

104TH CONGRESS
2D SESSION

S. 1763

AN ACT

To authorize appropriations for fiscal year 1997 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 1997”.

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1 TITLE XXXI—DEPARTMENT OF 2 ENERGY NATIONAL SECURITY 3 PROGRAMS

4 Subtitle A—National Security 5 Programs Authorizations

6 SEC. 3101. WEAPONS ACTIVITIES.

7 (a) STOCKPILE STEWARDSHIP.—Funds are hereby
8 authorized to be appropriated to the Department of En-
9 ergy for fiscal year 1997 for stockpile stewardship in car-
10 rying out weapons activities necessary for national secu-
11 rity programs in the amount of \$1,636,767,000, to be allo-
12 cated as follows:

13 (1) For core stockpile stewardship,
14 \$1,200,907,000, to be allocated as follows:

15 (A) For operation and maintenance,
16 \$1,112,570,000.

1 (B) For plant projects (including maintenance,
2 nance, restoration, planning, construction, acquisition,
3 modification of facilities, and the continuation of projects
4 authorized in prior years, and land acquisition related thereto),
5 \$88,337,000, to be allocated as follows:
6

7 Project 96–D–102, stockpile stewardship
8 facilities revitalization, Phase VI, various locations,
9 \$19,250,000.

10 Project 96–D–103, ATLAS, Los Alamos
11 National Laboratory, Los Alamos, New Mexico,
12 \$15,100,000.

13 Project 96–D–104, processing and environmental
14 technology laboratory (PETL), Sandia National Laboratories,
15 Albuquerque, New Mexico, \$14,100,000.
16

17 Project 96–D–105, contained firing
18 facility addition, Lawrence Livermore National
19 Laboratory, Livermore, California, \$17,100,000.
20

21 Project 95–D–102, Chemical and
22 Metallurgy Research Building upgrades
23 project, Los Alamos National Laboratory,
24 Los Alamos, New Mexico, \$15,000,000.

1 Project 94–D–102, nuclear weapons
2 research, development, and testing facili-
3 ties revitalization, Phase V, various loca-
4 tions, \$7,787,000.

5 (2) For inertial fusion, \$366,460,000, to be al-
6 located as follows:

7 (A) For operation and maintenance,
8 \$234,560,000.

9 (B) For the following plant project (includ-
10 ing maintenance, restoration, planning, con-
11 struction, acquisition, and modification of facili-
12 ties, and land acquisition related thereto):

13 Project 96–D–111, national ignition
14 facility, location to be determined,
15 \$131,900,000.

16 (3) For technology transfer and education,
17 \$69,400,000.

18 (b) STOCKPILE MANAGEMENT.—Funds are hereby
19 authorized to be appropriated to the Department of En-
20 ergy for fiscal year 1997 for stockpile management in car-
21 rying out weapons activities necessary for national secu-
22 rity programs in the amount of \$1,988,831,000, to be allo-
23 cated as follows:

24 (1) For operation and maintenance,
25 \$1,894,470,000.

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), \$94,361,000, to be allocated as
6 follows:

7 Project 97–D–121, consolidated pit packaging
8 system, Pantex Plant, Amarillo, Texas,
9 \$870,000.

10 Project 97–D–122, nuclear materials storage
11 facility renovation, Los Alamos National
12 Laboratory, Los Alamos, New Mexico,
13 \$4,000,000.

14 Project 97–D–123, structural upgrades,
15 Kansas City Plant, Kansas City, Missouri,
16 \$1,400,000.

17 Project 97–D–124, steam plant waste
18 water treatment facility upgrade, Y–12 plant,
19 Oak Ridge, Tennessee, \$600,000.

20 Project 96–D–122, sewage treatment quality
21 upgrade (STQU), Pantex Plant, Amarillo,
22 Texas, \$100,000.

23 Project 96–D–123, retrofit heating, ventilation,
24 and air conditioning and chillers for

1 ozone protection, Y-12 plant, Oak Ridge, Ten-
2 nessee, \$7,000,000.

3 Project 96-D-125, Washington measure-
4 ments operations facility, Andrews Air Force
5 Base, Camp Springs, Maryland, \$3,825,000.

6 Project 95-D-122, sanitary sewer up-
7 grade, Y-12 plant, Oak Ridge, Tennessee,
8 \$10,900,000.

9 Project 94-D-124, hydrogen fluoride sup-
10 ply system, Y-12 plant, Oak Ridge, Tennessee,
11 \$4,900,000.

12 Project 94-D-125, upgrade life safety,
13 Kansas City Plant, Kansas City, Missouri,
14 \$5,200,000.

15 Project 94-D-127, emergency notification
16 system, Pantex Plant, Amarillo, Texas,
17 \$2,200,000.

18 Project 93-D-122, life safety upgrades,
19 Y-12 plant, Oak Ridge, Tennessee, \$7,200,000.

20 Project 93-D-123, non-nuclear reconfig-
21 uration, complex-21, various locations,
22 \$14,487,000.

23 Project 88-D-122, facilities capability as-
24 surance program, various locations,
25 \$21,940,000.

1 Project 88–D–123, security enhancement,
2 Pantex Plant, Amarillo, Texas, \$9,739,000.

3 (c) PROGRAM DIRECTION.—Funds are hereby au-
4 thorized to be appropriated to the Department of Energy
5 for fiscal year 1997 for program direction in carrying out
6 weapons activities necessary for national security pro-
7 grams in the amount of \$323,404,000.

8 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
9 **MANAGEMENT.**

10 (a) ENVIRONMENTAL RESTORATION.—Subject to
11 subsection (j), funds are hereby authorized to be appro-
12 priated to the Department of Energy for fiscal year 1997
13 for environmental restoration in carrying out environ-
14 mental restoration and waste management activities nec-
15 essary for national security programs in the amount of
16 \$1,777,194,000.

17 (b) WASTE MANAGEMENT.—Subject to subsection
18 (j), funds are hereby authorized to be appropriated to the
19 Department of Energy for fiscal year 1997 for waste man-
20 agement in carrying out environmental restoration and
21 waste management activities necessary for national secu-
22 rity programs in the amount of \$1,601,653,000, to be allo-
23 cated as follows:

24 (1) For operation and maintenance,
25 \$1,513,326,000.

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), \$88,327,000, to be allocated as
6 follows:

7 Project 97–D–402, tank restoration and
8 safe operations, Richland, Washington,
9 \$7,584,000.

10 Project 96–D–408, waste management up-
11 grades, various locations, \$11,246,000.

12 Project 95–D–402, install permanent elec-
13 trical service, Waste Isolation Pilot Plant,
14 Carlsbad, New Mexico, \$752,000.

15 Project 95–D–405, industrial landfill V
16 and construction/demolition landfill VII, Phase
17 III, Y–12 Plant, Oak Ridge, Tennessee,
18 \$200,000.

19 Project 94–D–404, Melton Valley storage
20 tank capacity increase, Oak Ridge National
21 Laboratory, Oak Ridge, Tennessee, \$6,345,000.

22 Project 94–D–407, initial tank retrieval
23 systems, Richland, Washington, \$12,600,000.

1 Project 93–D–182, replacement of cross-
2 site transfer system, Richland, Washington,
3 \$8,100,000.

4 Project 93–D–187, high-level waste re-
5 moval from filled waste tanks, Savannah River
6 Site, South Carolina, \$20,000,000.

7 Project 89–D–174, replacement high-level
8 waste evaporator, Savannah River Site, Aiken,
9 South Carolina, \$11,500,000.

10 Project 86–D–103, decontamination and
11 waste treatment facility, Lawrence Livermore
12 National Laboratory, Livermore, California,
13 \$10,000,000.

14 (c) TECHNOLOGY DEVELOPMENT.—Subject to sub-
15 section (j), funds are hereby authorized to be appropriated
16 to the Department of Energy for fiscal year 1997 for tech-
17 nology development in carrying out environmental restora-
18 tion and waste management activities necessary for na-
19 tional security programs in the amount of \$328,771,000.

20 (d) NUCLEAR MATERIALS AND FACILITIES STA-
21 BILIZATION.—Subject to subsection (j), funds are hereby
22 authorized to be appropriated to the Department of En-
23 ergy for fiscal year 1997 for nuclear materials and facili-
24 ties stabilization in carrying out environmental restoration
25 and waste management activities necessary for national

1 security programs in the amount of \$994,821,000, to be
2 allocated as follows:

3 (1) For operation and maintenance,
4 \$909,664,000.

5 (2) 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), \$85,157,000, to be allocated as
10 follows:

11 Project 97–D–450, actinide packaging and
12 storage facility, Savannah River Site, Aiken,
13 South Carolina, \$7,900,000.

14 Project 97–D–451, B–plant safety class
15 ventilation upgrades, Richland, Washington,
16 \$1,500,000.

17 Project 96–D–406, spent nuclear fuels
18 canister storage and stabilization facility, Rich-
19 land, Washington, \$60,672,000.

20 Project 96–D–464, electrical and utility
21 systems upgrade, Idaho Chemical Processing
22 Plant, Idaho National Engineering Laboratory,
23 Idaho, \$10,440,000.

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

1 National Engineering Laboratory, Idaho,
2 \$4,645,000.

3 (e) POLICY AND MANAGEMENT.—Subject to sub-
4 section (j), funds are hereby authorized to be appropriated
5 to the Department of Energy for fiscal year 1997 policy
6 and management activities (including development and di-
7 rection of policy, training and education, and manage-
8 ment) in carrying out environmental restoration and waste
9 management activities necessary for national security pro-
10 grams in the amount of \$26,155,000.

11 (f) SITE OPERATIONS.—Subject to subsection (j),
12 funds are hereby authorized to be appropriated to the De-
13 partment of Energy for fiscal year 1997 for site operations
14 in carrying out environmental restoration and waste man-
15 agement activities necessary for national security pro-
16 grams in the amount of \$363,469,000, to be allocated as
17 follows:

18 (1) For operation and maintenance,
19 \$331,054,000.

20 (2) For plant projects (including maintenance,
21 restoration, planning, construction, acquisition,
22 modification of facilities, and the continuation of
23 projects authorized in prior years, and land acquisi-
24 tion related thereto), \$32,415,000, to be allocated as
25 follows:

1 Project 96–D–461, electrical distribution
2 upgrade, Idaho National Engineering Labora-
3 tory, Idaho, \$6,790,000.

4 Project 96–D–470, environmental monitor-
5 ing laboratory, Savannah River Site, Aiken,
6 South Carolina, \$2,500,000.

7 Project 96–D–471, chlorofluorocarbon
8 heating, ventilation, and air conditioning and
9 chiller retrofit, Savannah River Site, Aiken,
10 South Carolina, \$8,541,000.

