

109TH CONGRESS  
1ST SESSION

# H. R. 665

To prevent access by terrorists to nuclear material, technology, and expertise, to establish an Office of Nonproliferation Programs in the Executive Office of the President, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. SCHIFF (for himself, Mr. SHAYS, Mr. BUTTERFIELD, Mr. CHANDLER, Mrs. DAVIS of California, Mr. EDWARDS, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. SHERMAN, and Ms. WATSON) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To prevent access by terrorists to nuclear material, technology, and expertise, to establish an Office of Nonproliferation Programs in the Executive Office of the President, 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 “Omnibus Nonprolifera-  
5 tion and Anti-Nuclear Terrorism Act of 2005”.

### 6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) LOOSE NUCLEAR WEAPONS AND MATERIALS  
2       IN THE FORMER SOVIET UNION.—

3           (A) There are in the world today enormous  
4       stockpiles of nuclear weapons and the materials  
5       required to make them. Counting materials  
6       both in assembled warheads and in other forms,  
7       worldwide totals are estimated to encompass  
8       some 1,900 tons of highly enriched uranium  
9       (enough for 143,000 nuclear weapons) and  
10      1,855 tons of plutonium (enough for 330,000  
11      nuclear weapons).

12          (B) The Russian Federation alone is esti-  
13      mated to have over 1,000 tons of highly en-  
14      riched uranium (enough for over 80,000 nuclear  
15      weapons) and 140 tons of plutonium (enough  
16      for over 30,000 nuclear weapons).

17          (C) The United States has been working  
18      for over a decade to eliminate stockpiles of loose  
19      nuclear weapons and materials in the former  
20      Soviet Union, but the Department of Energy  
21      acknowledges that there is still a need to prop-  
22      erly secure about 460 tons of weapons-usable  
23      Russian nuclear material (outside of warheads),  
24      enough for more than 35,000 nuclear weapons.

1 (D) A recent report by the Central Intel-  
2 ligence Agency faulted the security of nuclear  
3 arsenal facilities in the Russian Federation and  
4 assessed that “undetected smuggling has oc-  
5 curred.”

6 (E) There are at least 18 documented inci-  
7 dents of “proliferation significant” fissile mate-  
8 rial trafficking from facilities in the former So-  
9 viet Union between 1991 and 2001. In one inci-  
10 dent in 1998, an inside conspiracy at a Russian  
11 nuclear weapons facility attempted to steal 18.5  
12 kilograms of highly enriched uranium. In an-  
13 other incident, 2 kilograms of highly enriched  
14 uranium taken from a research facility in  
15 Sukhumi, Georgia, has never been recovered.

16 (F) In May 1994, German police found a  
17 small but worrisome quantity of supergrade  
18 plutonium in the garage of Adolf Jackle. Ex-  
19 tremely expensive to produce, this rare item  
20 was likely stolen from one of Russia’s two pre-  
21 mier nuclear weapons laboratories.

22 (G) Comprehensive security upgrades are  
23 not yet completed at 90 percent of Russian nu-  
24 clear warhead bunkers for Russia’s Strategic  
25 Rocket Forces.

1 (H) Border security in the former Soviet  
2 Union is inconsistent at best. Existing infra-  
3 structure helps at the outer borders of the  
4 former Soviet Union but many borders internal  
5 to the former Soviet Union, such as the border  
6 between Kazakhstan and the Russian Federa-  
7 tion, exist only on a map.

8 (2) LOOSE NUCLEAR MATERIALS AROUND THE  
9 GLOBE.—

10 (A) Dangerous caches of weapons-usable  
11 nuclear materials, much of it poorly secured  
12 and vulnerable to theft, exist in a multitude of  
13 facilities around the world. For example, there  
14 are over 130 research reactors in over 40 coun-  
15 tries that house highly enriched uranium, some  
16 with enough to manufacture an atomic bomb.  
17 In total, about 40 tons of highly enriched ura-  
18 nium, enough for over 1,000 nuclear weapons,  
19 is estimated to remain in civilian research reac-  
20 tors.

