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## Clinton, Markey Introduce "Dirty Bomb Prevention Act" *Measure Would Help Ensure Proper Tracking, Recovery, and Storage of Radioactive Materials*

Washington, DC -- Senator Hillary Rodham Clinton and Congressman Edward J. Markey today announced the introduction of the Dirty Bomb Prevention Act, legislation designed to safeguard radioactive material against use by terrorists.

The measure would help ensure the proper tracking, recovery and storage of radioactive material, which could be used in a primitive radiological dispersal device, known as a "dirty bomb."

"Radioactive material that could be used in a dirty bomb exists in thousands of research institutions and industrial facilities around the United States," said Senator Clinton. "We must do more to make sure it's not stolen or lost, because the consequences if it falls into the hands of terrorists are so severe."

"We have known for some time that Al Qaeda is intent on building a dirty bomb, and they may try to obtain these radioactive materials in the US or in dozens of other countries around the world," said Congressman Markey. "Today, we aren't ready to detect radiation in a package being shipped here from abroad. We aren't ready to detect radiation in the subways, highways, malls, and stadiums of America. We can't even figure out which sources are lost because they aren't tracked using serial numbers. The Dirty Bomb Prevention Act would require that these glaring security holes are fixed."

The kind of radioactive material that could be used in a dirty bomb - called "sealed sources" -- is much more widespread than the more dangerous "weapons grade" material, such as enriched plutonium. The term "sealed source" refers to a range of radioactive material currently used in a wide array of applications in the U.S., including in hospitals, research laboratories, food irradiation plants, oil drilling facilities, airport runway lighting and even in smoke detectors.

"The issue of sealed sources and their potential use in dirty bombs is a very important one and I think this bill will crystallize the nations thoughts and actions on how to handle the problem. I think the bill provides a very reasonable way to deal with an extremely complex issue," said George Anastas, Ph.D., a radiation safety specialist and former president of the American Health Physics Society.

In the post-September 11 world, one of the most pressing challenges our nation faces is to better control these sealed sources. Many sealed sources have been lost or stolen, and still others remain in unprotected storage. In fact, lost or stolen

radioactive sources find their way into scrap metal so often that U.S. steel manufacturers routinely install radiation detectors at their facilities.

Radioactive material could be easily dispersed in urban areas by using conventional explosives or by other methods. According to the Federation of American Scientists, "material that could easily be lost or stolen from U.S. research institutions and commercial sites could contaminate tens of city blocks at a level that would require prompt evacuation . . . Areas as large as tens of square miles could be contaminated at levels that exceed recommended civilian exposure limits."

The Dirty Bomb Prevention Act will help protect Americans by:

- **Responding to New Threats:** The bill requires the modification of existing classification systems for sealed sources to take into account terrorist threats. Currently, classification is based on health and safety concerns and does not always reflect the risk of theft and danger of use in a dirty bomb.
- **Recovering lost or stolen sealed sources:** The bill requires a national system for recovery of sealed sources that may be lost or stolen, ensuring that they are promptly located and securely stored. The system would focus on those sources most attractive to would-be terrorists.
- **Tracking and Securing Sources:** The bill requires a national tracking system to ensure that sources are properly tracked during use, storage and transportation, and that appropriate security procedures are put into place that take into account the current threat environment and possible terrorist threats.
- **Encouraging Proper Handling:** The bill addresses some of the underlying causes of poor controls by encouraging the return and proper handling of sealed sources after they are used. Currently, many users do not have the incentive or the ability to properly manage sources that are not in use.
- **Examining Alternatives to Radioactive Materials:** The bill requires a National Academy of Sciences study to determine whether any current uses for sealed sources could be replaced with economically and technically equivalent processes that do not require the use of sealed sources.
- **Protecting Exports:** The bill would help ensure that radioactive materials exported from the U.S. do not fall into the hands of terrorists. It would impose more rigorous export controls to ensure that sealed sources are not resold or otherwise improperly released to third parties.