11 Project 96–D–473, health physics site sup-
12 port facility, Savannah River Site, Aiken, South
13 Carolina, \$2,000,000.

14 Project 95–E–600, hazardous materials
15 management and emergency response training
16 center, Richland, Washington, \$7,900,000.

17 Project 95–D–155, upgrade site road in-
18 frastructure, Savannah River, South Carolina,
19 \$4,137,000.

20 Project 94–D–401, emergency response fa-
21 cility, Idaho National Engineering Laboratory,
22 Idaho, \$547,000.

23 (g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—
24 Subject to subsection (j), funds are hereby authorized to
25 be appropriated to the Department of Energy for fiscal

1 year 1997 for environmental science and risk policy activi-
2 ties in carrying out environmental restoration and waste
3 management activities necessary for national security pro-
4 grams in the amount of \$52,136,000.

5 (h) ENVIRONMENTAL MANAGEMENT PRIVATIZA-
6 TION.—Subject to subsection (j), funds are hereby author-
7 ized to be appropriated to the Department of Energy for
8 fiscal year 1997 for environmental management privatiza-
9 tion activities in carrying out environmental restoration
10 and waste management necessary for national security
11 programs in the amount of \$185,000,000.

12 (i) PROGRAM DIRECTION.—Subject to subsection (j),
13 funds are hereby authorized to be appropriated to the De-
14 partment of Energy for fiscal year 1997 for program di-
15 rection in carrying out environmental restoration and
16 waste management activities necessary for national secu-
17 rity programs in the amount of \$436,511,000.

18 (j) ADJUSTMENTS.—The total amount authorized to
19 be appropriated pursuant to this section is the sum of the
20 amounts authorized to be appropriated in subsections (a)
21 through (i) reduced by the sum of—

22 (1) \$150,400,000, for use of prior year bal-
23 ances; and

24 (2) \$8,000,000, for Savannah River Pension
25 Refund.

1 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 1997 for other
4 defense activities in carrying out programs necessary for
5 national security in the amount of \$1,560,700,000, to be
6 allocated as follows:

7 (1) For verification and control technology,
8 \$456,348,000, to be allocated as follows:

9 (A) For nonproliferation and verification
10 research and development, \$204,919,000.

11 (B) For arms control, \$216,244,000.

12 (C) For intelligence, \$35,185,000.

13 (2) For nuclear safeguards and security,
14 \$47,208,000.

15 (3) For security investigations, \$22,000,000.

16 (4) For environment, safety, and health, de-
17 fense, \$53,094,000.

18 (5) For program direction, environment, safety,
19 and health, defense, \$10,706,000.

20 (6) For worker and community transition as-
21 sistance, \$62,659,000.

22 (7) For program direction, worker and commu-
23 nity transition assistance, \$4,341,000.

24 (8) For fissile materials \$93,796,000, to be al-
25 located as follows:

1 (A) For control and disposition,
2 \$73,163,000.

3 (B) For the following plant project (includ-
4 ing maintenance, restoration, planning, con-
5 struction, acquisition, and modification of facili-
6 ties, and land acquisition related thereto):

7 Project 97-D-140, consolidated spe-
8 cial nuclear materials storage plant, loca-
9 tion to be determined, \$17,000,000.

10 (C) For program direction, \$3,633,000.

11 (9) For emergency management, \$16,794,000.

12 (10) For program direction, nonproliferation
13 and national security, \$90,622,000.

14 (11) For naval reactors development,
15 \$681,932,000, to be allocated as follows:

16 (A) For operation and infrastructure,
17 \$649,330,000.

18 (B) For plant projects (including mainte-
19 nance, restoration, planning, construction, ac-
20 quisition, modification of facilities, and the con-
21 tinuation of projects authorized in prior years,
22 and land acquisition related thereto),
23 \$13,700,000, to be allocated as follows:

24 Project 97-D-201, advanced test re-
25 actor secondary coolant system upgrades

1 Idaho National Engineering Laboratory,
2 Idaho, \$400,000.

3 Project 95–D–200, laboratory systems
4 and hot cell upgrades, various locations,
5 \$4,800,000.

6 Project 95–D–201, advanced test re-
7 actor radioactive waste system upgrades,
8 Idaho National Engineering Laboratory,
9 Idaho, \$500,000.

10 Project 90–N–102, expended core fa-
11 cility dry cell project, Naval Reactors Fa-
12 cility, Idaho, \$8,000,000.

13 (C) For program direction, \$18,902,000.

14 (12) For international nuclear safety,
15 \$15,200,000.

16 (13) For nuclear security, \$6,000,000.

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

18 Funds are hereby authorized to be appropriated to
19 the Department of Energy for fiscal year 1996 for pay-
20 ment to the Nuclear Waste Fund established in section
21 302(c) of the Nuclear Waste Policy Act of 1982 (42
22 U.S.C. 10222(c)) in the amount of \$200,000,000.

1 **Subtitle B—Recurring General**
2 **Provisions**

3 **SEC. 3121. REPROGRAMMING.**

4 (a) IN GENERAL.—Until the Secretary of Energy
5 submits to the congressional defense committees the re-
6 port referred to in subsection (b) and a period of 30 days
7 has elapsed after the date on which such committees re-
8 ceive the report, the Secretary may not use amounts ap-
9 propriated pursuant to this title for any program—

10 (1) in amounts that exceed, in a fiscal year—

11 (A) 110 percent of the amount authorized
12 for that program by this title; or

13 (B) \$1,000,000 more than the amount au-
14 thorized for that program by this title; or

15 (2) which has not been presented to, or re-
16 quested of, Congress.

17 (b) REPORT.—(1) The report referred to in sub-
18 section (a) is a report containing a full and complete state-
19 ment of the action proposed to be taken and the facts and
20 circumstances relied upon in support of such proposed ac-
21 tion.

22 (2) In the computation of the 30-day period under
23 subsection (a), there shall be excluded any day on which
24 either House of Congress is not in session because of an
25 adjournment of more than 3 days to a day certain.

1 (c) LIMITATIONS.—(1) In no event may the total
2 amount of funds obligated pursuant to this title exceed
3 the total amount authorized to be appropriated by this
4 title.

5 (2) Funds appropriated pursuant to this title may not
6 be used for an item for which Congress has specifically
7 denied funds.

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

9 (a) IN GENERAL.—The Secretary of Energy may
10 carry out any construction project under the general plant
11 projects authorized by this title if the total estimated cost
12 of the construction project does not exceed \$5,000,000.

13 (b) REPORT TO CONGRESS.—If, at any time during
14 the construction of any general plant project authorized
15 by this title, the estimated cost of the project is revised
16 because of unforeseen cost variations and the revised cost
17 of the project exceeds \$5,000,000, the Secretary shall im-
18 mediately furnish a complete report to the congressional
19 defense committees explaining the reasons for the cost
20 variation.

21 (c) STUDY ON PERMANENT AUTHORIZATION FOR
22 GENERAL PLANT PROJECTS.—Not later than February 1,
23 1997, the Secretary of Energy shall report to the appro-
24 priate congressional committees on the need for, and de-
25 sirability of, a permanent authorization formula for de-

1 fense and civilian general plant projects in the Department
2 of Energy that includes periodic adjustments for inflation,
3 including any legislative recommendations to enact such
4 formula into permanent law. The report of the Secretary
5 shall describe actions that would be taken by the Depart-
6 ment to provide for cost control of general plant projects,
7 taking into account the size and nature of such projects.

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

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

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

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

23 (2) An action described in paragraph (1) may be
24 taken if—

1 (A) the Secretary of Energy has submitted to
2 the congressional defense committees a report on the
3 actions and the circumstances making such action
4 necessary; 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 days to a day certain.

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

15 **SEC. 3124. FUND TRANSFER AUTHORITY.**

16 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
17 The Secretary of Energy may transfer funds authorized
18 to be appropriated to the Department of Energy pursuant
19 to this title to other Federal agencies for the performance
20 of work for which the funds were authorized. Funds so
21 transferred may be merged with and be available for the
22 same purposes and for the same period as the authoriza-
23 tions of the Federal agency to which the amounts are
24 transferred.

1 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY;
2 LIMITATIONS.—(1) Subject to paragraph (2), the Sec-
3 retary of Energy may transfer funds authorized to be ap-
4 propriated to the Department of Energy pursuant to this
5 title between any such authorizations. Amounts of author-
6 izations so transferred may be merged with and be avail-
7 able for the same purposes and for the same period as
8 the authorization to which the amounts are transferred.

9 (2) Not more than five percent of any such authoriza-
10 tion may be transferred between authorizations under
11 paragraph (1). No such authorization may be increased
12 or decreased by more than five percent by a transfer under
13 such paragraph.

14 (3) The authority provided by this section to transfer
15 authorizations—

16 (A) may only be used to provide funds for items
17 relating to weapons activities necessary for national
18 security programs that have a higher priority than
19 the items from which the funds are transferred; and

20 (B) may not be used to provide authority for an
21 item that has been denied funds by Congress.

22 (c) NOTICE TO CONGRESS.—The Secretary of Energy
23 shall promptly notify the Committee on Armed Services
24 of the Senate and the Committee on National Security of

1 the House of Representatives of any transfer of funds to
2 or from authorizations under this title.

3 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
4 **TION DESIGN.**

5 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
6 Subject to paragraph (2) and except as provided in para-
7 graph (3), before submitting to Congress a request for
8 funds for a construction project that is in support of a
9 national security program of the Department of Energy,
10 the Secretary of Energy shall complete a conceptual de-
11 sign for that project. The Secretary shall submit to Con-
12 gress a report on each conceptual design completed under
13 this paragraph.

14 (2) If the estimated cost of completing a conceptual
15 design for a construction project exceeds \$3,000,000, the
16 Secretary shall submit to Congress a request for funds for
17 the conceptual design before submitting a request for
18 funds for the construction project.

19 (3) The requirement in paragraph (1) does not apply
20 to a request for funds—

21 (A) for a construction project the total esti-
22 mated cost of which is less than \$5,000,000; or

23 (B) for emergency planning, design, and con-
24 struction activities under section 3126.

