

111TH CONGRESS
1ST SESSION

S. 1931

To enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2009

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, 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 “Strengthening the
5 Oversight of Nuclear Nonproliferation Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations,
7 the Committee on Homeland Security and Gov-
8 ernmental Affairs, the Committee on Armed
9 Services, the Select Committee on Intelligence,
10 and the Committee on Energy and Natural Re-
11 sources of the Senate; and

12 (B) the Committee on Foreign Affairs, the
13 Committee on Oversight and Government Re-
14 form, the Committee on Armed Services, the
15 Permanent Select Committee on Intelligence,
16 and the Committee on Energy and Commerce
17 of the House of Representatives.

18 (2) COMMISSION.—The term “Commission”
19 means the Commission on the Prevention of Weap-
20 ons of Mass Destruction Proliferation and Terrorism
21 established by section 1851 of the Implementing
22 Recommendation of the 9/11 Commission Act of
23 2007 (Public Law 110–53; 121 Stat. 501).

24 (3) COORDINATOR.—The term “Coordinator”
25 means the President’s Coordinator for the Preven-
26 tion of Weapons of Mass Destruction Proliferation

1 and Terrorism established by section 1841(b)(1) of
2 the Implementing Recommendations of the 9/11
3 Commission Act of 2007 (50 U.S.C. 2931(b)(1)).

4 (4) DEPUTY COORDINATOR.—The term “Dep-
5 uty Coordinator” means the Deputy United States
6 Coordinator for the Prevention of Weapons of Mass
7 Destruction Proliferation and Terrorism established
8 under section 1841(b)(2) of the Implementing Rec-
9 ommendations of the 9/11 Commission Act of 2007
10 (50 U.S.C. 2931(b)(2)).

11 (5) HIGHLY ENRICHED URANIUM.—The term
12 “highly enriched uranium” means uranium that con-
13 tains at least 20 percent of the uranium isotope 235.

14 (6) IAEA.—The term “IAEA” means the
15 International Atomic Energy Agency.

16 (7) SPECIAL NUCLEAR MATERIAL.—The term
17 “special nuclear material” has the meaning given
18 the term in section 11(aa) of the Atomic Energy Act
19 of 1954 (42 U.S.C. 2014(aa)).

20 **SEC. 3. REPORT ON UNITED STATES NUCLEAR NON-**
21 **PROLIFERATION EFFORTS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, and annually thereafter,
24 the Coordinator shall submit to the appropriate congres-
25 sional committees an unclassified report, with classified

1 annexes as necessary, on the findings and recommenda-
2 tions of the Commission described in subsection (b).

3 (b) CONTENT.—The report required under subsection
4 (a) shall include the following:

5 (1) A description of the financial incentives the
6 United States Government used during the previous
7 year to promote civilian nuclear energy abroad, in-
8 cluding the types, amounts, and recipients of such
9 financial incentives.

10 (2) A description of the actions the United
11 States Government has taken for improving the se-
12 cure civilian storage of, and minimizing the use and
13 export of, weapons useable highly enriched uranium
14 during the previous year, and the amount the United
15 States Government spends annually to fuel United
16 States civilian reactors that use highly enriched ura-
17 nium.

18 (3) A description of the actions that have been
19 taken by the United States Government to imple-
20 ment title V of the Nuclear Non-Proliferation Act of
21 1978 (22 U.S.C. 3261 et seq.) during the previous
22 year and any obstacles pertaining to its implementa-
23 tion with recommended actions.

24 (4)(A) A description of the steps the United
25 States Government has taken during the previous

1 year to upgrade the physical security of civilian nu-
2 clear facilities in the United States that store or
3 handle special nuclear material.

4 (B) A comparison of the current physical secu-
5 rity standards used at civilian nuclear facilities in
6 the United States that store or handle special nu-
7 clear material to those standards used by the United
8 States Armed Forces to secure such materials.

9 (5) A United States Government assessment of
10 the capabilities of the IAEA, completed in consulta-
11 tion with all relevant United States Government
12 agencies, including the Office of the Director of Na-
13 tional Intelligence, including—

14 (A) the ability of IAEA to meet its own
15 timely detection inspection goals;

16 (B) the ability of IAEA to afford timely
17 detection of possible military diversions and
18 whether or not the IAEA has met its own time-
19 ly detection inspection goals; and

20 (C) recommendations for whether and how
21 the IAEA should update its definitions of how
22 much special nuclear material is needed to cre-
23 ate a nuclear bomb and how long it takes to
24 convert such special nuclear material into nu-
25 clear bombs.

1 (c) ABSENCE OF THE COORDINATOR AND THE DEP-
 2 UTY COORDINATOR.—The President shall submit the re-
 3 port required under this section if neither the Coordinator
 4 nor the Deputy Coordinator have been appointed pursuant
 5 to section 1841(b)(3) of the Implementing Recommenda-
 6 tion of the 9/11 Commission Act of 2007 (50 U.S.C.
 7 2931(b)(3)).

8 **SEC. 4. REPORT ON UNITED STATES WORK WITH IAEA ON**
 9 **NUCLEAR NONPROLIFERATION.**

10 (a) IN GENERAL.—Not later than 1 year after the
 11 date of the enactment of this Act, the Coordinator shall
 12 submit to the appropriate congressional committees an un-
 13 classified report, with classified annexes as necessary, on
 14 the findings and recommendations of the Commission
 15 under subsection (b).

16 (b) CONTENT.—The report required under subsection
 17 (a) shall include details about the progress of the work
 18 of the United States Government with the IAEA Director
 19 General to—

- 20 (1) establish a safeguards user fee, whereby
 21 countries with inspected facilities would be assessed
 22 a fee to help cover the costs of IAEA inspections;
- 23 (2) assess whether the IAEA can meet its own
 24 inspection goals, whether those goals afford timely
 25 detection to account for a bomb's worth of special

1 nuclear material, whether there are situations in
2 which achieving those goals is not possible, and what
3 corrective actions, if any, might help the IAEA to
4 achieve its inspection goals;

5 (3) promote transparency at suspect sites and
6 to encourage IAEA member states to maintain a
7 registry, made available to other IAEA members
8 upon request, of all foreign visitors at safeguarded
9 sites;

10 (4) provide for the acquisition and implementa-
11 tion of near-real-time surveillance equipment in the
12 use of safeguards, including at sites where nuclear
13 fuel rods are located; and

14 (5) require that the transfer of all items on the
15 Nuclear Suppliers Group dual-use and trigger lists
16 be reported to the IAEA in advance and develop a
17 system to process and analyze the information.

18 (c) ABSENCE OF THE COORDINATOR AND THE DEP-
19 UTY COORDINATOR.—The President shall submit the re-
20 port required under this section if neither the Coordinator
21 nor the Deputy Coordinator have been appointed pursuant
22 to section 1841(b)(3) of the Implementing Recommenda-
23 tion of the 9/11 Commission Act of 2007 (50 U.S.C.
24 2931(b)(3)).

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the reporting require-
4 ments under sections 3 and 4 for fiscal year 2010 and
5 each subsequent year thereafter.

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