

103^D CONGRESS
2^D SESSION

S. 2210

AN ACT

To authorize appropriations for fiscal year 1995 for
defense activities of the Department of Energy,
and for other purposes.

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To authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, 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 “Department of Energy
5 National Security Act for Fiscal Year 1995”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL
SECURITY PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Nuclear materials support and other defense programs.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. General reduction in authorization of appropriations.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Funds transfer authority.
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- Sec. 3128. Funds available for all national security programs of the Department of Energy.
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Limitations**

- Sec. 3131. Stockpile stewardship recruitment and training program.
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- Sec. 3133. Payment of penalties.
- Sec. 3134. Water management programs.
- Sec. 3135. Limitation on use of funds for special access programs.
- Sec. 3136. Protection of nuclear weapons facilities workers.
- Sec. 3137. National security programs.
- Sec. 3138. Scholarship and Fellowship Program for Environmental Restoration and Waste Management.
- Sec. 3139. Hazardous materials management and hazardous materials emergency response training program.
- Sec. 3140. Programs for persons who may have been exposed to radiation released from Hanford Nuclear Reservation.
- Sec. 3141. Solar energy activities at Nevada Test Site, Nevada,

Subtitle D—Other Matters

- Sec. 3151. Accounting procedures for Department of Energy funds.
- Sec. 3152. Approval for certain nuclear weapons activities.

Sec. 3153. Study of feasibility of conducting certain activities at the Nevada Test Site, Nevada.

Sec. 3154. Nuclear Weapons Council Membership.

Sec. 3155. Office of Fissile Materials Disposition.

Sec. 3156. Extension of authority to loan personnel and facilities at Idaho National Engineering Laboratory.

Sec. 3157. Elimination of requirement for five-year plan for defense nuclear facilities.

Sec. 3158. Authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3159. Department of Energy Declassification Productivity Initiative.

Sec. 3160. Safety oversight and enforcement at defense nuclear facilities.

Sec. 3161. Conditions on contracts between the Federal Government and certain lessees and transferees of Department of Energy property.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 For purposes of this Act, the term “congressional de-
3 fense committees” means the Committees on Armed Serv-
4 ices and the Committees on Appropriations of the Senate
5 and House of Representatives.

6 TITLE XXXI—DEPARTMENT OF 7 ENERGY NATIONAL SECURITY 8 PROGRAMS

9 Subtitle A—National Security 10 Programs Authorizations

11 SEC. 3101. WEAPONS ACTIVITIES.

12 (a) RESEARCH AND DEVELOPMENT.—Subject to sub-
13 section (f), funds are hereby authorized to be appropriated
14 to the Department of Energy for fiscal year 1995 for re-
15 search and development in carrying out weapons activities
16 necessary for national security programs in the amount
17 of \$1,187,818,000, to be allocated as follows:

1 (1) For core research and development,
2 \$795,551,000, to be allocated as follows:

3 (A) For operating expenses, \$649,341,000.

4 (B) For capital equipment, \$69,420,000.

5 (C) For plant projects (including maintenance,
6 restoration, planning, construction, acquisition,
7 modification of facilities, and the continuation of projects
8 authorized in prior years, and land acquisition related thereto),
9 \$76,790,000, to be allocated as follows:

11 Project GPD-101, general plant
12 projects, various locations, \$8,500,000.

13 Project 95-D-102, Chemical and
14 Metallurgy Research Building upgrades,
15 Los Alamos National Laboratory, New
16 Mexico, \$3,300,000.

17 Project 94-D-102, nuclear weapons
18 research, development, and testing facilities
19 revitalization, Phase V, various locations,
20 \$13,000,000.

21 Project 92-D-102, nuclear weapons
22 research, development, and testing facilities
23 revitalization, Phase IV, various locations,
24 \$21,810,000.

1 Project 90–D–102, nuclear weapons
2 research, development, and testing facili-
3 ties revitalization, Phase III, various loca-
4 tions, \$7,700,000.

5 Project 88–D–106, nuclear weapons
6 research, development, and testing facili-
7 ties revitalization, Phase II, various loca-
8 tions, \$22,480,000.

9 (2) For inertial fusion, \$176,473,000, to be al-
10 located as follows:

11 (A) For operating expenses, \$166,755,000.

12 (B) For capital equipment, \$9,718,000.

13 (3) For technology transfer, \$215,794,000, to
14 be allocated as follows:

15 (A) For operating expenses, \$209,794,000.

16 (B) For capital equipment, \$6,000,000.

17 (b) TESTING.—Subject to subsection (f), funds are
18 hereby authorized to be appropriated to the Department
19 of Energy for fiscal year 1995 for testing in carrying out
20 weapons activities necessary for national security pro-
21 grams in the amount of \$384,719,000, to be allocated as
22 follows:

23 (1) For testing capabilities and readiness
24 \$374,719,000, to be allocated as follows:

25 (A) For operating expenses, \$338,249,000.

1 (B) For capital equipment, \$15,470,000.

2 (C) For plant projects (including maintenance,
3 restoration, planning, construction, acquisition,
4 modification of facilities, and the continuation of projects
5 authorized in prior years, and land acquisition related thereto),
6 \$21,000,000, to be allocated as follows:
7

8 Project GPD-101, general plant
9 projects, various locations, \$4,000,000.

10 Project 93-D-102, Nevada support
11 facility, North Las Vegas, Nevada,
12 \$17,000,000.

13 (2) For operating expenses for solar energy development,
14 \$10,000,000.

15 (c) STOCKPILE SUPPORT.—Subject to subsection (f),
16 funds are hereby authorized to be appropriated to the Department
17 of Energy for fiscal year 1995 for stockpile support in carrying
18 out weapons activities necessary for national security programs in
19 the amount of \$1,557,085,000, to be allocated as follows:
20

21 (1) For operating expenses for stockpile support,
22 \$1,487,085,000.

23 (2) For capital equipment, \$15,880,000.

24 (3) For plant projects (including maintenance,
25 restoration, planning, construction, acquisition,

1 modification of facilities, and the continuation of
2 projects authorized in prior years, and land acquisition
3 related thereto), \$54,120,000, to be allocated as
4 follows:

5 Project GPD-121, general plant projects,
6 various locations, \$1,000,000.

7 Project 95-D-122, sanitary sewer upgrade
8 Oak Ridge Y-12 Plant, Oak Ridge, Tennessee,
9 \$2,200,000.

10 Project 95-D-123, replace transportation
11 safeguards, aviation facility, Albuquerque, New
12 Mexico, \$2,000,000.

13 Project 94-D-124, hydrogen fluoride supply
14 system, Oak Ridge Y-12 Plant, Oak Ridge,
15 Tennessee, \$6,300,000.

16 Project 94-D-125, upgrade life safety,
17 Kansas City Plant, Kansas City, Missouri,
18 \$1,000,000.

19 Project 94-D-127, emergency notification
20 system, Pantex Plant, Amarillo, Texas,
21 \$1,000,000.

22 Project 94-D-128, environmental safety
23 and health analytical laboratory, Pantex Plant,
24 Amarillo, Texas, \$1,000,000.