1 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)

2 Within the amounts authorized by this title, the Secretary
3 of Energy may carry out construction design (including
4 architectural and engineering services) in connection with
5 any proposed construction project if the total estimated
6 cost for such design does not exceed \$600,000.

7 (2) If the total estimated cost for construction design
8 in connection with any construction project exceeds
9 \$600,000, funds for such design must be specifically au-
10 thorized by law.

11 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
12 **SIGN, AND CONSTRUCTION ACTIVITIES.**

13 (a) AUTHORITY.—The Secretary of Energy may use
14 any funds available to the Department of Energy pursuant
15 to an authorization in this title, including those funds au-
16 thorized to be appropriated for advance planning and con-
17 struction design under sections 3101, 3102, and 3103, to
18 perform planning, design, and construction activities for
19 any Department of Energy national security program con-
20 struction project that, as determined by the Secretary,
21 must proceed expeditiously in order to protect public
22 health and safety, to meet the needs of national defense,
23 or to protect property.

24 (b) LIMITATION.—The Secretary may not exercise
25 the authority under subsection (a) in the case of any con-

1 struction project until the Secretary has submitted to the
2 congressional defense committees a report on the activities
3 that the Secretary intends to carry out under this section
4 and the circumstances making such activities necessary.

5 (c) SPECIFIC AUTHORITY.—The requirement of sec-
6 tion 3125(b)(2) does not apply to emergency planning, de-
7 sign, and construction activities conducted under this sec-
8 tion.

9 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
10 **RITY PROGRAMS OF THE DEPARTMENT OF**
11 **ENERGY.**

12 Subject to the provisions of appropriations Acts and
13 section 3121, amounts appropriated pursuant to this title
14 for management and support activities and for general
15 plant projects are available for use, when necessary, in
16 connection with all national security programs of the De-
17 partment of Energy.

18 **SEC. 3128. AVAILABILITY OF FUNDS.**

19 When so specified in an appropriations Act, amounts
20 appropriated for operation and maintenance or for plant
21 projects may remain available until expended.

1 **Subtitle C—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3131. TRITIUM PRODUCTION.**

5 (a) ACCELERATION OF TRITIUM PRODUCTION.—(1)

6 The Secretary of Energy shall, during fiscal year 1997,
7 make a final decision on the technologies to be utilized,
8 and the accelerated schedule to be adopted, for tritium
9 production in order to meet the requirements of the Nu-
10 clear Weapons Stockpile Memorandum relating to tritium
11 production, including the new tritium production date of
12 2005 specified in the Nuclear Weapons Stockpile Memo-
13 randum.

14 (2) In making the final decision, the Secretary shall
15 take into account the following:

16 (A) The requirements for tritium production
17 specified in the Nuclear Weapons Stockpile Memo-
18 randum, including, in particular, the requirements
19 for the “upload hedge” component of the nuclear
20 weapons stockpile.

21 (B) The ongoing activities of the Department
22 relating to the evaluation and demonstration of tech-
23 nologies under the accelerator reactor program and
24 the commercial light water reactor program.

1 (b) REPORT.—(1) Not later than April 15, 1997, the
2 Secretary shall submit to the Congress a report that sets
3 forth the final decision of the Secretary under subsection
4 (a)(1). The report shall set forth in detail—

5 (A) the technologies decided on under that sub-
6 section; and

7 (B) the accelerated schedule for the production
8 of tritium decided on under that subsection.

9 (2) If the Secretary determines that it is not possible
10 to make the final decision by the date specified in para-
11 graph (1), the Secretary shall submit to Congress on that
12 date a report that explains in detail why the final decision
13 cannot be made by that date.

14 (c) NEW TRITIUM PRODUCTION FACILITY.—The
15 Secretary shall commence planning and design activities
16 and infrastructure development for a new tritium produc-
17 tion facility.

18 (d) IN-REACTOR TESTS.—The Secretary may per-
19 form in-reactor tests of tritium target rods as part of the
20 activities carried out under the commercial light water re-
21 actor program.

22 (e) FUNDING.—Of the funds authorized to be appro-
23 priated to the Department of Energy pursuant to section
24 3101(b)(1)—

1 (1) not more than \$45,000,000 shall be avail-
2 able for research, development, and technology dem-
3 onstration activities and other activities relating to
4 the production of tritium in accelerators;

5 (2) not more than \$15,000,000 shall be avail-
6 able for the commercial light water reactor project,
7 including activities relating to target development,
8 extraction capability, and reactor acquisition or ini-
9 tial tritium operations; and

10 (3) not more than \$100,000,000 shall be avail-
11 able for other tritium production research activities.

12 **SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRIT-**
13 **IUM RECYCLING FACILITIES.**

14 (a) IN GENERAL.—The Secretary of Energy shall
15 carry out activities to modernize and consolidate the facili-
16 ties for recycling tritium for weapons at the Savannah
17 River Site, South Carolina, so as to ensure that such fa-
18 cilities have a capacity to recycle tritium from weapons
19 that is adequate to meet the tritium requirements for
20 weapons specified in the Nuclear Weapons Stockpile
21 Memorandum.

22 (b) FUNDING.—Of the funds authorized to be appro-
23 priated to the Department of Energy pursuant to section
24 3101, not more than \$6,000,000 shall be available for ac-
25 tivities under subsection (a).

1 **SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANU-**
2 **FACTURING INFRASTRUCTURE FOR REFAB-**
3 **RICATION AND CERTIFICATION OF NUCLEAR**
4 **WEAPONS STOCKPILE.**

5 (a) GENERAL PROGRAM REQUIREMENTS.—Sub-
6 section (a) of section 3137 of the National Defense Au-
7 thorization Act for Fiscal Year 1996 (Public Law 104–
8 106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

9 (1) by inserting “(1)” before “The Secretary of
10 Energy”;

11 (2) by redesignating paragraphs (1) through
12 (5) as subparagraphs (A) through (E), respectively;
13 and

14 (3) by adding at the end the following:

15 “(2) The purpose of the program carried out under
16 paragraph (1) shall also be to develop manufacturing ca-
17 pabilities and capacities necessary to meet the require-
18 ments specified in the annual Nuclear Weapons Stockpile
19 Review.”.

20 (b) REQUIRED CAPABILITIES.—Subsection (b)(3) of
21 such section is amended to read as follows:

22 “(3) The capabilities of the Savannah River
23 Site relating to tritium recycling and fissile mate-
24 rials components processing and fabrication.”.

25 (c) PLAN AND REPORT.—Not later than March 1,
26 1997, the Secretary of Energy shall submit to Congress

1 a report containing a plan for carrying out the program
2 established under section 3137(a) of the National Defense
3 Authorization Act for Fiscal Year 1996, as amended by
4 this section. The report shall set forth the obligations that
5 the Secretary has incurred, and proposes to incur, during
6 fiscal year 1997 in carrying out the program.

7 (d) FUNDING.—Of the funds authorized to be appro-
8 priated pursuant to section 3101(b), \$5,000,000 shall be
9 available for carrying out the program established under
10 section 3137(a) of the National Defense Authorization Act
11 for Fiscal Year 1996, as so amended.

12 **SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN**
13 **RESEARCH AND DEVELOPMENT PURPOSES.**

14 (a) LIMITATION.—No funds appropriated or other-
15 wise made available to the Department of Energy for fiscal
16 year 1997 under section 3101 may be obligated or ex-
17 pended for activities under the Department of Energy
18 Laboratory Directed Research and Development Program,
19 or under any Department of Energy technology transfer
20 program or cooperative research and development agree-
21 ment, unless such activities support the national security
22 mission of the Department of Energy.

23 (b) ANNUAL REPORT.—(1) The Secretary of Energy
24 shall annually submit to the congressional defense commit-
25 tees a report on the funds expended during the preceding

1 fiscal year on activities under the Department of Energy
 2 Laboratory Directed Research and Development Program.
 3 The purpose of the report is to permit an assessment of
 4 the extent to which such activities support the national
 5 security mission of the Department of Energy.

6 (2) Each report shall be prepared by the officials re-
 7 sponsible for Federal oversight of the funds expended on
 8 activities under the program.

9 (3) Each report shall set forth the criteria utilized
 10 by the officials preparing the report in determining wheth-
 11 er or not the activities reviewed by such officials support
 12 the national security mission of the Department.

13 **SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING**
 14 **HIGH-LEVEL NUCLEAR WASTE AT THE DE-**
 15 **FENSE WASTE PROCESSING FACILITY, SA-**
 16 **VANNAH RIVER SITE.**

17 The Secretary of Energy shall accelerate the schedule
 18 for the isolation of high-level nuclear waste in glass can-
 19 isters at the Defense Waste Processing Facility at the Sa-
 20 vannah River Site if the Secretary determines that the ac-
 21 celeration of such schedule—

22 (1) will achieve long-term cost savings to the
 23 Federal Government; and

1 (2) could accelerate the removal and isolation of
 2 high-level nuclear waste from long-term storage
 3 tanks at the site.

4 **SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE**
 5 **AND SPENT NUCLEAR FUEL RODS.**

6 (a) IN GENERAL.—In order to provide for an effec-
 7 tive response to requirements for managing spent nuclear
 8 fuel that is sent to Department of Energy consolidation
 9 sites pursuant to the Department of Energy Pro-
 10 grammatic Spent Nuclear Fuel Management and Idaho
 11 National Engineering Laboratory Environmental Restora-
 12 tion and Waste Management Programs Final Environ-
 13 mental Impact Statement, dated April 1995, there shall
 14 be available to the Secretary of Energy, from amounts au-
 15 thorized to be appropriated pursuant to section 3102(b),
 16 the following amounts for the purposes stated:

17 (1) Not more than \$65,700,000 for the develop-
 18 ment and implementation of a program for the proc-
 19 essing, reprocessing, separation, reduction, isolation,
 20 and interim storage of high-level nuclear waste asso-
 21 ciated with Department of Energy aluminum clad
 22 spent fuel rods and foreign spent fuel rods in the H-
 23 canyon facility and F-canyon facility.

24 (2) Not more than \$80,000,000 for the develop-
 25 ment and implementation of a program for the

1 treatment, preparation, and conditioning of high-
2 level nuclear waste associated with Department of
3 Energy non-aluminum clad spent nuclear fuel rods
4 (including naval spent nuclear fuel) for interim stor-
5 age and final disposition.

