

108TH CONGRESS
2D SESSION

S. 2310

To promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 8, 2004

Mrs. FEINSTEIN (for herself, Mr. NELSON of Florida, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, 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. REMOVAL OF POTENTIAL NUCLEAR WEAPONS**

4 **MATERIALS FROM VULNERABLE SITES**
5 **WORLDWIDE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that removing potential nuclear weapons materials
8 from vulnerable sites around the world would reduce the

1 possibility that such materials could fall into the hands
2 of al Qaeda or other groups and states hostile to the
3 United States, and should be a top priority for achieving
4 the national security of the United States.

5 (b) TASK FORCE ON NUCLEAR MATERIAL RE-
6 MOVAL.—(1) The President shall establish in the Depart-
7 ment of Energy a task force to be known as the Task
8 Force on Nuclear Material Removal (in this section re-
9 ferred to as the “Task Force”).

10 (2) The head of the Task Force shall be the Director
11 of the Task Force on Nuclear Material Removal, who shall
12 be appointed by the President for that purpose.

13 (3) The Director of the Task Force shall report di-
14 rectly to the Deputy Administrator for Defense Nuclear
15 Nonproliferation of the National Nuclear Security Admin-
16 istration regarding the activities of the Task Force under
17 this section.

18 (4)(A) The Secretary of Energy, the Administrator
19 for Nuclear Security, and the Deputy Administrator for
20 Defense Nuclear Nonproliferation shall assign to the Task
21 Force personnel having such experience and expertise as
22 is necessary to permit the Task Force to carry out its mis-
23 sion under this section.

24 (B) The Secretary of Energy and the Administrator
25 for Nuclear Security shall jointly consult with the Assist-

1 ant to the President for National Security Affairs, the
2 Secretary of State, the Secretary of Defense, the Chair-
3 man of the Nuclear Regulatory Commission, the heads of
4 other appropriate departments and agencies of the Fed-
5 eral Government, and appropriate international organiza-
6 tions in order to identify and establish mechanisms and
7 procedures to ensure that the Task Force is able to draw
8 quickly on the capabilities of the departments and agen-
9 cies of the Federal Government and such international or-
10 ganizations to carry out its mission under this section.

11 (C) Mechanisms under subparagraph (B) may in-
12 clude the assignment to the Task Force of personnel of
13 the Department of Energy and of other departments and
14 agencies of the Federal Government.

15 (5) The President may establish within the Executive
16 Office of the President a mechanism for coordinating the
17 activities of the Task Force under this section.

18 (c) MISSION.—The mission of the Task Force shall
19 be to ensure that potential nuclear weapons materials are
20 entirely removed from the most vulnerable sites around
21 the world as soon as practicable after the date of the en-
22 actment of this Act.

23 (d) ASSISTANCE.—To assist the Task Force in car-
24 rying out its mission under this section, the Secretary of
25 Energy may—

1 (1) provide funds to remove potential nuclear
2 weapons materials from vulnerable sites, including
3 funds to cover the costs of—

4 (A) transporting such materials from such
5 sites to secure facilities;

6 (B) providing interim security upgrades for
7 such materials pending their removal from their
8 current sites;

9 (C) managing such materials after their
10 arrival at secure facilities;

11 (D) purchasing such materials;

12 (E) converting such sites to the use of low-
13 enriched uranium fuels;

14 (F) assisting in the closure and decommis-
15 sioning of such sites; and

16 (G) providing incentives to facilitate the
17 removal of such materials from vulnerable fa-
18 cilities;

19 (2) arrange for the shipment of potential nu-
20 clear weapons materials to the United States, or to
21 other countries willing to accept such materials and
22 able to provide high levels of security for such mate-
23 rials, and dispose of such materials, in order to en-
24 sure that United States national security objectives

1 are accomplished as quickly and effectively as pos-
2 sible; and

3 (3) provide funds to upgrade security and ac-
4 counting at sites where, as determined by the Sec-
5 retary, potential nuclear weapons materials will re-
6 main for an extended period in order to ensure that
7 such materials are secure against plausible potential
8 threats, and will remain so in the future.

9 (e) REPORT.—(1) Not later than 30 days after the
10 submittal to Congress of the budget of the President for
11 fiscal year 2006 pursuant to section 1105(a) of title 31,
12 United States Code, the Secretary of Energy, in coordina-
13 tion with other relevant Federal Government and inter-
14 national agencies, shall submit to Congress a report that
15 includes the following:

16 (A) A list of the sites determined by the Task
17 Force to be of the highest priorities for removal of
18 potential nuclear weapons materials, based on the
19 quantity and attractiveness of such materials at such
20 sites and the risk of theft or diversion of such mate-
21 rials for weapons purposes.

22 (B) An inventory of all sites worldwide where
23 highly-enriched uranium or separated plutonium is
24 located, including, to the extent practicable, a
25 prioritized assessment of the terrorism and prolifera-

1 tion risk posed by such materials at each such site,
2 based on the quantity of such materials, the
3 attractiveness of such materials for use in nuclear
4 weapons, the current level of security and accounting
5 for such materials, and the level of threat (including
6 the effects of terrorist or criminal activity and the
7 pay and morale of personnel and guards) in the
8 country or region where such sites are located.

9 (C) A strategic plan, including measurable mile-
10 stones and metrics, for accomplishing the mission of
11 the Task Force under this section.

12 (D) An estimate of the funds required to com-
13 plete the mission of the Task Force under this sec-
14 tion, set forth by year until anticipated completion
15 of the mission.

16 (E) The recommendations of the Secretary on
17 whether any further legislative actions or inter-
18 national agreements are necessary to facilitate the
19 accomplishment of the mission of the Task Force.

20 (F) Such other information on the status of ac-
21 tivities under this section as the Secretary considers
22 appropriate.

23 (2) The report shall be submitted in unclassified
24 form, but may include a classified annex.

1 (f) POTENTIAL NUCLEAR WEAPONS MATERIAL DE-
2 FINED.—In this section, the term “potential nuclear weap-
3 ons material” means plutonium, highly-enriched uranium,
4 or other material capable of sustaining an explosive nu-
5 clear chain reaction, including irradiated materials if the
6 radiation field from such materials is not sufficient to pre-
7 vent the theft and use of such materials for an explosive
8 nuclear chain reaction.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Department of En-
11 ergy for fiscal year 2005 for activities of the National Nu-
12 clear Security Administration in carrying out programs
13 necessary for national security for purposes of defense nu-
14 clear nonproliferation activities, \$40,000,000 to carry out
15 this section.

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