1 Project 93–D–122, life safety upgrades,
2 Y–12 Plant, Oak Ridge, Tennessee,
3 \$5,000,000.

4 Project 88–D–122, facilities capability as-
5 surance program, various locations,
6 \$19,620,000.

7 Project 88–D–123, security enhancements,
8 Pantex Plant, Amarillo, Texas, \$15,000,000.

9 (d) PROGRAM DIRECTION.—Subject to subsection (f),
10 funds are hereby authorized to be appropriated to the De-
11 partment of Energy for fiscal year 1995 for program di-
12 rection in carrying out weapons activities necessary for na-
13 tional security programs in the amount of \$169,852,000,
14 to be allocated as follows:

15 (1) For operating expenses for weapons pro-
16 gram direction, \$167,498,000.

17 (2) For capital equipment, \$2,354,000.

18 (e) RECONFIGURATION.—Subject to subsection (f),
19 funds are hereby authorized to be appropriated to the De-
20 partment of Energy for fiscal year 1995 for nuclear weap-
21 ons complex reconfiguration in carrying out weapons ac-
22 tivities necessary for national security programs in the
23 amount of \$152,271,000, to be allocated as follows:

24 (1) For operating expenses for reconfiguration,
25 \$94,271,000.

1 (2) For plant projects (including maintenance,
2 restoration, planning, construction, acquisition,
3 modification of facilities, and the continuation of
4 projects authorized in prior years, and land acquisition
5 related thereto), \$58,000,000, all of which to be
6 allocated as follows:

7 Project 93–D–123, complex-21, various locations.
8

9 (f) ADJUSTMENTS.—Subject to section 3105, the
10 total amount authorized to be appropriated pursuant to
11 this section is the sum of the amounts authorized to be
12 appropriated in subsections (a) through (e) reduced by the
13 sum of—

14 (1) \$131,077,000, for use of prior year balances; and
15

16 (2) \$11,000,000, for savings resulting from
17 procurement reform.

18 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
19 **MANAGEMENT.**

20 (a) CORRECTIVE ACTIVITIES.—Subject to subsection
21 (h), funds are hereby authorized to be appropriated to the
22 Department of Energy for fiscal year 1995 for corrective
23 activities in carrying out environmental restoration and
24 waste management activities necessary for national security
25 programs in the amount of \$1,012,000, all of which

1 to be allocated to a plant project (including maintenance,
2 restoration, planning, construction, acquisition, modifica-
3 tion of facilities, and the continuation of projects author-
4 ized in prior years, and land acquisition related thereto)
5 as follows:

6 Project 92–D–403, tank upgrades project, Law-
7 rence Livermore National Laboratory, California.

8 (b) ENVIRONMENTAL RESTORATION.—(1) Subject to
9 paragraph (2), funds are hereby authorized to be appro-
10 priated to the Department of Energy for fiscal year 1995
11 for environmental restoration for operating expenses in
12 carrying out environmental restoration and waste manage-
13 ment activities necessary for national security programs
14 in the amount of \$1,531,969,000.

15 (2) Subject to subsection (h), the amount authorized
16 to be appropriated pursuant to this subsection is the
17 amount authorized to be appropriated in paragraph (1)
18 reduced by \$133,900,000, as a result of the productivity
19 savings initiative.

20 (c) WASTE MANAGEMENT.—(1) Subject to paragraph
21 (2), funds are hereby authorized to be appropriated to the
22 Department of Energy for fiscal year 1995 for waste man-
23 agement in carrying out environmental restoration and
24 waste management activities necessary for national secu-

1 rity programs in the amount of \$2,913,045,000, to be allo-
2 cated as follows:

3 (A) For operating expenses, \$2,408,029,000.

4 (B) For capital equipment, \$104,790,000.

5 (C) For plant projects (including maintenance,
6 restoration, planning, construction, acquisition,
7 modification of facilities, and the continuation of
8 projects authorized in prior years, and land acquisi-
9 tion related thereto), \$400,226,000, to be allocated
10 as follows:

11 Project GPD-171, general plant projects,
12 various locations, \$23,742,000.

13 Project 95-D-401, radiological support fa-
14 cilities, Richland, Washington, \$1,585,000.

15 Project 95-D-402, install permanent elec-
16 trical service, Waste Isolation Pilot Plant, New
17 Mexico, \$700,000.

18 Project 95-D-403, hazardous waste stor-
19 age facility, Mound Plant, Miamisburg, Ohio,
20 \$597,000.

21 Project 95-D-405, industrial landfill V
22 and construction demolition landfill VII, Oak
23 Ridge Y-12 Plant, Oak Ridge, Tennessee,
24 \$1,000,000.

1 Project 95-D-406, road 5-01 reconstruc-
2 tion, area 5, Nevada Test Site, Nevada,
3 \$2,338,000.

4 Project 95-D-407, 219-S secondary con-
5 tainment upgrade, Richland, Washington,
6 \$2,000,000.

7 Project 95-D-408, Phase II liquid effluent
8 treatment and disposal, Richland, Washington,
9 \$7,100,000.

10 Project 94-D-400, high explosive
11 wastewater treatment system, Los Alamos Na-
12 tional Laboratory, Los Alamos, New Mexico,
13 \$1,000,000.

14 Project 94-D-402, liquid waste treatment
15 system, Nevada Test Site, Nevada, \$3,292,000.

16 Project 94-D-404, Melton Valley storage
17 tank capacity increase, Oak Ridge National
18 Laboratory, Oak Ridge, Tennessee,
19 \$21,373,000.

20 Project 94-D-406, low-level waste disposal
21 facilities, K-25, Oak Ridge, Tennessee,
22 \$6,000,000.

23 Project 94-D-407, initial tank retrieval
24 systems, Richland, Washington, \$17,700,000.

1 Project 94–D–408, office facilities—200
2 East, Richland, Washington, \$4,000,000.

3 Project 94–D–411, solid waste operation
4 complex, Richland, Washington, \$42,200,000.

5 Project 94–D–416, solvent storage tanks
6 installation, Savannah River, South Carolina,
7 \$1,700,000.

8 Project 94–D–417, intermediate-level and
9 low-activity waste vaults, Savannah River,
10 South Carolina, \$300,000.

11 Project 93–D–174, plant drain waste
12 water treatment upgrades, Y–12 Plant, Oak
13 Ridge, Tennessee, \$1,400,000.

14 Project 93–D–178, building 374 liquid
15 waste treatment facility, Rocky Flats, Golden,
16 Colorado, \$3,300,000.

17 Project 93–D–181, radioactive liquid waste
18 line replacement, Richland, Washington,
19 \$3,300,000.

20 Project 93–D–182, replacement of cross-
21 site transfer system, Richland, Washington,
22 \$18,910,000.

23 Project 93–D–183, multi-tank waste stor-
24 age facility, Richland, Washington,
25 \$95,305,000.

1 Project 93–D–187, high-level waste re-
2 moval from filled waste tanks, Savannah River,
3 Aiken, South Carolina, \$26,525,000.

4 Project 92–D–177, tank 101–AZ waste re-
5 trieval system, Richland, Washington,
6 \$5,000,000.

7 Project 92–D–188, waste management
8 ES&H, and compliance activities, various loca-
9 tions, \$2,846,000.

10 Project 91–D–171, waste receiving and
11 processing facility, module 1, Richland, Wash-
12 ington, \$3,995,000.

13 Project 90–D–172, aging waste transfer
14 line, Richland, Washington, \$3,819,000.

15 Project 90–D–177, RWMC transuranic
16 (TRU) waste characterization and storage facil-
17 ity, Idaho National Engineering Laboratory,
18 Idaho, \$11,747,000.