6 (b) UPDATE OF IMPLEMENTATION PLAN.—Not later
7 than April 30, 1997, the Secretary shall submit to Con-
8 gress a plan which updates the five-year plan required by
9 section 3142(b) of the National Defense Authorization Act
10 for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
11 622). The updated plan shall include—

12 (1) the matters required by paragraphs (1)
13 through (4) of such section, current as of the date
14 of the updated plan; and

15 (2) the assessment of the Secretary of the
16 progress made in implementing the program covered
17 by the plans.

18 **SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
19 **SKILLS CRITICAL TO DEPARTMENT OF EN-**
20 **ERGY NUCLEAR WEAPONS COMPLEX.**

21 (a) FUNDING.—Subject to subsection (b), of the
22 funds authorized to be appropriated pursuant to section
23 3101(b), \$5,000,000 may be used for conducting the fel-
24 lowship program for the development of skills critical to
25 the ongoing mission of the Department of Energy nuclear

1 weapons complex required by section 3140 of the National
 2 Defense Authorization Act for Fiscal Year 1996 (Public
 3 Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

4 (b) NOTICE AND WAIT.—The Secretary of Energy
 5 may not obligate or expend funds under subsection (a) for
 6 the fellowship program referred to in that subsection
 7 until—

8 (1) the Secretary submits to Congress a report
 9 setting forth—

10 (A) the steps the Department has taken to
 11 implement the fellowship program;

12 (B) the amount the Secretary proposes to
 13 obligate; and

14 (C) the purposes for which such amount
 15 will be obligated; and

16 (2) a period of 21 days elapses from the date
 17 of the receipt of the report by Congress.

18 **SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAIN-**
 19 **TENANCE OF INFRASTRUCTURE AT NEVADA**
 20 **TEST SITE.**

21 Notwithstanding any other provision of law and effec-
 22 tive as of September 30, 1996, the costs associated with
 23 operating and maintaining the infrastructure at the Ne-
 24 vada Test Site, Nevada, with respect to any activities initi-
 25 ated at the site after that date by the Department of De-

1 fense pursuant to a work for others agreement may be
 2 paid for from funds authorized to be appropriated to the
 3 Department of Energy for activities at the Nevada Test
 4 Site.

5 **Subtitle D—Other Matters**

6 **SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET** 7 **FOR THE NATIONAL SECURITY PROGRAMS** 8 **OF THE DEPARTMENT OF ENERGY.**

9 (a) REQUIREMENT.—The Secretary of Energy shall
 10 prepare each year a budget for the national security pro-
 11 grams of the Department of Energy for the five-year pe-
 12 riod beginning in the year the budget is prepared. Each
 13 budget shall contain the estimated expenditures and pro-
 14 posed appropriations necessary to support the programs,
 15 projects, and activities of the national security programs
 16 during the five-year period covered by the budget and shall
 17 be at a level of detail comparable to that contained in the
 18 budget submitted by the President to Congress under sec-
 19 tion 1105 of title 31, United States Code.

20 (b) SUBMITTAL.—The Secretary shall submit each
 21 year to the congressional defense committees the budget
 22 required under subsection (a) in that year at the same
 23 time as the President submits to Congress the budget for
 24 the coming fiscal year pursuant to such section 1105.

1 **SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY**
2 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**
3 **YEARS AFTER FISCAL YEAR 1997.**

4 (a) IN GENERAL.—The weapons activities budget of
5 the Department of Energy for any fiscal year after fiscal
6 year 1997 shall—

7 (1) set forth with respect to each of the activi-
8 ties under the budget (including stockpile steward-
9 ship, stockpile management, and program direction)
10 the funding requested to carry out each project or
11 activity that is necessary to meet the requirements
12 of the Nuclear Weapons Stockpile Memorandum;
13 and

14 (2) identify specific infrastructure requirements
15 arising from the Nuclear Posture Review, the Nu-
16 clear Weapons Stockpile Memorandum, and the pro-
17 grammatic and technical requirements associated
18 with the review and memorandum.

19 (b) REQUIRED DETAIL.—The Secretary of Energy
20 shall include in the materials that the Secretary submits
21 to Congress in support of the budget for any fiscal year
22 after fiscal year 1997 that is submitted by the President
23 pursuant to section 1105 of title 31, United States Code,
24 the following:

1 (1) A long-term program plan, and a near-term
2 program plan, for the certification and stewardship
3 of the nuclear weapons stockpile.

4 (2) An assessment of the effects of the plans re-
5 ferred to in paragraph (1) on each nuclear weapons
6 laboratory and each nuclear weapons production
7 plant.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “Nuclear Posture Review” means
10 the Department of Defense Nuclear Posture Review
11 as contained in the report of the Secretary of De-
12 fense to the President and the Congress dated Feb-
13 ruary 19, 1995, or in subsequent such reports.

14 (2) The term “nuclear weapons laboratory”
15 means the following:

16 (A) Lawrence Livermore National Labora-
17 tory, California.

18 (B) Los Alamos National Laboratory, New
19 Mexico.

20 (C) Sandia National Laboratories.

21 (3) The term “nuclear weapons production
22 plant” means the following:

23 (A) The Pantex Plant.

24 (B) The Savannah River Site.

25 (C) The Kansas City Plant, Missouri.

1 (D) The Y-12 Plant, Oak Ridge, Ten-
2 nessee.

3 **SEC. 3153. REPEAL OF REQUIREMENT RELATING TO AC-**
4 **COUNTING PROCEDURES FOR DEPARTMENT**
5 **OF ENERGY FUNDS.**

6 Section 3151 of the National Defense Authorization
7 Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat.
8 3089) is repealed.

9 **SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR**
10 **MATERIALS AND CLEAN UP NUCLEAR WASTE**
11 **AT THE SAVANNAH RIVER SITE.**

12 (a) NEAR-TERM PLAN FOR PROCESSING SPENT
13 FUEL RODS.—(1) Not later than March 15, 1997, the
14 Secretary of Energy shall submit to Congress a plan for
15 a near-term program to process the spent nuclear fuel
16 rods described in paragraph (2) in the H-canyon facility
17 and the F-canyon facility at the Savannah River Site. The
18 plan shall include cost projections and resource require-
19 ments for the program and identify program milestones
20 for the program.

21 (2) The spent nuclear fuel rods to be processed under
22 the program referred to in paragraph (1) are the follow-
23 ing:

24 (A) Spent nuclear fuel rods produced at the Sa-
25 vannah River Site.

1 (B) Spent nuclear fuel rods being sent to the
2 site from other Department of Energy facilities for
3 processing, interim storage, and other treatment.

4 (C) Foreign nuclear spent fuel rods being sent
5 to the site for processing, interim storage, and other
6 treatment.

7 (b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—
8 The Secretary shall develop and implement a multi-year
9 plan for the clean-up of nuclear waste at the Savannah
10 River Site that results, or has resulted, from the following:

11 (1) Nuclear weapons activities carried out at
12 the site.

13 (2) The processing of Department of Energy
14 domestic and foreign spent nuclear fuel rods at the
15 site.

16 (c) REQUIREMENT FOR CONTINUING OPERATIONS.—
17 The Secretary shall continue operations and maintain a
18 high state of readiness at the H-canyon facility and the
19 F-canyon facility at the Savannah River Site, and shall
20 provide technical staff necessary to operate and so main-
21 tain such facilities, pending the development and imple-
22 mentation of the plan referred to in subsection (b).

1 **SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READI-**
2 **NESS POSTURES.**

3 Not later than February 15, 1997, the Secretary of
4 Energy shall submit to Congress a report which updates
5 the report submitted by the Secretary under section 3152
6 of the National Defense Authorization Act for Fiscal Year
7 1996 (Public Law 104–106; 110 Stat. 623). The updated
8 report shall include the matters specified under such sec-
9 tion, current as of the date of the updated report.

10 **SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NU-**
11 **CLEAR WEAPONS LABORATORIES AND NU-**
12 **CLEAR WEAPONS PRODUCTION PLANTS.**

13 (a) REPORTS BY HEADS OF LABORATORIES AND
14 PLANTS.—In the event of a difficulty at a nuclear weap-
15 ons laboratory or a nuclear weapons production plant that
16 has a significant bearing on confidence in the safety or
17 reliability of a nuclear weapon or nuclear weapon type, the
18 head of the laboratory or plant, as the case may be, shall
19 submit to the Assistant Secretary of Energy for Defense
20 Programs a report on the difficulty. The head of the lab-
21 oratory or plant shall submit the report as soon as prac-
22 ticable after discovery of the difficulty.

23 (b) TRANSMITTAL BY ASSISTANT SECRETARY.—As
24 soon as practicable after receipt of a report under sub-
25 section (a), the Assistant Secretary shall transmit the re-
26 port (together with the comments of the Assistant Sec-

1 retary) to the congressional defense committees and to the
2 Secretary of Energy and the Secretary of Defense.

3 (c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—

4 Section 179 of title 10, United States Code, is amended—

5 (1) by redesignating subsection (e) as sub-
6 section (f); and

7 (2) by inserting after subsection (d) the follow-
8 ing new subsection (e):

9 “(e) In addition to the responsibilities set forth in
10 subsection (d), the Council shall also submit to Congress
11 a report on any analysis conducted by the Council with
12 respect to difficulties at nuclear weapons laboratories or
13 nuclear weapons production plants that have significant
14 bearing on confidence in the safety or reliability of nuclear
15 weapons or nuclear weapon types.”.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “nuclear weapons laboratory”
18 means the following:

19 (A) Lawrence Livermore National Labora-
20 tory, California.

21 (B) Los Alamos National Laboratory, New
22 Mexico.

23 (C) Sandia National Laboratories.

24 (2) The term “nuclear weapons production
25 plant” means the following:

- 1 (A) The Pantex Plant.
- 2 (B) The Savannah River Site.
- 3 (C) The Kansas City Plant, Missouri.
- 4 (D) The Y-12 Plant, Oak Ridge, Ten-
- 5 nessee.

6 **SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-**
7 **WAIT REQUIREMENT REGARDING PROPOSED**
8 **COOPERATION AGREEMENTS.**

9 Section 3155(b) of the National Defense Authoriza-
10 tion Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is
11 amended by striking out “October 1, 1996” and inserting
12 in lieu thereof “December 31, 1997”.

