107TH CONGRESS
2D 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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nuclear Nonproliferation Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Whereas the focus on the security of radioactive materials before the events of September 11,

2001, was on fissile materials, it is now widely recognized that the United States must expand its concerns to the safety and security of nuclear facilities, and the radioactive materials in use or stored at such facilities, that may be attractive to terrorists for use in radiological dispersal devices as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of such materials by terrorists, but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(2) The technical activities of United States efforts to combat radiological terrorism should be centered in the National Nuclear Security Administration because it has the nuclear expertise and specialized facilities and activities needed to develop new and improved protection and consequence mitigation systems and technologies. New technologies and systems should be developed by the Administration in partnership with other agencies and first responders that also have the operational responsibility to deal with the threat of radiological terrorism.

(3) Fissile materials are a special class of materials that present a range of threats, from utilization in improvised nuclear devices to incorporation in radiological dispersal devices. The Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2301 et seq.) focused on cooperative programs with the former Soviet Union to control such materials. It is critical that these efforts continue and that efforts commence to develop a sustainable system by which improvements in such efforts are retained far into the future. Development of such a sustainable system must occur in partnership with the Russian Federation and the other states of the former Soviet Union.

(4) The Russian Federation and the other states of the former Soviet Union are not the only locations of fissile materials around the world. Cooperative programs to control potential threats from any of such materials should be expanded to other international partners. Programs, coordinated with the International Atomic Energy Agency and other international partners, should be initiated to optimize control of such materials.

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

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

can contribute to proliferation and represent health and environmental risks. The international safeguards on such materials established through the International Atomic Energy Agency must be strengthened to deal with such concerns. The National Nuclear Security Administration is the appropriate Federal agent for dealing with technical matters relating to the safeguard and management of nuclear materials. The United States, in cooperation with the Russian Federation and the International Atomic Energy Agency, should lead the international community in developing proliferation-resistant nuclear energy technologies and strengthened international safeguards that facilitate global management of all nuclear materials.

(7) Safety and security at nuclear facilities are inextricably linked. Damage to such facilities by sabotage or accident, or the theft or diversion of nuclear materials at such facilities, will have substantial adverse consequences worldwide. It is in the United States national interest to assist countries that cannot afford proper safety and security for their nuclear plants, facilities, and materials in providing proper safety and security for such plants, facilities, and materials, and in developing the sustainable

safety and security cultures that are required for the safe and secure use of nuclear energy for peaceful purposes. The National Nuclear Security Administration is the appropriate Federal agent for dealing with the technical aspects of providing for international nuclear safety that must be coordinated with safeguards of nuclear materials.

(8) The United States has provided sealed sources of nuclear materials to many countries through the Atoms for Peace program and the Atomic Energy Act of 1954. These sources remain property of the United States. A recent report of the Inspector General of the Department of Energy, entitled ''Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries'', noted that a total of 2–3 kilograms of plutonium were in sources provided to 33 nations and that the Department can not account fully for these sources. Many of these sources are small enough to present little risk, but a careful review of sources and recipients could identify concerns requiring special attention. In addition, the former Soviet Union supplied sealed sources of nuclear materials for research and industrial purposes, including some to other countries. These sources contain a variety of radioactive mate-

rials and are often uncontrolled, missing, or stolen. The problem of dangerous radiation sources is international, and a solution to the problem will require substantial cooperation between the United States, the Russian Federation, and other countries of the former Soviet Union, as well as international organizations such as the International Atomic Energy Agency. The International Nuclear Safety and Cooperation program and the Materials Protection, Control, and Accounting program of the National Nuclear Security Administration address such matters. However those programs need to be strengthened.

(9) Authorization for domestic testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons provided by section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) has expired. These tests have been invaluable in preparing first responders for a range of potential threats and should be continued.

(10) Coordination of all Federal nonproliferation programs should be improved to maximize efficiency and effectiveness of programs in multiple agencies. Congress needs a comprehensive annual re-

port detailing the nonproliferation policies, strategies, and budgets of the Federal Government. Cooperation among Federal and private non-proliferation programs is critical to maximize the benefits of such programs.

(11) The United States response to terrorism must be as rapid as possible. In carrying out their antiterrorism activities, the departments and agencies of the Federal Government, and State and local governments, need rapid access to the specialized expertise and facilities at the national laboratories and sites of the Department of Energy. Multiple agency sponsorship of these important national assets would help achieve this objective.

SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.

