

Calendar No. 409

104TH CONGRESS
2^D SESSION

S. 1763

A BILL

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

MAY 16, 1996

Read twice and placed on the calendar

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

IN THE SENATE OF THE UNITED STATES

MAY 16, 1996

Mr. THURMOND, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

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”.

1 SEC. 2. TABLE OF CONTENTS.

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

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

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

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

**Subtitle C—Program Authorizations, Restrictions, and
Limitations**

- Sec. 3131. Tritium production.
- Sec. 3132. Modernization and consolidation of tritium recycling facilities.
- Sec. 3133. Modification of requirements for manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile.
- Sec. 3134. Limitation on use of funds for certain research and development purposes.
- Sec. 3135. Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site.
- Sec. 3136. Processing of high-level nuclear waste and spent nuclear fuel rods.
- Sec. 3137. Fellowship program for development of skills critical to Department of Energy nuclear weapons complex.

Subtitle D—Other Matters

- Sec. 3151. Requirement for annual five-year budget for the national security programs of the Department of Energy.
- Sec. 3152. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1997.
- Sec. 3153. Repeal of requirement relating to accounting procedures for Department of Energy funds.
- Sec. 3154. Plans for activities to process nuclear materials and clean up nuclear waste at the Savannah River Site.
- Sec. 3155. Update of report on nuclear test readiness postures.

- Sec. 3156. Reports on critical difficulties at nuclear weapons laboratories and nuclear weapons production plants.
- Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation agreements.
- Sec. 3158. Redesignation of Defense Environmental Restoration and Waste Management Program as Defense Nuclear Waste Management Program.
- Sec. 3159. Commission on Maintaining United States Nuclear Weapons Expertise.
- Sec. 3160. Sense of Senate regarding reliability and safety of remaining nuclear forces.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 For purposes of this Act, the term “congressional de-
3 fense committees” means—

4 (1) the Committee on Armed Services and the
5 Committee on Appropriations of the Senate; and

6 (2) the Committee on National Security and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

**9 TITLE XXXI—DEPARTMENT OF
10 ENERGY NATIONAL SECURITY
11 PROGRAMS**

**12 Subtitle A—National Security
13 Programs Authorizations**

14 SEC. 3101. WEAPONS ACTIVITIES.

15 (a) STOCKPILE STEWARDSHIP.—Funds are hereby
16 authorized to be appropriated to the Department of En-
17 ergy for fiscal year 1997 for stockpile stewardship in car-
18 rying out weapons activities necessary for national secu-

1 rity programs in the amount of \$1,636,767,000, to be allo-
2 cated as follows:

3 (1) For core stockpile stewardship,
4 \$1,200,907,000, to be allocated as follows:

5 (A) For operation and maintenance,
6 \$1,112,570,000.

7 (B) For plant projects (including mainte-
8 nance, restoration, planning, construction, ac-
9 quisition, modification of facilities, and the con-
10 tinuation of projects authorized in prior years,
11 and land acquisition related thereto),
12 \$88,337,000, to be allocated as follows:

13 Project 96–D–102, stockpile steward-
14 ship facilities revitalization, Phase VI, var-
15 ious locations, \$19,250,000.

16 Project 96–D–103, ATLAS, Los Ala-
17 mos National Laboratory, Los Alamos,
18 New Mexico, \$15,100,000.

19 Project 96–D–104, processing and en-
20 vironmental technology laboratory
21 (PETL), Sandia National Laboratories,
22 Albuquerque, New Mexico, \$14,100,000.

23 Project 96–D–105, contained firing
24 facility addition, Lawrence Livermore Na-

1 tional Laboratory, Livermore, California,
2 \$17,100,000.

3 Project 95–D–102, Chemical and
4 Metallurgy Research Building upgrades
5 project, Los Alamos National Laboratory,
6 Los Alamos, New Mexico, \$15,000,000.

7 Project 94–D–102, nuclear weapons
8 research, development, and testing facili-
9 ties revitalization, Phase V, various loca-
10 tions, \$7,787,000.

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

13 (A) For operation and maintenance,
14 \$234,560,000.

15 (B) For the following plant project (includ-
16 ing maintenance, restoration, planning, con-
17 struction, acquisition, and modification of facili-
18 ties, and land acquisition related thereto):

19 Project 96–D–111, national ignition
20 facility, location to be determined,
21 \$131,900,000.

22 (3) For technology transfer and education,
23 \$69,400,000.

