

**AMENDMENT TO RULES COMMITTEE 118-36**  
**OFFERED BY MR. MILLS OF FLORIDA**

At the end of subtitle B of title XXXI, add the following new section:

1 **SEC. 31 \_\_\_\_ . CLARIFICATION OF AUTHORITY TO DISPOSE**  
2 **OF CERTAIN FISSILE OR RADIOLOGICAL MA-**  
3 **TERIALS.**

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

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

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

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

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

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

22          (b) CLARIFICATION.—Section 3132(c)(1) of the Ron-  
23          ald W. Reagan National Defense Authorization Act for  
24          Fiscal Year 2005 (50 U.S.C. 2569(c)(1)) is amended by  
25          adding at the end the following new subparagraph:

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

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

12                   “(I) contain transuranic elements of  
13 foreign-origin; and

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