21 (B) Over the last 50 years, the United  
22 States is known to have exported about 27.5  
23 tons of highly enriched uranium to 43 countries  
24 to help develop nuclear power production or bol-  
25 ster scientific initiatives. In 1996, the United

1 States began an effort to recover the more than  
2 17.5 tons of the nuclear material that was still  
3 overseas, but has recovered only about 1 ton,  
4 according to the Department of Energy and the  
5 Government Accountability Office.

6 (C) It is especially important to keep high-  
7 ly enriched uranium out of terrorists' hands be-  
8 cause, with minimal expertise, they could use it  
9 to make the simplest, gun-type nuclear weap-  
10 on—a device in which a high explosive is used  
11 to blow one subcritical piece of highly enriched  
12 uranium from one end of a tube into another  
13 subcritical piece held at the opposite end of the  
14 tube.

15 (D) To Osama bin Laden, acquiring weap-  
16 ons of mass destruction is a “religious duty”.  
17 Al Qaeda and more than two dozen other ter-  
18 rorist groups are pursuing capability to use  
19 weapons of mass destruction.

20 (E) Osama bin Laden's press spokesman,  
21 Sulaiman Abu Ghaith, has announced that the  
22 group aspires “to kill 4 million Americans, in-  
23 cluding 1 million children,” in response to cas-  
24 ualties supposedly inflicted on Muslims by the  
25 United States and Israel.

1 (F) Al Qaeda documents recovered in Af-  
2 ghanistan reveal a determined research effort  
3 focused on nuclear weapons.

4 (3) SECURITY STANDARDS FOR ALL NUCLEAR  
5 WEAPONS AND MATERIALS.—

6 (A) There are no international binding  
7 standards for the secure handling and storage  
8 of nuclear weapons and materials.

9 (B) Making a nuclear weapon requires only  
10 4 to 5 kilograms of plutonium or 12 to 15 kilo-  
11 grams of highly enriched uranium.

12 (C) In October 2001, the United States  
13 Government became very concerned that Al  
14 Qaeda may have smuggled a 10-kiloton Russian  
15 nuclear warhead into New York City. If placed  
16 in lower Manhattan, such a device would prob-  
17 ably kill 100,000 people instantly, seriously in-  
18 jure tens of thousands more, and render the en-  
19 tire area uninhabitable for decades to come.

20 (4) RUSSIA'S NUCLEAR EXPERTISE.—

21 (A) Employment at the large nuclear facili-  
22 ties in the Russian Federation's 10 closed nu-  
23 clear cities is estimated to be in the range of  
24 120,000 to 130,000 people, of whom approxi-

1           mately 75,000 were employed on nuclear weap-  
2           ons-related work.

3           (B) Poor wages and living conditions in  
4           Russian “nuclear cities” have inspired protests  
5           and strikes among the employees working in  
6           them.

7           (C) Insiders have been caught attempting  
8           to smuggle nuclear materials out of these facili-  
9           ties, presumably to sell on the lucrative black  
10          market.

11 **SEC. 3. ESTABLISHMENT OF OFFICE OF NONPROLIFERA-**  
12 **TION PROGRAMS IN THE EXECUTIVE OFFICE**  
13 **OF THE PRESIDENT.**

14          (a) ESTABLISHMENT.—There is established in the  
15 Executive Office of the President an Office of Non-  
16 proliferation Programs (in this section referred to as the  
17 “Office”).

18          (b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall  
19 be at the head of the Office a Director who shall be ap-  
20 pointed by the President, by and with the advice and con-  
21 sent of the Senate, and who shall be compensated at the  
22 rate provided for level II of the Executive Schedule in sec-  
23 tion 5313 of title 5. The President is authorized to appoint  
24 not more than four Associate Directors, by and with the  
25 advice and consent of the Senate, who shall be com-

1   pensated at a rate not to exceed that provided for level  
2   III of the Executive Schedule in section 5314 of such title.  
3   Associate Directors shall perform such functions as the  
4   Director may prescribe.

