

110TH CONGRESS
1ST SESSION

S. 1705

To prevent nuclear terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2007

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

A BILL

To prevent nuclear 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 “Nuclear Terrorism
5 Prevention Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Convention on the Physical Pro-
9 tection of Nuclear Material” means the Convention
10 on the Physical Protection of Nuclear Material,
11 signed at New York and Vienna March 3, 1980.

1 (2) The term “formula quantities of strategic
2 special nuclear material” means uranium-235 (con-
3 tained in uranium enriched to 20 percent or more in
4 the U-235 isotope), uranium-233, or plutonium in
5 any combination in a total quantity of 5,000 grams
6 or more computed by the formula, $\text{grams} = (\text{grams}$
7 contained U-235) + 2.5 (grams U-233 + grams
8 plutonium), as set forth in the definitions of “for-
9 mula quantity” and “strategic special nuclear mate-
10 rial” in section 73.2 of title 10, Code of Federal
11 Regulations.

12 (3) The term “Nuclear Non-Proliferation Trea-
13 ty” means the Treaty on the Non-Proliferation of
14 Nuclear Weapons, done at Washington, London, and
15 Moscow July 1, 1968, and entered into force March
16 5, 1970 (21 UST 483).

17 (4) The term “nuclear weapon” means any de-
18 vice utilizing atomic energy, exclusive of the means
19 for transporting or propelling the device (where such
20 means is a separable and divisible part of the de-
21 vice), the principal purpose of which is for use as,
22 or for the development of, a weapon, a weapon pro-
23 totype, or a weapon test device.

24 **SEC. 3. FINDINGS.**

25 Congress makes the following findings:

1 (1) The possibility that terrorists may acquire
2 and use a nuclear weapon against the United States
3 is the most horrific threat that our Nation faces.

4 (2) The September 2006 “National Strategy for
5 Combating Terrorism” issued by the White House
6 states, “Weapons of mass destruction in the hands
7 of terrorists is one of the gravest threats we face.”

8 (3) Former Senator and cofounder of the Nu-
9 clear Threat Initiative Sam Nunn has stated,
10 “Stockpiles of loosely guarded nuclear weapons ma-
11 terial are scattered around the world, offering invit-
12 ing targets for theft or sale. We are working on this,
13 but I believe that the threat is outrunning our re-
14 sponse.”.

15 (4) Existing programs intended to secure, mon-
16 itor, and reduce nuclear stockpiles, redirect nuclear
17 scientists, and interdict nuclear smuggling have
18 made substantial progress, but additional efforts are
19 needed to reduce the threat of nuclear terrorism as
20 much as possible.

21 (5) Former United Nations Secretary-General
22 Kofi Annan has said that a nuclear terror attack
23 “would not only cause widespread death and de-
24 struction, but would stagger the world economy and
25 thrust tens of millions of people into dire poverty”.

1 (6) United Nations Security Council Resolution
2 1540 (2004) reaffirms the need to combat by all
3 means, in accordance with the Charter of the United
4 Nations, threats to international peace and security
5 caused by terrorist acts, and directs all countries, in
6 accordance with their national procedures, to adopt
7 and enforce effective laws that prohibit any non-
8 state actor from manufacturing, acquiring, pos-
9 sessing, developing, transporting, transferring, or
10 using nuclear, chemical, or biological weapons and
11 their means of delivery, in particular for terrorist
12 purposes, and to prohibit attempts to engage in any
13 of the foregoing activities, participate in them as an
14 accomplice, or assist or finance them.

15 (7) The Director General of the International
16 Atomic Energy Agency, Dr. Mohammed ElBaradei,
17 has said that it is a “race against time” to prevent
18 a terrorist attack using a nuclear weapon.

19 (8) The International Atomic Energy Agency
20 plays a vital role in coordinating efforts to protect
21 nuclear materials and to combat nuclear smuggling.

22 (9) Legislation sponsored by Senator Richard
23 Lugar, Senator Pete Domenici, and former Senator
24 Sam Nunn has resulted in groundbreaking programs
25 to secure nuclear weapons and materials and to help

1 ensure that such weapons and materials do not fall
2 into the hands of terrorists.

