mation, data, or methodology that may arise between the Bureau of Economic Analysis and the Bureau of Labor Statistics, except that the Director shall not construe this section in a manner which would prevent the augmentation and improvement of the quality of international data collected under the International Investment and Trade in Services Survey Act [22 U.S.C. 3101 et seq.].

(Pub. L. 101–533, § 8, Nov. 7, 1990, 104 Stat. 2350.)

REFERENCES IN TEXT

This Act or the amendments made by this Act, referred to in text, is Pub. L. 101–533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

The International Investment and Trade in Services Survey Act, referred to in subsecs. (a)(2) and (e), is Pub. L. 94–472, Oct. 11, 1976, 90 Stat. 2059, as amended, which is classified generally to chapter 46 (§ 3101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3143 of this title.

§ 3145. Construction of foreign direct investment and international financial data provisions

(a) In general

Nothing in this Act or the amendments made by this Act shall be construed to require any business enterprise or any of its officers, directors, shareholders, or employees, or any other person, to provide information beyond that which is required before November 7, 1990.

(b) Implementation

All departments and agencies implementing this Act and the amendments made by this Act shall, with respect to surveys or questionnaires used in such implementation—

(1) eliminate questions that are no longer necessary,

(2) cooperate with one another in order to ensure that questions asked are consistent among the departments and agencies, and

(3) develop new questions in order to obtain more refined statistics and analyses,

consistent with the purposes of the provisions of law amended by this Act and the Paperwork Reduction Act of 1980.[1]

(Pub. L. 101–533, § 9, Nov. 7, 1990, 104 Stat. 2351.)

REFERENCES IN TEXT

This Act or the amendments made by this Act, referred to in text, is Pub. L. 101–533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

The Paperwork Reduction Act of 1980, referred to in subsec. (b), is Pub. L. 96–511, Dec. 11, 1980, 94 Stat. 2812, as amended, which was classified principally to chapter 35 (§ 3501 et seq.) of Title 44, Public Printing and Documents, prior to the general amendment of that chapter by Pub. L. 104–13, § 2, May 22, 1995, 109 Stat. 163. For complete classification of this Act to the Code, see Short Title of 1980 Amendment note set out under section 101 of Title 44 and Tables.

[1] See References in Text note below.

§ 3146. Definitions

For purposes of this Act—

(1) the terms ''foreign'', ''direct investment'', ''international investment'', ''United States'', ''business enterprise'', ''foreign person'', and ''United States person'' have the meanings given those terms in section 3102 of this title; and

(2) the term ''foreign direct investment in the United States'' means direct investment by foreign persons in any business enterprise that is a United States person.

(Pub. L. 101–533, § 10, Nov. 7, 1990, 104 Stat. 2351.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101–533, Nov. 7, 1990, 104 Stat. 2344, known as the Foreign Direct Investment and International Financial Data Improvements Act of 1990, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3141 of this title and Tables.

CHAPTER 47—NUCLEAR NONPROLIFERATION

Sec.
3201. Congressional declaration of policy.
3202. Congressional statement of purpose.
3203. Definitions.

SUBCHAPTER I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

3221. Congressional declaration of policy.
3222. Uranium enrichment capacity.
3223. International undertakings.
(a) Development of international approaches for meeting future worldwide nuclear fuel needs; international nuclear fuel authority.
(b), (c) Omitted.
(d) Adherence of nations to policies designed to prevent proliferation.
(e) Report on progress of negotiations.
(f) Congressional approval of non-treaty international undertakings; submission of proposals.
3224. Reevaluation of nuclear fuel cycle.
3224a. Studies and agreements by Secretary of Energy on multinational or international basis concerning spent fuel storage facilities and transportation systems; Congressional consent; authorization of appropriations; limitations on use of funds; exceptions; special nuclear material for India.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

3241. Congressional declaration of policy.
3242. Training program.
3243. Negotiations.
3244. Actions to combat international nuclear terrorism.
(a) Actions to be taken by President.
(b) Reports to Congress.

