

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 117-31**  
**OFFERED BY MR. CAWTHORN OF NORTH**  
**CAROLINA**

At the end of title III of division C add the following  
new section:

1 **SEC. 20303. CLARIFICATION OF AUTHORITY TO DISPOSE OF**  
2 **CERTAIN FISSILE OR RADIOLOGICAL MATE-**  
3 **RIALS.**

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

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

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

15 (3) The Am-241 sources of concern that may  
16 not currently be eligible for disposal at WIPP have

1 the same isotopic properties and are often colocated  
2 with sources that are eligible for disposal at WIPP.

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

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

10 (6) The Department, the Nuclear Regulatory  
11 Commission (NRC), and the international commu-  
12 nity have identified Am-241 as a radioisotope that  
13 should be protected due to the possibility of its use  
14 in a radiological dispersal device.

15 (7) As part of its defense nuclear nonprolifera-  
16 tion mission, the National Nuclear Security Admin-  
17 istration recovers thousands of disused sealed  
18 sources from domestic and international facilities.

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

24 (b) CLARIFICATION.—Section 3132(c)(1) of the Ron-  
25 ald W. Reagan National Defense Authorization Act for

1 Fiscal Year 2005 (50 U.S.C. 2569(e)(1)) is amended by  
2 adding at the end the following new subparagraph:

3           “(N)(i) The collection, storage, and safe  
4 disposal of the materials described in clause (ii)  
5 as waste materials generated by atomic energy  
6 defense activities for the purpose of disposal of  
7 such materials at WIPP (as defined in section  
8 2(19) of the Waste Isolation Pilot Plant Land  
9 Withdrawal Act (Public Law 102–579; 106  
10 Stat. 4777).

11           “(ii) The materials described in this clause  
12 are proliferation-attractive fissile materials or  
13 radiological materials that—

14                   “(I) contain transuranic elements of  
15 foreign-origin; and

16                   “(II) but for subclause (I), are similar  
17 to proliferation-attractive fissile materials  
18 or radiological materials covered by this  
19 section.”.

