

107TH CONGRESS
2^D SESSION

S. 2545

To extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2002

Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Nonprolifera-
5 tion Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Whereas the focus on the security of radio-
9 active materials before the events of September 11,

1 2001, was on fissile materials, it is now widely rec-
2 ognized that the United States must expand its con-
3 cerns to the safety and security of nuclear facilities,
4 and the radioactive materials in use or stored at
5 such facilities, that may be attractive to terrorists
6 for use in radiological dispersal devices as well as in
7 crude nuclear weapons. Such materials include all
8 radioactive materials in the nuclear fuel cycle (such
9 as nuclear waste and spent fuel) as well as industrial
10 and medical radiation sources. Steps must be taken
11 not only to prevent the acquisition of such materials
12 by terrorists, but also to rapidly mitigate the con-
13 sequences of the use of such devices and weapons on
14 public health and safety, facilities, and the economy.

15 (2) The technical activities of United States ef-
16 forts to combat radiological terrorism should be cen-
17 tered in the National Nuclear Security Administra-
18 tion because it has the nuclear expertise and special-
19 ized facilities and activities needed to develop new
20 and improved protection and consequence mitigation
21 systems and technologies. New technologies and sys-
22 tems should be developed by the Administration in
23 partnership with other agencies and first responders
24 that also have the operational responsibility to deal
25 with the threat of radiological terrorism.

1 (3) Fissile materials are a special class of mate-
2 rials that present a range of threats, from utilization
3 in improvised nuclear devices to incorporation in ra-
4 diological dispersal devices. The Defense Against
5 Weapons of Mass Destruction Act of 1996 (title
6 XIV of Public Law 104–201; 50 U.S.C. 2301 et
7 seq.) focused on cooperative programs with the
8 former Soviet Union to control such materials. It is
9 critical that these efforts continue and that efforts
10 commence to develop a sustainable system by which
11 improvements in such efforts are retained far into
12 the future. Development of such a sustainable sys-
13 tem must occur in partnership with the Russian
14 Federation and the other states of the former Soviet
15 Union.

16 (4) The Russian Federation and the other
17 states of the former Soviet Union are not the only
18 locations of fissile materials around the world. Coop-
19 erative programs to control potential threats from
20 any of such materials should be expanded to other
21 international partners. Programs, coordinated with
22 the International Atomic Energy Agency and other
23 international partners, should be initiated to opti-
24 mize control of such materials.

1 (5) The Agreement Between the Government of
2 the United States of America and the Government
3 of the Russian Federation Concerning the Disposition
4 of Highly Enriched Uranium Extracted from
5 Nuclear Weapons, signed at Washington on February
6 18, 1993 (the so-called “HEU deal”), represents
7 an effective approach to reducing the stocks
8 of the Russian Federation of highly enriched uranium
9 (HEU). However, such stocks are much larger
10 than contemplated in the Agreement, and many
11 other nations also possess quantities of highly enriched
12 uranium. Global stability would be enhanced
13 by modification of all available highly enriched uranium
14 into forms not suitable for weapons. Efforts
15 toward such modification of highly enriched uranium
16 should include expansion of programs to deal with
17 research reactors fueled by highly enriched uranium,
18 which were provided by the United States under the
19 Atoms for Peace program and the Atomic Energy
20 Act of 1954 and similarly encouraged by the former
21 Soviet Union.

22 (6) Expansion of commercial nuclear power
23 around the world will lead to increasing global stocks
24 of reactor grade plutonium and fission products in
25 spent fuel. If improperly controlled, such materials

1 can contribute to proliferation and represent health
2 and environmental risks. The international safe-
3 guards on such materials established through the
4 International Atomic Energy Agency must be
5 strengthened to deal with such concerns. The Na-
6 tional Nuclear Security Administration is the appro-
7 priate Federal agent for dealing with technical mat-
8 ters relating to the safeguard and management of
9 nuclear materials. The United States, in cooperation
10 with the Russian Federation and the International
11 Atomic Energy Agency, should lead the international
12 community in developing proliferation-resistant nu-
13 clear energy technologies and strengthened inter-
14 national safeguards that facilitate global manage-
15 ment of all nuclear materials.

