PLUTONIUM DISPOSITION AMENDMENT

SA 1641. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.--No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date of the submittal to the congressional defense committees of a report setting forth a comprehensive United States strategy for activities under such programs as so modified.

(b) PLUTONIUM DISPOSITION PROGRAMS.--For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.--Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF REPORT ACCOMPANYING MODIFICATION.--If any modification is proposed to United States participation in a current United States or Russia plutonium disposition program, the report under subsection (a)--

(1) shall assess any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and
former sites in the United States nuclear weapons complex;

(2) shall specify the costs of such modification, including any costs to be incurred in
long-term storage of weapons-grade plutonium or for research and development for proposed
alternative disposition strategies; and

(3) shall describe the extent of interaction in development of such modification with, and
concurrence in such modification from--

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs,
for the disposition of Russian weapons-grade plutonium, including the willingness of such
nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) ANNUAL REPORT ON FUNDING FOR FISSION MATERIALS DISPOSITION
ACTIVITIES.--The Secretary of Energy shall include with the budget justification materials
submitted to Congress in support of the Department of Energy budget for each fiscal year (as
submitted with the budget of the President under section 1105(a) of title 31, United States Code)
a report setting forth the extent to which amounts requested for the Department for such fiscal
year for fissile material disposition activities will enable the Department to meet commitments
for such activities in such fiscal year.

(f) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF
PLUTONIUM.--The amount made available by chapter 2 of title I of division B of the Omnibus
Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112
Stat. 2681-560) for expenditures in the Russian Federation to implement a United States/Russian
accord for disposition of excess weapons plutonium shall be available only for that purpose until
the submittal to the congressional defense committees of the report referred to in subsection (a).

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FY2002 DEFENSE AUTHORIZATION BILL, S.1438

DOMENICI NONPROLIFERATION AMENDMENT

SA 1642. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN)
submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize
appropriations for fiscal year 2002 for military activities of the Department of Defense, for
military constructions, and for defense activities of the Department of Energy, to prescribe
personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle C--Coordination of Nonproliferation Programs and Assistance

SEC. 1231. SHORT TITLE.

This title may be cited as the "Nonproliferation Programs and Assistance Coordination Act of 2001".

SEC. 1232. FINDINGS.

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) ESTABLISHMENT.--There is established within the executive branch of the Government an interagency committee known as the "Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union" (in this title referred to as the "Committee").
(b) MEMBERSHIP.--(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) CHAIR.--The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

SEC. 1234. DUTIES OF COMMITTEE.

(a) IN GENERAL.--The Committee shall have primary continuing responsibility within the executive branch of the Government for--

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council--

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) DUTIES SPECIFIED.--In carrying out the responsibilities described in subsection (a), the Committee shall--

(1) arrange for the preparation of analyses on the issues and problems relating to coordination
within and among United States departments and agencies on nonproliferation efforts of the
independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination
between the United States public and private sectors on nonproliferation efforts in the
independent states of the former Soviet Union, including coordination between public and
private spending on nonproliferation programs of the independent states of the former Soviet
Union and coordination between public spending and private investment in defense conversion
activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility
of United States public spending on nonproliferation programs of the independent states of the
former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation
efforts of the independent states of the former Soviet Union to voluntarily report these efforts to
the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the
coordination between the United States and other countries with respect to nonproliferation
efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to,
proposals for new legislation or regulations relating to United States nonproliferation efforts in
the independent states of the former Soviet Union as may be necessary.

SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS
AND ACTIVITIES.

(a) PROGRAM REQUIRED.--The President shall, acting through the Committee, develop a
comprehensive program for the Federal Government for carrying out nonproliferation programs
and activities.

(b) PROGRAM ELEMENTS.--The program under subsection (a) shall include plans and
proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials
and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement,
and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological,
biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities
relating to the export of nuclear, radiological, biological, and chemical weapons and related
(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.--(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of State in carrying out their functions and activities under this title.

SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

SEC. 1238. STATUTORY CONSTRUCTION.
Nothing in this title--

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

END