24 (b) STOCKPILE MANAGEMENT.—Funds are hereby
25 authorized to be appropriated to the Department of En-

1 ergy for fiscal year 1997 for stockpile management in car-
2 rying out weapons activities necessary for national secu-
3 rity programs in the amount of \$1,988,831,000, to be allo-
4 cated as follows:

5 (1) For operation and maintenance,
6 \$1,894,470,000.

7 (2) For plant projects (including maintenance,
8 restoration, planning, construction, acquisition,
9 modification of facilities, and the continuation of
10 projects authorized in prior years, and land acquisi-
11 tion related thereto), \$94,361,000, to be allocated as
12 follows:

13 Project 97-D-121, consolidated pit pack-
14 aging system, Pantex Plant, Amarillo, Texas,
15 \$870,000.

16 Project 97-D-122, nuclear materials stor-
17 age facility renovation, Los Alamos National
18 Laboratory, Los Alamos, New Mexico,
19 \$4,000,000.

20 Project 97-D-123, structural upgrades,
21 Kansas City Plant, Kansas City, Missouri,
22 \$1,400,000.

23 Project 97-D-124, steam plant waste
24 water treatment facility upgrade, Y-12 plant,
25 Oak Ridge, Tennessee, \$600,000.

1 Project 96–D–122, sewage treatment qual-
2 ity upgrade (STQU), Pantex Plant, Amarillo,
3 Texas, \$100,000.

4 Project 96–D–123, retrofit heating, ven-
5 tilation, and air conditioning and chillers for
6 ozone protection, Y–12 plant, Oak Ridge, Ten-
7 nessee, \$7,000,000.

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

11 Project 95–D–122, sanitary sewer up-
12 grade, Y–12 plant, Oak Ridge, Tennessee,
13 \$10,900,000.

14 Project 94–D–124, hydrogen fluoride sup-
15 ply system, Y–12 plant, Oak Ridge, Tennessee,
16 \$4,900,000.

17 Project 94–D–125, upgrade life safety,
18 Kansas City Plant, Kansas City, Missouri,
19 \$5,200,000.

20 Project 94–D–127, emergency notification
21 system, Pantex Plant, Amarillo, Texas,
22 \$2,200,000.

23 Project 93–D–122, life safety upgrades,
24 Y–12 plant, Oak Ridge, Tennessee, \$7,200,000.

1 Project 93–D–123, non-nuclear reconfig-
2 uration, complex-21, various locations,
3 \$14,487,000.

4 Project 88–D–122, facilities capability as-
5 surance program, various locations,
6 \$21,940,000.

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

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

14 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
15 **MANAGEMENT.**

16 (a) ENVIRONMENTAL RESTORATION.—Subject to
17 subsection (j), funds are hereby authorized to be appro-
18 priated to the Department of Energy for fiscal year 1997
19 for environmental restoration in carrying out environ-
20 mental restoration and waste management activities nec-
21 essary for national security programs in the amount of
22 \$1,777,194,000.

23 (b) WASTE MANAGEMENT.—Subject to subsection
24 (j), funds are hereby authorized to be appropriated to the
25 Department of Energy for fiscal year 1997 for waste man-

1 agement in carrying out environmental restoration and
2 waste management activities necessary for national secu-
3 rity programs in the amount of \$1,601,653,000, to be allo-
4 cated as follows:

5 (1) For operation and maintenance,
6 \$1,513,326,000.

7 (2) For plant projects (including maintenance,
8 restoration, planning, construction, acquisition,
9 modification of facilities, and the continuation of
10 projects authorized in prior years, and land acquisi-
11 tion related thereto), \$88,327,000, to be allocated as
12 follows:

13 Project 97-D-402, tank restoration and
14 safe operations, Richland, Washington,
15 \$7,584,000.

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

18 Project 95-D-402, install permanent elec-
19 trical service, Waste Isolation Pilot Plant,
20 Carlsbad, New Mexico, \$752,000.

21 Project 95-D-405, industrial landfill V
22 and construction/demolition landfill VII, Phase
23 III, Y-12 Plant, Oak Ridge, Tennessee,
24 \$200,000.

1 Project 94–D–404, Melton Valley storage
2 tank capacity increase, Oak Ridge National
3 Laboratory, Oak Ridge, Tennessee, \$6,345,000.