SUBCHAPTER III—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

3261. Congressional declaration of policy; Presidential report to Congress.

Sec.
3262. Programs.
(a) Energy development programs.
(b) Energy assessments and cooperative projects.
(c) Exchange of scientists, technicians, and energy experts.
(d) Authorization of appropriations.
(e) Coordination with related United States activities abroad.

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.
(b) Analysis of civil agreements for cooperation.
3282. Reports by departments and agencies.
(a) Reports by Nuclear Regulatory Commission and Department of Energy.
(b) Additional reporting requirements.
(c) Committees on Foreign Relations and Governmental Affairs of Senate and Committee on Foreign Affairs of House of Representatives to be kept informed.
(d) Classified portions of reports.
(e) Omitted.
(f) Access by Secretary of Defense to information regarding nuclear proliferation matters; applicability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2778a, 3303, 3408 of this title; title 42 sections 2153c, 2153d, 2153e–1, 2153f, 13492.

§ 3201. Congressional declaration of policy

The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishment of common international sanctions;

(b) take such actions as are required to confirm 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 by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

(Pub. L. 95–242, § 2, Mar. 10, 1978, 92 Stat. 120.)

EFFECTIVE DATE

Section 603(c) of Pub. L. 95–242 provided that: ''Except where otherwise provided, the provisions of this Act [see Short Title note below] shall take effect immediately upon enactment [Mar. 10, 1978] regardless of any requirement for the promulgation of regulations to implement such provisions.''

SHORT TITLE

Section 1 of Pub. L. 95–242 provided: ''That this Act [enacting this chapter and sections 2139a, 2141, 2153a to 2153e, 2153f, and 2155 to 2160a of Title 42, The Public Health and Welfare, amending sections 2074, 2075, 2077, 2094, 2139, and 2153 of Title 42, and enacting provisions set out as notes under sections 3201, 3222, and 3262 of this title and section 2139 of Title 42] may be cited as the 'Nuclear Non-Proliferation Act of 1978'.''

NUCLEAR PROLIFERATION PREVENTION; EFFECTIVE AND TERMINATION DATES OF 1994 AMENDMENT

Title VIII of Pub. L. 103–236, Apr. 30, 1994, 108 Stat. 507, known as the Nuclear Proliferation Prevention Act of 1994, was amended by Pub. L. 104–164, title I, § 157, July 21, 1996, 110 Stat. 1440. As so amended, title VIII has been primarily transferred to chapter 72 (§ 6301 et seq.) of this title. For complete classification of title VIII to the Code, see Short Title note set out under section 6301 of this title and Tables.

ADVOCACY AND ENCOURAGEMENT BY UNITED STATES OF NONPARTIES TO TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS TO BECOME SIGNATORIES; REPORT TO CONGRESS

Pub. L. 96–53, title V, § 507, Aug. 14, 1979, 93 Stat. 378, as amended by Pub. L. 97–113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560, provided that:

''(a) In accordance with the Nuclear Non-Proliferation Act of 1978 [see Short Title note above], the Congress strongly urges all nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

''(b) [Repealed. Pub. L. 97–113, title VII, § 734(a)(3), Dec. 29, 1981, 95 Stat. 1560.]''

EX. ORD. NO. 12058. FUNCTIONS RELATING TO NUCLEAR NON-PROLIFERATION

Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, provided:

By virtue of the authority vested in me by the Nuclear Non-Proliferation Act of 1978 (Public Law 95–242, 92 Stat. 120, 22 U.S.C. 3201) [see Short Title note above] and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Department of Energy*. The following functions vested in the President by the Nuclear Non-Proliferation Act of 1978 (92 Stat. 120, 22 U.S.C. 3201), hereinafter referred to as the Act, and by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), hereinafter referred to as the 1954 Act, are delegated or assigned to the Secretary of Energy:

(a) That function vested by Section 402(b) of the Act (92 Stat. 145, 42 U.S.C. 2153a).

