appropriated by section 3101(a)(2)¹ for the Department of En-

¹ See References in Text note below.

ergy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$15,000,000 may be available for carrying out this section.

(Pub. L. 107-314, div. C, title XXXI, §3155, Dec. 2, 2002, 116 Stat. 2739.)

Editorial Notes

REFERENCES IN TEXT

Section 3101(a)(2), referred to in subsec. (d), is section 3101(a)(2) of Pub. L. 107-314, div. C, title XXXI, Dec. 2, 2002, 116 Stat. 2729, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

§ 2343. Matters relating to the international materials protection, control, and accounting program of the Department of Energy

(a) Radiological dispersal device materials protection, control, and accounting

The Secretary of Energy may establish within the International Materials Protection, Control, and Accounting program of the Department of Energy a program on the protection, control, and accounting of materials usable in radiological dispersal devices. In establishing such program, the Secretary shall—

- (1) identify the sites and radiological materials to be covered by such program;
- (2) carry out a risk assessment of such radiological materials; and
- (3) identify and establish the costs of and schedules for such program.

(b) Revised focus for materials protection, control, and accounting program of Russian Federation

(1) The Secretary of Energy shall work cooperatively with the Russian Federation to develop, as soon as practicable but not later than January 1, 2018, a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(2) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(c) Amount for activities

Of the amount authorized to be appropriated by section 3101(a)(2)¹ for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$5,000,000 may be available for carrying out this section.

(Pub. L. 107-314, div. C, title XXXI, §3156, Dec. 2, 2002, 116 Stat. 2739; Pub. L. 111-383, div. C, title XXXI, §3119, Jan. 7, 2011, 124 Stat. 4514.)

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 3101(a)(2), referred to in subsec. (c), is section 3101(a)(2) of Pub. L. 107-314, div. C, title XXXI, Dec. 2, 2002, 116 Stat. 2729, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 111-383 substituted “January 1, 2018” for “January 1, 2013”.

§ 2344. Strengthened international security for nuclear materials and security of nuclear operations

(a) Report on options for international program to strengthen security

(1) Not later than 270 days after December 2, 2002, the Secretary of Energy shall submit to Congress a report on options for an international program to develop strengthened security for nuclear reactors and associated materials outside the United States.

(2) In evaluating options for purposes of the report, the Secretary shall consult with the Nuclear Regulatory Commission and the International Atomic Energy Agency on the feasibility and advisability of actions to reduce the risks associated with terrorist attacks on nuclear reactors outside the United States.

(b) Joint programs with Russia on proliferation-resistant nuclear energy technologies

(1) The Secretary shall pursue with the Ministry of Atomic Energy of the Russian Federation joint programs between the United States and the Russian Federation on the development of proliferation-resistant nuclear energy technologies, including advanced fuel cycles.

(2) Of the amount authorized to be appropriated by section 3101(a)(2)¹ for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$10,000,000 may be available for carrying out the joint programs referred to in paragraph (1).

(c) Assistance regarding hostile insiders

The Secretary may, utilizing appropriate expertise of the Department of Energy and the Nuclear Regulatory Commission, provide technical assistance to nuclear reactor facilities outside the United States with respect to the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(Pub. L. 107-314, div. C, title XXXI, §3158, Dec. 2, 2002, 116 Stat. 2741.)

Editorial Notes

REFERENCES IN TEXT

Section 3101(a)(2), referred to in subsec. (b)(2), is section 3101(a)(2) of Pub. L. 107-314, div. C, title XXXI, Dec. 2, 2002, 116 Stat. 2729, which is not classified to the Code.

¹ See References in Text note below.