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

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

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

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

15 Project 86–D–103, decontamination and
16 waste treatment facility, Lawrence Livermore
17 National Laboratory, Livermore, California,
18 \$10,000,000.

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

1 (d) NUCLEAR MATERIALS AND FACILITIES STA-
2 BILIZATION.—Subject to subsection (j), funds are hereby
3 authorized to be appropriated to the Department of En-
4 ergy for fiscal year 1997 for nuclear materials and facili-
5 ties stabilization in carrying out environmental restoration
6 and waste management activities necessary for national
7 security programs in the amount of \$994,821,000, to be
8 allocated as follows:

9 (1) For operation and maintenance,
10 \$909,664,000.

11 (2) For plant projects (including maintenance,
12 restoration, planning, construction, acquisition,
13 modification of facilities, and the continuation of
14 projects authorized in prior years, and land acquisi-
15 tion related thereto), \$85,157,000, to be allocated as
16 follows:

17 Project 97–D–450, actinide packaging and
18 storage facility, Savannah River Site, Aiken,
19 South Carolina, \$7,900,000.

20 Project 97–D–451, B-plant safety class
21 ventilation upgrades, Richland, Washington,
22 \$1,500,000.

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

1 Project 96–D–464, electrical and utility
2 systems upgrade, Idaho Chemical Processing
3 Plant, Idaho National Engineering Laboratory,
4 Idaho, \$10,440,000.

5 Project 95–D–456, security facilities up-
6 grade, Idaho Chemical Processing Plant, Idaho
7 National Engineering Laboratory, Idaho,
8 \$4,645,000.

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

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

24 (1) For operation and maintenance,
25 \$331,054,000.

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), \$32,415,000, to be allocated as
6 follows:

7 Project 96–D–461, electrical distribution
8 upgrade, Idaho National Engineering Laboratory,
9 Idaho, \$6,790,000.

10 Project 96–D–470, environmental monitoring
11 laboratory, Savannah River Site, Aiken,
12 South Carolina, \$2,500,000.

13 Project 96–D–471, chlorofluorocarbon
14 heating, ventilation, and air conditioning and
15 chiller retrofit, Savannah River Site, Aiken,
16 South Carolina, \$8,541,000.

17 Project 96–D–473, health physics site support
18 facility, Savannah River Site, Aiken, South
19 Carolina, \$2,000,000.

20 Project 95–E–600, hazardous materials
21 management and emergency response training
22 center, Richland, Washington, \$7,900,000.

23 Project 95–D–155, upgrade site road infrastructure,
24 Savannah River, South Carolina,
25 \$4,137,000.

1 Project 94–D–401, emergency response fa-
2 cility, Idaho National Engineering Laboratory,
3 Idaho, \$547,000.

4 (g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—
5 Subject to subsection (j), funds are hereby authorized to
6 be appropriated to the Department of Energy for fiscal
7 year 1997 for environmental science and risk policy activi-
8 ties in carrying out environmental restoration and waste
9 management activities necessary for national security pro-
10 grams in the amount of \$52,136,000.

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

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

24 (j) ADJUSTMENTS.—The total amount authorized to
25 be appropriated pursuant to this section is the sum of the

1 amounts authorized to be appropriated in subsections (a)
2 through (i) reduced by the sum of—

3 (1) \$150,400,000, for use of prior year bal-
4 ances; and

5 (2) \$8,000,000, for Savannah River Pension
6 Refund.

7 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

8 Funds are hereby authorized to be appropriated to
9 the Department of Energy for fiscal year 1997 for other
10 defense activities in carrying out programs necessary for
11 national security in the amount of \$1,560,700,000, to be
12 allocated as follows:

13 (1) For verification and control technology,
14 \$456,348,000, to be allocated as follows:

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

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

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

19 (2) For nuclear safeguards and security,
20 \$47,208,000.

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

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

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

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

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

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

7 (A) For control and disposition,
8 \$73,163,000.

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 97-D-140, consolidated spe-
14 cial nuclear materials storage plant, loca-
15 tion to be determined, \$17,000,000.

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

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

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

20 (11) For naval reactors development,
21 \$681,932,000, to be allocated as follows:

22 (A) For operation and infrastructure,
23 \$649,330,000.