19 Project 90–D–178, TSA retrieval contain-
20 ment building, Idaho National Engineering
21 Laboratory, Idaho, \$7,594,000.

22 Project 89–D–173, tank farm ventilation
23 upgrade, Richland, Washington, \$800,000.

1 Project 89–D–174, replacement high-level
2 waste evaporator, Savannah River, South Caro-
3 lina, \$18,000,000.

4 Project 89–D–175, hazardous waste/mixed
5 waste disposal facility, Savannah River, South
6 Carolina, \$500,000.

7 Project 86–D–103, decontamination and
8 waste treatment facility, Lawrence Livermore
9 National Laboratory, California, \$9,500,000.

10 Project 83–D–148, nonradioactive hazard-
11 ous waste management, Savannah River, South
12 Carolina, \$6,000,000.

13 Project 81–T–105, defense waste process-
14 ing facility, Savannah River, South Carolina,
15 \$45,058,000.

16 (2) Subject to subsection (h), the total amount au-
17 thorized to be appropriated pursuant to this subsection is
18 the sum of the amounts authorized to be appropriated in
19 paragraph (1) reduced by \$160,800,000, as a result of the
20 productivity savings initiative.

21 (d) TECHNOLOGY DEVELOPMENT.—Subject to sub-
22 section (h), funds are hereby authorized to be appro-
23 priated to the Department of Energy for fiscal year 1995
24 for technology development in carrying out environmental
25 restoration and waste management activities necessary for

1 national security programs in the amount of
2 \$426,409,000, to be allocated as follows:

3 (1) For operating expenses, \$400,974,000.

4 (2) For capital equipment, \$25,435,000.

5 (e) TRANSPORTATION MANAGEMENT.—Subject to
6 subsection (h), funds are hereby authorized to be appro-
7 priated to the Department of Energy for fiscal year 1995
8 for transportation management in carrying out environ-
9 mental restoration and waste management activities nec-
10 essary for national security programs in the amount of
11 \$20,684,000, to be allocated as follows:

12 (1) For operating expenses, \$20,240,000.

13 (2) For capital equipment, \$444,000.

14 (f) PROGRAM DIRECTION.—Subject to subsection (h),
15 funds are hereby authorized to be appropriated to the De-
16 partment of Energy for fiscal year 1995 for program di-
17 rection in carrying out environmental restoration and
18 waste management activities necessary for national secu-
19 rity programs in the amount of \$84,948,000, to be allo-
20 cated as follows:

21 (1) For operating expenses, \$83,748,000.

22 (2) For capital equipment, \$1,200,000.

23 (g) FACILITY TRANSITION AND MANAGEMENT.—(1)
24 Subject to paragraph (2), funds are hereby authorized to
25 be appropriated to the Department of Energy for fiscal

1 year 1995 for facility transition and management in carry-
2 ing out environmental restoration and waste management
3 activities necessary for national security programs in the
4 amount of \$791,857,000, to be allocated as follows:

5 (A) For operating expenses, \$681,550,000.

6 (B) For capital equipment, \$23,947,000.

7 (C) For plant projects (including maintenance,
8 restoration, planning, construction, acquisition,
9 modification of facilities, and the continuation of
10 projects authorized in prior years, and land acquisi-
11 tion related thereto), \$86,360,000, to be allocated as
12 follows:

13 Project GPD-171, general plant projects,
14 various locations, \$20,495,000.

15 Project 95-D-453, primary highway route
16 north of the Wye Barricade, Richland, Wash-
17 ington, \$2,500,000.

18 Project 95-D-454, 324 facility compliance/
19 renovation, Richland, Washington, \$1,500,000.

20 Project 95-D-455, Idaho National Engi-
21 neering Laboratory radio communications up-
22 grade, Idaho National Engineering Laboratory,
23 Idaho, \$1,440,000.

24 Project 95-D-456, security facilities up-
25 grade, Idaho Chemical Processing Plant, Idaho

1 National Engineering Laboratory, Idaho,
2 \$986,000.

3 Project 94-D-122, underground storage
4 tanks, Rocky Flats, Colorado, \$2,500,000.

5 Project 94-D-401, emergency response fa-
6 cility, Idaho National Engineering Laboratory,
7 Idaho, \$5,219,000.

8 Project 94-D-412, 300 area process sewer
9 piping upgrade, Richland, Washington,
10 \$7,800,000.

11 Project 94-D-415, medical facilities, Idaho
12 National Engineering Laboratory, Idaho,
13 \$4,920,000.

14 Project 94-D-451, infrastructure replace-
15 ment, Rocky Flats Plant, Golden, Colorado,
16 \$10,600,000.

17 Project 93-D-172, electrical upgrade,
18 Idaho National Engineering Laboratory, Idaho,
19 \$7,800,000.

20 Project 93-D-184, 325 facility compliance/
21 renovation, Richland, Washington, \$1,000,000.

22 Project 93-D-186, 200 area unsecured
23 core area fabrication shop, Richland, Washing-
24 ton, \$4,000,000.

1 Project 92–D–125, master safeguards and
2 security agreement/materials surveillance task
3 force security upgrades, Rocky Flats Plant,
4 Golden, Colorado, \$2,100,000.

5 Project 92–D–181, INEL fire and life
6 safety improvements, Idaho National Engineer-
7 ing Laboratory, Idaho, \$6,000,000.

8 Project 92–D–182, INEL sewer system
9 upgrade, Idaho National Engineering Labora-
10 tory, Idaho, \$1,900,000.

11 Project 92–D–186, steam system rehabili-
12 tation, Phase II, Richland, Washington,
13 \$5,600,000.

14 (2) Subject to subsection (h), the total amount au-
15 thorized to be appropriated pursuant to this subsection is
16 the sum of the amounts authorized to be appropriated in
17 paragraph (1) reduced by \$5,000,000, as a result of the
18 productivity savings initiative.

19 (h) PRIOR YEAR BALANCES.—Subject to section
20 3105, the total amount authorized to be appropriated pur-
21 suant to this section is the sum of the amounts authorized
22 to be appropriated in subsections (a), (b)(2), (c)(2), (d),
23 (e), (f), and (g)(2) reduced by the sum of—

24 (1) \$240,300,000 for use of prior year bal-
25 ances; and

1 (2) \$17,500,000 for savings resulting from pro-
2 curement reform.

3 **SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DE-**
4 **FENSE PROGRAMS.**

5 (a) MATERIALS SUPPORT.—Subject to subsection
6 (d), funds are hereby authorized to be appropriated to the
7 Department of Energy for fiscal year 1995 for materials
8 support in carrying out nuclear materials support nec-
9 essary for national security programs in the amount of
10 \$887,225,000, to be allocated as follows:

11 (1) For reactor operations, \$163,634,000.

12 (2) For processing of nuclear materials,
13 \$369,468,000.

14 (3) For support services, \$167,776,000.

15 (4) For capital equipment, \$39,427,000.