13 **SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNA-**
14 **TION OF DEFENSE ENVIRONMENTAL RES-**
15 **TORATION AND WASTE MANAGEMENT PRO-**
16 **GRAM.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the program of the Department of Energy
19 known as the Defense Environmental Restoration and
20 Waste Management Program, and also known as the En-
21 vironmental Management Program, be redesignated as the
22 Defense Nuclear Waste Management Program of the De-
23 partment of Energy.

24 (b) REPORT ON REDESIGNATION.—Not later than
25 January 31, 1997, the Secretary of Energy shall submit

1 to the congressional defense committees a report on the
2 costs and other difficulties, if any, associated with the fol-
3 lowing:

4 (1) The redesignation of the program of known
5 as the Defense Environmental Restoration and
6 Waste Management Program, and also known as the
7 Environmental Management Program, as the De-
8 fense Nuclear Waste Management Program of the
9 Department of Energy.

10 (2) The redesignation of the Defense Environ-
11 mental Restoration and Waste Management Account
12 as the Defense Nuclear Waste Management Ac-
13 count.

14 **SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES**
15 **NUCLEAR WEAPONS EXPERTISE.**

16 (a) ESTABLISHMENT.—There is hereby established a
17 commission to be known as the “Commission on Maintain-
18 ing United States Nuclear Weapons Expertise” (in this
19 section referred to as the “Commission”).

20 (b) ORGANIZATIONAL MATTERS.—(1)(A) The Com-
21 mission shall be composed of nine members appointed
22 from among individuals in the public and private sectors
23 who have significant experience in matters relating to nu-
24 clear weapons as follows:

1 (i) Two shall be appointed by the Majority
2 Leader of the Senate (in consultation with the Mi-
3 nority Leader of the Senate).

4 (ii) One shall be appointed by the Minority
5 Leader of the Senate (in consultation with the Ma-
6 jority Leader of the Senate).

7 (iii) Two shall be appointed by the Speaker of
8 the House of Representatives (in consultation with
9 the Minority Leader of the House of Representa-
10 tives).

11 (iv) One shall be appointed by the Minority
12 Leader of the House of Representatives (in consulta-
13 tion with the Speaker of the House of Representa-
14 tives).

15 (v) Three shall be appointed by the Secretary of
16 Energy.

17 (B) Members shall be appointed for the life of the
18 Commission. Any vacancy in the Commission shall not af-
19 fect its powers, but shall be filled in the same manner as
20 the original appointment.

21 (C) The chairman of the Commission shall be des-
22 ignated from among the members of the Commission ap-
23 pointed under subparagraph (A) by the Majority Leader
24 of the Senate, in consultation with the Minority Leader
25 of the Senate.

1 (2) The members of the Commission shall establish
2 procedures for the activities of the Commission, including
3 procedures for calling meetings, requirements for
4 quorums, and the manner of taking votes.

5 (c) DUTIES.—(1) The Commission shall develop a
6 plan for recruiting and retaining within the Department
7 of Energy nuclear weapons complex such scientific, engi-
8 neering, and technical personnel as the Commission deter-
9 mines appropriate in order to permit the Department to
10 maintain over the long term a safe and reliable nuclear
11 weapons stockpile without engaging in underground test-
12 ing.

13 (2) In developing the plan, the Commission shall—

14 (A) identify actions that the Secretary may un-
15 dertake to attract qualified scientific, engineering,
16 and technical personnel to the nuclear weapons com-
17 plex of the Department; and

18 (B) review and recommend improvements to the
19 on-going efforts of the Department to attract such
20 personnel to the nuclear weapons complex.

21 (d) REPORT.—Not later than March 15, 1998, the
22 Commission shall submit to the Secretary and to Congress
23 a report containing the plan developed under subsection
24 (c). The report may include recommendations for legisla-
25 tion and administrative action.

1 (e) COMMISSION PERSONNEL MATTERS.—(1) Each
2 member of the Commission who is not an officer or em-
3 ployee of the Federal Government shall be compensated
4 at a rate equal to the daily equivalent of the annual rate
5 of basic pay prescribed for level IV of the Executive Sched-
6 ule under section 5315 of title 5, United States Code, for
7 each day (including travel time) during which such mem-
8 ber is engaged in the performance of the duties of the
9 Commission. All members of the Commission who are offi-
10 cers or employees of the United States shall serve without
11 compensation in addition to that received for their services
12 as officers or employees of the United States.

13 (2) The members of the Commission shall be allowed
14 travel expenses, including per diem in lieu of subsistence,
15 at rates authorized for employees of agencies under sub-
16 chapter I of chapter 57 of title 5, United States Code,
17 while away from their homes or regular places of business
18 in the performance of services for the Commission.

19 (3) The Commission may, without regard to the civil
20 service laws and regulations, appoint and terminate such
21 personnel as may be necessary to enable the Commission
22 to perform its duties. The Commission may fix the com-
23 pensation of the personnel of the Commission without re-
24 gard to the provisions of chapter 51 and subchapter III

1 of chapter 53 of title 5, United States Code, relating to
 2 classification of positions and General Schedule pay rates.

3 (4) Any Federal Government employee may be de-
 4 tailed to the Commission without reimbursement, and
 5 such detail shall be without interruption or loss of civil
 6 service status or privilege.

7 (f) TERMINATION.—The Commission shall terminate
 8 30 days after the date on which the Commission submits
 9 its report under subsection (d).

10 (g) APPLICABILITY OF FACA.—The provisions of the
 11 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 12 apply to the activities of the Commission.

13 (h) FUNDING.—Of the amounts authorized to be ap-
 14 propriated pursuant to section 3101, not more than
 15 \$1,000,000 shall be available for the activities of the Com-
 16 mission under this section. Funds made available to the
 17 Commission under this section shall remain available until
 18 expended.

19 **SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY**
 20 **AND SAFETY OF REMAINING NUCLEAR**
 21 **FORCES.**

22 (a) FINDINGS.—The Senate makes the following
 23 findings:

24 (1) The United States is committed to proceed-
 25 ing with a robust science-based stockpile stewardship

1 program with respect to production of nuclear weap-
2 ons, and to maintaining nuclear weapons production
3 capabilities and capacities, that are adequate—

4 (A) to ensure the safety, reliability, and
5 performance of the United States nuclear arse-
6 nal; and

7 (B) to meet such changing national secu-
8 rity requirements as may result from inter-
9 national developments or technical problems
10 with nuclear warheads.

11 (2) The United States is committed to reestab-
12 lishing and maintaining production of nuclear weap-
13 ons at levels that are sufficient—

14 (A) to satisfy requirements for the safety,
15 reliability, and performance of United States
16 nuclear weapons; and

17 (B) to demonstrate and sustain production
18 capabilities and capacities.

19 (3) The United States is committed to main-
20 taining the nuclear weapons laboratories and pro-
21 tecting core nuclear weapons competencies.

22 (4) The United States is committed to ensuring
23 the rapid access to a new production source of trit-
24 ium within the next decade, as it currently has no
25 meaningful capability to produce tritium, a compo-

1 nent that is essential to the performance of modern
2 nuclear weapons.

3 (5) The United States reserves the right, con-
4 sistent with United States law, to resume under-
5 ground nuclear testing to maintain confidence in the
6 United States' stockpile of nuclear weapons if war-
7 head design flaws or aging of nuclear weapons result
8 in problems that a robust stockpile stewardship pro-
9 gram cannot solve.

10 (6) The United States is committed to funding
11 the Nevada Test Site at a level that maintains the
12 ability of the United States to resume underground
13 nuclear testing within one year after a national deci-
14 sion to do so is made.

15 (7) The United States reserves the right to in-
16 voke the supreme national interest of the United
17 States and withdraw from any future arms control
18 agreement to limit underground nuclear testing.

19 (b) SENSE OF THE SENATE REGARDING PRESI-
20 DENTIAL CONSULTATION WITH CONGRESS.—It is the
21 sense of the Senate that the President should consult
22 closely with Congress regarding United States policy and
23 practices to ensure confidence in the safety and reliability
24 of the nuclear stockpile of the United States.

1 (c) SENSE OF THE SENATE REGARDING NOTIFICA-
 2 TION AND CONSULTATION.—It is the sense of the Senate
 3 that, upon a determination by the President that a prob-
 4 lem with the safety or reliability of the nuclear stockpile
 5 has occurred and that the problem cannot be corrected
 6 within the stockpile stewardship program, the President
 7 shall—

8 (1) immediately notify Congress of the problem;
 9 and

10 (2) submit to Congress in a timely manner a
 11 plan for corrective action with respect to the prob-
 12 lem, including—

13 (A) a technical description of the activities
 14 required under the plan; and

15 (B) if underground testing of nuclear
 16 weapons would assist in such corrective action,
 17 an assessment of advisability of withdrawing
 18 from any treaty that prohibits underground
 19 testing of nuclear weapons.

20 **SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABIL-**
 21 **ITY AT DEPARTMENT SUPERFUND SITES.**

22 (a) STUDY.—The Secretary of Energy shall, using
 23 funds authorized to be appropriated to the Department
 24 of Energy by section 3102, carry out a study of the liabil-
 25 ity of the Department for damages for injury to, destruc-

tion of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C)) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

1 **SEC. 3162. FISCAL YEAR 1998 FUNDING FOR GREENVILLE**
 2 **ROAD IMPROVEMENT PROJECT, LIVERMORE,**
 3 **CALIFORNIA.**

4 (a) FUNDING.—The Secretary of Energy shall in-
 5 clude in budget for fiscal year 1998 submitted by the Sec-
 6 retary of Energy to the Office of Management and Budg-
 7 et, a request for sufficient funds to pay the United States
 8 portion of the cost of transportation improvements under
 9 the Greenville Road Improvement Project, Livermore,
 10 California.

11 (b) COOPERATION WITH LIVERMORE, CALIFORNIA.—
 12 The Secretary shall work with the City of Livermore, Cali-
 13 fornia, to determine the cost of the transportation im-
 14 provements referred to in subsection (a).

15 **SEC. 3163. OPPORTUNITY FOR REVIEW AND COMMENT BY**
 16 **STATE OF OREGON REGARDING CERTAIN RE-**
 17 **MEDIAL ACTIONS AT HANFORD RESERVA-**
 18 **TION, WASHINGTON.**

19 (a) OPPORTUNITY.—(1) Subject to subsection (b),
 20 the Site Manager at the Hanford Reservation, Washing-
 21 ton, shall, in consultation with the signatories to the Tri-
 22 Party Agreement, provide the State of Oregon an oppor-
 23 tunity to review and comment upon any information the
 24 Site Manager provides the State of Washington under the
 25 Hanford Tri-Party Agreement if the agreement provides

1 for the review of and comment upon such information by
2 the State of Washington.