24 (B) For plant projects (including mainte-
25 nance, restoration, planning, construction, ac-

1 quisition, modification of facilities, and the con-
2 tinuation of projects authorized in prior years,
3 and land acquisition related thereto),
4 \$13,700,000, to be allocated as follows:

5 Project 97–D–201, advanced test re-
6 actor secondary coolant system upgrades,
7 Idaho National Engineering Laboratory,
8 Idaho, \$400,000.

9 Project 95–D–200, laboratory systems
10 and hot cell upgrades, various locations,
11 \$4,800,000.

12 Project 95–D–201, advanced test re-
13 actor radioactive waste system upgrades,
14 Idaho National Engineering Laboratory,
15 Idaho, \$500,000.

16 Project 90–N–102, expended core fa-
17 cility dry cell project, Naval Reactors Fa-
18 cility, Idaho, \$8,000,000.

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

20 (12) For international nuclear safety,
21 \$15,200,000.

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

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

24 Funds are hereby authorized to be appropriated to
25 the Department of Energy for fiscal year 1996 for pay-

1 ment to the Nuclear Waste Fund established in section
2 302(c) of the Nuclear Waste Policy Act of 1982 (42
3 U.S.C. 10222(c)) in the amount of \$200,000,000.

4 **Subtitle B—Recurring General** 5 **Provisions**

6 **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

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

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

5 (c) LIMITATIONS.—(1) In no event may the total
6 amount of funds obligated pursuant to this title exceed
7 the total amount authorized to be appropriated by this
8 title.

9 (2) Funds appropriated pursuant to this title may not
10 be used for an item for which Congress has specifically
11 denied funds.

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

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

17 (b) REPORT TO CONGRESS.—If, at any time during
18 the construction of any general plant project authorized
19 by this title, the estimated cost of the project is revised
20 because of unforeseen cost variations and the revised cost
21 of the project exceeds \$2,000,000, the Secretary shall im-
22 mediately furnish a complete report to the congressional
23 defense committees explaining the reasons for the cost
24 variation.

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

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

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

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

16 (2) An action described in paragraph (1) may be
17 taken if—

18 (A) the Secretary of Energy has submitted to
19 the congressional defense committees a report on the
20 actions and the circumstances making such action
21 necessary; and

22 (B) a period of 30 days has elapsed after the
23 date on which the report is received by the commit-
24 tees.

25 (3) In the computation of the 30-day period under
26 paragraph (2), there shall be excluded any day on which

1 either House of Congress is not in session because of an
2 adjournment of more than 3 days to a day certain.

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

6 **SEC. 3124. FUND TRANSFER AUTHORITY.**

7 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
8 The Secretary of Energy may transfer funds authorized
9 to be appropriated to the Department of Energy pursuant
10 to this title to other Federal agencies for the performance
11 of work for which the funds were authorized. Funds so
12 transferred may be merged with and be available for the
13 same purposes and for the same period as the authoriza-
14 tions of the Federal agency to which the amounts are
15 transferred.

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

24 (2) Not more than five percent of any such authoriza-
25 tion may be transferred between authorizations under

1 paragraph (1). No such authorization may be increased
2 or decreased by more than five percent by a transfer under
3 such paragraph.

4 (3) The authority provided by this section to transfer
5 authorizations—

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

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

12 (c) NOTICE TO CONGRESS.—The Secretary of Energy
13 shall promptly notify the Committee on Armed Services
14 of the Senate and the Committee on National Security of
15 the House of Representatives of any transfer of funds to
16 or from authorizations under this title.

17 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**
18

19 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
20 Subject to paragraph (2) and except as provided in para-
21 graph (3), before submitting to Congress a request for
22 funds for a construction project that is in support of a
23 national security program of the Department of Energy,
24 the Secretary of Energy shall complete a conceptual de-
25 sign for that project. The Secretary shall submit to Con-

1 gress a report on each conceptual design completed under
2 this paragraph.

3 (2) If the estimated cost of completing a conceptual
4 design for a construction project exceeds \$3,000,000, the
5 Secretary shall submit to Congress a request for funds for
6 the conceptual design before submitting a request for
7 funds for the construction project.

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

10 (A) for a construction project the total esti-
11 mated cost of which is less than \$2,000,000; or

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

14 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)
15 Within the amounts authorized by this title, the Secretary
16 of Energy may carry out construction design (including
17 architectural and engineering services) in connection with
18 any proposed construction project if the total estimated
19 cost for such design does not exceed \$600,000.