16 (5) For plant projects (including maintenance,
17 restoration, planning, construction, acquisition,
18 modification of facilities, and the continuation of
19 projects authorized in prior years, and land acquisi-
20 tion related thereto), \$88,950,000, to be allocated as
21 follows:

22 Project GPD-146, general plant projects,
23 various locations, \$21,000,000.

1 Project 95–D–154, health physics site sup-
2 port facility, Savannah River, South Carolina,
3 \$2,000,000.

4 Project 95–D–155, upgrade site road in-
5 frastructure, Savannah River, South Carolina,
6 \$750,000.

7 Project 95–D–156, radio trunking system,
8 Savannah River, South Carolina, \$2,100,000.

9 Project 95–D–157, D–area powerhouse life
10 extension, Savannah River, South Carolina,
11 \$4,000,000.

12 Project 95–D–158, disassembly basin up-
13 grades K, L, and P, Savannah River, South
14 Carolina, \$13,000,000.

15 Project 93–D–147, domestic water system
16 upgrade, Phases I and II, Savannah River,
17 South Carolina, \$11,300,000.

18 Project 93–D–148, replace high-level drain
19 lines, Savannah River, South Carolina,
20 \$2,700,000.

21 Project 93–D–152, environmental modi-
22 fication for production facilities, Savannah
23 River, South Carolina, \$2,900,000.

1 Project 92–D–143, health protection in-
2 strument calibration facility, Savannah River,
3 South Carolina, \$3,000,000.

4 Project 90–D–149, plantwide fire protec-
5 tion, Phases I and II, Savannah River, South
6 Carolina, \$21,000,000.

7 Project 92–D–150, operations support fa-
8 cilities, Savannah River, South Carolina,
9 \$2,000,000.

10 Project 92–D–153, engineering support fa-
11 cility, Savannah River, South Carolina,
12 \$3,200,000.

13 (6) For program direction, \$58,000,000.

14 (b) OTHER DEFENSE PROGRAMS.—Subject to sub-
15 section (d), funds are hereby authorized to be appro-
16 priated to the Department of Energy for fiscal year 1995
17 for other defense programs in carrying out defense pro-
18 grams necessary for national security programs in the
19 amount of \$692,204,000, to be allocated as follows:

20 (1) For verification and control technology,
21 \$358,102,000, to be allocated as follows:

22 (A) For operating expenses, \$342,229,000.

23 (B) For capital equipment, \$15,873,000.

24 (2) For nuclear safeguards and security,
25 \$85,816,000, to be allocated as follows:

1 (A) For operating expenses, \$82,421,000.

2 (B) For capital equipment, \$3,395,000.

3 (3) For security investigations, \$38,827,000.

4 (4) For security evaluations, \$14,780,000.

5 (5) For the Office of Nuclear Safety,
6 \$24,679,000, to be allocated as follows:

7 (A) For operating expenses, \$24,629,000.

8 (B) For capital equipment, \$50,000.

9 (6) For worker and community transition,
10 \$120,000,000.

11 (7) For fissile material control and disposition,
12 \$50,000,000.

13 (c) NAVAL REACTORS.—Subject to subsection (d),
14 funds are hereby authorized to be appropriated to the De-
15 partment of Energy for fiscal year 1995 for naval reactors
16 in carrying out nuclear materials support and other de-
17 fense programs necessary for national security programs
18 in the amount of \$730,651,000, to be allocated as follows:

19 (1) For naval reactors development,
20 \$698,651,000, to be allocated as follows:

21 (A) For operating expenses:

22 (i) For plant development,
23 \$146,700,000.

24 (ii) For reactor development,
25 \$348,951,000.

1 (iii) For reactor operation and evalua-
2 tion, \$136,000,000.

3 (iv) For program direction,
4 \$18,800,000.

5 (B) For capital equipment, \$28,200,000.

6 (C) For plant projects (including mainte-
7 nance, restoration, planning, construction, ac-
8 quisition, modification of facilities, and the con-
9 tinuation of projects authorized in prior years,
10 and land acquisition related thereto),
11 \$20,000,000, to be allocated as follows:

12 Project GPN-101, general plant
13 projects, various locations, \$6,200,000.

14 Project 95-D-200, laboratory systems
15 and hot cell upgrades, various locations,
16 \$2,400,000.

17 Project 95-D-201, advanced test re-
18 actor radioactive waste system upgrades,
19 Idaho National Engineering Laboratory,
20 Idaho, \$700,000.

21 Project 93-D-200, engineering serv-
22 ices facilities, Knolls Atomic Power Lab-
23 oratory, Niskayuna, New York,
24 \$7,900,000.

1 Project 92–D–200, laboratories facili-
2 ties upgrades, various locations,
3 \$2,800,000.

4 (2) For enrichment materials, for operating ex-
5 penses, \$32,000,000.

6 (d) ADJUSTMENTS.—Subject to section 3105, the
7 total amount that may be appropriated pursuant to this
8 section is the sum of the amounts authorized to be appro-
9 priated in subsections (a), (b), and (c) reduced by the sum
10 of—

11 (1) \$40,000,000, for recovery of overpayment to
12 the Savannah River Pension Fund;

13 (2) \$6,500,000, for savings resulting from pro-
14 curement reform; and

15 (3) \$369,700,000, for transfer and use of prior
16 year balances for materials support and other de-
17 fense programs.

18 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 1995 for pay-
21 ment to the Nuclear Waste Fund established in section
22 302(c) of the Nuclear Waste Policy Act of 1982 (42
23 U.S.C. 10222(c)) in the amount of \$129,430,000.

1 **SEC. 3105. GENERAL REDUCTION IN AUTHORIZATION OF**
2 **APPROPRIATIONS.**

3 The total amount authorized to be appropriated pur-
4 suant to sections 3101, 3102, 3103, and 3104 is the sum
5 of the amounts authorized to be appropriated in such sec-
6 tions reduced by \$220,000,000 for use of prior year bal-
7 ances from fiscal year 1994.

8 **Subtitle B—Recurring General**
9 **Provisions**

10 **SEC. 3121. REPROGRAMMING.**

11 (a) NOTICE TO CONGRESS.—(1) Except as otherwise
12 provided in this title—

13 (A) no amount appropriated pursuant to this
14 title may be used for any program in excess of the
15 lesser of—

16 (i) 105 percent of the amount authorized
17 for that program by this title; or

18 (ii) \$10,000,000 more than the amount
19 authorized for that program by this title; and

20 (B) no amount appropriated pursuant to this
21 title may be used for any program which has not
22 been presented to, or requested of, the Congress.

23 (2) An action described in paragraph (1) may not be
24 taken until—

25 (A) the Secretary of Energy has submitted to
26 the congressional defense committees a report con-

1 taining a full and complete statement of the action
2 proposed to be taken and the facts and cir-
3 cumstances relied upon in support of the proposed
4 action; and

5 (B) a period of 30 days has elapsed after the
6 date on which the report is received by the commit-
7 tees.

8 (3) In the computation of the 30-day period under
9 paragraph (2), there shall be excluded any day on which
10 either House of Congress is not in session because of an
11 adjournment of more than 3 calendar days to a day cer-
12 tain.

13 (b) LIMITATION ON AMOUNT OBLIGATED.—In no
14 event may the total amount of funds obligated pursuant
15 to this title exceed the total amount authorized to be ap-
16 propriated by this title.

17 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

18 (a) IN GENERAL.—The Secretary of Energy may
19 carry out any construction project under the general plant
20 projects authorized by this title if the total estimated cost
21 of the construction project does not exceed \$2,000,000.

22 (b) REPORT TO CONGRESS.—If, at any time during
23 the construction of any general plant project authorized
24 by this title, the estimated cost of the project is revised
25 because of unforeseen cost variations and the revised cost

1 of the project exceeds \$2,000,000, the Secretary shall im-
2 mediately furnish a complete report to the congressional
3 defense committees explaining the reasons for the cost
4 variation.