16 (7) Safety and security at nuclear facilities are
17 inextricably linked. Damage to such facilities by sab-
18 otage or accident, or the theft or diversion of nuclear
19 materials at such facilities, will have substantial ad-
20 verse consequences worldwide. It is in the United
21 States national interest to assist countries that can-
22 not afford proper safety and security for their nu-
23 clear plants, facilities, and materials in providing
24 proper safety and security for such plants, facilities,
25 and materials, and in developing the sustainable

1 safety and security cultures that are required for the
2 safe and secure use of nuclear energy for peaceful
3 purposes. The National Nuclear Security Adminis-
4 tration is the appropriate Federal agent for dealing
5 with the technical aspects of providing for inter-
6 national nuclear safety that must be coordinated
7 with safeguards of nuclear materials.

8 (8) The United States has provided sealed
9 sources of nuclear materials to many countries
10 through the Atoms for Peace program and the
11 Atomic Energy Act of 1954. These sources remain
12 property of the United States. A recent report of the
13 Inspector General of the Department of Energy, en-
14 titled “Accounting for Sealed Sources of Nuclear
15 Material Provided to Foreign Countries”, noted that
16 a total of 2–3 kilograms of plutonium were in
17 sources provided to 33 nations and that the Depart-
18 ment can not account fully for these sources. Many
19 of these sources are small enough to present little
20 risk, but a careful review of sources and recipients
21 could identify concerns requiring special attention.
22 In addition, the former Soviet Union supplied sealed
23 sources of nuclear materials for research and indus-
24 trial purposes, including some to other countries.
25 These sources contain a variety of radioactive mate-

1 rials and are often uncontrolled, missing, or stolen.
2 The problem of dangerous radiation sources is inter-
3 national, and a solution to the problem will require
4 substantial cooperation between the United States,
5 the Russian Federation, and other countries of the
6 former Soviet Union, as well as international organi-
7 zations such as the International Atomic Energy
8 Agency. The International Nuclear Safety and Co-
9 operation program and the Materials Protection,
10 Control, and Accounting program of the National
11 Nuclear Security Administration address such mat-
12 ters. However those programs need to be strength-
13 ened.

14 (9) Authorization for domestic testing of pre-
15 paredness for emergencies involving nuclear, radio-
16 logical, chemical, and biological weapons provided by
17 section 1415 of the Defense Against Weapons of
18 Mass Destruction Act of 1996 (50 U.S.C. 2315) has
19 expired. These tests have been invaluable in pre-
20 paring first responders for a range of potential
21 threats and should be continued.

22 (10) Coordination of all Federal nonprolifera-
23 tion programs should be improved to maximize effi-
24 ciency and effectiveness of programs in multiple
25 agencies. Congress needs a comprehensive annual re-

1 port detailing the nonproliferation policies, strate-
2 gies, and budgets of the Federal Government. Co-
3 operation among Federal and private non-prolifera-
4 tion programs is critical to maximize the benefits of
5 such programs.

6 (11) The United States response to terrorism
7 must be as rapid as possible. In carrying out their
8 antiterrorism activities, the departments and agen-
9 cies of the Federal Government, and State and local
10 governments, need rapid access to the specialized ex-
11 pertise and facilities at the national laboratories and
12 sites of the Department of Energy. Multiple agency
13 sponsorship of these important national assets would
14 help achieve this objective.

15 **SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES**
16 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
17 **ICAL, OR BIOLOGICAL WEAPONS.**

18 (a) EXTENSION OF TESTING.—Section 1415 of the
19 Defense Against Weapons of Mass Destruction Act of
20 1996 (title XIV of Public Law 104–201; 110 Stat. 2720;
21 50 U.S.C. 2315) is amended—

22 (1) in subsection (a)(2), by striking “of five
23 successive fiscal years beginning with fiscal year
24 1997” and inserting “of fiscal years 1997 through
25 2013”; and

1 (2) in subsection (b)(2), by striking “of five
2 successive fiscal years beginning with fiscal year
3 1997” and inserting “of fiscal years 1997 through
4 2013”.

5 (b) CONSTRUCTION OF EXTENSION WITH DESIGNA-
6 TION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The
7 amendment made by subsection (a) may not be construed
8 as modifying the designation of the President entitled
9 “Designation of the Attorney General as the Lead Official
10 for the Emergency Response Assistance Program Under
11 Sections 1412 and 1415 of the National Defense Author-
12 ization Act for Fiscal Year 1997”, dated April 6, 2000,
13 designating the Attorney General to assume programmatic
14 and funding responsibilities for the Emergency Response
15 Assistance Program under sections 1412 and 1415 of the
16 Defense Against Weapons of Mass Destruction Act of
17 1996.