3 (2) In order to facilitate the review and comment of
4 the State of Oregon under paragraph (1), the Site Man-
5 ager shall provide information referred to in that para-
6 graph to the State of Oregon at the same time, or as soon
7 thereafter as is practicable, that the Site Manager pro-
8 vides such information to the State of Washington

9 (b) CONSTRUCTION.—This section may not be con-
10 strued—

11 (1) to require the Site Manager to provide the
12 State of Oregon sensitive information on enforce-
13 ment under the Tri-Party Agreement or information
14 on the negotiation, dispute resolution, or State cost
15 recovery provisions of the agreement;

16 (2) to require the Site Manager to provide con-
17 fidential information on the budget or procurement
18 at Hanford under terms other than those provided
19 in the Tri-Party Agreement for the transmission of
20 such confidential information to the State of Wash-
21 ington;

22 (3) to authorize the State of Oregon to partici-
23 pate in enforcement actions, dispute resolution, or
24 negotiation actions conducted under the provisions
25 of the Tri-Party Agreement;

1 (4) to authorize any delay in the implementa-
 2 tion of remedial, environmental management, or
 3 other programmatic activities at Hanford; or

4 (5) to require the Department of Energy to
 5 provide funds to the State of Oregon.

6 **SEC. 3164. SENSE OF SENATE ON HANFORD MEMORANDUM**
 7 **OF UNDERSTANDING.**

8 It is the sense of the Senate that—

9 (1) the State of Oregon has the authority to
 10 enter into a memorandum of understanding with the
 11 State of Washington, or a memorandum of under-
 12 standing with the State of Washington and the Site
 13 Manager of the Hanford Reservation, Washington,
 14 in order to address issues of mutual concern to such
 15 States regarding the Hanford Reservation; and

16 (2) such agreements are not expected to create
 17 any additional obligation of the Department of En-
 18 ergy to provide funds to the State of Oregon.

19 **SEC. 3165. FOREIGN ENVIRONMENTAL TECHNOLOGY.**

20 Section 2536(b) of title 10, United States Code, is
 21 amended to read as follows:

22 (b) **WAIVER AUTHORITY.**—(1) The Secretary con-
 23 cerned may waive the application of subsection (a) to a
 24 contract award if—

1 (A) the Secretary concerned determines that
2 the waiver is essential to the national security inter-
3 ests of the United States; or

4 (B) in the case of a Department of Energy con-
5 tract awarded for environmental restoration, remedi-
6 ation, or waste management at a Department of En-
7 ergy facility—

8 (i) the Secretary determines that the waiv-
9 er will advance the environmental restoration,
10 remediation, or waste management objectives of
11 the Department of Energy and will not harm
12 the national security interests of the United
13 States; and

14 (ii) the entity to which the contract is
15 awarded is controlled by a foreign government
16 with which the Secretary is authorized to ex-
17 change Restricted Data under section 144(c) of
18 the Atomic Energy Act of 1954 (42 U.S.C.
19 2164(c)).

20 (2) The Secretary of Energy shall notify the appro-
21 priate committees of Congress of any decision to grant a
22 waiver under paragraph (1)(B). The contract may be exe-
23 cuted only after the end of the 45-day period beginning
24 on the date the notification is received by the committees.

1 **SEC. 3166. STUDY ON WORKER PROTECTION AT THE**
2 **MOUND FACILITY.**

3 (a) Not later than March 15, 1997, the Secretary of
4 Energy shall report to the defense committees of the Con-
5 gress regarding the status of projects and programs to im-
6 prove worker safety and health at the Mound Facility in
7 Miamisburg, Ohio.

8 (b) The report shall include the following:

9 (1) the status of actions completed in fiscal
10 year 1996;

11 (2) the status of actions completed or proposed
12 to be completed in fiscal years 1997 and 1998;

13 (3) a description of the fiscal year 1998 budget
14 request for Mound worker safety and health protec-
15 tion; and

16 (4) an accounting of expenditures for worker
17 safety and health at Mound by year from fiscal year
18 1994 through and including fiscal year 1996.

19 **Subtitle E—Environmental Res-**
20 **toration at Defense Nuclear Fa-**
21 **cilities**

22 **SEC. 3171. SHORT TITLE.**

23 This subtitle may be cited as the “Defense Nuclear
24 Facility Environmental Restoration Pilot Program Act of
25 1996”.

1 **SEC. 3172. APPLICABILITY.**

2 (a) IN GENERAL.—The provisions of this subtitle
3 shall apply to the following defense nuclear facilities:

4 (1) Hanford.

5 (2) Any other defense nuclear facility if—

6 (A) the chief executive officer of the State
7 in which the facility is located submits to the
8 Secretary a request that the facility be covered
9 by the provisions of this subtitle; and

10 (B) the Secretary approves the request.

11 (b) LIMITATION.—The Secretary may not approve a
12 request under subsection (a)(2) until 60 days after the
13 date on which the Secretary notifies the congressional de-
14 fense committees of the Secretary's receipt of the request.

15 **SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVI-**
16 **RONMENTAL CLEANUP DEMONSTRATION**
17 **AREAS.**

18 (a) DESIGNATION.—Each defense nuclear facility
19 covered by this subtitle under section 3172(a) is hereby
20 designated as an environmental cleanup demonstration
21 area. The purpose of the designation is to establish each
22 such facility as a demonstration area at which to utilize
23 and evaluate new technologies to be used in environmental
24 restoration and remediation at other defense nuclear fa-
25 cilities.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that Federal and State regulatory agencies, mem-
3 bers of the surrounding communities, and other affected
4 parties with respect to each defense nuclear facility cov-
5 ered by this subtitle should continue to—

6 (1) develop expedited and streamlined processes
7 and systems for cleaning up such facility;

8 (2) eliminate unnecessary administrative com-
9 plexity and unnecessary duplication of regulation
10 with respect to the clean up of such facility;

11 (3) proceed expeditiously and cost-effectively
12 with environmental restoration and remediation ac-
13 tivities at such facility;

14 (4) consider future land use in selecting envi-
15 ronmental clean up remedies at such facility; and

16 (5) identify and recommend to Congress
17 changes in law needed to expedite the clean up of
18 such facility.

19 **SEC. 3174. SITE MANAGERS.**

20 (a) APPOINTMENT.—(1)(A) The Secretary shall ap-
21 point a site manager for Hanford not later than 90 days
22 after the date of the enactment of this Act.

23 (B) The Secretary shall develop a list of the criteria
24 to be used in appointing a site manager for Hanford. The

1 Secretary may consult with affected and knowledgeable
2 parties in developing the list.

3 (2) The Secretary shall appoint the site manager for
4 any other defense nuclear facility covered by this subtitle
5 not later than 90 days after the date of the approval of
6 the request with respect to the facility under section
7 3172(a)(2).

8 (3) An individual appointed as a site manager under
9 this subsection shall, if not an employee of the Depart-
10 ment at the time of the appointment, be an employee of
11 the Department while serving as a site manager under this
12 subtitle.

13 (b) DUTIES.—(1) Subject to paragraphs (2) and (3),
14 in addition to other authorities provided for in this sub-
15 title, the site manager for a defense nuclear facility shall
16 have full authority to oversee and direct operations at the
17 facility, including the authority to—

18 (A) enter into and modify contractual agree-
19 ments to enhance environmental restoration and
20 waste management at the facility;

21 (B) request that the Department headquarters
22 submit to Congress a reprogramming package shift-
23 ing among accounts funds available for the facility
24 in order to facilitate the most efficient and timely
25 environmental restoration and waste management at

1 the facility, and, in the event that the Department
2 headquarters does not act upon the request within
3 30 days of the date of the request, submit such re-
4 quest to the appropriate committees of Congress for
5 review;

6 (C) negotiate amendments to environmental
7 agreements applicable to the facility for the Depart-
8 ment; and

9 (D) manage environmental management and
10 programmatic personnel of the Department at the
11 facility.

12 (2) A site manager shall negotiate amendments under
13 paragraph (1)(C) with the concurrence of the Secretary.

14 (3) A site manager may not undertake or provide for
15 any action under paragraph (1) that would result in an
16 expenditure of funds for environmental restoration or
17 waste management at the defense nuclear facility con-
18 cerned in excess of the amount authorized to be expended
19 for environmental restoration or waste management at the
20 facility without the approval of such action by the Sec-
21 retary.

22 (c) INFORMATION ON PROGRESS.—The Secretary
23 shall regularly inform Congress of the progress made by
24 site managers under this subtitle in achieving expedited

1 environmental restoration and waste management at the
2 defense nuclear facilities covered by this subtitle.

3 **SEC. 3175. DEPARTMENT OF ENERGY ORDERS.**

4 Effective 60 days after the appointment of a site
5 manager for a defense nuclear facility under section
6 3174(a), an order relating to the execution of environ-
7 mental restoration, waste management, technology devel-
8 opment, or other site operation activities at the facility
9 may be imposed at the facility if the Secretary makes a
10 finding that the order—

11 (1) is essential to the protection of human
12 health or the environment or to the conduct of criti-
13 cal administrative functions; and

14 (2) will not interfere with bringing the facility
15 into compliance with environmental laws, including
16 the terms of any environmental agreement.

17 **SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REME-**
18 **DIATION OF DEFENSE NUCLEAR WASTE.**

19 (a) IN GENERAL.—The site manager for a defense
20 nuclear facility under this subtitle shall promote the dem-
21 onstration, verification, certification, and implementation
22 of innovative environmental technologies for the remedi-
23 ation of defense nuclear waste at the facility.

24 (b) DEMONSTRATION PROGRAM.—To carry out sub-
25 section (a), each site manager shall establish a program

1 at the defense nuclear facility concerned for testing envi-
2 ronmental technologies for the remediation of defense nu-
3 clear waste at the facility. In establishing such a program,
4 the site manager may—

5 (1) establish a simplified, standardized, and
6 timely process for the testing and verification of en-
7 vironmental technologies;

8 (2) solicit and accept applications to test envi-
9 ronmental technology suitable for environmental res-
10 toration and waste management activities at the fa-
11 cility, including prevention, control, characterization,
12 treatment, and remediation of contamination;

13 (3) consult and cooperate with the heads of ex-
14 isting programs at the facility for the certification
15 and verification of environmental technologies at the
16 facility; and

17 (4) pay the costs of the demonstration of such
18 technologies.