5 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

6 (a) IN GENERAL.—(1) Except as provided in para-
7 graph (2), construction on a construction project may not
8 be started or additional obligations incurred in connection
9 with the project above the total estimated cost, whenever
10 the current estimated cost of the construction project,
11 which is authorized by section 3101, 3102, or 3103, or
12 which is in support of national security programs of the
13 Department of Energy and was authorized by any pre-
14 vious Act, exceeds by more than 25 percent the higher
15 of—

16 (A) the amount authorized for the project; or

17 (B) the amount of the total estimated cost for
18 the project as shown in the most recent budget jus-
19 tification data submitted to the Congress.

20 (2) An action described in paragraph (1) may be
21 taken if—

22 (A) the Secretary of Energy has submitted to
23 the congressional defense committees a report on the
24 action and the circumstances making such action
25 necessary; and

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there shall be excluded any day on which
6 either House of Congress is not in session because of an
7 adjournment of more than 3 calendar days to a day cer-
8 tain.

9 (b) EXCEPTION.—Subsection (a) shall not apply to
10 any construction project which has a current estimated
11 cost of less than \$5,000,000.

12 **SEC. 3124. FUNDS TRANSFER AUTHORITY.**

13 The Secretary of Energy may transfer funds appro-
14 priated pursuant to this title to other agencies of the Fed-
15 eral Government for the performance of the work for
16 which the funds were appropriated, and funds so trans-
17 ferred may be merged with the appropriations of the agen-
18 cy to which the funds are transferred.

19 **SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.**

20 (a) IN GENERAL.—(1) Within the amounts author-
21 ized by this title, the Secretary of Energy may carry out
22 advance planning and construction design (including ar-
23 chitectural and engineering services) in connection with
24 any proposed construction project if the total estimated

1 cost for such planning and design does not exceed
2 \$3,000,000.

3 (2) In the case of any project in which the total esti-
4 mated cost for advance planning and design exceeds
5 \$600,000, the Secretary shall notify the congressional de-
6 fense committees in writing of the details of such project
7 at least 30 days before any funds are obligated for design
8 services for such project.

9 (b) SPECIFIC AUTHORITY REQUIRED.—In any case
10 in which the total estimated cost for advance planning and
11 construction design in connection with any construction
12 project exceeds \$3,000,000, funds for such planning and
13 design must be specifically authorized by law.

14 **SEC. 3126. REQUIREMENT FOR COMPLETION OF CONCEP-**
15 **TUAL DESIGN TO PRECEDE REQUEST FOR**
16 **CONSTRUCTION FUNDS.**

17 (a) REQUIREMENT.—Before submitting to Congress
18 a request for funds for a construction project that is in
19 support of a national security program of the Department
20 of Energy, the Secretary of Energy shall complete a con-
21 ceptual design for that project.

22 (b) EXCEPTIONS.—The requirement in subsection (a)
23 does not apply to requests for funds—

1 (1) for the costs of preparing a conceptual de-
2 sign for a construction project referred to in that
3 subsection; or

4 (2) for emergency planning, design, and con-
5 struction activities under section 3127.

6 **SEC. 3127. AUTHORITY FOR EMERGENCY PLANNING, DE-**
7 **SIGN, AND CONSTRUCTION ACTIVITIES.**

8 (a) **AUTHORITY.**—The Secretary of Energy may use
9 any funds available to the Department of Energy under
10 sections 3101, 3102, and 3103, including those funds au-
11 thorized to be appropriated for advance planning and con-
12 struction design, to perform planning, design, and con-
13 struction activities for any Department of Energy national
14 security program construction project that, as determined
15 by the Secretary, must proceed expeditiously in order to
16 protect public health and safety, meet the needs of na-
17 tional defense, or protect property.

18 (b) **LIMITATION.**—The Secretary may not exercise
19 the authority under subsection (a) in the case of any con-
20 struction project until the Secretary has submitted to the
21 congressional defense committees a report on the activities
22 that the Secretary intends to carry out under this section
23 and the circumstances making such activities necessary.

24 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
25 tion 3125(b) does not apply to emergency planning, de-

1 sign, and construction activities conducted under this sec-
2 tion.

3 (d) REPORT.—The Secretary of Energy shall prompt-
4 ly report to the congressional defense committees any ex-
5 ercise of authority under this section.

6 **SEC. 3128. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
7 **RITY PROGRAMS OF THE DEPARTMENT OF**
8 **ENERGY.**

9 Subject to the provisions of appropriation Acts and
10 section 3121, amounts appropriated pursuant to this title
11 that are made available for management and support ac-
12 tivities and for general plant projects are available for use,
13 when necessary, in connection with all national security
14 programs of the Department of Energy.

15 **SEC. 3129. AVAILABILITY OF FUNDS.**

16 When so specified in an appropriation Act, amounts
17 appropriated for operating expenses, plant projects, and
18 capital equipment may remain available until expended.

19 **Subtitle C—Program Authoriza-**
20 **tions, Restrictions, and Limita-**
21 **tions**

22 **SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND**
23 **TRAINING PROGRAM.**

24 (a) CONDUCT OF PROGRAM.—(1) As part of the
25 stockpile stewardship program established pursuant to

1 section 3138 of the National Defense Authorization Act
2 for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
3 1946; 42 U.S.C. 2121 note), the Secretary of Energy shall
4 conduct a stockpile stewardship recruitment and training
5 program at the Sandia National Laboratories, the Law-
6 rence Livermore National Laboratory, and the Los Ala-
7 mos National Laboratory.

8 (2) The recruitment and training program shall be
9 conducted in coordination with the Chairman of the Joint
10 Nuclear Weapons Council established by section 179 of
11 title 10, United States Code, and the directors of the lab-
12 oratories referred to in paragraph (1).

13 (b) SUPPORT OF DUAL-USE PROGRAMS.—(1) As
14 part of the recruitment and training program, the direc-
15 tors of the laboratories referred to in subsection (a)(1)
16 may employ undergraduate students, graduate students,
17 and postdoctoral fellows to carry out research sponsored
18 by such laboratories for military or nonmilitary dual-use
19 programs related to nuclear weapons stockpile steward-
20 ship.

21 (2) Of the amounts authorized to be appropriated to
22 the Secretary of Energy pursuant to section 3101(a)(1)
23 for weapons activities for core research and development
24 and allocated by the Secretary for education initiatives,
25 \$4,000,000 shall be available for carrying out paragraph

1 (1). The amount available under this paragraph shall be
2 allocated equally among the laboratories referred to in
3 subsection (a)(1).

4 (c) ESTABLISHMENT OF RETIREE CORPS.—As part
5 of the training and recruitment program, the Secretary,
6 in coordination with the directors of the laboratories re-
7 ferred to in subsection (a)(1), shall establish for the lab-
8 oratories a retiree corps of retired scientists who have ex-
9 pertise in research and development of nuclear weapons.
10 The directors may employ the retired scientists on a part-
11 time basis to provide appropriate assistance on nuclear
12 weapons issues, to contribute relevant information to be
13 archived, and to help to provide training to other sci-
14 entists.

15 (d) REPORT.—(1) Not later than February 1, 1995,
16 the Secretary of Energy shall submit to the congressional
17 defense committees a report on the demographic trends
18 of the personnel of the laboratories referred to in sub-
19 section (a)(1) and on actions taken by the Department
20 of Energy to remedy identified deficiencies in various skill
21 areas.