18 **SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION**
19 **FROM NUCLEAR OR RADIOLOGICAL TER-**
20 **RORISM.**

21 (a) PROGRAM REQUIRED.—(1) The Administrator
22 for Nuclear Security shall carry out a program on tech-
23 nology for protection from nuclear or radiological ter-
24 rorism, including technology for the detection, identifica-
25 tion, assessment, control, disposition, consequence man-

1 agement, and consequence mitigation of the dispersal of
2 radiological materials or of nuclear terrorism.

3 (2) The Administrator shall carry out the program
4 as part of the nonproliferation and verification research
5 and development programs of the National Nuclear Secu-
6 rity Administration.

7 (b) PROGRAM ELEMENTS.—In carrying out the pro-
8 gram required by subsection (a), the Administrator
9 shall—

10 (1) provide for the development of technologies
11 to respond to threats or incidents involving nuclear
12 or radiological terrorism in the United States;

13 (2) demonstrate applications of the technologies
14 developed under paragraph (1), including joint dem-
15 onstrations with the Office of Homeland Security
16 and other appropriate Federal agencies;

17 (3) provide, where feasible, for the development
18 in cooperation with the Russian Federation of tech-
19 nologies to respond to nuclear or radiological ter-
20 rorism in the former states of the Soviet Union, in-
21 cluding the demonstration of technologies so devel-
22 oped; and

23 (4) provide, where feasible, assistance to other
24 countries on matters relating to nuclear or radio-
25 logical terrorism, including—

1 (A) the provision of technology and assist-
2 ance on means of addressing nuclear or radio-
3 logical incidents;

4 (B) the provision of assistance in devel-
5 oping means for the safe disposal of radioactive
6 materials;

7 (C) in coordination with the Nuclear Regu-
8 latory Commission, the provision of assistance
9 in developing the regulatory framework for li-
10 censing and developing programs for the protec-
11 tion and control of radioactive sources; and

12 (D) the provision of assistance in evalu-
13 ating the radiological sources identified as not
14 under current accounting programs in the re-
15 port of the Inspector General of the Depart-
16 ment of Energy entitled “Accounting for Sealed
17 Sources of Nuclear Material Provided to For-
18 eign Countries”, and in identifying and control-
19 ling radiological sources that represent signifi-
20 cant risks.

21 (c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS
22 OF PROGRAM.—(1) In carrying out activities in accord-
23 ance with paragraphs (3) and (4) of subsection (b), the
24 Administrator shall consult with—

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

3 (B) the International Atomic Energy Agency.

4 (2) The Administrator shall encourage joint leader-
5 ship between the United States and the Russian Federa-
6 tion of activities on the development of technologies under
7 subsection (b)(4).

8 (d) INCORPORATION OF RESULTS IN EMERGENCY
9 RESPONSE ASSISTANCE PROGRAM.—To the maximum ex-
10 tent practicable, the technologies and information devel-
11 oped under the program required by subsection (a) shall
12 be incorporated into the program on responses to emer-
13 gencies involving nuclear and radiological weapons carried
14 out under section 1415 of the Defense Against Weapons
15 of Mass Destruction Act of 1996 (title XIV of Public Law
16 104–201; 50 U.S.C. 2315).

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated for the Department of En-
19 ergy for the National Nuclear Security Administration to
20 carry out activities under this section amounts as follows:

21 (1) For fiscal year 2003, \$40,000,000.

22 (2) For each fiscal year after fiscal year 2003,
23 such sums as may be necessary in such fiscal year.

1 **SEC. 5. EXPANSION OF INTERNATIONAL MATERIALS PRO-**
2 **TECTION, CONTROL, AND ACCOUNTING PRO-**
3 **GRAM.**

4 (a) **EXPANSION OF PROGRAM TO ADDITIONAL COUN-**
5 **TRIES AUTHORIZED.**—The Secretary of Energy may ex-
6 pand the International Materials Protection, Control, and
7 Accounting (MPC&A) program of the Department of En-
8 ergy to encompass countries outside the Russian Federa-
9 tion and the independent states of the former Soviet
10 Union.