3 **SEC. 4. SENSE OF CONGRESS ON THE PREVENTION OF NU-**
4 **CLEAR TERRORISM.**

5 It is the sense of Congress that—

6 (1) the President should make the prevention of
7 a nuclear terrorist attack on the United States of
8 the highest priority;

9 (2) the President should accelerate programs,
10 requesting additional funding as appropriate, to pre-
11 vent nuclear terrorism, including combating nuclear
12 smuggling, securing and accounting for nuclear
13 weapons, and eliminating, removing, or securing and
14 accounting for formula quantities of strategic special
15 nuclear material wherever such quantities may be;

16 (3) the United States should take a comprehen-
17 sive approach to reducing the danger of nuclear ter-
18 rorism, including by making additional efforts to
19 identify and eliminate terrorist groups that aim to
20 acquire nuclear weapons, to ensure that nuclear
21 weapons worldwide are secure and accounted for and
22 that formula quantities of strategic special nuclear
23 material worldwide are eliminated, removed, or se-
24 cure and accounted for to a degree sufficient to de-
25 feat the threat that terrorists and criminals have

1 shown they can pose, and to increase the ability to
 2 find and stop terrorist efforts to manufacture nu-
 3 clear explosives or to transport nuclear explosives
 4 and materials anywhere in the world;

5 (4) within such a comprehensive approach, a
 6 high priority must be placed on ensuring that all nu-
 7 clear weapons worldwide are secure and accounted
 8 for and that all formula quantities of strategic spe-
 9 cial nuclear material worldwide are eliminated, re-
 10 moved, or secure and accounted for; and

11 (5) the International Atomic Energy Agency
 12 should be funded appropriately to fulfill its role in
 13 coordinating international efforts to protect nuclear
 14 material and to combat nuclear smuggling.

15 **SEC. 5. SENIOR ADVISOR TO THE PRESIDENT FOR THE**
 16 **PREVENTION OF NUCLEAR TERRORISM.**

17 (a) DESIGNATION OF POSITION.—The President
 18 shall designate an individual to serve in the Executive Of-
 19 fice of the President as the Senior Advisor to the Presi-
 20 dent for the Prevention of Nuclear Terrorism.

21 (b) DUTIES.—The Senior Advisor to the President,
 22 under the direction of the Assistant to the President for
 23 National Security Affairs, shall be responsible for—

1 (1) advising the President on all matters relat-
2 ing to preventing nuclear terrorism and responding
3 to a nuclear terrorism event;

4 (2) directing and coordinating the formulation
5 of United States policies for preventing nuclear ter-
6 rorism, including—

7 (A) developing plans, including timelines,
8 measurable milestones, and targets to which the
9 departments and agencies of the United States
10 Government can be held accountable, to better
11 prevent nuclear terrorism;

12 (B) identifying and addressing gaps, dupli-
13 cation, and inefficiencies in existing programs
14 and taking other appropriate actions to over-
15 come obstacles to accelerated progress to pre-
16 vent nuclear terrorism;

17 (C) overseeing and coordinating the devel-
18 opment, by the departments and agencies of the
19 United States Government, of accelerated and
20 strengthened program implementation strate-
21 gies and diplomatic strategies with respect to
22 the prevention of nuclear terrorism;

23 (D) overseeing and coordinating the devel-
24 opment of budget requests for programs to pre-
25 vent nuclear terrorism and ensuring that such

1 requests adequately reflect the priority of the
2 threat of nuclear terrorism; and

3 (E) identifying such new initiatives to pre-
4 vent nuclear terrorism as may be needed; and
5 (3) coordinating United States efforts to imple-
6 ment such policies.

7 **SEC. 6. MINIMUM SECURITY STANDARD FOR NUCLEAR**
8 **WEAPONS AND FORMULA QUANTITIES OF**
9 **STRATEGIC SPECIAL NUCLEAR MATERIAL.**

10 (a) **POLICY.**—It is the policy of the United States to
11 take all possible steps to ensure that all nuclear weapons
12 around the world are secure and accounted for and that
13 all formula quantities of strategic special nuclear material
14 are eliminated, removed, or secure and accounted for to
15 a level sufficient to defeat the threats posed by terrorists
16 and criminals.