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107TH CONGRESS  
2D SESSION

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

To amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative actions that can be taken to ensure the security of sealed sources of radioactive material, 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 "Dirty Bomb Prevention  
5 Act of 2002".

6 **SEC. 2. SEALED SOURCE SECURITY.**

7 (a) **AMENDMENT.**—Chapter 14 of the Atomic Energy  
8 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-  
9 ing at the end the following:

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1 **"SEC. 170C. SEALED SOURCE SECURITY.**

2 "(a) DEFINITIONS.—In this section:

3 "(1) SEALED SOURCE.—

4 "(A) IN GENERAL.—The term 'sealed  
5 source' means a byproduct material or special  
6 nuclear material licensed by the Nuclear Regu-  
7 latory Commission that is sealed in a container  
8 designed to prevent leakage of the byproduct  
9 material or special nuclear material from the  
10 container.

11 "(B) EXCLUSION.—The term 'sealed  
12 source' does not include fuel or spent fuel.

13 "(2) SECURITY THREAT.—The term 'security  
14 threat' means—

15 "(A) a threat of sabotage or theft of a  
16 sealed source;

17 "(B) a threat of use of a sealed source in  
18 a radiological dispersal device; and

19 "(C) any other threat of terrorist or other  
20 criminal activity involving a sealed source that  
21 could harm the health or safety of the public.

22 "(3) TASK FORCE.—The term 'task force'  
23 means the task force on sealed source security estab-  
24 lished by subsection (b)(1).

25 "(b) TASK FORCE ON SEALED SOURCE SECURITY.—

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1           “(1) ESTABLISHMENT.—There is established a  
2 task force on sealed source security.

3           “(2) MEMBERSHIP.—The task force shall be  
4 composed of—

5           “(A) the Chairman of the Nuclear Regu-  
6 latory Commission, who shall act as chairperson  
7 of the task force;

8           “(B) the Secretary of Energy;

9           “(C) the Secretary of Transportation;

10          “(D) the Attorney General;

11          “(E) the Secretary of State;

12          “(F) the Secretary of Homeland Security;

13          “(G) the Director of the Central Intel-  
14 ligence Agency;

15          “(H) the Director of the Federal Emer-  
16 gency Management Agency; and

17          “(I) the Director of the Federal Bureau of  
18 Investigation.

19          “(c) DUTIES.—

20          “(1) IN GENERAL.—The task force shall—

21           “(A) evaluate the security of sealed sources  
22 against security threats; and

23           “(B) identify administrative and legislative  
24 actions to be taken to provide the maximum

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1 practicable degree of security against security  
2 threats.

3 “(2) PARTICIPATION.—In carrying out para-  
4 graph (1), the task force shall solicit, and give due  
5 consideration to, the views of—

6 “(A) other Federal agencies and State and  
7 local agencies; and

8 “(B) stakeholders, persons in industry and  
9 academia with relevant expertise, and the pub-  
10 lic.

11 “(3) CONSIDERATIONS.—In carrying out para-  
12 graph (1), the task force shall consider administra-  
13 tive and legislative actions to—

14 “(A) establish a classification system for  
15 sealed sources that—

16 “(i) is based on the potential for use  
17 by terrorists of sealed sources and the ex-  
18 tent of the threat to public health and  
19 safety posed by that potential; and

20 “(ii) takes into account—

21 “(I) radioactivity levels of sealed  
22 sources;

23 “(II) the dispersibility of sealed  
24 sources;

