

108TH CONGRESS
1ST SESSION

S. 350

To amend the Atomic Energy Act of 1954 to strengthen the security of sensitive radioactive material.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Mrs. CLINTON (for herself, Mr. GREGG, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Atomic Energy Act of 1954 to strengthen the security of sensitive radioactive material.

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 “Dirty Bomb Prevention
5 Act of 2003”.

6 **SEC. 2. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

7 (a) AMENDMENT.—Chapter 14 of the Atomic Energy
8 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-
9 ing at the end the following:

1 **“SEC. 170C. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) SENSITIVE RADIOACTIVE MATERIAL.—

4 “(A) IN GENERAL.—The term ‘sensitive
5 radioactive material’ means—

6 “(i) a material—

7 “(I) that is a source material, by-
8 product material, or special nuclear
9 material; and

10 “(II) that is any other radio-
11 active material (regardless of whether
12 the material is or has been licensed or
13 otherwise regulated under this Act)
14 produced or made radioactive before
15 or after the date of enactment of this
16 section; and

17 “(ii) that is in such a form or quan-
18 tity or concentration that the Commission
19 determines, based on and consistent with
20 the recommendations of the task force,
21 should be classified as ‘sensitive radioactive
22 material’ that warrants improved security
23 and protection against loss, theft, or sabo-
24 tage.

1 “(B) EXCLUSION.—The term ‘sensitive ra-
2 dioactive material’ does not include nuclear fuel
3 or spent nuclear fuel.

4 “(2) SECURITY THREAT.—The term ‘security
5 threat’ means—

6 “(A) a threat of sabotage or theft of sen-
7 sitive radioactive material;

8 “(B) a threat of use of sensitive radio-
9 active material in a radiological dispersal de-
10 vice; and

11 “(C) any other threat of terrorist or other
12 criminal activity involving sensitive radioactive
13 material that could harm the health or safety of
14 the public due primarily to radiological prop-
15 erties of the sensitive radioactive material, as
16 determined by the Commission based on and
17 consistent with the recommendations of the
18 task force.

19 “(3) TASK FORCE.—The term ‘task force’
20 means the task force on sensitive radioactive mate-
21 rial security established by subsection (b).

22 “(b) TASK FORCE ON SENSITIVE RADIOACTIVE MA-
23 TERIAL SECURITY.—

24 “(1) ESTABLISHMENT.—There is established a
25 task force on sensitive radioactive material security.

1 “(2) MEMBERSHIP.—The task force shall be
2 comprised of—

3 “(A) the chairman of the Commission, who
4 shall serve as chairperson of the task force;

5 “(B) the Secretary of Defense;

6 “(C) the Secretary of Transportation;

7 “(D) the Administrator of the Environ-
8 mental Protection Agency;

9 “(E) the Attorney General;

10 “(F) the Secretary of State;

11 “(G) the Director of the Central Intel-
12 ligence Agency;

13 “(H) the Secretary of Health and Human
14 Services;

15 “(I) the Director of the Federal Emer-
16 gency Management Agency; and

17 “(J) the Secretary of Homeland Security.

18 “(c) DUTIES.—

19 “(1) IN GENERAL.—The task force shall—

20 “(A) evaluate the security of sensitive ra-
21 dioactive material against security threats; and

22 “(B) recommend administrative and legis-
23 lative actions to be taken to provide the max-
24 imum practicable degree of security against se-
25 curity threats.

1 “(2) CONSIDERATIONS.—In carrying out para-
2 graph (1), the task force shall make recommenda-
3 tions to—

4 “(A) determine the radioactive materials
5 that should be classified as sensitive radioactive
6 materials;

7 “(B) develop a classification system for
8 sensitive radioactive materials that—

9 “(i) is based on the potential for use
10 by terrorists of sensitive radioactive mate-
11 rial and the extent of the threat to public
12 health and safety posed by that potential;
13 and

14 “(ii) takes into account—

15 “(I) radioactivity levels of sen-
16 sitive radioactive material;

17 “(II) the dispersibility of sen-
18 sitive radioactive material;

19 “(III) the chemical and material
20 form of sensitive radioactive material;

21 “(IV) the availability of pharma-
22 ceuticals containing sensitive radio-
23 active materials for use by physicians
24 in treating patients; and

25 “(V) other appropriate factors;

1 “(C) develop a national system for recovery
2 of sensitive radioactive material that is lost or
3 stolen, taking into account the classification
4 system established under subparagraph (B);

5 “(D) provide for the storage of sensitive
6 radioactive material that is not currently in use
7 in a safe and secure manner;

8 “(E) develop a national tracking system
9 for sensitive radioactive material, taking into
10 account the classification system established
11 under subparagraph (B);

12 “(F) develop methods to ensure the return
13 or proper disposal of sensitive radioactive mate-
14 rial;

15 “(G) modify current export controls on
16 sensitive radioactive materials so that, to the
17 extent feasible, exports from the United States
18 of sensitive radioactive materials are made only
19 to foreign recipients that are willing and able to
20 control the sensitive radioactive materials in the
21 same manner as recipients in the United
22 States; and

23 “(H) establish procedures to improve the
24 security of sensitive radioactive material in use,
25 transportation, and storage.

1 “(3) PROCEDURES TO IMPROVE SECURITY.—

2 The procedures to improve the security of sensitive
3 radioactive material under paragraph (2)(H) may in-
4 clude—

5 “(A) periodic audits or inspections by the
6 Commission to ensure that sensitive radioactive
7 material is properly secured and can be fully ac-
8 counted for;

9 “(B) evaluation by the Commission of se-
10 curity measures taken by persons that possess
11 sensitive radioactive material;

12 “(C) imposition of increased fines for viola-
13 tions of regulations relating to security and
14 safety measures applicable to licensees that pos-
15 sess sensitive radioactive material;

16 “(D) conduct of background checks on in-
17 dividuals with access to sensitive radioactive
18 material;

19 “(E) measures to ensure the physical secu-
20 rity of facilities in which sensitive radioactive
21 material is stored; and

22 “(F) screening of shipments of sensitive
23 radioactive material to facilities that are par-
24 ticularly at risk for sabotage to ensure that the
25 shipments do not contain explosives.

1 “(d) REPORT.—Not later than 90 days after the date
 2 of enactment of this section, and not less frequently than
 3 once every 3 years thereafter, the task force shall submit
 4 to the President and Congress a report in unclassified
 5 form (with a classified annex, if necessary) describing the
 6 administrative and legislative actions recommended under
 7 subsection (c)(1).

8 “(e) ADMINISTRATIVE ACTION.—Not later than 60
 9 days after the date of submission of the report under sub-
 10 section (d), the Commission shall, based on and consistent
 11 with the recommendations of the task force, take such ac-
 12 tions as are appropriate to—

13 “(1) revise the system for licensing sensitive ra-
 14 dioactive materials based on and consistent with the
 15 recommendations of the task force; and

16 “(2) ensure that States that have entered into
 17 an agreement under section 274b. establish compat-
 18 ible programs in a timely manner.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of contents of the Atomic Energy Act of 1954
 21 (42 U.S.C. prec. 2011) is amended by adding at the end
 22 of the item relating to chapter 14 the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Sensitive Radioactive Material Security.”.