17 (b) **INTERNATIONAL NUCLEAR SECURITY STAND-**
18 **ARD.**—In furtherance of the policy described in subsection
19 (a), and consistent with the requirement for “appropriate
20 effective” physical protection contained in United Nations
21 Security Council Resolution 1540 (2004), as well as the
22 Nuclear Non-Proliferation Treaty and the Convention on
23 the Physical Protection of Nuclear Material, the Presi-
24 dent, in consultation with the Senior Advisor to the Presi-
25 dent for the Prevention of Nuclear Terrorism and relevant

1 Federal departments and agencies, shall seek the broadest
2 possible international agreement on a global standard for
3 nuclear security that—

4 (1) ensures that nuclear weapons and formula
5 quantities of strategic special nuclear material are
6 secure and accounted for to a sufficient level to de-
7 feat the threats posed by terrorists and criminals;

8 (2) takes into account the limitations of equip-
9 ment and human performance; and

10 (3) includes steps to provide confidence that the
11 needed measures have in fact been implemented.

12 (c) INTERNATIONAL EFFORTS.—In furtherance of
13 the policy described in subsection (a), the President, in
14 consultation with the Senior Advisor to the President for
15 the Prevention of Nuclear Terrorism and relevant Federal
16 departments and agencies, shall—

17 (1) work with other countries and the Inter-
18 national Atomic Energy Agency to assist, and if nec-
19 essary convince, the governments of any and all
20 countries in possession of nuclear weapons or for-
21 mula quantities of strategic special nuclear material
22 to ensure that security is upgraded to meet the
23 standard described in subsection (b) as rapidly as
24 possible and in a manner that—

1 (A) accounts for the nature of the terrorist
2 and criminal threat in each such country; and

3 (B) ensures that any measures to which
4 the United States and any such country agree
5 are sustained after United States and other
6 international assistance ends;

7 (2) ensure that United States financial and
8 technical assistance is available to countries for
9 which the provision of such assistance would accel-
10 erate the implementation of, or improve the effec-
11 tiveness of, such security upgrades; and

12 (3) work with the governments of other coun-
13 tries to ensure that effective nuclear security rules,
14 accompanied by effective regulation and enforce-
15 ment, are put in place to govern all nuclear weapons
16 and formula quantities of strategic special nuclear
17 material around the world.

18 **SEC. 7. ANNUAL REPORT.**

19 (a) IN GENERAL.—Not later than September 1 of
20 each year, the President, in consultation with the Senior
21 Advisor to the President for the Prevention of Nuclear
22 Terrorism and relevant Federal departments and agencies,
23 shall submit to Congress a report on the security of nu-
24 clear weapons, formula quantities of strategic special nu-

1 clear material, radiological materials, and related equip-
2 ment worldwide.

3 (b) ELEMENTS.—The report required under sub-
4 section (a) shall include the following:

5 (1) A section on the programs for the security
6 and accounting of nuclear weapons and the elimi-
7 nation, removal, and security and accounting of for-
8 mula quantities of strategic special nuclear material
9 and radiological materials, established under section
10 3132(b) of the Ronald W. Reagan National Defense
11 Authorization Act for Fiscal Year 2005 (50 U.S.C.
12 2569(b)), which shall include the following:

13 (A) A survey of the facilities and sites
14 worldwide that contain nuclear weapons or re-
15 lated equipment, formula quantities of strategic
16 special nuclear material, or radiological mate-
17 rials.

18 (B) A list of such facilities and sites deter-
19 mined to be of the highest priority for security
20 and accounting of nuclear weapons and related
21 equipment, or the elimination, removal, or secu-
22 rity and accounting of formula quantities of
23 strategic special nuclear material and radio-
24 logical materials, taking into account risk of

1 theft from such facilities and sites, and orga-
2 nized by level of priority.

3 (C) A prioritized diplomatic and technical
4 plan, including measurable milestones, metrics,
5 estimated timetables, and estimated costs of im-
6 plementation, on the following:

7 (i) The security and accounting of nu-
8 clear weapons and related equipment and
9 the elimination, removal, or security and
10 accounting of formula quantities of stra-
11 tegic special nuclear material and radio-
12 logical materials at such facilities and sites
13 worldwide.

14 (ii) Ensuring that security upgrades
15 and accounting reforms implemented at
16 such facilities and sites worldwide using
17 the financial and technical assistance of
18 the United States are effectively sustained
19 after such assistance ends.

20 (D) An assessment of the progress made in
21 implementing the plan described in subpara-
22 graph (C), including a description of the efforts
23 of foreign governments to secure and account
24 for nuclear weapons and related equipment and
25 to eliminate, remove, or secure and account for

1 formula quantities of strategic special nuclear
2 material and radiological materials.