19 (c) FOLLOW-ON CONTRACTS.—(1) If the Secretary
20 and a person demonstrating a technology under the pro-
21 gram enter into a contract for remediation of nuclear
22 waste at a defense nuclear facility covered by this subtitle,
23 or at any other Department facility, as a follow-on to the
24 demonstration of the technology, the Secretary shall en-
25 sure that the contract provides for the Secretary to recoup

1 from the contractor the costs incurred by the Secretary
2 pursuant to subsection (b)(4) for the demonstration.

3 (2) No contract between the Department and a con-
4 tractor for the demonstration of technology under sub-
5 section (b) may provide for reimbursement of the costs
6 of the contractor on a cost plus fee basis.

7 (d) SAFE HARBORS.—In the case of an environ-
8 mental technology demonstrated, verified, certified, and
9 implemented at a defense nuclear facility under a program
10 established under subsection (b), the site manager of an-
11 other defense nuclear facility may request the Secretary
12 to waive or limit contractual or Department regulatory re-
13 quirements that would otherwise apply in implementing
14 the same environmental technology at such other facility.

15 **SEC. 3177. REPORTS TO CONGRESS.**

16 Not later than 120 days after the date of the appoint-
17 ment of a site manager under section 3174(a), the site
18 manager shall submit to Congress and the Secretary a re-
19 port describing the expectations of the site manager with
20 respect to environmental restoration and waste manage-
21 ment at the defense nuclear facility concerned by reason
22 of the exercise of the authorities provided in this subtitle.
23 The report shall describe the manner in which the exercise
24 of such authorities is expected to improve environmental
25 restoration and waste management at the facility and

1 identify saving that are expected to accrue to the Depart-
2 ment as a result of the exercise of such authorities.

3 **SEC. 3178. TERMINATION.**

4 The authorities provided for in this subtitle shall ex-
5 pire five years after the date of the enactment of this Act.

6 **SEC. 3179. DEFINITIONS.**

7 In this subtitle:

8 (1) The term “Department” means the Depart-
9 ment of Energy.

10 (2) The term “defense nuclear facility” has the
11 meaning given the term “Department of Energy de-
12 fense nuclear facility” in section 318 of the Atomic
13 Energy Act of 1954 (42 U.S.C. 2286g).

14 (3) The term “Hanford” means the defense nu-
15 clear facility located in southeastern Washington
16 State known as the Hanford Reservation, Washing-
17 ton.

18 (4) The term “Secretary” means the Secretary
19 of Energy.

1 **Subtitle F—Waste Isolation Pilot**
2 **Plant Land Withdrawal Act**
3 **Amendments.**

4 **SEC. 3181. SHORT TITLE AND REFERENCE.**

5 (a) SHORT TITLE.—This subtitle may be cited as the
6 “Waste Isolation Pilot Plant Land Withdrawal Amend-
7 ment Act”.

8 (b) REFERENCE.—Except as otherwise expressly pro-
9 vided, whenever in this subtitle an amendment or repeal
10 is expressed in terms of an amendment to, or repeal of,
11 a section or other provision, the reference shall be consid-
12 ered to be made to a section or other provision of the
13 Waste Isolation Pilot Plant Land Withdrawal Act (Public
14 Law 102–579).

15 **SEC. 3182. DEFINITIONS.**

16 Paragraphs (18) and (19) of section 2 are repealed.

17 **SEC. 3183. TEST PHASE AND RETRIEVAL PLANS.**

18 Section 5 and the item relating to such section in the
19 table of contents are repealed.

20 **SEC. 3184. MANAGEMENT PLAN.**

21 Section 4(b)(5)(B) is amended by striking “or with
22 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)”.

23 **SEC. 3185. TEST PHASE ACTIVITIES.**

24 Section 6 is amended—

25 (1) by repealing subsections (a) and (b),

1 (2) by repealing paragraph (1) of subsection
2 (c),

3 (3) by redesignating subsection (c) as sub-
4 section (a) and in that subsection—

5 (A) by repealing subparagraph (A) of
6 paragraph (2),

7 (B) by striking the subsection heading and
8 the matter immediately following the subsection
9 heading and inserting “STUDY.—The following
10 study shall be conducted:”,

11 (C) by striking “(2) REMOTE-HANDLED
12 WASTE.—”,

13 (D) by striking “(B) STUDY.—”,

14 (E) by redesignating clauses (i), (ii), and
15 (iii) as paragraphs (1), (2), and (3), respec-
16 tively, and

17 (F) by realigning the margins of such
18 clauses to be margins of paragraphs,

19 (4) in subsection (d), by striking “, during the
20 test phase, a biennial” and inserting “a” and by
21 striking “, consisting of a documented analysis of”
22 and inserting “as necessary to demonstrate”, and

23 (5) by redesignating subsection (d) as sub-
24 section (b).

1 **SEC. 3186. DISPOSAL OPERATIONS.**

2 Section 7(b) is amended to read as follows:

3 “(b) REQUIREMENTS FOR COMMENCEMENT OF DIS-
4 POSAL OPERATIONS.—The Secretary may commence em-
5 placement of transuranic waste underground for disposal
6 at WIPP only upon completion of—

7 “(1) the Administrator’s certification under sec-
8 tion 8(d)(1) that the WIPP facility will comply with
9 the final disposal regulations;

10 “(2) the acquisition by the Secretary (whether
11 by purchase, condemnation, or otherwise) of Federal
12 Oil and Gas Leases No. NMNM 02953 and No.
13 NMNM 02953C, unless the Administrator deter-
14 mines, under section 4(b)(5), that such acquisition is
15 not required; and,

16 “(3) the expiration of the 30-day period begin-
17 ning on the date on which the Secretary notifies
18 Congress that the requirements of section 9(a)(1)
19 have been met.”.

20 **SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DIS-**
21 **POSAL REGULATIONS.**

22 (a) SECTION 8(d)(1).—Section 8(d)(1) is amended—

23 (1) by amending subparagraph (A) to read as
24 follows:

25 “(A) APPLICATION FOR COMPLIANCE.—

26 Within 30 days after the date of the enactment

1 of the Waste Isolation Pilot Plant Land With-
2 drawal Amendment Act, the Secretary shall
3 provide to Congress a schedule for the incre-
4 mental submission of chapters of the applica-
5 tion to the Administrator beginning no later
6 than 30 days after such date. The Adminis-
7 trator shall review the submitted chapters and
8 provide requests for additional information from
9 the Secretary as needed for completeness within
10 45 days of the receipt of each chapter. The Ad-
11 ministrator shall notify Congress of such re-
12 quests. The schedule shall call for the Secretary
13 to submit all chapters to the Administrator no
14 later than October 31, 1996. The Administrator
15 may at any time request additional information
16 from the Secretary as needed to certify, pursu-
17 ant to subparagraph (B), whether the WIPP fa-
18 cility will comply with the final disposal regula-
19 tions.”; and

20 (2) in subparagraph (D), by striking “after the
21 application is” and inserting “after the full applica-
22 tion has been”.

23 (b) SECTION 8(d) (2) and (3).—Section 8(d) is
24 amended by striking paragraphs (2) and (3), by striking
25 “(1) COMPLIANCE WITH DISPOSAL REGULATIONS.—”, and

1 by redesignating subparagraphs (A), (B), (C), and (D) of
2 paragraph (1) as paragraph (1), (2), (3), and (4), respec-
3 tively.

4 (c) SECTION 8(g).—Section 8(g) is amended to read
5 as follows:

6 “(g) ENGINEERED AND NATURAL BARRIERS, ETC.—
7 The Secretary shall use both engineered and natural bar-
8 riers and any other measures (including waste form modi-
9 fications) to the extent necessary at WIPP to comply with
10 the final disposal regulations.”.

11 **SEC. 3188. COMPLIANCE WITH ENVIRONMENTAL LAWS AND**
12 **REGULATIONS.**

13 (a) SECTION 9(a)(1).—Section 9(a)(1) is amended by
14 adding after and below subparagraph (H) the following:
15 “With respect to transuranic mixed waste designated by
16 the Secretary for disposal at WIPP, such waste is exempt
17 from treatment standards promulgated pursuant to sec-
18 tion 3004(m) of the Solid Waste Disposal Act (42 U.S.C.
19 6924(m)) and shall not be subject to the land disposal pro-
20 hibitions in section 3004(d), (e), (f), and (g) of the Solid
21 Waste Disposal Act.”.

22 (b) SECTION 9(b).—Subsection (b) of section 9 is re-
23 pealed.

24 (c) SECTION 9(c)(2).—Subsection (c)(2) of section 9
25 is repealed.

1 (d) SECTION 14.—Section 14 is amended—

2 (1) in subsection (a), by striking “No provi-
3 sion” and inserting “Except for the exemption from
4 the land disposal restrictions described in section
5 9(a)(1), no provision”; and

6 (2) in subsection (b)(2), by striking “including
7 all terms and conditions of the No-Migration Deter-
8 mination” and inserting “except that the trans-
9 uranic mixed waste designated by the Secretary for
10 disposal at WIPP is exempt from the land disposal
11 restrictions described in section 9(a)(1)”.

12 **SEC. 3189. RETRIEVABILITY.**

13 (a) SECTION 10.—Section 10 is amended to read as
14 follows:

15 **“SEC. 10. TRANSURANIC WASTE.**

16 “It is the intent of Congress that the Secretary will
17 complete all actions required under section 7(b) to com-
18 mence emplacement of transuranic waste underground for
19 disposal at WIPP no later than November 30, 1997.”.

20 (b) CONFORMING AMENDMENT.—The item relating
21 to section 10 in the table of contents is amended to read
22 as follows:

“Sec. 10. Transuranic waste.”.

23 **SEC. 3190. DECOMMISSIONING OF WIPP**

24 Section 13 is amended—

25 (1) by repealing subsection (a), and

1 (2) in subsection (b), by striking “(b) MANAGE-
 2 MENT PLAN FOR THE WITHDRAWAL AFTER DECOM-
 3 MISSIONING.—Within 5 years after the date of the
 4 enactment of this Act, the” and inserting “The”.

5 **SEC. 3191. ECONOMIC ASSISTANCE AND MISCELLANEOUS**
 6 **PAYMENTS.**

7 (a) Section 15(a) is amended by adding at the end
 8 the following: “An appropriation to the State shall be in
 9 addition to any appropriation for WIPP.”.