5       (c) PRIMARY FUNCTIONS OF DIRECTOR.—

6           (1) IN GENERAL.—The primary function of the  
7   Director is to coordinate and lead—

8           (A) efforts by the United States to curb  
9       terrorist access to nuclear technology, mate-  
10      rials, or expertise; and

11          (B) other United States nonproliferation  
12      activities, including nuclear nonproliferation ac-  
13      tivities and activities to counter other weapons  
14      of mass destruction.

15          (2) SPECIFIC FUNCTIONS.—In addition to such  
16      other functions and activities as the President may  
17      assign, the Director shall—

18          (A) advise the President, and others within  
19      the Executive Office of the President, on the  
20      role and effect of such nonproliferation activi-  
21      ties on national security and international rela-  
22      tions;

23          (B) lead the development and implementa-  
24      tion of a plan (including appropriate budgets,  
25      other resources, goals, and metrics for assessing



1 progress) to ensure that all the highest-priority  
2 actions to prevent terrorists from getting and  
3 using nuclear weapons are taken in the shortest  
4 possible time, including but not limited to a  
5 fast-paced global effort to ensure that every nu-  
6 clear warhead and every kilogram of weapons-  
7 usable nuclear material worldwide is secured  
8 and accounted for, to standards sufficient to de-  
9 feat demonstrated terrorist and criminal  
10 threats, as rapidly as that objective can be ac-  
11 complished;

12 (C) identify obstacles to accelerating and  
13 strengthening efforts to prevent terrorists from  
14 getting and using nuclear weapons, and raise  
15 approaches to overcoming these obstacles for ac-  
16 tion by the President or other appropriate offi-  
17 cials;

18 (D) lead an effort, to be carried out jointly  
19 by the various Federal agencies responsible for  
20 carrying out such nonproliferation activities, to  
21 establish priorities among those activities and  
22 to develop and implement strategies and budg-  
23 ets that reflect those priorities;

24 (E) build strong partnerships with respect  
25 to such nonproliferation activities among Fed-

1 eral, State, and local governments, foreign gov-  
 2 ernments, international organizations, and non-  
 3 governmental organizations; and

4 (F) evaluate the scale, quality, and effec-  
 5 tiveness of the Federal effort with respect to  
 6 such nonproliferation activities and advise on  
 7 appropriate actions.

8 **SEC. 4. REMOVAL OF RESTRICTIONS ON COOPERATIVE**  
 9 **THREAT REDUCTION PROGRAMS.**

10 (a) REPEAL OF RESTRICTIONS.—

11 (1) RESTRICTIONS ON ASSISTANCE IN DE-  
 12 STROYING FORMER SOVIET WEAPONS.—Section  
 13 211(b) of the Soviet Nuclear Threat Reduction Act  
 14 of 1991 (22 U.S.C. 2551 note) is repealed.

15 (2) RESTRICTIONS ON AUTHORITY TO CARRY  
 16 OUT CTR PROGRAMS.—Section 1203(d) of the Coop-  
 17 erative Threat Reduction Act of 1993 (title XII of  
 18 Public Law 103–160; 22 U.S.C. 5952(d)) is re-  
 19 pealed.

20 (3) LIMITATION ON USE OF FUNDS FOR CHEM-  
 21 ICAL WEAPONS DESTRUCTION.—Section 1305 of the  
 22 National Defense Authorization Act for Fiscal Year  
 23 2000 (22 U.S.C. 5952 note) is repealed.

24 (b) EXEMPTION FROM LIMITATIONS.—Cooperative  
 25 Threat Reduction programs may be carried out notwith-

1 standing any other provision of law, subject to congres-  
2 sional notification and reporting requirements that apply  
3 to the use of funds available for Cooperative Threat Re-  
4 duction programs or the carrying out of projects or activi-  
5 ties under such programs.

