

117TH CONGRESS
1ST SESSION

H. R. 4873

To clarify the authority of the Department of Energy to dispose of certain foreign-origin fissile or radiological materials at the Waste Isolation Pilot Plant.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2021

Mr. CAWTHORN (for himself, Mr. WILSON of South Carolina, Mr. STEUBE, Ms. SALAZAR, and Mr. BUCK) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To clarify the authority of the Department of Energy to dispose of certain foreign-origin fissile or radiological materials at the Waste Isolation Pilot Plant.

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 “Foreign Americium
5 Disposal and Storage Act” or the “FADS Act”.

6 **SEC. 2. CLARIFICATION OF AUTHORITY TO DISPOSE OF**
7 **CERTAIN FISSILE OR RADIOLOGICAL MATE-**
8 **RIALS.**

9 (a) FINDINGS.—Congress finds the following:

1 (1) While United States-origin americium-241
2 (Am-241) sealed sources recovered by the National
3 Nuclear Security Administration of the Department
4 of Energy may be disposed of at the Waste Isolation
5 Pilot Plant (WIPP), Russian-origin Am-241 sources
6 may not be.

7 (2) Section 2(19) of the WIPP Land With-
8 drawal Act of 1991 identifies WIPP as the location
9 for the disposal of “radioactive waste materials gen-
10 erated by atomic energy defense activities”.

11 (3) The Am-241 sources of concern that may
12 not currently be eligible for disposal at WIPP have
13 the same isotopic properties and are often colocated
14 with sources that are eligible for disposal at WIPP.

15 (4) Russian-origin sealed sources, once con-
16 firmed to meet the WIPP Waste Acceptance Cri-
17 teria, should be eligible for disposal at WIPP.

18 (5) The Carlsbad Field Office of the Depart-
19 ment estimates the volume to be disposed is equiva-
20 lent to 1 to 2 shipments a year and will have a neg-
21 ligible impact on WIPP operations.

22 (6) The Department, the Nuclear Regulatory
23 Commission (NRC), and the international commu-
24 nity have identified Am-241 as a radioisotope that

1 should be protected due to the possibility of its use
2 in a radiological dispersal device.

3 (7) As part of its defense nuclear nonprolifera-
4 tion mission, the National Nuclear Security Admin-
5 istration recovers thousands of disused sealed
6 sources from domestic and international facilities.

7 (8) Codifying a disposition pathway for these
8 Am-241 sources will allow the National Nuclear Se-
9 curity Administration to accelerate their removal
10 and reduce the availability of material that could be
11 used in a dirty bomb.

12 (b) CLARIFICATION.—Section 3132(e)(1) of the Ron-
13 ald W. Reagan National Defense Authorization Act for
14 Fiscal Year 2005 (50 U.S.C. 2569(e)(1)) is amended by
15 adding at the end the following new subparagraph:

16 “(N)(i) The collection, storage, and safe
17 disposal of the materials described in clause (ii)
18 as waste materials generated by atomic energy
19 defense activities for the purpose of disposal of
20 such materials at WIPP (as defined in section
21 2(19) of the Waste Isolation Pilot Plant Land
22 Withdrawal Act (Public Law 102–579; 106
23 Stat. 4777)).

1 “(ii) The materials described in this clause
2 are proliferation-attractive fissile materials or
3 radiological materials that—

4 “(I) contain transuranic elements of
5 foreign-origin; and

6 “(II) but for subclause (I), are similar
7 to proliferation-attractive fissile materials
8 or radiological materials covered by this
9 section.”.

○