11 (b) **NOTICE TO CONGRESS OF USE OF FUNDS FOR**
12 **ADDITIONAL COUNTRIES.**—Not later than 30 days after
13 the Secretary obligates funds for the International Mate-
14 rials Protection, Control, and Accounting program, as ex-
15 panded under subsection (a), for activities in or with re-
16 spect to a country outside the Russian Federation and the
17 independent states of the former Soviet Union, the Sec-
18 retary shall submit to Congress a notice of the obligation
19 of such funds for such activities.

20 (c) **ASSISTANCE TO DEPARTMENT OF STATE FOR**
21 **NUCLEAR MATERIALS SAFEGUARDS PROGRAMS.**—(1) As
22 part of the International Materials Protection, Control,
23 and Accounting program, the Secretary of Energy may
24 provide technical assistance to the Secretary of State in
25 the efforts of the Secretary of State to assist other nuclear

1 weapons states to review and improve their nuclear mate-
2 rials safeguards programs.

3 (2) The technical assistance provided under para-
4 graph (1) may include the sharing of technology or meth-
5 odologies to the states referred to in that paragraph. Any
6 such sharing shall—

7 (A) be consistent with the treaty obligations of
8 the United States; and

9 (B) take into account the sovereignty of the
10 state concerned and its weapons programs, as well
11 the sensitivity of any information involved regarding
12 United States weapons or weapons systems.

13 (3) The Secretary of Energy may include the Russian
14 Federation in activities under paragraph (1) if the Sec-
15 retary determines that the experience of the Russian Fed-
16 eration under the International Materials Protection, Con-
17 trol, and Accounting program with the Russian Federa-
18 tion would make the participation of the Russian Federa-
19 tion in such activities useful in providing technical assist-
20 ance under that paragraph.

21 (d) PLAN FOR ACCELERATED CONVERSION OR RE-
22 TURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1)
23 The Secretary shall build on efforts to accelerate the con-
24 version or return to the country of origin of all weapons-

1 usable nuclear materials located in research reactors and
2 other facilities outside the country of origin.

3 (2) The plan under paragraph (1) for nuclear mate-
4 rials of origin in the Soviet Union shall be developed in
5 consultation with the Russian Federation.

6 (3) As part of the plan under paragraph (1), the Sec-
7 retary shall assist the research reactors and facilities re-
8 ferred to in that paragraph in upgrading their materials
9 protection, control, and accounting procedures until the
10 weapons-usable nuclear materials in such reactors and fa-
11 cilities are converted or returned in accordance with that
12 paragraph.

13 (4) The provision of assistance under paragraph (3)
14 shall be closely coordinated with ongoing efforts of the
15 International Atomic Energy Agency for the same pur-
16 pose.

17 (e) RADIOLOGICAL DISPERSAL DEVICE PROTECTION,
18 CONTROL, AND ACCOUNTING.—(1) The Secretary shall
19 establish within the International Materials Protection,
20 Control, and Accounting program a program on the pro-
21 tection, control, and accounting of materials usable in ra-
22 diological dispersal devices.

23 (2) The program under paragraph (1) shall include—

24 (A) an identification of vulnerabilities regarding
25 radiological materials worldwide;

1 (B) the mitigation of vulnerabilities so identi-
2 fied through appropriate security enhancements; and

3 (C) an acceleration of efforts to recover and
4 control so-called “orphaned” radiological sources.

5 (3) The program under paragraph (1) shall be known
6 as the Radiological Dispersal Device Protection, Control,
7 and Accounting program.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated for the Department of En-
10 ergy to carry out activities under this section amounts as
11 follows:

12 (1) For fiscal year 2003, \$10,000,000.

13 (2) For each fiscal year after fiscal year 2003,
14 such sums as may be necessary in such fiscal year.

15 **SEC. 6. ACCELERATED DISPOSITION OF HIGHLY ENRICHED**
16 **URANIUM AND PLUTONIUM.**

17 (a) PROGRAM AUTHORIZED.—(1) The Secretary of
18 Energy may carry out a program to pursue with the Rus-
19 sian Federation, and any other nation that possesses high-
20 ly enriched uranium, options for blending such uranium
21 so that the concentration of U-235 in such uranium is
22 below 20 percent.

23 (2) The options pursued under paragraph (1) shall
24 include expansion of the Material Consolidation and Con-

1 version program of the Department of Energy to
2 include—

3 (A) additional facilities for the blending of high-
4 ly enriched uranium; and

5 (B) additional centralized secure storage facili-
6 ties for highly enriched uranium, as so blended.