6 (c) INAPPLICABILITY OF OTHER RESTRICTIONS.—  
7 Section 502 of the Freedom for Russia and Emerging  
8 Eurasian Democracies and Open Markets Support Act of  
9 1992 (22 U.S.C. 5852) shall not apply to any Cooperative  
10 Threat Reduction program.

11 **SEC. 5. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF**  
12 **ENERGY NONPROLIFERATION PROGRAMS.**

13 Section 4301 of the Atomic Energy Defense Act (50  
14 U.S.C. 2561) is repealed.

15 **SEC. 6. MODIFICATIONS OF AUTHORITY TO USE COOPERA-**  
16 **TIVE THREAT REDUCTION PROGRAM FUNDS**  
17 **OUTSIDE THE FORMER SOVIET UNION.**

18 Section 1308 of the National Defense Authorization  
19 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
20 1662; 22 U.S.C. 5963) is amended—

21 (1) by striking “President” each place it ap-  
22 pears and inserting “Secretary of Defense”;

23 (2) in subsection (a), by striking “each of the  
24 following” and all that follows through the period at

1 the end and inserting the following: “that such  
2 project or activity will—

3 “(1) assist the United States in the resolution  
4 of a critical emerging proliferation threat; or

5 “(2) permit the United States to take advan-  
6 tage of opportunities to achieve long-standing non-  
7 proliferation goals.”;

8 (3) by striking subsections (c) and (d); and

9 (4) by redesignating subsection (e) as sub-  
10 section (c).

11 **SEC. 7. MODIFICATIONS OF AUTHORITY TO USE INTER-**  
12 **NATIONAL NUCLEAR MATERIALS PROTEC-**  
13 **TION AND COOPERATION PROGRAM FUNDS**  
14 **OUTSIDE THE FORMER SOVIET UNION.**

15 Section 3124 of the National Defense Authorization  
16 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
17 1747) is amended—

18 (1) by striking “President” each place it ap-  
19 pears and inserting “Secretary of Energy”;

20 (2) in subsection (a), by striking “each of the  
21 following” and all that follows through the period at  
22 the end and inserting the following: “that such  
23 project or activity will—

24 “(1) assist the United States in the resolution  
25 of a critical emerging proliferation threat; or

1 “(2) permit the United States to take advantage of opportunities to achieve long-standing non-proliferation goals.”;

2 (3) by striking subsections (c) and (d); and

3 (4) by redesignating subsection (e) as subsection (c).

4 **SEC. 8. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.**

5 (a) **REPORTS REQUIRED.**—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country’s commitments to—

6 (1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

7 (2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

8 (3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

9 (4) complying with all relevant arms control agreements;

1           (5) adopting and enforcing national and inter-  
2           national export controls over munitions and dual-use  
3           items; and

4           (6) facilitating the verification by the United  
5           States and international community of that coun-  
6           try's compliance with such commitments.

7           (b) FORM.—The report required under subsection (a)  
8           may be submitted with the report required under section  
9           403 of the Arms Control and Disarmament Act (22  
10          U.S.C. 2593a).

11   **SEC. 9. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CER-**  
12                           **TAIN NONPROLIFERATION ACTIVITIES.**

13          Not later than 90 days after the date of the enact-  
14          ment of this Act, the President shall submit to the appro-  
15          priate congressional committees a report identifying im-  
16          pediments (including liability concerns, taxation issues, ac-  
17          cess rights, and other impediments) to—

18               (1) the ongoing renegotiation of the umbrella  
19               agreement relating to Cooperative Threat Reduction;  
20               and

21               (2) the ongoing negotiations for the implemen-  
22               tation of the Plutonium Disposition Program, the  
23               Nuclear Cities Initiative, and other defense nuclear  
24               nonproliferation programs.