(b) Those functions vested by Sections 131a(2)(G), 131b(1), and 131f(2) of the 1954 Act (92 Stat. 127, 42 U.S.C. 2160).

(c) That function vested by Section 131f(1)(A)(ii) of the 1954 Act [42 U.S.C. 2160(f)(1)(A)(ii)], to the extent it relates to the preparation of a detailed generic plan.

SEC. 2. *Department of State*. The Secretary of State shall be responsible for performing the following functions vested in the President:

(a) Those functions vested by Sections 104(a), 104(d), 105, 403, 404, 407, and 501 of the Act (92 Stat. 122, 123, 123, 146, 147, 148, and 148, 22 U.S.C. 3223(a), 3223(d), 3224, and 42 U.S.C. 2153b, 2153c, 2153e, and 22 U.S.C. 3261).

(b) That function vested by Section 128a(2) of the 1954 Act (92 Stat. 137, 42 U.S.C. 2157(a)(2)).

(c) That function vested by Section 601 of the Act [section 3281 of this title] to the extent it relates to the preparation of an annual report.

(d) The preparation of timely information and recommendations related to the President's functions vested by Sections 126, 128b, and 129 of the 1954 Act (92 Stat. 131, 137, and 138, 42 U.S.C. 2155, 2157, and 2158).

(e) That function vested by Section 131c of the 1954 Act (92 Stat. 129, 42 U.S.C. 2160(c)); except that, the Secretary shall not waive the 60-day requirement for the preparation of a Nuclear Non-Proliferation Assessment Statement for more than 60 days without the approval of the President.

SEC. 3. *Department of Commerce*. The Secretary of Commerce shall be responsible for performing the function vested in the President by Section 309(c) of the Act (92 Stat. 141, 42 U.S.C. 2139a).

SEC. 4. *Coordination*. In performing the functions assigned to them by this Order, the Secretary of Energy and the Secretary of State shall consult and coordinate their actions with each other and with the heads of other concerned agencies.

SEC. 5. *General Provisions*. (a) Executive Order No. 11902 of February 2, 1976, entitled ''Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment,'' is revoked.

(b) The performance of functions under either the Act or the 1954 Act shall not be delayed pending the development of procedures, even though as many as 120 days are allowed for establishing them. Except where it would be inconsistent to do so, such functions shall be carried out in accordance with procedures similar to those in effect immediately prior to the effective date of the Act.

JIMMY CARTER.

§ 3202. Congressional statement of purpose

It is the purpose of this chapter to promote the policies set forth above by—

(a) establishing a more effective framework for international cooperation to meet the energy needs of all nations and to ensure that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials and equipment and nuclear technology intended for use in peaceful nuclear activities do not contribute to proliferation;

(b) authorizing the United States to take such actions as are required to ensure that it will act reliably in meeting its commitment to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;

(c) providing incentives to the other nations of the world to join in such international cooperative efforts and to ratify the Treaty; and

(d) ensuring effective controls by the United States over its exports of nuclear materials and equipment and of nuclear technology.

(Pub. L. 95–242, § 3, Mar. 10, 1978, 92 Stat. 120.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 95–242, Mar. 10, 1978, 92 Stat. 120, known as the Nuclear Non-Proliferation Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 3201 of this title and Tables.