22 (2) The report shall be prepared in coordination with
23 the Chairman of the Joint Nuclear Weapons Council and
24 the directors of the laboratories. Information included in

1 the report shall be aggregated and compiled into statistical
2 categories.

3 (3) The report shall include the following:

4 (A) An inventory of the weapons-related tasks
5 that the laboratories need to perform to support
6 their nuclear weapons responsibilities.

7 (B) An inventory of the skills necessary to com-
8 plete the weapons-related tasks referred to in sub-
9 paragraph (A).

10 (C) For each laboratory, the number of sci-
11 entists needed in each skill area to perform such
12 tasks.

13 (D) The number of the scientists providing
14 services in each skill area at each laboratory, stated
15 by age.

16 (E) An assessment of which skill areas are
17 understaffed.

18 (F) The number of scientists entering the weap-
19 ons program at each laboratory, and their skill
20 areas.

21 (G) The number of full-time equivalent person-
22 nel with weapon skills, their distribution by skill
23 and, for each such skill, their distribution by age.

24 (H) The number of scientists retiring from the
25 weapons program in the 5- year period ending on

1 the date of the report and the skill areas in which
2 they worked in the year preceding their retirement.

3 (I) Based on the information contained in sub-
4 paragraphs (A) through (H), a projection of the
5 skills areas that will become understaffed in the five
6 years following the date of the report.

7 (J) Alternative actions that may be taken to re-
8 tain and recruit scientists for the weapons programs
9 at the laboratories in order to preserve a sufficient
10 skill base and to fulfill stockpile stewardship respon-
11 sibilities.

12 (K) Any plans of the Secretary to take any of
13 the alternative actions referred to in subparagraph
14 (J).

15 **SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PRO-**
16 **GRAM.**

17 Of the funds authorized to be appropriated by this
18 title to the Department of Energy for fiscal year 1995,
19 \$176,473,000 shall be available for the defense inertial
20 confinement fusion program.

21 **SEC. 3133. PAYMENT OF PENALTIES.**

22 The Secretary of Energy may pay to the Hazardous
23 Substance Superfund established under section 9507 of
24 the Internal Revenue Code of 1986 (26 U.S.C. 9507),
25 from funds appropriated to the Department of Energy for

1 environmental restoration and waste management activi-
2 ties pursuant to section 3102, stipulated civil penalties as-
3 sessed under the Comprehensive Environmental Response,
4 Compensation and Liability Act of 1980 (42 U.S.C. 9601
5 et seq.) in amounts as follows:

6 (1) \$50,000, assessed against the Fernald En-
7 vironmental Management Project, Ohio, under such
8 Act.

9 (2) \$50,000, assessed against the Portsmouth
10 Gaseous Diffusion Plant, Ohio, under such Act.

11 **SEC. 3134. WATER MANAGEMENT PROGRAMS.**

12 From funds authorized to be appropriated pursuant
13 to section 3102 to the Department of Energy for environ-
14 mental restoration and waste management activities, the
15 Secretary of Energy may reimburse the cities of West-
16 minster, Broomfield, Thornton, and Northglenn, in the
17 State of Colorado, \$11,415,000 for the cost of implement-
18 ing water management programs. Reimbursements for the
19 water management programs shall not be considered a
20 major Federal action for purposes of section 102(2) of the
21 National Environmental Policy Act of 1969 (42 U.S.C.
22 4332(2)).

1 **SEC. 3135. LIMITATION ON USE OF FUNDS FOR SPECIAL AC-**
2 **CESS PROGRAMS.**

3 Not more than 20 percent of the funds appropriated
4 or otherwise made available to the Department of Energy
5 for fiscal year 1995 pursuant to this title that are avail-
6 able for limited access programs and special access pro-
7 gram may be obligated for a limited access program or
8 special access program until the Secretary of Energy sub-
9 mits to the congressional defense committees the annual
10 reports required to be submitted in that fiscal year under
11 subsections (a) and (b) of section 93 of the Atomic Energy
12 Act of 1954 (42 U.S.C. 2122a).

13 **SEC. 3136. PROTECTION OF NUCLEAR WEAPONS FACILI-**
14 **TIES WORKERS.**

15 Of the funds authorized to be appropriated by section
16 310(2) for environmental restoration and waste manage-
17 ment activities, \$11,000,000 shall be available to carry out
18 activities authorized under section 3131 of the National
19 Defense Authorization Act for Fiscal Years 1992 and
20 1993 (Public Law 102-190; 105 Stat. 1571; 42 U.S.C.
21 7274d), relating to worker protection at nuclear weapons
22 facilities.

23 **SEC. 3137. NATIONAL SECURITY PROGRAMS.**

24 Notwithstanding any other provision of law, not more
25 than 90 percent of the funds appropriated to the Depart-
26 ment of Energy for national security programs under this

1 title may be obligated for such programs until the Sec-
2 retary of Energy submits to the congressional defense
3 committees the five-year budget plan with respect to fiscal
4 year 1995 required under section 3144 of the National
5 Defense Authorization Act for Fiscal Years 1990 and
6 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C.
7 7271b).

8 **SEC. 3138. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR**
9 **ENVIRONMENTAL RESTORATION AND WASTE**
10 **MANAGEMENT.**

11 Of the funds authorized to be appropriated to the De-
12 partment of Energy for fiscal year 1995 for environmental
13 restoration and waste management, \$1,000,000 shall be
14 available for the Scholarship and Fellowship Program for
15 Environmental Restoration and Waste Management car-
16 ried out under section 3123 of the National Defense Au-
17 thorization Act for Fiscal Years 1992 and 1993 (Public
18 Law 102–190; 105 Stat. 1572; 42 U.S.C. 7274e).

19 **SEC. 3139. HAZARDOUS MATERIALS MANAGEMENT AND**
20 **HAZARDOUS MATERIALS EMERGENCY RE-**
21 **SPONSE TRAINING PROGRAM.**

22 Of the funds authorized to be appropriated to the De-
23 partment of Energy for fiscal year 1995 under section
24 3102(d), not more than \$14,000,000 shall be available to
25 carry out a hazardous materials management and hazard-

1 ous materials emergency response training program at
2 Hanford Nuclear Reservation, Richland, Washington.

3 **SEC. 3140. PROGRAMS FOR PERSONS WHO MAY HAVE BEEN**
4 **EXPOSED TO RADIATION RELEASED FROM**
5 **HANFORD NUCLEAR RESERVATION.**

6 (a) FUNDING.—Of the funds authorized to be appro-
7 priated to the Department of Energy under section 3101
8 for fiscal year 1995, \$3,295,591 shall be available for ac-
9 tivities relating to the Hanford Health Information Net-
10 work established pursuant to the authority set forth in
11 section 3138 of the National Defense Authorization Act
12 for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
13 1834).

14 (b) LIMITATION ON RELEASE OF CERTAIN PER-
15 SONAL INFORMATION.—(1) Information referred to in
16 paragraph (2) that is collected from an individual pursu-
17 ant to operation of the Hanford Health Information Net-
18 work shall be used only by the Network unless the individ-
19 ual, or a designated legal representative of the individual,
20 authorizes in writing the use of the information for an-
21 other purpose.