20 (2) If the total estimated cost for construction design
21 in connection with any construction project exceeds
22 \$600,000, funds for such design must be specifically au-
23 thorized by law.

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

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

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

20 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
21 tion 3125(b)(2) does not apply to emergency planning, de-
22 sign, and construction activities conducted under this sec-
23 tion.

1 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
2 **RITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 Subject to the provisions of appropriations Acts and
5 section 3121, amounts appropriated pursuant to this title
6 for management and support activities and for general
7 plant projects are available for use, when necessary, in
8 connection with all national security programs of the De-
9 partment of Energy.

10 **SEC. 3128. AVAILABILITY OF FUNDS.**

11 When so specified in an appropriations Act, amounts
12 appropriated for operation and maintenance or for plant
13 projects may remain available until expended.

14 **Subtitle C—Program Authoriza-**
15 **tions, Restrictions, and Limita-**
16 **tions**

17 **SEC. 3131. TRITIUM PRODUCTION.**

18 (a) ACCELERATION OF TRITIUM PRODUCTION.—(1)
19 The Secretary of Energy shall, during fiscal year 1997,
20 make a final decision on the technologies to be utilized,
21 and the accelerated schedule to be adopted, for tritium
22 production in order to meet the requirements of the Nu-
23 clear Weapons Stockpile Memorandum relating to tritium
24 production, including the new tritium production date of
25 2005 specified in the Nuclear Weapons Stockpile Memo-
26 randum.

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

3 (A) The requirements for tritium production
4 specified in the Nuclear Weapons Stockpile Memo-
5 randum, including, in particular, the requirements
6 for the “upload hedge” component of the nuclear
7 weapons stockpile.

8 (B) The ongoing activities of the Department
9 relating to the evaluation and demonstration of tech-
10 nologies under the accelerator reactor program and
11 the commercial light water reactor program.

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

16 (A) the technologies decided on under that sub-
17 section; and

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

20 (2) If the Secretary determines that it is not possible
21 to make the final decision by the date specified in para-
22 graph (1), the Secretary shall submit to Congress on that
23 date a report that explains in detail why the final decision
24 cannot be made by that date.

1 (c) NEW TRITIUM PRODUCTION FACILITY.—The
2 Secretary shall commence planning and design activities
3 and infrastructure development for a new tritium produc-
4 tion facility.

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

9 (e) FUNDING.—Of the funds authorized to be appro-
10 priated to the Department of Energy pursuant to section
11 3101—

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

16 (2) not more than \$15,000,000 shall be avail-
17 able for the commercial light water reactor project,
18 including activities relating to target development,
19 extraction capability, and reactor acquisition or ini-
20 tial tritium operations.

21 **SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRIT-**
22 **IUM RECYCLING FACILITIES.**

23 (a) IN GENERAL.—The Secretary of Energy shall
24 carry out activities to modernize and consolidate the facili-
25 ties for recycling tritium for weapons at the Savannah

1 River Site, South Carolina, so as to ensure that such fa-
 2 cilities have a capacity to recycle tritium from weapons
 3 that is adequate to meet the requirements for tritium for
 4 weapons specified in the Nuclear Weapons Stockpile
 5 Memorandum.

6 (b) FUNDING.—Of the funds authorized to be appro-
 7 priated to the Department of Energy pursuant to section
 8 3101, not more than \$6,000,000 shall be available for ac-
 9 tivities under subsection (a).

10 **SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANU-
 11 FACTURING INFRASTRUCTURE FOR REFAB-
 12 RICATION AND CERTIFICATION OF NUCLEAR
 13 WEAPONS STOCKPILE.**

14 (a) GENERAL PROGRAM REQUIREMENTS.—Sub-
 15 section (a) of section 3137 of the National Defense Au-
 16 thorization Act for Fiscal Year 1996 (Public Law 104–
 17 106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

18 (1) by inserting “(1)” before “The Secretary of
 19 Energy”;

20 (2) by redesignating paragraphs (1) through
 21 (5) as subparagraphs (A) through (E), respectively;
 22 and

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

24 “(2) The purpose of the program carried out under
 25 paragraph (1) shall also be to develop manufacturing ca-

1 pabilities and capacities necessary to meet the require-
2 ments specified in the annual Nuclear Weapons Stockpile
3 Review.”.