§ 3203. Definitions

(a) As used in this chapter, the term—

(1) ''Commission'' means the Nuclear Regulatory Commission;

(2) ''Director'' means the Director of the Arms Control and Disarmament Agency;

(3) ''IAEA'' means International Atomic Energy Agency;

(4) ''nuclear materials and equipment'' means source material, special nuclear material, production facilities, utilization facilities, and components, items or substances determined to have significance for nuclear explosive purposes pursuant to subsection 109b[1] of the 1954 Act [42 U.S.C. 2139(b)];

(5) ''physical security measures'' means measures to reasonably ensure that source or special nuclear material will only be used for authorized purposes and to prevent theft and sabotage;

(6) ''sensitive nuclear technology'' means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to chapter 12 of the 1954 Act [42 U.S.C. 2161 et seq.];

(7) ''1954 Act'' means the Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.]; and

(8) ''the Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) All other terms used in this chapter not defined in this section shall have the meanings ascribed to them by the 1954 Act, the Energy Reorganization Act of 1974 [42 U.S.C. 5801 et seq.], and the Treaty.

(Pub. L. 95–242, § 4, Mar. 10, 1978, 92 Stat. 121.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, as amended, referred to in subsec. (a)(6), (7), is act Aug. 30, 1954, ch. 1073, 68 Stat. 921, as amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. Chapter 12 of the 1954 Act is classified generally to subchapter XI (§ 2161 et seq.) of division A of chapter 23 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Energy Reorganization Act of 1974, referred to in subsec. (b), is Pub. L. 93–438, Oct. 11, 1974, 88 Stat. 1233, as amended, which is classified principally to chapter 73 (§ 5801 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of Title 42 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6305 of this title.

[1] So in the original. Probably should be ''section 109(b)''.

SUBCHAPTER I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

§ 3221. Congressional declaration of policy

The United States, as a matter of national policy, shall take such actions and institute such measures as may be necessary and feasible to assure other nations and groups of nations that may seek to utilize the benefits of atomic energy for peaceful purposes that it will provide a reliable supply of nuclear fuel to those nations and groups of nations which adhere to policies designed to prevent proliferation. Such nuclear fuel shall be provided under agreements entered into pursuant to section 2201 of title 42 or as otherwise authorized by law. The United States shall ensure that it will have available the capacity on a long-term basis to enter into new fuel supply commitments consistent with its non-proliferation policies and domestic energy needs. The Commission shall, on a timely basis, authorize the export of nuclear materials and equipment when all the applicable statutory requirements are met.

(Pub. L. 95–242, title I, § 101, Mar. 10, 1978, 92 Stat. 121.)

EFFECTIVE DATE

Subchapter 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.

§ 3222. Uranium enrichment capacity

The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, the Secretary of State, and the Director of the Arms Control and Disarmament Agency are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this chapter, orderly processing of subsequent arrangements and export licenses with minimum time delay.

(Pub. L. 95–242, title I, § 102, Mar. 10, 1978, 92 Stat. 122.)

STUDY TO DETERMINE NEED FOR ADDITIONAL UNITED STATES ENRICHMENT CAPACITY; REPORT TO CONGRESS ON OR BEFORE MARCH 10, 1979

Section 103 of Pub. L. 95–242 directed President promptly to undertake a study to determine the need for additional United States enrichment capacity to meet domestic and foreign needs and to promote United States non-proliferation objectives abroad and report to Congress on results of this study within twelve months after Mar. 10, 1978.

§ 3223. International undertakings

(a) Development of international approaches for meeting future worldwide nuclear fuel needs; international nuclear fuel authority

Consistent with section 3224 of this title, the President shall institute prompt discussions with other nations and groups of nations, including both supplier and recipient nations, to develop international approaches for meeting future worldwide nuclear fuel needs. In particular, the President is authorized and urged to seek to negotiate as soon as practicable with nations possessing nuclear fuel production facilities or source material, and such other nations and groups of nations, such as the IAEA, as may be deemed appropriate, with a view toward the timely establishment of binding international undertakings providing for—

(1) the establishment of an international nuclear fuel authority (INFA) with responsibility for providing agreed upon fuel services and allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between INFA and supplier and recipient nations;

(2) a set of conditions consistent with subsection (d) of this section under which international fuel assurances under INFA auspices will be provided to recipient nations, including conditions which will ensure that the transferred materials will not be used for nuclear explosive devices;