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

(1) in subsection (a)(2), by striking ''of five successive fiscal years beginning with fiscal year 1997'' and inserting ''of fiscal years 1997 through 2013''; and

(2) in subsection (b)(2), by striking ''of five successive fiscal years beginning with fiscal year 1997'' and inserting ''of fiscal years 1997 through 2013''.

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled ''Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997'', dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, disposition, consequence man-

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

(2) The Administrator shall carry out the program as part of the nonproliferation and verification research and development programs of the National Nuclear Security Administration.

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

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

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the demonstration of technologies so developed; and

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled ''Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries'', and in identifying and controlling radiological sources that represent significant risks.

(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

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

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2315).

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

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

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

SEC. 5. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

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

weapons states to review and improve their nuclear materials safeguards programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

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

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

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) PLAN FOR ACCELERATED CONVERSION OR RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1) The Secretary shall build on efforts to accelerate the conversion or return to the country of origin of all weapons-

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

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) RADIOLOGICAL DISPERSAL DEVICE PROTECTION, CONTROL, AND ACCOUNTING.—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on the protection, control, and accounting of materials usable in radiological dispersal devices.

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

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

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control so-called ''orphaned'' radiological sources.

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

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

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

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

SEC. 6. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.

(a) PROGRAM AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U–235 in such uranium is below 20 percent.

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

version program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium, as so blended.

(b) INCENTIVES REGARDING HIGHLY ENRICHED URANIUM IN RUSSIA.—As part of the options pursued under subsection (a) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(c) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

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

(e) TRANSFER OF HIGHLY ENRICHED URANIUM AND PLUTONIUM TO UNITED STATES.—(1) As part of the program under subsection (a), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

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

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U–235 in such uranium to below 20 percent. Amounts authorized to be appropriated by subsection (m) may not be used for purposes of blending such uranium.

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

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

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

(3) The Secretary shall bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (g).

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

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

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

(h) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

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

(i) PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (b), (f), and (g).

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

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

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

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

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

(2) The agreement referred to in this paragraph is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(3) The program under paragraph (1)—

(A) shall include transparent verifiable steps;

(B) shall proceed at roughly the rate of the United States program for the disposition of plutonium;

(C) shall provide for cost-sharing among a variety of countries;

(D) shall provide for contributions by the Russian Federation;

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

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

(l) HIGHLY ENRICHED URANIUM DEFINED.—In this section, the term ''highly enriched uranium'' means uranium with a concentration of U–235 of 20 percent or more.

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

(1) For fiscal year 2003—

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

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

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

SEC. 7. STRENGTHENED INTERNATIONAL SAFEGUARDS FOR NUCLEAR MATERIALS AND SAFETY FOR NUCLEAR OPERATIONS.

(a) REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SAFEGUARDS AND SAFETY.—(1)

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

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

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

(b) JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—The Administrator shall pursue with the Russian Federation joint programs between the United States and the Russian Federation on proliferation resistant nuclear technologies.

(c) PARTICIPATION OF OFFICE OF NUCLEAR ENERGY SCIENCE.—The Administrator shall consult with the Office of Nuclear Energy Science and Technology of the

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

(d) PARTICIPATION OF INTERNATIONAL TECHNICAL EXPERTS.—In developing options under subsection (a), the Administrator shall, in consultation with the Russian Federation and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.

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

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

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

ment of Energy to support the International Atomic Energy Agency in strengthening international nuclear safeguards.

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

(1) For fiscal year 2003—

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

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

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

SEC. 8. EXPORT CONTROL PROGRAMS.

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

terials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

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

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

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

SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.

(a) REVISED FOCUS FOR PROGRAM.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable safeguards system for the nuclear materials of the

Russian Federation that is supported solely by the Russian Federation.

(b) PACE OF PROGRAM.—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) TRANSPARENCY OF PROGRAM.—(1) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

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

(d) SENSE OF CONGRESS.—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) improve the partnership with the Russian Ministry of Atomic Energy in order to enhance the pace and effectiveness of nuclear materials safeguards at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.

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

''(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

''(2) Each report under paragraph (1) shall include—

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

''(B) a discussion of any consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

''(C) a discussion of any cooperation and coordination during such year in the implementation of the plan between the United States and private entities that share objectives similar to the objectives of the plan; and

''(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.''.

SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF ANTITERRORISM ACTIVITIES.

(a) AGENCIES AS JOINT SPONSORS OF LABORATORIES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department of Energy national laboratory shall be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

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

of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department site shall be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) PRIMARY SPONSORSHIP.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) WORK.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the submittal to a Department national laboratory or site of requests for work on antiterrorism matters by departments and agencies that are joint sponsors of such national laboratory or center, as the case may be, under this section.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

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

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

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

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

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