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

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

9 (c) PLAN AND REPORT.—Not later than March 1,
10 1997, the Secretary of Energy shall submit to Congress
11 a report containing a plan for carrying out the program
12 established under section 3137(a) of the National Defense
13 Authorization Act for Fiscal Year 1996, as amended by
14 this section. The report shall set forth the obligations that
15 the Secretary has incurred, and proposes to incur, during
16 fiscal year 1997 in carrying out the program.

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

22 **SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN**
23 **RESEARCH AND DEVELOPMENT PURPOSES.**

24 (a) LIMITATION.—No funds appropriated or other-
25 wise made available to the Department of Energy for fiscal

1 year 1997 under section 3101 may be obligated or ex-
2 pended for activities under the Department of Energy
3 Laboratory Directed Research and Development Program,
4 or under any Department of Energy technology transfer
5 program or cooperative research and development agree-
6 ment, unless such activities support the national security
7 mission of the Department of Energy.

8 (b) ANNUAL REPORT.—(1) The Secretary of Energy
9 shall annually submit to the congressional defense commit-
10 tees a report on the funds expended during the preceding
11 fiscal year on activities under the Department of Energy
12 Laboratory Directed Research and Development Program.
13 The purpose of the report is to permit an assessment of
14 the extent to which such activities support the national
15 security mission of the Department of Energy.

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

19 (3) Each report shall set forth the criteria utilized
20 by the officials preparing the report in determining wheth-
21 er or not the activities reviewed by such officials support
22 the national security mission of the Department.

1 **SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING**
2 **HIGH-LEVEL NUCLEAR WASTE AT THE DE-**
3 **FENSE WASTE PROCESSING FACILITY, SA-**
4 **VANNAH RIVER SITE.**

5 The Secretary of Energy shall accelerate the schedule
6 for the isolation of high-level nuclear waste in glass can-
7 isters at the Defense Waste Processing Facility at the Sa-
8 vannah River Site if the Secretary determines that the ac-
9 celeration of such schedule—

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

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

15 **SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE**
16 **AND SPENT NUCLEAR FUEL RODS.**

17 (a) IN GENERAL.—In order to provide for an effec-
18 tive response to requirements for managing spent nuclear
19 fuel that is sent to Department of Energy consolidation
20 sites pursuant to the Department of Energy Pro-
21 grammatic Spent Nuclear Fuel Management and Idaho
22 National Engineering Laboratory Environmental Restora-
23 tion and Waste Management Programs Final Environ-
24 mental Impact Statement, dated April 1995, there shall
25 be available to the Secretary of Energy, from amounts au-

1 thORIZED to be appropriated pursuant to section 3102, the
2 following amounts for the purposes stated:

3 (1) Not more than \$43,000,000 for the develop-
4 ment and implementation of a program for the proc-
5 essing, reprocessing, separation, reduction, isolation,
6 and interim storage of high-level nuclear waste asso-
7 ciated with Department of Energy aluminum clad
8 spent fuel rods and foreign spent fuel rods in the H-
9 canyon facility and F-canyon facility.

10 (2) Not more than \$15,000,000 for the develop-
11 ment and implementation of a program for the
12 treatment, preparation, and conditioning of high-
13 level nuclear waste associated with Department of
14 Energy stainless steel spent nuclear fuel rods (in-
15 cluding naval spent nuclear fuel) for interim storage
16 and final disposition.

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

23 (1) the matters required by paragraphs (1)
24 through (4) of such section, current as of the date
25 of the updated plan; and

1 (2) the assessment of the Secretary of the
2 progress made in implementing the program covered
3 by the plans.

4 **SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
5 **SKILLS CRITICAL TO DEPARTMENT OF EN-**
6 **ERGY NUCLEAR WEAPONS COMPLEX.**

7 (a) **FUNDING.**—Subject to subsection (b), of the
8 funds authorized to be appropriated pursuant to section
9 3101(b), \$5,000,000 may be used for conducting the fel-
10 lowship program for the development of skills critical to
11 the ongoing mission of the Department of Energy nuclear
12 weapons complex required by section 3140 of the National
13 Defense Authorization Act for Fiscal Year 1996 (Public
14 Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

15 (b) **NOTICE AND WAIT.**—The Secretary of Energy
16 may not obligate or expend funds under subsection (a) for
17 the fellowship program referred to in that subsection
18 until—

19 (1) the Secretary submits to Congress a report
20 setting forth—

21 (A) the steps the Department has taken to
22 implement the fellowship program;