(3) devising, consistent with the policy goals set forth in section 2153b of title 42, feasible and environmentally sound approaches for the siting, development, and management under effective international auspices and inspection of facilities for the provision of nuclear fuel services, including the storage of special nuclear material;

(4) the establishment of repositories for the storage of spent nuclear reactor fuel under effective international auspices and inspection;

(5) the establishment of arrangements under which nations placing spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such energy content is deemed necessary or desirable; and

(6) sanctions for violation of the provisions of or for abrogation of such binding international undertakings.

(b), (c) Omitted

(d) Adherence of nations to policies designed to prevent proliferation

The fuel assurances contemplated by this section shall be for the benefit of nations that adhere to policies designed to prevent proliferation. In negotiating the binding international undertakings called for in this section, the President shall, in particular, seek to ensure that the benefits of such undertakings are available to non-nuclear-weapon states only if such states accept IAEA safeguards on all their peaceful nuclear activities, do not manufacture or otherwise acquire any nuclear explosive device, do not establish any new enrichment or reprocessing facilities under their de facto or de jure control, and place any such existing facilities under effective international auspices and inspection.

(e) Report on progress of negotiations

The report required by section 3281 of this title shall include information on the progress made in any negotiations pursuant to this section.

(f) Congressional approval of non-treaty international undertakings; submission of proposals

(1) The President may not enter into any binding international undertaking negotiated pursuant to subsection (a) of this section which is not a treaty until such time as such proposed undertaking has been submitted to the Congress and has been approved by concurrent resolution.

(2) The proposals prepared pursuant to subsection (b) of this section shall be submitted to the Congress as part of an annual authorization Act for the Department of Energy.

(Pub. L. 95–242, title I, § 104, Mar. 10, 1978, 92 Stat. 122.)

CODIFICATION

Subsec. (b) of this section, directed the President to submit to Congress not later than six months after Mar. 10, 1978, proposals for initial fuel assurances, including creation of an interim stockpile of uranium enriched to less than 20 percent in the uranium isotope 235 (low-enriched uranium) to be available for transfer pursuant to a sales arrangement to nations which adhere to strict policies designed to prevent proliferation when and if necessary to ensure continuity of nuclear fuel supply to such nations, which submission was to include proposals for the transfer of low-enriched uranium up to an amount sufficient to produce 100,000 MWe years of power from light water nuclear reactors, and also to include proposals for seeking contributions from other supplier nations to such an interim stockpile pending the establishment of INFA.

Subsec. (c) of this section, which directed the President, in the report required by section 103 of Pub. L. 95–242, title I, Mar. 10, 1978, 92 Stat. 122, formerly set out as a note under section 3222 of this title, to also address the desirability of and options for foreign participation, including investment, in new United States uranium enrichment facilities, the arrangements that would be required to implement such participation, and the commitments that would be required as a condition of such participation, was omitted in view of the omission of section 103 of Pub. L. 95–242.

DELEGATION OF FUNCTIONS

Secretary of State responsible for performing functions vested in President under subsecs. (a) and (d), 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3281 of this title.

§ 3224. Reevaluation of nuclear fuel cycle

The President shall take immediate initiatives to invite all nuclear supplier and recipient nations to reevaluate all aspects of the nuclear fuel cycle, with emphasis on alternatives to an economy based on the separation of pure plutonium or the presence of high enriched uranium, methods to deal with spent fuel storage, and methods to improve the safeguards for existing nuclear technology. The President shall, in the first report required by section 3281 of this title, detail the progress of such international reevaluation.

(Pub. L. 95–242, title I, § 105, Mar. 10, 1978, 92 Stat. 123.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3223, 3281 of this title; title 42 section 2160.

