

6 U.S. CODE § 592 - MISSION OF OFFICE

(a) Mission

The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

(1)serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

(2)enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(3)establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(4)develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—

(A)the Office will be responsible for the implementation of the domestic portion of the global architecture;

(B)the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

(C)the Secretary of State, the Secretary of Defense, and the Secretary of Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

(5)ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed by the Office to implement the global nuclear detection architecture;

(6)conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, and coordinate with the Under Secretary for Science and Technology on basic and advanced or transformational research and development efforts relevant to the mission of both organizations;

(7)carry out a program to test and evaluate technology for detecting a nuclear explosive device and fissile or radiological material, in coordination with the Secretary of Defense and the Secretary of Energy, as appropriate, and establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting such devices or material—

(A)under realistic operational and environmental conditions; and

(B)against realistic adversary tactics and countermeasures;

(8)support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

- (9)** further enhance and maintain continuous awareness by analyzing information from all Office mission-related detection systems;
- (10)** lead the development and implementation of the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;
- (11)** establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics and attribution activities—
- (A)** to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks; and
- (B)** to coordinate and implement the national strategic five-year plan referred to in paragraph (10);
- (12)** establish a National Nuclear Forensics Expertise Development Program, which—
- (A)** is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry;
- (B)** shall—
- (i)** make available for undergraduate study student scholarships, with a duration of up to 4 years per student, which shall include, if possible, at least 1 summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;
- (ii)** make available for doctoral study student fellowships, with a duration of up to 5 years per student, which shall—
- (I)** include, if possible, at least 2 summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and
- (II)** require each recipient to commit to serve for 2 years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;
- (iii)** make available to faculty awards, with a duration of 3 to 5 years each, to ensure faculty and their graduate students have a sustained funding stream; and
- (iv)** place a particular emphasis on reinvigorating technical nuclear forensics programs while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, Asian American and Native American Pacific Islander-serving institutions, Alaska Native-serving institutions, and Hawaiian Native-serving institutions; and
- (C)** shall—
- (i)** provide for the selection of individuals to receive scholarships or fellowships under this section through a competitive process primarily on the basis of academic merit and the nuclear forensics and attribution needs of the United States Government;
- (ii)** provide for the setting aside of up to 10 percent of the scholarships or fellowships awarded under this section for individuals who are Federal employees to enhance the education of such employees in areas of critical nuclear forensics and attribution needs of the United States Government, for doctoral education under the scholarship on a full-time or part-time basis;
- (iii)** provide that the Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded;
- (iv)** require scholarship recipients to maintain satisfactory academic progress; and
- (v)** require that—
- (I)** a scholarship recipient who fails to maintain a high level of academic standing, as defined by the

Secretary, who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be liable to the United States for repayment within 1 year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient, provided that the repayment period may be extended by the Secretary if the Secretary determines it necessary, as established by regulation; and

(II)a scholarship recipient who, for any reason except death or disability, fails to begin or complete the post-doctoral service requirements in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after completion of academic training shall be liable to the United States for an amount equal to—

(aa)the total amount of the scholarship received by such recipient under this section; and

(bb)the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate;

(13)provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and

(14)perform other duties as assigned by the Secretary.

(b) Definitions

In this section:

(1) Alaska Native-serving institution

The term “Alaska Native-serving institution” has the meaning given the term in section [1059d](#) of title [20](#).

(2) Asian American and Native American Pacific Islander-serving institution

The term “Asian American and Native American Pacific Islander-serving institution” has the meaning given the term in section [1059g](#) of title [20](#).

(3) Hawaiian native-serving institution

The term “Hawaiian native-serving institution” has the meaning given the term in section [1059d](#) of title [20](#).

(4) Hispanic-serving institution

The term “Hispanic-serving institution” has the meaning given that term in section [1101a](#) of title [20](#).

(5) Historically Black college or university

The term “historically Black college or university” has the meaning given the term “part B institution” in section [1061\(2\)](#) of title [20](#).

(6) Tribal College or University

The term “Tribal College or University” has the meaning given that term in section [1059c\(b\)](#) of title [20](#).

Attachment:

THE WHITE HOUSE

WASHINGTON

April 15, 2005

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE NSPD-43

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE HSPD-14

Subject: *Domestic Nuclear Detection*

(1) To protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States, it is the policy of the United States to:

(a) Continue to develop, deploy, and enhance national nuclear and radiological detection capabilities in an effort to better detect, report on, disrupt, and prevent attempts to import, possess, store, transport, develop, or use such devices and materials;

(b) Continue to enhance the effective integration of nuclear and radiological detection capabilities across Federal, State, local, and tribal governments and the private sector for a managed, coordinated response; and

(c) Continue to advance the science of nuclear and radiological detection through an aggressive, expedited, evolutionary, and transformational program of research and development in such detection technologies.