7 (b) INCENTIVES REGARDING HIGHLY ENRICHED
8 URANIUM IN RUSSIA.—As part of the options pursued
9 under subsection (a) with the Russian Federation, the
10 Secretary may provide financial and other incentives for
11 the removal of all highly enriched uranium from any par-
12 ticular facility in the Russian Federation if the Secretary
13 determines that such incentives will facilitate the consoli-
14 dation of highly enriched uranium in the Russian Federa-
15 tion to the best-secured facilities.

16 (c) CONSTRUCTION WITH HEU DISPOSITION AGREE-
17 MENT.—Nothing in this section may be construed as ter-
18 minating, modifying, or otherwise effecting requirements
19 for the disposition of highly enriched uranium under the
20 Agreement Between the Government of the United States
21 of America and the Government of the Russian Federation
22 Concerning the Disposition of Highly Enriched Uranium
23 Extracted from Nuclear Weapons, signed at Washington
24 on February 18, 1993.

1 (d) PRIORITY IN BLENDING ACTIVITIES.—In pur-
2 suing options under this section, the Secretary shall give
3 priority to the blending of highly enriched uranium from
4 weapons, though highly enriched uranium from sources
5 other than weapons may also be blended.

6 (e) TRANSFER OF HIGHLY ENRICHED URANIUM AND
7 PLUTONIUM TO UNITED STATES.—(1) As part of the pro-
8 gram under subsection (a), the Secretary may, upon the
9 request of any nation—

10 (A) purchase highly enriched uranium or weap-
11 ons grade plutonium from the nation at a price de-
12 termined by the Secretary;

13 (B) transport any uranium or plutonium so
14 purchased to the United States; and

15 (C) store any uranium or plutonium so trans-
16 ported in the United States.

17 (2) The Secretary is not required to blend any highly
18 enriched uranium purchased under paragraph (1)(A) in
19 order to reduce the concentration of U-235 in such ura-
20 nium to below 20 percent. Amounts authorized to be ap-
21 propriated by subsection (m) may not be used for purposes
22 of blending such uranium.

23 (f) TRANSFER OF HIGHLY ENRICHED URANIUM TO
24 RUSSIA.—(1) As part of the program under subsection
25 (a), the Secretary may encourage nations with highly en-

1 riched uranium to transfer such uranium to the Russian
2 Federation for disposition under this section.

3 (2) The Secretary shall pay any nation that transfers
4 highly enriched uranium to the Russian Federation under
5 this subsection an amount determined appropriate by the
6 Secretary.

7 (3) The Secretary shall bear the cost of any blending
8 and storage of uranium transferred to the Russian Fed-
9 eration under this subsection, including any costs of blend-
10 ing and storage under a contract under subsection (g).

11 (g) CONTRACTS FOR BLENDING AND STORAGE OF
12 HIGHLY ENRICHED URANIUM IN RUSSIA.—As part of the
13 program under subsection (a), the Secretary may enter
14 into one or more contracts with the Russian Federation—

15 (1) to blend in the Russian Federation highly
16 enriched uranium of the Russian Federation and
17 highly enriched uranium transferred to the Russian
18 Federation under subsection (f); or

19 (2) to store the blended material in the Russian
20 Federation.

21 (h) LIMITATION ON RELEASE FOR SALE OF BLEND-
22 ED URANIUM.—Uranium blended under this section may
23 not be released for sale until the earlier of—

24 (1) January 1, 2014; or

1 (2) the date on which the Secretary certifies
2 that such uranium can be absorbed into the global
3 market without undue disruption to the uranium
4 mining industry in the United States.

5 (i) PROCEEDS OF SALE OF URANIUM BLENDED BY
6 RUSSIA.—Upon the sale by the Russian Federation of
7 uranium blended under this section by the Russian Fed-
8 eration, the Secretary may elect to receive from the pro-
9 ceeds of such sale an amount not to exceed 75 percent
10 of the costs incurred by the Department of Energy under
11 subsections (b), (f), and (g).

12 (j) REPORT ON STATUS OF PROGRAM.—Not later
13 than July 1, 2003, the Secretary shall submit to Congress
14 a report on the status of the program carried out under
15 the authority in subsection (a). The report shall include—

16 (1) a description of international interest in the
17 program;

18 (2) schedules and operational details of the pro-
19 gram; and

20 (3) recommendations for future funding for the
21 program.