§ 3224a. Studies and agreements by Secretary of Energy on multinational or international basis concerning spent fuel storage facilities and transportation systems; Congressional consent; authorization of appropriations; limitations on use of funds; exceptions; special nuclear material for India

Department of Energy is hereby authorized to undertake studies, in cooperation with other nations, on a multinational or international basis designed to determine the general feasibility of expanding capacity of existing spent fuel storage facilities; to enter into agreements, subject to the consent of the Congress (by joint or concurrent resolution or legislation hereafter enacted), with other nations or groups of nations, for providing appropriate support to increase international or multinational spent fuel storage capacity; to conduct studies on the feasibility of establishing regional storage sites; and to conduct studies on international transportation and storage systems. For the purpose of carrying out the provisions of this section, there is included in subsection 101(20) of this Act authorization of appropriations in the amount of $20,000,000: *Provided*, That, notwithstanding any other provision of law, that none of the funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation or storage of any foreign spent nuclear fuel (including any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or control of the fuel or the reactor, and regardless of the origin or licensing of the fuel or the reactor, but not including fuel irradiated in a research reactor, and not including fuel irradiated in a power reactor if the President determines that (1) use of funds for repurchase, transportation or storage of such fuel is required by an emergency situation, (2) it is in the interest of the common defense and security of the United States to take such action, and (3) he notifies the Congress of the determination and action, with a detailed explanation and justification thereof, as soon as possible) unless the President formally notifies, with the report information specified herein, the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of such use of funds thirty calendar days, during such time as either House of Congress is in session, before the commitment, expenditure, or obligation of such funds: *And provided further*, That, notwithstanding any other provision of law, that none of the funds appropriated pursuant to this Act or any other funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation, or storage of

any such foreign spent nuclear fuel for storage or other disposition, interim or permanent, in the United States, unless the use of the funds for that specific purpose has been (1) previously and expressly authorized by Congress in legislation hereafter enacted, (2) previously and expressly authorized by a concurrent resolution, or (3) the President submits a plan for such use, with the report information specified herein, thirty days during which the Congress is in continuous session, as defined in the Impoundment Control Act of 1974 [2 U.S.C. 681 et seq.], prior to such use and neither House of Congress approves a resolution of disapproval of the plan prior to the expiration of the aforementioned thirty-day period. If such a resolution of disapproval has been introduced, but has not been reported by the Committee on or before the twentieth day after transmission of the Presidential message, a privileged motion shall be in order in the respective body to discharge the Committee from further consideration of the resolution and to provide for its immediate consideration, using the procedures specified for consideration of an impoundment resolution in section 1017 of the Impoundment Control Act of 1974 (31 U.S.C. 1407) [2 U.S.C. 688]. Any report or plan proposed under this proviso shall include information and any supporting documentation thereof relating to policy objectives, technical description and discussion, geographic information, cost data, justification and projections, legal and regulatory considerations, environmental impact information and any related bilateral or international agreements, arrangements or understandings: *And provided further*, That nothing contained in this section shall be construed in any executive branch action, administrative proceeding, regulatory proceeding, or legal proceeding as being intended to delay, modify, or reverse the Memorandum and Order of the Nuclear Regulatory Commission of June 28, 1977, for the issuance of License No. XSNM–845 to the agent-applicant for the Government of India and the subsequent export thereby licensed of the special nuclear material to be used as fuel for the Tarapur Atomic Power Station or any other order of the Nuclear Regulatory Commission to issue a license for the export of special nuclear material and subsequent exports thereby licensed, or any consideration by the Nuclear Regulatory Commission of a license application for the export of special nuclear material.

(Pub. L. 95–238, title I, § 107, Feb. 25, 1978, 92 Stat. 55; Pub. L. 103–437, § 9(c), Nov. 2, 1994, 108 Stat. 4588.)