1 **SEC. 10. SENSE OF CONGRESS RELATING TO LIABILITY**  
2 **PROTECTIONS FOR UNITED STATES NON-**  
3 **PROLIFERATION EFFORTS IN RUSSIA.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Administration has failed to negotiate  
6 an acceptable solution for the continued impasse be-  
7 tween the United States and Russia on negotiations  
8 over liability protections for United States compa-  
9 nies and personnel conducting nonproliferation work  
10 in Russia.

11 (2) Because Congress requires that both the  
12 United States and Russian plutonium disposition  
13 programs proceed in rough parallel, the protracted  
14 liability negotiations have already resulted in a one-  
15 year delay in the planned construction start in Rus-  
16 sia and the United States from summer 2004 to  
17 summer 2005.

18 (3) As a result, another construction season will  
19 be missed in Russia, and Congress notes that the  
20 projected start of construction has now slipped five  
21 years since the project began in fiscal year 2000.

22 (4) Not only does this raise serious concern  
23 from a national security standpoint, but also it will  
24 have serious repercussions here in the United States  
25 as a result of maintaining general parity of the two  
26 construction schedules.

1 (b) SENSE OF CONGRESS.—Based on the foregoing,  
 2 it is the sense of Congress that the Administration should  
 3 find an acceptable solution in the near term for the im-  
 4 passe referred to in subsection (a)(1), in order to success-  
 5 fully complete negotiations and allow construction to begin  
 6 on mixed oxide fuel fabrication facilities in both the  
 7 United States and Russia.

8 **SEC. 11. ENHANCEMENT OF GLOBAL THREAT REDUCTION**  
 9 **INITIATIVE.**

10 Section 3132 of the Ronald W. Reagan National De-  
 11 fense Authorization Act for Fiscal Year 2005 (Public Law  
 12 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

13 (1) in subsection (b)—

14 (A) in the subsection heading, by striking  
 15 “PROGRAM AUTHORIZED” and inserting “PRO-  
 16 GRAM REQUIRED”; and

17 (B) by striking “The Secretary of Energy  
 18 may” and inserting “The President, acting  
 19 through the Secretary of Energy, shall”; and

20 (2) in subsection (c)(1), by adding at the end  
 21 the following new subparagraph:

22 “(N) Take such other actions as may be nec-  
 23 essary to effectively implement the Global Threat  
 24 Reduction Initiative.”.



1 **SEC. 12. EXPANSION OF PROLIFERATION SECURITY INITIA-**  
2 **TIVE.**

3 (a) SENSE OF CONGRESS RELATING TO PROLIFERA-  
4 TION SECURITY INITIATIVE.—It is the sense of the Con-  
5 gress that—

6 (1) the President should strive to expand and  
7 strengthen the Proliferation Security Initiative an-  
8 nounced by the President on May 31, 2003, placing  
9 particular emphasis on including countries outside of  
10 NATO; and

11 (2) the United States should engage the United  
12 Nations to develop a Security Council Resolution to  
13 authorize the Proliferation Security Initiative under  
14 international law, including by providing legal au-  
15 thority to stop shipments of weapons of mass de-  
16 struction, their delivery systems, and related mate-  
17 rials.

18 (b) AUTHORIZATION OF APPROPRIATIONS RELATING  
19 TO PROLIFERATION SECURITY INITIATIVE.—There are  
20 authorized to be appropriated for fiscal year 2006,  
21 \$50,000,000 to conduct joint training exercises regarding  
22 interdiction of weapons of mass destruction under the Pro-  
23 liferation Security Initiative. Particular emphasis should  
24 be given to allocating funds from such amount—

1           (1) to invite other countries that do not partici-  
2       pate in the Proliferation Security Initiative to ob-  
3       serve the joint training exercises; and

4           (2) to conduct training exercises with countries  
5       that openly join the Proliferation Security Initiative  
6       after the date of the enactment of this Act.