23 (B) the amount the Secretary proposes to
24 obligate; and

1 (C) the purposes for which such amount
2 will be obligated; and

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

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. REDESIGNATION OF DEFENSE ENVIRONMENTAL**

14 **RESTORATION AND WASTE MANAGEMENT**

15 **PROGRAM AS DEFENSE NUCLEAR WASTE**

16 **MANAGEMENT PROGRAM.**

17 (a) REDESIGNATION OF PROGRAM.—(1) The pro-

18 gram of the Department of Energy known as the Defense

19 Environmental Restoration and Waste Management Pro-

20 gram, and also known as the Environmental Management

21 Program, shall be known as the Defense Nuclear Waste

22 Management Program of the Department of Energy.

23 (2) Any reference to the program of the Department

24 of Energy known as the Defense Environmental Restora-

25 tion and Waste Management Program, and also known as

1 the Environmental Management Program, in any Federal
2 law, Executive order, regulation, delegation of authority,
3 or document of or pertaining to the Department of Energy
4 or the Department of Defense shall be deemed to refer
5 to the Defense Nuclear Waste Management Program of
6 the Department of Energy.

7 (b) REDESIGNATION OF ASSISTANT SECRETARY OF
8 ENERGY.—(1) The Assistant Secretary of Energy ap-
9 pointed under section 203(a) of the Department of Energy
10 Organization Act (42 U.S.C. 7133(a)) who is responsible
11 for the program of the Department of Energy known as
12 the Defense Environmental Restoration and Waste Man-
13 agement Program, and also known as the Environmental
14 Management Program, shall be known as the Assistant
15 Secretary of Energy for Defense Nuclear Waste Manage-
16 ment.

17 (2) Any reference to the Assistant Secretary of En-
18 ergy described in paragraph (1) in any Federal law, Exec-
19 utive order, regulation, delegation of authority, or docu-
20 ment of or pertaining to the Department of Energy or the
21 Department of Defense shall be deemed to refer to the
22 Assistant Secretary of Energy for Defense Nuclear Waste
23 Management.

24 (c) REDESIGNATION OF ACCOUNT.—(1) Subsection
25 (a) of section 3134 of the National Defense Authorization

1 Act for Fiscal Years 1992 and 1993 (Public Law 102–
2 190; 105 Stat. 1575; 42 U.S.C. 7274f) is amended by
3 striking out “Defense Environmental Restoration and
4 Waste Management Account” and inserting in lieu thereof
5 “Defense Nuclear Waste Management Account”.

6 (2) The section heading of such section is amended
7 to read as follows:

8 **“SEC. 3134. DEFENSE NUCLEAR WASTE MANAGEMENT AC-**
9 **COUNT.”.**

10 (d) REPORT ON REDESIGNATION.—Not later than
11 January 31, 1997, the Secretary of Energy shall submit
12 to congressional defense committees a report on the redес-
13 ignations to be made under this section. The report shall
14 estimate the costs, if any, to the Department of Energy
15 of the redesignations to be made under this section and
16 describe any potential problems for the Department arising
17 from such redesignations.

18 (e) EFFECTIVE DATE.—This section and the amend-
19 ments made by subsection (c) shall take effect on October
20 1, 1997.

21 **SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES**
22 **NUCLEAR WEAPONS EXPERTISE.**

23 (a) ESTABLISHMENT.—There is hereby established a
24 commission to be known as the “Commission on Maintain-

1 ing United States Nuclear Weapons Expertise” (in this
2 section referred to as the “Commission”).

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

8 (i) Two shall be appointed by the Majority
9 Leader of the Senate (in consultation with the Mi-
10 nority Leader of the Senate).

11 (ii) One shall be appointed by the Minority
12 Leader of the Senate (in consultation with the Ma-
13 jority Leader of the Senate).

14 (iii) Two shall be appointed by the Speaker of
15 the House of Representatives (in consultation with
16 the Minority Leader of the House of Representa-
17 tives).

18 (iv) One shall be appointed by the Minority
19 Leader of the House of Representatives (in consulta-
20 tion with the Speaker of the House of Representa-
21 tives).

22 (v) Three shall be appointed by the Secretary of
23 Energy.

24 (B) Members shall be appointed for the life of the
25 Commission. Any vacancy in the Commission shall not af-

1 fect its powers, but shall be filled in the same manner as
2 the original appointment.