22 (k) DISPOSITION OF PLUTONIUM IN RUSSIA.—(1)
23 The Secretary may assist the Russian Federation in any
24 fiscal year with the plutonium disposition program of the
25 Russian Federation (as established under the agreement

1 referred to in paragraph (2)) if the President certifies to
2 Congress at the beginning of such fiscal year that the
3 United States and the Russian Federation have entered
4 into a binding agreement on the disposition of the weapons
5 grade plutonium of the Russian Federation.

6 (2) The agreement referred to in this paragraph is
7 the Agreement Between the Government of the United
8 States of America and the Government of the Russian
9 Federation Concerning the Management and Disposition
10 of Plutonium Designated As No Longer Required For De-
11 fense Purposes and Related Cooperation, signed August
12 29, 2000, and September 1, 2000.

13 (3) The program under paragraph (1)—

14 (A) shall include transparent verifiable steps;

15 (B) shall proceed at roughly the rate of the
16 United States program for the disposition of pluto-
17 nium;

18 (C) shall provide for cost-sharing among a vari-
19 ety of countries;

20 (D) shall provide for contributions by the Rus-
21 sian Federation;

22 (E) shall include steps over the near term to
23 provide high confidence that the schedules for the
24 disposition of plutonium of the Russian Federation
25 will be achieved; and

1 (F) may include research on more speculative
2 long-term options for the future disposition of the
3 plutonium of the Russian Federation in addition to
4 the near-term steps under subparagraph (E).

5 (l) HIGHLY ENRICHED URANIUM DEFINED.—In this
6 section, the term “highly enriched uranium” means ura-
7 nium with a concentration of U-235 of 20 percent or
8 more.

9 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for the Department of En-
11 ergy to carry out activities under this section amounts as
12 follows:

13 (1) For fiscal year 2003—

14 (A) for activities under subsections (a)
15 through (i), \$100,000,000; and

16 (B) for activities under subsection (k),
17 \$200,000,000.

18 (2) For each fiscal year after fiscal year 2003,
19 such sums as may be necessary in such fiscal year
20 for activities under subsection (a) through (i).

21 **SEC. 7. STRENGTHENED INTERNATIONAL SAFEGUARDS**
22 **FOR NUCLEAR MATERIALS AND SAFETY FOR**
23 **NUCLEAR OPERATIONS.**

24 (a) REPORT ON OPTIONS FOR INTERNATIONAL PRO-
25 GRAM TO STRENGTHEN SAFEGUARDS AND SAFETY.—(1)

1 Not later than 180 days after the date of the enactment
2 of this Act, the Administrator for Nuclear Security shall
3 submit to Congress a report on options for an inter-
4 national program to develop strengthened safeguards for
5 all nuclear materials and safety for nuclear operations.

6 (2) Each option for an international program under
7 paragraph (1) may provide that the program is jointly led
8 by the United States, the Russian Federation, and the
9 International Atomic Energy Agency.

10 (3) The Administrator shall include with the report
11 on options for an international program under paragraph
12 (1) a description and assessment of various management
13 alternatives for the international program. If any option
14 requires Federal funding or legislation to implement, the
15 report shall also include recommendations for such fund-
16 ing or legislation, as the case may be.

17 (b) JOINT PROGRAMS WITH RUSSIA ON PROLIFERA-
18 TION RESISTANT NUCLEAR TECHNOLOGIES.—The Ad-
19 ministrator shall pursue with the Russian Federation joint
20 programs between the United States and the Russian Fed-
21 eration on proliferation resistant nuclear technologies.

22 (c) PARTICIPATION OF OFFICE OF NUCLEAR EN-
23 ERGY SCIENCE.—The Administrator shall consult with the
24 Office of Nuclear Energy Science and Technology of the

1 Department of Energy in the development of options
2 under subsection (a) and joint programs under (b).

3 (d) PARTICIPATION OF INTERNATIONAL TECHNICAL
4 EXPERTS.—In developing options under subsection (a),
5 the Administrator shall, in consultation with the Russian
6 Federation and the International Atomic Energy Agency,
7 convene and consult with an appropriate group of inter-
8 national technical experts on the development of various
9 options for technologies to provide strengthened safe-
10 guards for nuclear materials and safety for nuclear oper-
11 ations, including the implementation of such options.