10 (b) \$20,000,000 is authorized to be appropriated in
 11 fiscal year 1997 to the Secretary for payment to the State
 12 of New Mexico for road improvements in connection with
 13 the WIPP.

14 **TITLE XXXII—DEFENSE NU-**
 15 **CLEAR FACILITIES SAFETY**
 16 **BOARD**

17 **SEC. 3201. AUTHORIZATION.**

18 There are authorized to be appropriated for fiscal
 19 year 1997, \$17,000,000 for the operation of the Defense
 20 Nuclear Facilities Safety Board under chapter 21 of the
 21 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NATIONAL
DEFENSE STOCKPILE**

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to \$60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

1 **SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL**
2 **DEFENSE STOCKPILE.**

3 (a) DISPOSAL REQUIRED.—The President shall dis-
4 pose of materials contained in the National Defense Stock-
5 pile and specified in the table in subsection (b) so as to
6 result in receipts to the United States in amounts equal
7 to—

8 (1) \$338,000,000 during the five-fiscal year pe-
9 riod ending on September 30, 2001; and

10 (2) \$649,000,000 during the seven-fiscal year
11 period ending on September 30, 2003.

12 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
13 quantities of materials authorized for disposal by the
14 President under subsection (a) may not exceed the
15 amounts set forth in the following table:

Authorized Stockpile Disposals	
Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds con- tained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

16 (c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding
17 section 9 of the Strategic and Critical Materials Stock Pil-
18 ing Act (50 U.S.C. 98h) and except as provided in para-
19 graph (2), funds received as a result of the disposal of

1 materials under subsection (a) shall be deposited into the
2 general fund of the Treasury.

3 (2) Funds received as a result of such disposal in ex-
4 cess of the amount of receipts specified in subsection
5 (a)(2) shall be deposited in the National Defense Stockpile
6 Transaction Fund established by section 9(a) of that Act.

7 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
8 ITY.—The disposal authority provided in subsection (a) is
9 new disposal authority and is in addition to, and shall not
10 affect, any other disposal authority provided by law re-
11 garding the materials specified in such subsection.

12 (e) DEFINITION.—The term “National Defense
13 Stockpile” means the National Defense Stockpile provided
14 for in section 4 of the Strategic and Critical Materials
15 Stock Piling Act (50 U.S.C. 98c).

16 **SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATE-**
17 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

18 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
19 the President shall dispose of materials contained in the
20 National Defense Stockpile and specified in the table in
21 subsection (b) so as to result in receipts to the United
22 States in amounts equal to—

23 (1) \$110,000,000 during the five-fiscal year pe-
24 riod ending September 30, 2001;

(2) \$260,000,000 during the seven-fiscal year period ending September 30, 2003; and

(3) \$440,000,000 during the nine-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons
Cobalt	9,902,774 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	91,542 carats
Diamond, Stone	3,029,413 carats
Germanium	28,207 kilograms
Indium	15,205 troy ounces
Palladium	1,249,601 troy ounces
Platinum	442,641 troy ounces
Rubber	567 long tons
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,748,947 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	36,830 short tons
Tungsten	76,358,235 pounds
Tungsten, Carbide	2,032,942 pounds
Tungsten, Metal Powder	1,181,921 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

1 (d) TREATMENT OF RECEIPTS.—(1) Notwithstand-
2 ing section 9 of the Strategic and Critical Materials Stock
3 Piling Act (50 U.S.C. 98h), funds received as a result of
4 the disposal of materials under subsection (a) shall be de-
5 posited into the general fund of the Treasury and used
6 to offset the revenues lost as a result of the amendments
7 made by subsection (a) of section 4303 of the National
8 Defense Authorization Act for Fiscal Year 1996 (Public
9 Law 104–106; 110 Stat. 658).

10 (2) This section shall be treated as qualifying offset-
11 ting legislation for purposes of subsection (b) of such sec-
12 tion 4303.

13 (e) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
14 ITY.—The disposal authority provided in subsection (a) is
15 new disposal authority and is in addition to, and shall not
16 affect, any other disposal authority provided by law re-
17 garding the materials specified in such subsection.

18 (f) DEFINITION.—The term “National Defense
19 Stockpile” means the National Defense Stockpile provided
20 for in section 4 of the Strategic and Critical Materials
21 Stock Piling Act (50 U.S.C. 98c).

22 (g) ADDITIONAL LIMITATION.—Of the amounts list-
23 ed in the table in subsection (b), titanium sponge may be
24 sold only to the extent necessary to attain the level of re-
25 ceipts specified in subsection (a), after taking into account

1 the estimated receipts from the other materials in such
2 table.

3 **TITLE XXXIV—NAVAL** 4 **PETROLEUM RESERVES**

5 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

6 There is hereby authorized to be appropriated to the
7 Secretary of Energy \$149,500,000 for fiscal year 1997 for
8 the purpose of carrying out activities under chapter 641
9 of title 10, United States Code, relating to the naval petro-
10 leum reserves (as defined in section 7420(2) of such title).
11 Funds appropriated pursuant to such authorization shall
12 remain available until expended.

13 **TITLE XXXV—PANAMA CANAL** 14 **COMMISSION**

15 **SEC. 3501. SHORT TITLE.**

16 This title may be cited as the “Panama Canal Com-
17 mission Authorization Act for Fiscal Year 1997”.

18 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

19 (a) IN GENERAL.—Subject to subsection (b), the
20 Panama Canal Commission is authorized to make such ex-
21 penditures within the limits of funds and borrowing au-
22 thority available to it in accordance with law, and to make
23 such contracts and commitments, to be derived from the
24 Panama Canal Commission Revolving Fund, as may be
25 necessary under the Panama Canal Act of 1979 (22

1 U.S.C. 3601 et seq.) for the operation, maintenance, im-
2 provement, and administration of the Panama Canal for
3 fiscal year 1997.

4 (b) LIMITATIONS.—For fiscal year 1997, the Panama
5 Canal Commission may expend from funds in the Panama
6 Canal Revolving Fund not more than \$73,000 for recep-
7 tion and representation expenses, of which—

8 (1) not more than \$18,000 may be used for of-
9 ficial reception and representation expenses of the
10 Supervisory Board of the Commission;

11 (2) not more than \$10,000 may be used for of-
12 ficial reception and representation expenses of the
13 Secretary of the Commission; and

14 (3) not more than \$45,000 may be used for of-
15 ficial reception and representation expenses of the
16 Administrator of the Commission.

17 **SEC. 3503. PURCHASE OF VEHICLES.**

18 Notwithstanding any provision of law relating to pur-
19 chase of vehicles by agencies of the Federal Government,
20 funds available to the Panama Canal Commission shall be
21 available for the purchase of, and for transportation to
22 the Republic of Panama of, passenger motor vehicles, in-
23 cluding large, heavy-duty vehicles.

1 **SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER**
2 **LAWS.**

3 Expenditures authorized under this title may be made
4 only in accordance with the Panama Canal Treaties of
5 1977 and any law of the United States implementing
6 those treaties.

7 **TITLE XXXVI—MISCELLANEOUS**
8 **PROVISION**

9 **SEC. 3601. SENSE OF THE SENATE REGARDING THE RE-**
10 **OPENING OF PENNSYLVANIA AVENUE.**

11 (a) FINDINGS.—The Senate makes the following
12 findings:

13 (1) In 1791, President George Washington
14 commissioned Pierre Charles L’Enfant to draft a
15 blueprint for America’s new capital city; they envi-
16 sioned Pennsylvania Avenue as a bold, ceremonial
17 boulevard physically linking the U.S. Capitol build-
18 ing and the White House, and symbolically the Leg-
19 islative and Executive branches of government.

20 (2) An integral element of the District of Co-
21 lumbia, Pennsylvania Avenue stood for 195 years as
22 a vital, working, unbroken roadway, elevating it into
23 a place of national importance as “America’s Main
24 Street”.

25 (3) 1600 Pennsylvania Avenue, the White
26 House, has become America’s most recognized ad-

1 dress and a primary destination of visitors to the
2 Nation's Capital; "the People's House" is host to
3 5,000 tourists daily, and 15,000,000 annually.

4 (4) As home to the President, and given its
5 prominent location on Pennsylvania Avenue and its
6 proximity to the People, the White House has be-
7 come a powerful symbol of freedom, openness, and
8 an individual's access to their government.

9 (5) On May 20, 1995, citing possible security
10 risks from vehicles transporting terrorist bombs,
11 President Clinton ordered the Secret Service, in con-
12 junction with the Department of the Treasury, to
13 close Pennsylvania Avenue to vehicular traffic for
14 two blocks in front of the White House.

15 (6) While the security of the President and visi-
16 tors to the White House is of grave concern and is
17 not to be taken lightly, the need to assure the Presi-
18 dent's safety must be balanced with the expectation
19 of freedom inherent in a democracy; the present sit-
20 uation is tilted too heavily toward security at free-
21 dom's expense.

22 (7) By impeding access and imposing undue
23 hardships upon tourists, residents of the District,
24 commuters, and local business owners and their cus-
25 tomers, the closure of Pennsylvania Avenue, under-

1 taken without the counsel of the government of the
2 District of Columbia, has replaced the former open-
3 ness of the area surrounding the White House with
4 barricades, additional security checkpoints, and an
5 atmosphere of fear and distrust.

6 (8) In the year following the closure of Penn-
7 sylvania Avenue, the taxpayers have borne a signifi-
8 cant burden for additional security measures along
9 the Avenue near the White House.

10 (b) SENSE OF THE SENATE.—It is the sense of the
11 Senate that the President should request the Department
12 of the Treasury and the Secret Service to work with the
13 Government of the District of Columbia to develop a plan
14 for the permanent reopening to vehicular traffic of Penn-
15 sylvania Avenue in front of the White House in order to
16 restore the Avenue to its original state and return it to
17 the people: *Provided*, That the Secretary of the Treasury
18 and the Secret Service certify that the plan protects the
19 security of the people who live and work in the White
20 House.

Passed the Senate July 10, 1996.

Attest:

Secretary.

104TH CONGRESS
2D Session

S. 1763

AN ACT

To authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes.

S 1763 ES—2
S 1763 ES—3
S 1763 ES—4
S 1763 ES—5
S 1763 ES—6
S 1763 ES—7
S 1763 ES—8
S 1763 ES—9
S 1763 ES—10