7 **SEC. 13. SENSE OF CONGRESS RELATING TO INTER-**  
8                   **NATIONAL SECURITY STANDARDS FOR NU-**  
9                   **CLEAR WEAPONS AND MATERIALS.**

10       It is the sense of the Congress that the President  
11       should seek to devise and implement standards to improve  
12       the security of nuclear weapons and materials by—

13           (1) establishing with other willing nations a set  
14       of performance-based standards for the security of  
15       nuclear weapons and weapons;

16           (2) negotiating with those nations an agreement  
17       to adopt the standards and implement appropriate  
18       verification measures to assure ongoing compliance;  
19       and

20           (3) coordinating with those nations and the  
21       International Atomic Energy Agency to strongly en-  
22       courage other states to adopt and verifiably imple-  
23       ment the standards.

1 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS RELATING**  
2 **TO INVENTORY OF RUSSIAN TACTICAL NU-**  
3 **CLEAR WARHEADS AND DATA EXCHANGES.**

4 In addition to any other amounts authorized to be  
5 appropriated for such purposes, there are authorized to  
6 be appropriated to the Administrator for Nuclear Security  
7 for fiscal year 2006, \$5,000,000 for assistance to Russia  
8 to facilitate the conduct of a comprehensive inventory of  
9 the stockpile of Russia of—

- 10 (1) non-strategic nuclear weapons; and  
11 (2) nuclear weapons, whether strategic or non-  
12 strategic, that are not secured by PALs or other  
13 electronic means.

14 **SEC. 15. REPORT ON ACCOUNTING FOR AND SECURING OF**  
15 **RUSSIA'S NON-STRATEGIC NUCLEAR WEAP-**  
16 **ONS.**

17 Not later than 120 days after the date of the enact-  
18 ment of this Act, the Secretary of Defense shall submit  
19 to the appropriate congressional committees a report on  
20 Russia's non-strategic nuclear weapons. The report  
21 shall—

- 22 (1) detail past and current efforts of the United  
23 States to encourage a proper accounting for and se-  
24 curing of Russia's non-strategic nuclear weapons  
25 and Russia's nuclear weapons, whether strategic or

1 non-strategic, that are not secured by PALs or other  
2 electronic means;

3 (2) detail the actions that are most likely to  
4 lead to progress in improving the accounting for and  
5 securing or dismantlement of such weapons; and

6 (3) detail the feasibility of enhancing the na-  
7 tional security of the United States by developing in-  
8 creased transparency between the United States and  
9 Russia with respect to the numbers, locations, and  
10 descriptions of such weapons and of the cor-  
11 responding weapons of the United States.

12 **SEC. 16. RESEARCH AND DEVELOPMENT INVOLVING AL-**  
13 **TERNATIVE USE OF WEAPONS OF MASS DE-**  
14 **STRUCTION EXPERTISE.**

15 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding  
16 any other provision of law and subject to subsection (c),  
17 any funds available to a department or agency of the Fed-  
18 eral Government may be used to conduct non-defense re-  
19 search and development in Russia and the states of the  
20 former Soviet Union on technologies specified in sub-  
21 section (b) utilizing scientists in Russia and the states of  
22 the former Soviet Union who have expertise in—

23 (1) nuclear weapons; or

24 (2) chemical or biological weapons, but only if  
25 such scientists no longer engage, or have never en-

1 gaged, in activities supporting prohibited chemical or  
2 biological capabilities.

3 (b) TECHNOLOGIES.—The technologies specified in  
4 this subsection are technologies on the following:

5 (1) Environmental restoration and monitoring.

6 (2) Proliferation detection.

7 (3) Health and medicine, including research.

8 (4) Energy.

9 (c) LIMITATION.—Funds may not be used under sub-  
10 section (a) for research and development if the Secretary  
11 of State, in consultation with the Secretary of Defense and  
12 the Secretary of Energy, determines that such research  
13 and development will—

14 (1) pose a threat to the security interests of the  
15 United States; or

16 (2) further materially any defense technology.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There is authorized to be  
19 appropriated to the Department of State  
20 \$20,000,000 for fiscal year 2006 for the following  
21 purposes:

22 (A) To make determinations under sub-  
23 section (c).