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- 1                   “(III) the chemical and material  
2                   form of sealed sources; and  
3                   “(IV) other appropriate factors;  
4                   “(B) establish a national system for recov-  
5                   ery of sealed sources that are lost or stolen,  
6                   taking into account the classification system es-  
7                   tablished under subparagraph (A);  
8                   “(C) provide for the storage of sealed  
9                   sources not currently in use in a safe and se-  
10                   cure manner;  
11                   “(D) establish a national tracking system  
12                   for sealed sources, taking into account the clas-  
13                   sification system established under subpara-  
14                   graph (A);  
15                   “(E) establish—  
16                   “(i) a national system to impose fees  
17                   to be collected from users of sealed  
18                   sources, to be refunded when the sealed  
19                   sources are returned or properly disposed  
20                   of; or  
21                   “(ii) any other method to ensure the  
22                   return or proper disposal of sealed sources;  
23                   “(F) modify export controls on sealed  
24                   sources necessary to ensure that foreign recipi-  
25                   ents of sealed sources are willing and able to

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1 control sealed sources that originate in the  
2 United States in the same manner as recipients  
3 in the United States; and

4 “(G) establish procedures to improve the  
5 security of sealed sources in use, transportation,  
6 and storage.

7 “(4) PROCEDURES TO IMPROVE SECURITY.—  
8 The actions to improve the security of sealed sources  
9 under paragraph (3)(G) may include—

10 “(A) periodic audits or inspections by the  
11 Commission to ensure that sealed sources are  
12 properly secured and can be fully accounted for;

13 “(B) evaluation by the Commission of se-  
14 curity measures taken by persons that possess  
15 sealed sources;

16 “(C) imposition of increased fines for viola-  
17 tions of regulations relating to security and  
18 safety measures applicable to licensees that pos-  
19 sess sealed sources;

20 “(D) conduct of background checks on in-  
21 dividuals with access to sealed sources;

22 “(E) measures to ensure the physical secu-  
23 rity of facilities that contain sealed sources; and

24 “(F) screening of shipments of sealed  
25 sources to facilities that are particularly at risk



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1 for sabotage to ensure that the shipments do  
2 not contain explosives.

3 “(5) REPORT.—Not later than 90 days after  
4 the date of enactment of this section, and not less  
5 frequently than once every 3 years thereafter, the  
6 task force shall submit to the President and Con-  
7 gress a report in unclassified form (with a classified  
8 annex, if necessary) describing the administrative  
9 and legislative actions identified under paragraph  
10 (1)(B).

11 “(d) ADMINISTRATIVE ACTION.—Not later than 60  
12 days after the date of submission of the report under sub-  
13 section (c)(5), the Commission shall take such actions as  
14 are necessary to—

15 “(1) revise the system for licensing sealed  
16 sources to adopt all of the administrative measures  
17 identified in the report that are within the authority  
18 of the Commission to adopt; and

19 “(2) ensure that States that have entered into  
20 an agreement under section 274b. establish compat-  
21 ible programs in a timely manner.

22 “(e) NATIONAL ACADEMY OF SCIENCES STUDY.—

23 “(1) IN GENERAL.—Not later than 60 days  
24 after the date of enactment of this section, the Com-

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1 mission shall enter into an arrangement with the  
2 National Academy of Sciences for a study of—

3 “(A) the industrial, research, and commer-  
4 cial uses of sealed sources; and

5 “(B) means of developing alternatives to  
6 the use of sealed sources.

7 “(2) REQUIREMENTS.—In carrying out para-  
8 graph (1), the National Academy of Sciences shall—

9 “(A) review the current uses of sealed  
10 sources; and

11 “(B) identify industrial processes and  
12 other processes that use sealed sources that  
13 could be replaced with economically and tech-  
14 nically equivalent, or improved, processes that  
15 do not require the use of sealed sources.

16 “(3) REPORT.—Not later than 2 years after the  
17 date of enactment of this section, the Commission  
18 shall transmit to Congress the report of the National  
19 Academy of Sciences on the results of the study.”.

20 (b) CONFORMING AND TECHNICAL AMENDMENT.—  
21 The table of contents of the Atomic Energy Act of 1954  
22 (42 U.S.C. prec. 2011) is amended by inserting after the  
23 item relating to section 170A the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Sealed source security.”.