3 (2) A section on efforts to establish and imple-
4 ment the international nuclear security standard de-
5 scribed in section 6(b) and related policies.

6 (c) FORM.—The report may be submitted in classi-
7 fied form but shall include a detailed unclassified sum-
8 mary.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) REMOVAL OF HIGHLY ENRICHED URANIUM.—
11 There are authorized to be appropriated to the Secretary
12 of Energy for fiscal year 2008, \$50,000,000—

13 (1) to increase international participation in ef-
14 forts to convert nuclear facilities that operate using
15 highly enriched uranium to operation using low en-
16 riched uranium; and

17 (2) to remove highly enriched uranium from
18 such facilities.

19 (b) NATIONAL TECHNICAL NUCLEAR FORENSICS RE-
20 SEARCH AND DEVELOPMENT.—There are authorized to be
21 appropriated to the Secretary of Energy for fiscal year
22 2008, \$40,000,000 for national technical nuclear forensics
23 research and development efforts to further the capability
24 to identify the origin of nuclear weapons and strategic spe-
25 cial nuclear material through signatures development,

1 knowledge base and data management, and collection and
2 analysis capabilities.

3 (c) OFFICE OF NUCLEAR SECURITY OF THE INTER-
4 NATIONAL ATOMIC ENERGY AGENCY.—There are author-
5 ized to be appropriated to the Secretary of State for fiscal
6 year 2008, \$10,000,000 for the Office of Nuclear Security
7 of the International Atomic Energy Agency to—

8 (1) support the role of the Office in preventing
9 nuclear terrorism, including managing the Illicit
10 Trafficking Database; and

11 (2) work with other countries on the establish-
12 ment and implementation of the international nu-
13 clear security standard described in section 6(b).

14 (d) SECURITY UPGRADES.—

15 (1) AUTHORIZATION.—There are authorized to
16 be appropriated to the Secretary of Energy for fiscal
17 year 2008, \$100,000,000—

18 (A) to provide for security and accounting
19 upgrades at vulnerable facilities and sites
20 worldwide that hold nuclear weapons, formula
21 quantities of strategic special nuclear material,
22 radiological materials, or related equipment;

23 (B) to ensure that security upgrades al-
24 ready in place can be sustained by the govern-
25 ments of the countries in which such facilities

1 and sites are located and that organizations
2 that manage and protect such facilities and
3 sites build organizational cultures with a strong
4 focus on security; and

5 (C) to assist in the development and en-
6 forcement of nuclear security regulations by the
7 governments of such countries.

8 (2) CONDITION ON USE OF FUNDS.—None of
9 the amount authorized to be appropriated by para-
10 graph (1) may be obligated or expended for the pur-
11 poses described in paragraph (1) until the President
12 certifies to Congress that sufficient diplomatic
13 progress has been made to enable security upgrades
14 at additional vulnerable facilities worldwide that hold
15 nuclear weapons, formula quantities of strategic spe-
16 cial nuclear material, radiological materials, or re-
17 lated equipment.

18 (e) CONVERSION OF HIGHLY ENRICHED URANIUM.—

19 (1) AUTHORIZATION.—There are authorized to
20 be appropriated to the Secretary of Energy for fiscal
21 year 2008, \$200,000,000 to assist the Government
22 of Russia in enhancing its capacity to convert highly
23 enriched uranium into low enriched uranium to allow
24 additional highly enriched uranium in Russia to be
25 converted into low enriched uranium appropriate for

1 civil energy use and to increase the rate at which
2 such conversion takes place.

3 (2) CONDITION ON USE OF FUNDS.—None of
4 the amount authorized to be appropriated by para-
5 graph (1) may be obligated or expended for the pur-
6 pose described in paragraph (1) until the President
7 certifies to Congress that the Government of Russia
8 acknowledges the need and demonstrates the willing-
9 ness to convert additional highly enriched uranium
10 in excess of its national security needs to low en-
11 riched uranium appropriate for civil energy use.

12 (f) SUPPLEMENT NOT SUPPLANT.—The amounts au-
13 thorized to be appropriated by subsections (a) through (e)
14 for the purposes set forth in such subsections are in addi-
15 tion to any other amounts authorized to be appropriated
16 for such purposes.

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