22 (2) Paragraph (1) applies to the following informa-
23 tion:

24 (A) The name, address, telephone number, and
25 medical information and records of each individual

(B) Such other information or categories of information as the chief officers of the health departments of the States of Washington, Oregon, and Idaho jointly designate as information covered by this subsection.

8 SEC. 3141. SOLAR ENERGY ACTIVITIES AT NEVADA TEST
9 SITE, NEVADA.

10 Of the funds authorized to be appropriated to the De-
11 partment of Energy under section 3101, \$10,000,000
12 shall be available for development of solar energy at the
13 Nevada Test Site, Nevada.

15 SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT
16 OF ENERGY FUNDS.

(a) IN GENERAL.—The Secretary of Energy shall prescribe procedures to account for the use of funds for the performance of the programs and activities of the Department of Energy for which funds are appropriated for national security programs of the Department of Energy. The procedures shall provide for such accounting for fiscal years beginning after fiscal year 1996.

(b) COVERED MATTERS.—The Secretary shall pre-
scribe procedures under subsection (a)—

1 (1) to account for the funds appropriated to the
2 Department for national security programs and ac-
3 tivities of the Department that are not used for the
4 purpose for which such funds were appropriated;
5 and

6 (2) to provide an accounting for all encumbered
7 funds, unencumbered funds, unobligated funds,
8 costed funds, and uncoded obligations of the De-
9 partment in that fiscal year.

10 **SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS**
11 **ACTIVITIES.**

12 (a) APPROVAL BY JOINT NUCLEAR WEAPONS COUN-
13 CIL.—Subsection (d) of section 179 of title 10, United
14 States Code, is amended—

15 (1) by redesignating paragraphs (8) and (9) as
16 paragraphs (9) and (10), respectively; and

17 (2) by inserting after paragraph (7) the follow-
18 ing new paragraph (8):

19 “(8) Coordinating and approving activities initi-
20 ated or conducted by the Department of Energy for
21 the study, development, and production of nuclear
22 warheads, including concept definition studies, fea-
23 sibility studies, engineering development, hardware
24 component fabrication, warhead production, and
25 warhead retirement.”.

1 (b) TECHNICAL AMENDMENTS.—Subsections (a)(3)
2 and (b) of such section are amended by striking out “ap-
3 pointed” each place it appears and inserting in lieu thereof
4 “designated”.

5 **SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CER-**
6 **TAIN ACTIVITIES AT THE NEVADA TEST SITE,**
7 **NEVADA.**

8 Not later than April 1, 1995, the Secretary of Energy
9 shall submit to Congress a report on the feasibility of con-
10 ducting the following activities at the Nevada Test Site,
11 Nevada:

12 (1) The demilitarization of large rocket motors,
13 high energetic explosives and conventional ordnance.

14 (2) Disarmament and demilitarization of con-
15 ventional weapons and components, generally.

16 (3) The conduct of experiments that assist in
17 monitoring compliance with international agreements
18 on the nonproliferation of nuclear weapons.

19 (4) The conduct of programs for the Depart-
20 ment of Energy and the Department of Defense to
21 develop simulator technologies for nuclear weapons
22 design and effects, including advanced hydrodynamic
23 simulators, fusion test facilities, and nuclear weap-
24 ons effects simulators (such as the Decade and Jupi-
25 ter simulators).

1 (5) The conduct of the stockpile stewardship
2 program established pursuant to section 3138 of the
3 National Defense Authorization Act for Fiscal Year
4 1994 (42 U.S.C. 2121 note).

5 (6) Experiments related to the nonproliferation
6 of nuclear weapons, including experiments with re-
7 spect to disablement of such weapons, nuclear
8 forensics, sensors, and verification and monitoring.

9 **SEC. 3154. NUCLEAR WEAPONS COUNCIL MEMBERSHIP.**

10 Section 179(a)(1) title 10, United States Code, is
11 amended to read as follows: “(3) Two senior representa-
12 tives of the Department of Energy appointed by the Sec-
13 retary of Energy.”.

14 **SEC. 3155. OFFICE OF FISSILE MATERIALS DISPOSITION.**

15 (a) ESTABLISHMENT.—Title II of the Department of
16 Energy Organization Act (42 U.S.C. 7131 et seq.) is
17 amended by adding at the end the following:

18 “OFFICE OF FISSILE MATERIALS DISPOSITION

19 “SEC. 212. (a) There shall be within the Department
20 an Office of Fissile Materials Disposition.

21 “(b) The Secretary shall designate the head of the
22 Office. The head of the Office shall report to the Under
23 Secretary.

24 “(c) The head of the Office shall be responsible for
25 all activities of the Department relating to the manage-
26 ment, storage, and disposition of fissile materials from

1 weapons and weapons systems that are excess to the na-
 2 tional security needs of the United States.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
 4 tents in the first section of such Act is amended by insert-
 5 ing after the item relating to section 210 the following
 6 new items:

“Sec. 211. Office of Minority Economic Impact.

“Sec. 212. Office of Fissile Materials Disposition.”.

7 **SEC. 3156. EXTENSION OF AUTHORITY TO LOAN PERSON-**
 8 **NEL AND FACILITIES AT IDAHO NATIONAL**
 9 **ENGINEERING LABORATORY.**

10 Section 1434 of the National Defense Authorization
 11 Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat.
 12 2074), as amended by section 3136 of the National De-
 13 fense Authorization Act for Fiscal Year 1993 (Public Law
 14 102–484; 106 Stat. 2641), is further amended—

15 (1) in the third sentence of subsection (a)(3),
 16 by striking out “fiscal years 1993 and 1994” and in-
 17 serting in lieu thereof “fiscal years 1993, 1994,
 18 1995, 1996, and 1997”; and

19 (2) in subsection (c), by striking out “Septem-
 20 ber 30, 1994, with respect to the Idaho National
 21 Engineering Laboratory” and inserting in lieu there-
 22 of “September 30, 1997, with respect to the Idaho
 23 National Engineering Laboratory”.

1 **SEC. 3157. ELIMINATION OF REQUIREMENT FOR FIVE-YEAR**
2 **PLAN FOR DEFENSE NUCLEAR FACILITIES.**

3 Subsection (a) section 3135 of the National Defense
4 Authorization Act for Fiscal Years 1992 and 1993 (Public
5 Law 102–190; 105 Stat. 1575; 42 U.S.C. 7274g(a)) is
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking out “(A) defense nuclear
9 facilities and (B) all other facilities owned or
10 operated by the Department of Energy” in the
11 first sentence and inserting in lieu thereof “all
12 facilities owned or operated by the Department
13 of Energy except defense nuclear facilities”;
14 and

15 (B) by inserting “such” in the third sen-
16 tence after “restoration at all”;

17 (2) in paragraph (4), by striking out “The plan
18 shall contain the following matter:” and inserting in
19 lieu thereof “The plan shall include, with respect to
20 the Department of Energy facilities required by
21 paragraph (1) to be covered by the plan, the follow-
22 ing matters:”;

23 (3) by striking out paragraph (6); and

24 (4) by redesignating paragraph (7) as para-
25 graph (6).

1 **SEC. 3158. AUTHORITY FOR APPOINTMENT OF CERTAIN**
2 **SCIENTIFIC, ENGINEERING, AND TECHNICAL**
3 **PERSONNEL.**

4 (a) **AUTHORITY.**—(1) Notwithstanding any provision
5 of title 5, United States Code, governing appointments in
6 the competitive service and General Schedule classification
7 and pay rates, or any other provision of law, the Secretary
8 of Energy may—

9 (A) establish and set the rates of pay for not
10 more than 200 positions in the Department of En-
11 ergy for scientific, engineering, and technical person-
12 nel whose duties will relate to safety at defense nu-
13 clear facilities of the Department; and

14 (B) appoint persons to such positions.