REFERENCES IN TEXT

Section 101(20) of this Act, referred to in text, is section 101(20) of Pub. L. 95–238, title I, Feb. 25, 1978, 92 Stat. 48, which authorized appropriations for fuel cycle research and development and which was not classified to the Code. Pub. L. 95–238 is known as the Department of Energy Act of 1978—Civilian Applications.

The Impoundment Control Act of 1974, referred to in text, is parts A and B of title X of Pub. L. 93–344, July 12, 1974, 88 Stat. 332, as amended, which is classified principally to subchapters I (§ 681) and II (§ 682 et seq.) of chapter 17B of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 681 of Title 2 and Tables.

CODIFICATION

Section was enacted as part of the Department of Energy Act of 1978—Civilian Applications, and not as part of the Nuclear Non-Proliferation Act of 1978 which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Science, Space, and Technology'' for ''Science and Technology''.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SUBCHAPTER II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

§ 3241. Congressional declaration of policy

The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective and comprehensive international safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

(Pub. L. 95–242, title II, § 201, Mar. 10, 1978, 92 Stat. 124.)

EFFECTIVE DATE

Subchapter 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3281 of this title.

§ 3242. Training program

The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

(Pub. L. 95–242, title II, § 202, Mar. 10, 1978, 92 Stat. 124.)

§ 3243. Negotiations

The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

(Pub. L. 95–242, title II, § 203, Mar. 10, 1978, 92 Stat. 124.)

§ 3244. Actions to combat international nuclear terrorism

(a) Actions to be taken by President

The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for adequately protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) Reports to Congress

The President shall report to the Congress annually, in the reports required by section 3281 of this title, on the progress made during the preceding year in achieving the objectives described in this section.

(Pub. L. 99–399, title VI, § 601, Aug. 27, 1986, 100 Stat. 874.)

CODIFICATION

Section was enacted as part of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, and not as part of the Nuclear Non-Proliferation Act of 1978 which comprises this chapter.

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.)

EFFECTIVE DATE

Subchapter 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3262 of this title; title 12 sections 635, 635g.

§ 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 2151q[1] of this title.

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

[1] See References in Text note below.

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.

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.

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

Section 503 of Pub. L. 95–242 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 [50 App. U.S.C. 2401 et seq.], 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;

(iii) a sanction has not been imposed by reason of section 6301(c)(2) of this title or the imposition of a sanction has been delayed under section 2799aa–1(b)(4) of this title, or

(iv) a waiver of a sanction has been made under—

(I) section 6301(f) of this title or section 6303 of this title,

(II) section 2375(d) of this title, or paragraph (5) or (6)(B) of section 2799aa–1(b) of this title,

(III) section 2780(g) of this title with respect to the last sentence of section 2780(d) of this title, or

(IV) section 2364 of this title with respect to section 2375 of this title or section 2753(f) of this title, the last sentence of section 2780(d) of this title, or 2799aa–1(b)(1)[2] of this title; and

(C) the progress of those independent states of the former Soviet Union that are non-nuclear-weapon states and of the Baltic states towards achieving the objective of applying full scope safeguards to all their peaceful nuclear activities.

Portions of the information required by paragraph (6) may be submitted in classified form, as necessary. Any such information that may not be published or disclosed under section 12(c)(1) of the Export Administration Act of 1979 [50 App. U.S.C. 2411(c)(1)] shall be submitted as confidential.

(b) Analysis of civil agreements for cooperation

In the first report required by this section, the President shall analyze each civil agreement for cooperation negotiated pursuant to section 2153 of title 42, and shall discuss the scope and adequacy of the requirements and obligations relating to safeguards and other controls therein.

(Pub. L. 95–242, title VI, § 601, Mar. 10, 1978, 92 Stat. 150; Pub. L. 103–236, title VIII, § 811, Apr. 30, 1994, 108 Stat. 507.)