(2) To implement the policy set forth in paragraph (1), the Secretary of Homeland Security, in coordination with the Secretaries of State, Defense, and Energy, and the Attorney General, shall establish a national level Domestic Nuclear Detection Office (DNDO) within the Department of Homeland Security. The DNDO shall include personnel from the departments of Homeland Security (DHS), Defense (DOD), Energy (DOE), State (DOS), Justice (DOJ), and other Federal departments and agencies as appropriate. The Secretary of Homeland Security shall have authority, direction, and control over the DNDO as provided in section 102 (a) (2) of the Homeland Security Act of 2002. The DNDO shall:

(a) Serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

(b) Enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

(c) Establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(d) Develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with the following implementation: (i) the DNDO will be responsible for the implementation of the domestic portion of the global architecture; (ii) the Secretary of Defense will retain responsibility for implementation of DOD requirements within and outside the United States; and (iii) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

(e) Conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to support the policy set forth in paragraph (1);

(f) Support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to these entities; and

(g) Further enhance and maintain continuous awareness by analyzing information from all DNDO mission-related detection systems.

(3) To ensure the success of DNDO efforts in support of the policy, the Secretaries of State, Defense, Energy, and Homeland Security, and the Attorney General shall: (i) determine and provide appropriate nuclear, scientific, and other expertise to the DNDO; (ii) participate within the DNDO in jointly developing and coordinating detection and response guidance, protocols, and training for Federal, State, local, and tribal officials; (iii) participate within the DNDO in jointly developing and coordinating the global nuclear detection architecture; and (iv) where appropriate, participate in the conduct of research and development for nuclear detection.

(4) The Secretary of Energy shall lead the development of nonproliferation research and development and, where appropriate, make available dual-use counter-proliferation and counter-terrorism nuclear detection research and development to DNDO and other entities and officials to support the development of the domestic nuclear and radiological detection system. The Secretary of Energy will make maximum appropriate use of DNDO research, development, test and evaluation programs, and procedures for deploying equipment, taking due account of foreign sensitivities. The Secretary of Energy shall also report information related to detection events to the DNDO. Nothing in this Directive shall be construed to limit or otherwise affect any of the authorities or responsibilities of the Secretary of Energy under any statute, regulation, or executive order.

(5) The Secretary of Defense shall consult with the Secretary of Homeland Security on all aspects of the DNDO to ensure efficiencies, interoperability, and sharing of innovative concepts and operational procedures designed to protect the United States. Nothing in this Directive shall be construed to impair or otherwise affect the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President as Commander in Chief, to the Secretary of Defense, to the commanders of the combatant commands, or military command and control procedures.

(6) The Attorney General shall coordinate with the Secretary of Homeland Security on all aspects of DNDO's global nuclear detection architecture, particularly as they relate to the

development of response guidance protocols and training for Federal, State, local, and tribal law enforcement and information sharing activities. Nothing in this Directive shall be construed to impair or otherwise affect the authority of the Attorney General as stated in Homeland Security Presidential Directive/HSPD-5, "Management of Domestic Incidents," of February 28, 2003.

(7) The Secretary of State shall coordinate with the Secretary of Homeland Security on all aspects of DNDO's global nuclear detection architecture, particularly as they relate to overseas detection and reporting activities and to the formulation and implementation of U.S. foreign policy.

(8) The Director of National Intelligence (DNI) shall coordinate with the Secretary of Homeland Security on all aspects of DNDO's global nuclear detection architecture. The DNI also shall ensure the timely dissemination to the DNDO of all radiological, nuclear, and related threats to the United States and other intelligence information relevant to the support, development, and maintenance of the global nuclear detection architecture and related efforts. Functions assigned by this Directive to the DNI shall be performed by the Director of Central Intelligence until the first DNI is appointed by the President.

(9) This Directive shall be implemented in a manner consistent with applicable law, including the Atomic Energy Act of 1954, the Homeland Security Act of 2002, and the National Security Act of 1947 (all as amended), and presidential guidance, and subject to the availability of appropriations. Nothing in this Directive alters, or impedes the ability to carry out, existing authorities or responsibilities of department and agency heads to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance. With regard to nuclear search activities, nothing in this Directive alters in any way existing directives, responsibilities, and roles. This Directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, entities, officers, employees, or any other person.

(10) Within 120 days after the date of this Directive, and thereafter not less than annually, the Secretary of Homeland Security shall report to me through the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs on the implementation of this Directive, including an assessment of the effectiveness of DNDO and any recommendations for additional enhancements or efforts. The initial implementation report shall include (a) the plans for integrated program and budget planning between the appropriate agencies needed to properly execute the DNDO responsibilities and (b) a joint staffing plan for the DNDO.