15 (2) The rate of pay for a position established under
16 paragraph (1) may not exceed the rate of pay payable for
17 Level IV of the Executive Schedule under section 5315
18 of title 5, United States Code.

19 (3) To the maximum extent practicable, the Secretary
20 shall appoint persons under paragraph (1)(B) to the posi-
21 tions established under paragraph (1)(A) in accordance
22 with the merit system principles set forth in section 2301
23 of such title.

24 (b) **OPM REVIEW.**—(1) The Secretary shall enter
25 into an agreement with the Director of the Office of Per-
26 sonnel Management under which agreement the Director

1 shall periodically evaluate the use of the authority set
2 forth in subsection (a)(1).

3 (2) If the Director determines as a result of such
4 evaluation that the Secretary of Energy is not appointing
5 persons to positions under such authority in a manner
6 consistent with the merit system principles set forth in
7 section 2301 of title 5, United States Code, the Director
8 shall notify the Secretary of that determination.

9 (3) Upon receipt of a notification under paragraph
10 (2), the Secretary shall—

11 (A) take appropriate actions to appoint persons
12 to positions under such authority in a manner con-
13 sistent with such principles; or

14 (B) cease appointment of persons under such
15 authority.

16 (c) TERMINATION.—(1) The authority provided
17 under subsection (a)(1) shall terminate on September 30,
18 1997.

19 (2) An employee may not be separated from employ-
20 ment with the Department of Energy or receive a reduc-
21 tion in pay by reason of the termination of authority under
22 paragraph (1).

1 **SEC. 3159. DEPARTMENT OF ENERGY DECLASSIFICATION**
2 **PRODUCTIVITY INITIATIVE.**

3 Of the funds authorized to be appropriated to the De-
4 partment of Energy under section 3103, \$3,000,000 shall
5 be available for the Department of Energy's Declassifica-
6 tion Productivity Initiative.

7 **SEC. 3160. SAFETY OVERSIGHT AND ENFORCEMENT AT DE-**
8 **FENSE NUCLEAR FACILITIES.**

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

10 (1) Effective oversight of matters relating to
11 nuclear safety at defense nuclear facilities and en-
12 forcement of nuclear safety standards at such facili-
13 ties are critical to ensuring the safety of the public
14 and the workers at such facilities.

15 (2) The Department of Energy has not devoted
16 adequate attention historically to matters relating to
17 nuclear safety at defense nuclear facilities.

18 (b) SAFETY AT DEFENSE NUCLEAR FACILITIES.—
19 The Secretary of Energy shall take appropriate actions to
20 ensure that—

21 (1) officials of the Department of Energy who
22 are responsible for independent oversight of matters
23 relating to nuclear safety at defense nuclear facilities
24 and enforcement of nuclear safety standards at such
25 facilities maintain independence from officials who
26 are engaged in management of such facilities;

1 (2) the independent, internal oversight func-
2 tions carried out by the Department include, at the
3 minimum, activities relating to—

4 (A) the assessment of the safety of defense
5 nuclear facilities;

6 (B) the assessment of the effectiveness of
7 Department program offices in carrying out
8 programs relating to the environment, safety,
9 health, and security at defense nuclear facili-
10 ties;

11 (C) the provision to the Secretary of over-
12 sight reports that—

13 (i) contain validated technical infor-
14 mation; and

15 (ii) provide a clear analysis of the ex-
16 tent to which line programs governing de-
17 fense nuclear facilities meet applicable
18 goals for the environment, safety, health,
19 and security at such facilities; and

20 (D) the development of clear performance
21 standards to be used in assessing the adequacy
22 of the programs referred to in subparagraph
23 (C)(ii);

24 (3) the Department has a system for bringing
25 issues relating to nuclear safety at defense nuclear

1 facilities to the attention of the officials of the De-
2 partment (including the Secretary of Energy) having
3 authority to resolve such issues in an adequate and
4 timely manner; and

5 (4) an adequate number of qualified personnel
6 of the Department are assigned to oversee matters
7 relating to nuclear safety at defense nuclear facilities
8 and enforce nuclear safety standards at such facili-
9 ties.

10 (c) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Secretary of Energy shall
12 submit to the congressional defense committees a report
13 describing—

14 (1) the actions that the Secretary has taken or
15 will take to fulfill the requirements set forth in para-
16 graphs (1), (2), and (3) of subsection (b);

17 (2) the actions in addition to the actions de-
18 scribed under paragraph (1) that the Secretary
19 could take in order to fulfill such requirements; and

20 (3) the respective roles with regard to nuclear
21 safety at defense nuclear facilities of the following
22 officials:

23 (A) The Associate Deputy Secretary of En-
24 ergy for Field Management.

1 (B) The Assistant Secretary of Energy for
2 Defense Programs.

3 (C) The Assistant Secretary of Energy for
4 Environmental Restoration and Waste Manage-
5 ment.

6 **SEC. 3161. CONDITIONS ON CONTRACTS BETWEEN THE**
7 **FEDERAL GOVERNMENT AND CERTAIN LES-**
8 **SEES AND TRANSFEREES OF DEPARTMENT**
9 **OF ENERGY PROPERTY.**

10 (a) CONDITIONS.—Notwithstanding any other provi-
11 sion of law, the head of a department or agency of the
12 United States may require as a condition of a contract
13 with an entity described in subsection (b) that such entity
14 certifies to the head of the department or agency the fol-
15 lowing:

16 (1) That no officer, director, employee, or agent
17 of the entity has utilized in the preparation of the
18 bid or solicitation for the contract—

19 (A) any records or systems of records of
20 the Federal Government that are covered by
21 section 552a of title 5, United States Code;

22 (B) any information or data of the Federal
23 Government that has not been released or oth-
24 erwise made generally available for preparation
25 of bids or proposals on the contract; or

1 (C) any commercial information or data of
2 another entity that has not been released or
3 otherwise made generally available for that pur-
4 pose.

5 (2) That the entity has returned, destroyed, or
6 otherwise disposed of all documents received from
7 the Federal Government by reason of any earlier
8 contract between the Federal Government and the
9 entity for the operation of the facility which is
10 leased, or with respect to which property is trans-
11 ferred, to the entity pursuant to a provision of law
12 referred to in subsection (b).

13 (b) COVERED ENTITIES.—Subsection (a) applies to
14 any entity, or the affiliate, successor to, or assign of the
15 entity, to which the Secretary of Energy leases a Depart-
16 ment of Energy facility under section 646(c) of the De-
17 partment of Energy Organization Act (42 U.S.C. 7256(d))
18 or to which the Secretary transfers personal property of
19 such a facility under section 3155(a) of the National De-
20 fense Authorization Act for Fiscal Year 1994 (Public Law
21 103–160; 107 Stat. 1953; 42 U.S.C. 7274l(c)).

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD AUTHORIZATION**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal
6 year 1995, \$17,933,000 for the operation of the Defense
7 Nuclear Facilities Safety Board under chapter 21 of the
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

Passed the Senate July 1 (legislative day, June 7),
1994.

Attest:

Secretary.

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