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(6)(A)(iii), is Pub. L. 96–72, Sept. 29, 1979, 93 Stat. 503, as amended, which is classified principally to section 2401 et seq. of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of Title 50, Appendix, and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–236 struck out ''and'' after the semicolon in par. (4), substituted a semicolon for the period in par. (5), and added par. (6) and concluding provisions.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

[1] So in original. Probably should be ''; and''.

[2] So in original. Probably should be preceded by ''section''.

EFFECTIVE DATE

Subchapter 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.

DELEGATION OF FUNCTIONS

Secretary of State responsible for performing function vested in President by this section to extent that it relates to preparation of an annual report, see section 2(c) of Ex. Ord. No. 12058, May 11, 1978, 43 F.R. 20947, set out as a note under section 3201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3223, 3224, 3244, 6323 of this title.

§ 3282. Reports by departments and agencies

(a) Reports by Nuclear Regulatory Commission and Department of Energy

The annual reports to the Congress by the Commission and the Department of Energy which are otherwise required by law shall also include views and recommendations regarding the policies and actions of the United States to prevent proliferation which are the statutory responsibility of those agencies. The Department's report shall include a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles. This part of the report shall include a comprehensive version which includes any relevant classified information and a summary unclassified version.

(b) Additional reporting requirements

The reporting requirements of this subchapter are in addition to and not in lieu of any other reporting requirements under applicable law.

(c) Committees on Foreign Relations and Governmental Affairs of Senate and Committee on Foreign Affairs of House of Representatives to be kept informed

The Department of State, the Department of Defense, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this chapter and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

(d) Classified portions of reports

Any classified portions of the reports required by this chapter shall be submitted to the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

(e) Omitted

(f) Access by Secretary of Defense to information regarding nuclear proliferation matters; applicability

(1) The Secretary of Defense shall have access, on a timely basis, to all information regarding nuclear proliferation matters which the Secretary of State or the Secretary of Energy has or is entitled to have. Such access shall include access to all communications, materials, documents, and records relating to nuclear proliferation matters.

(2) This subsection does not apply to any intradepartmental document of the Department of State or the Department of Energy, or any portion of such document, that is solely concerned with internal, confidential advice on policy concerning the conduct of interagency deliberations on nuclear proliferation matters.

(Pub. L. 95–242, title VI, § 602, Mar. 10, 1978, 92 Stat. 151; Pub. L. 99–661, div. A, title XIII, § 1370, Nov. 14, 1986, 100 Stat. 4004; Pub. L. 103–437, § 9(a)(8), Nov. 2, 1994, 108 Stat. 4588.)

CODIFICATION

Subsec. (e) directed that, three years after Mar. 10, 1978, the Comptroller General complete a study and report to Congress on the implementation and impact of this chapter on the nuclear non-proliferation policies, purposes, and objectives of this chapter, with such recommendations as deemed necessary to support the nuclear non-proliferation policies, purposes, and objectives of this chapter.

AMENDMENTS

1994—Subsecs. (c), (d). Pub. L. 103–437 substituted "Foreign Affairs" for "International Relations".

1986—Subsec. (c). Pub. L. 99–661, § 1370(1), inserted "the Department of Defense,".

Subsec. (f). Pub. L. 99–661, § 1370(2), added subsec. (f).

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6304 of this title.

CHAPTER 48—TAIWAN RELATIONS

Sec.
3301. Congressional findings and declaration of policy.
(a) Findings.
(b) Policy.
(c) Human rights.
3302. Implementation of United States policy with regard to Taiwan.
(a) Defense articles and services.
(b) Determination of Taiwan's defense needs.
(c) United States response to threats to Taiwan or dangers to United States interests.
3303. Application to Taiwan of laws and international agreements.
(a) Application of United States laws generally.
(b) Application of United States laws in specific and enumerated areas.
(c) Treaties and other international agreements.
(d) Membership in international financial institutions and other international organizations.
3304. Overseas Private Investment Corporation.
(a) Removal of per capita income restriction on Corporation activities with respect to investment projects on Taiwan.