24 (B) To defray any increase in costs in-  
25 curred by the Department of State, or any

1 other department or agency of the Federal Gov-  
2 ernment, for research and development, or dem-  
3 onstration, as a result of research and develop-  
4 ment conducted under this section.

5 (2) AVAILABILITY.—(A) Amounts authorized to  
6 be appropriated by paragraph (1) are authorized to  
7 remain available until expended.

8 (B) Any amount transferred to a department or  
9 agency of the Federal Government pursuant to para-  
10 graph (1)(B) shall be merged with amounts available  
11 to such department or agency to cover costs con-  
12 cerned, and shall be available for the same purposes,  
13 and for the same period, as amounts with which  
14 merged.

15 **SEC. 17. STRENGTHENING THE NUCLEAR NONPROLIFERA-**  
16 **TION TREATY.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Article IV of the Treaty on the Non-Pro-  
19 liferation of Nuclear Weapons (commonly referred to  
20 as the Nuclear Nonproliferation Treaty or NPT) (21  
21 UST 483) states that countries that are parties to  
22 the treaty have the “inalienable right . . . to develop  
23 research, production and use of nuclear energy for  
24 peaceful purposes without discrimination and in con-  
25 formity with articles I and II of this treaty.”.

1           (2) The rights outlined under article IV include  
2           all fuel cycle activities, despite the fact that uranium  
3           enrichment and plutonium production potentially put  
4           a country in a position to produce weapons usable  
5           material.

6           (3) David Bergmann, former chairman of the  
7           Israeli Atomic Energy Commission, stated: “. . . by  
8           developing atomic energy for peaceful uses, you  
9           reach the nuclear weapon option. There are not two  
10          atomic energies”.

11          (4) The wording of article IV has made it pos-  
12          sible for countries that are parties to the NPT trea-  
13          ty to use peaceful nuclear programs as a cover for  
14          weapons programs. In particular, the misuse by  
15          North Korea and Iran of these provisions threatens  
16          to undercut the viability of the nuclear nonprolifera-  
17          tion regime and the entire system of international  
18          nuclear commerce.

19          (5) If the international community fails to de-  
20          vise effective measures to deal with the “loophole” in  
21          article IV, then there is a great likelihood that the  
22          ranks of countries possessing nuclear weapons will  
23          increase markedly in the next decade.

24          (b) PRESIDENTIAL REPORT ON CONTROL OF NU-  
25          CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—

1 Not later than 180 days after the date of the enactment  
2 of this Act, the President shall submit to the appropriate  
3 congressional committees a report identifying ways to  
4 more effectively control nuclear fuel cycle technologies and  
5 material, including ways that the United States can mobi-  
6 lize the international community to close the “loophole”  
7 of article IV of the NPT, without undermining the treaty  
8 itself.

9 **SEC. 18. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term “appropriate congressional com-  
13 mittees” means—

14 (A) the Committee on International Rela-  
15 tions, the Committee on Armed Services, the  
16 Committee on Homeland Security, and the  
17 Committee on Appropriations of the House of  
18 Representatives; and

19 (B) the Committee on Foreign Relations,  
20 the Committee on Armed Services, the Com-  
21 mittee on Homeland Security and Govern-  
22 mental Affairs, and the Committee on Appro-  
23 priations of the Senate.

24 (2) COOPERATIVE THREAT REDUCTION PRO-  
25 GRAMS.—The term “Cooperative Threat Reduction



1       programs” means programs and activities specified  
2       in section 1501(b) of the National Defense Author-  
3       ization Act for Fiscal Year 1997 (Public Law 104–  
4       201; 110 Stat. 2731; 50 U.S.C. 2362 note).

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