12 (e) ASSISTANCE REGARDING HOSTILE INSIDERS AND
13 AIRCRAFT IMPACTS.—(1) The Secretary of Energy may,
14 utilizing appropriate expertise of the Department of En-
15 ergy, provide assistance to nuclear facilities abroad on the
16 interdiction of hostile insiders at such facilities in order
17 to prevent incidents arising from the disablement of the
18 vital systems of such facilities.

19 (2) The Secretary may carry out a joint program with
20 the Russian Federation and other countries to address
21 and mitigate concerns on the impact of aircraft with nu-
22 clear facilities in such countries.

23 (f) ASSISTANCE TO IAEA IN STRENGTHENING
24 INTERNATIONAL NUCLEAR SAFEGUARDS.—The Secretary
25 may expand and accelerate the programs of the Depart-

1 ment of Energy to support the International Atomic En-
2 ergy Agency in strengthening international nuclear safe-
3 guards.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
5 hereby authorized to be appropriated for the Department
6 of Energy to carry out activities under this section
7 amounts as follows:

8 (1) For fiscal year 2003—

9 (A) for activities under subsections (a)
10 through (e), \$20,000,000, of which \$5,000,000
11 shall be available for sabotage protection for
12 nuclear power plants and other nuclear facilities
13 abroad; and

14 (B) for activities under subsection (f),
15 \$30,000,000.

16 (2) For each fiscal year after fiscal year 2003,
17 such sums as may be necessary in such fiscal year.

18 **SEC. 8. EXPORT CONTROL PROGRAMS.**

19 (a) AUTHORITY TO PURSUE OPTIONS FOR
20 STRENGTHENING EXPORT CONTROL PROGRAMS.—The
21 Secretary of Energy may pursue in the former Soviet
22 Union and other regions of concern, principally in South
23 Asia, the Middle East, and the Far East, options for accel-
24 erating programs that assist countries in such regions in
25 improving their domestic export control programs for ma-

1 terials, technologies, and expertise relevant to the con-
2 struction or use of a nuclear or radiological dispersal de-
3 vice.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated for the Department of En-
6 ergy to carry out activities under this section amounts as
7 follows:

8 (1) For fiscal year 2003, \$5,000,000.

9 (2) For each fiscal year after fiscal year 2003,
10 such sums as may be necessary in such fiscal year.

11 **SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTEC-**
12 **TION, CONTROL, AND ACCOUNTING PRO-**
13 **GRAM OF THE RUSSIAN FEDERATION.**

14 (a) REVISED FOCUS FOR PROGRAM.—(1) The Sec-
15 retary of Energy shall work cooperatively with the Russian
16 Federation to update and improve the Joint Action Plan
17 for the Materials Protection, Control, and Accounting pro-
18 grams of the Department and the Russian Federation
19 Ministry of Atomic Energy.

20 (2) The updated plan shall shift the focus of the up-
21 grades of the nuclear materials protection, control, and ac-
22 counting program of the Russian Federation in order to
23 assist the Russian Federation in achieving, as soon as
24 practicable but not later than January 1, 2012, a sustain-
25 able safeguards system for the nuclear materials of the

1 Russian Federation that is supported solely by the Rus-
2 sian Federation.

3 (b) PACE OF PROGRAM.—The Secretary shall work
4 with the Russian Federation, including applicable insti-
5 tutes in Russia, to pursue acceleration of the nuclear ma-
6 terials protection, control, and accounting programs at nu-
7 clear defense facilities in the Russian Federation.

8 (c) TRANSPARENCY OF PROGRAM.—(1) The Sec-
9 retary shall work with the Russian Federation to identify
10 various alternatives to provide the United States adequate
11 transparency in the nuclear materials protection, control,
12 and accounting program of the Russian Federation to as-
13 sure that such program is meeting applicable goals for nu-
14 clear materials protection, control, and accounting.

15 (2) The alternatives identified under paragraph (1)
16 may not include full intrusive access to sensitive facilities
17 in the Russian Federation.

18 (d) SENSE OF CONGRESS.—In furtherance of the ac-
19 tivities required under this section, it is the sense of Con-
20 gress the Secretary should—

21 (1) improve the partnership with the Russian
22 Ministry of Atomic Energy in order to enhance the
23 pace and effectiveness of nuclear materials safe-
24 guards at facilities in the Russian Federation, in-
25 cluding serial production enterprises; and

1 (2) clearly identify the assistance required by
2 the Russian Federation, the contributions antici-
3 pated from the Russian Federation, and the trans-
4 parency milestones that can be used to assess
5 progress in meeting the requirements of this section.

6 **SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS**
7 **OF ALL UNITED STATES NONPROLIFERATION**
8 **ACTIVITIES.**

9 Section 1205 of the National Defense Authorization
10 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
11 1247) is amended by adding at the end the following new
12 subsection:

13 “(d) ANNUAL REPORT ON IMPLEMENTATION OF
14 PLAN.—(1) Not later than January 31, 2003, and each
15 year thereafter, the President shall submit to Congress a
16 report on the implementation of the plan required by sub-
17 section (a) during the preceding year.

18 “(2) Each report under paragraph (1) shall include—

19 “(A) a discussion of any progress made during
20 the year covered by such report in the matters of the
21 plan required by subsection (a);

22 “(B) a discussion of any consultations with for-
23 eign nations, and in particular the Russian Federa-
24 tion, during such year on joint programs to imple-
25 ment the plan;

1 “(C) a discussion of any cooperation and co-
2 ordination during such year in the implementation of
3 the plan between the United States and private enti-
4 ties that share objectives similar to the objectives of
5 the plan; and

6 “(D) any recommendations that the President
7 considers appropriate regarding modifications to law
8 or regulations, or to the administration or organiza-
9 tion of any Federal department or agency, in order
10 to improve the effectiveness of any programs carried
11 out during such year in the implementation of the
12 plan.”.

13 **SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NA-**
14 **TIONAL LABORATORIES AND SITES IN SUP-**
15 **PORT OF ANTITERRORISM ACTIVITIES.**

16 (a) **AGENCIES AS JOINT SPONSORS OF LABORA-**
17 **TORIES FOR WORK ON ANTITERRORISM.**—Each depart-
18 ment or agency of the Federal Government, or of a State
19 or local government, that carries out work on
20 antiterrorism activities at a Department of Energy na-
21 tional laboratory shall be a joint sponsor, under a multiple
22 agency sponsorship arrangement with the Department, of
23 such laboratory in the performance of such work.

24 (b) **AGENCIES AS JOINT SPONSORS OF SITES FOR**
25 **WORK ON ANTITERRORISM.**—Each department or agency

1 of the Federal Government, or of a State or local govern-
2 ment, that carries out work on antiterrorism activities at
3 a Department site shall be a joint sponsor of such site
4 in the performance of such work as if such site were a
5 federally funded research and development center and
6 such work were performed under a multiple agency spon-
7 sorship arrangement with the Department.

8 (c) PRIMARY SPONSORSHIP.—The Department of
9 Energy shall be the primary sponsor under a multiple
10 agency sponsorship arrangement required under sub-
11 section (a) or (b).

12 (d) WORK.—(1) The Administrator for Nuclear Secu-
13 rity shall act as the lead agent in coordinating the sub-
14 mittal to a Department national laboratory or site of re-
15 quests for work on antiterrorism matters by departments
16 and agencies that are joint sponsors of such national lab-
17 oratory or center, as the case may be, under this section.

18 (2) A request for work may not be submitted to a
19 national laboratory or site under this section unless ap-
20 proved in advance by the Administrator.

21 (3) Any work performed by a national laboratory or
22 site under this section shall comply with the policy on the
23 use of federally funded research and development centers
24 under section 35.017(a)(4) of the Federal Acquisition
25 Regulation.

1 (4) The Administrator shall ensure that the work of
2 a national laboratory or site requested under this section
3 is performed expeditiously and to the satisfaction of the
4 head of the department or agency submitting the request.

5 (e) FUNDING.—(1) Subject to paragraph (2), a joint
6 sponsor of a national laboratory or site under this section
7 shall provide funds for work of such center or site, as the
8 case may be, under this section under the same terms and
9 conditions as apply to the primary sponsor of such center
10 under section 303(b)(1)(C) of the Federal Property and
11 Administrative Services Act of 1949 (41 U.S.C.
12 253(b)(1)(C)) or of such site to the extent such section
13 applies to such site as a federally funded research and de-
14 velopment center by reason of subsection (b).

15 (2) The total amount of funds provided a national
16 laboratory or site in a fiscal year under this subsection
17 by joint sponsors other than the Department of Energy
18 shall not exceed an amount equal to 25 percent of the total
19 funds provided such center or site, as the case may be,
20 in such fiscal year from all sources.

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