3 (C) The chairman of the Commission shall be des-
4 ignated from among the members of the Commission ap-
5 pointed under subparagraph (A) by the Majority Leader
6 of the Senate, in consultation with the Minority Leader
7 of the Senate.

8 (2) The members of the Commission shall establish
9 procedures for the activities of the Commission, including
10 procedures for calling meetings, requirements for
11 quorums, and the manner of taking votes.

12 (c) DUTIES.—(1) The Commission shall develop a
13 plan for recruiting and retaining within the Department
14 of Energy nuclear weapons complex such scientific, engi-
15 neering, and technical personnel as the Commission deter-
16 mines appropriate in order to permit the Department to
17 maintain over the long term a safe and reliable nuclear
18 weapons stockpile without engaging in underground test-
19 ing.

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

21 (A) identify actions that the Secretary may un-
22 dertake to attract qualified scientific, engineering,
23 and technical personnel to the nuclear weapons com-
24 plex of the Department; and

1 (B) review and recommend improvements to the
2 on-going efforts of the Department to attract such
3 personnel to the nuclear weapons complex.

4 (d) REPORT.—Not later than March 15, 1998, the
5 Commission shall submit to the Secretary and to Congress
6 a report containing the plan developed under subsection
7 (c). The report may include recommendations for legisla-
8 tion and administrative action.

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

21 (2) The members of the Commission shall be allowed
22 travel expenses, including per diem in lieu of subsistence,
23 at rates authorized for employees of agencies under sub-
24 chapter I of chapter 57 of title 5, United States Code,

1 while away from their homes or regular places of business
2 in the performance of services for the Commission.

3 (3) The Commission may, without regard to the civil
4 service laws and regulations, appoint and terminate such
5 personnel as may be necessary to enable the Commission
6 to perform its duties. The Commission may fix the com-
7 pensation of the personnel of the Commission without re-
8 gard to the provisions of chapter 51 and subchapter III
9 of chapter 53 of title 5, United States Code, relating to
10 classification of positions and General Schedule pay rates.

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

15 (f) TERMINATION.—The Commission shall terminate
16 30 days after the date on which the Commission submits
17 its report under subsection (d).

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

21 (h) FUNDING.—Of the amounts authorized to be ap-
22 propriated pursuant to section 3101, not more than
23 \$1,000,000 shall be available for the activities of the Com-
24 mission under this section. Funds made available to the

1 Commission under this section shall remain available until
2 expended.

3 **SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY**
4 **AND SAFETY OF REMAINING NUCLEAR**
5 **FORCES.**

6 (a) FINDINGS.—The Senate makes the following
7 findings:

8 (1) The United States is committed to proceed-
9 ing with a robust science-based stockpile stewardship
10 program with respect to production of nuclear weap-
11 ons, and to maintaining nuclear weapons production
12 capabilities and capacities, that are adequate—

13 (A) to ensure the safety, reliability, and
14 performance of the United States nuclear arse-
15 nal; and

16 (B) to meet such changing national secu-
17 rity requirements as may result from inter-
18 national developments or technical problems
19 with nuclear warheads.

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

23 (A) to satisfy requirements for the safety,
24 reliability, and performance of United States
25 nuclear weapons; and

1 (B) to demonstrate and sustain production
2 capabilities and capacities.

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

6 (4) The United States is committed to ensuring
7 the rapid access to a new production source of trit-
8 ium within the next decade, as it currently has no
9 meaningful capability to produce tritium, a compo-
10 nent that is essential to the performance of modern
11 nuclear weapons.

12 (5) The United States reserves the right, con-
13 sistent with United States law, to resume under-
14 ground nuclear testing to maintain confidence in the
15 United States' stockpile of nuclear weapons if war-
16 head design flaws or aging of nuclear weapons result
17 in problems that a robust stockpile stewardship pro-
18 gram cannot solve.

19 (6) The United States is committed to funding
20 the Nevada Test Site at a level that maintains the
21 ability of the United States to resume underground
22 nuclear testing within one year after a national deci-
23 sion to do so is made.

24 (7) The United States reserves the right to in-
25 voke the supreme national interest of the United

1 States and withdraw from any future arms control
2 agreement to limit underground nuclear testing.

3 (b) SENSE OF THE SENATE REGARDING PRESI-
4 DENTIAL CONSULTATION WITH CONGRESS.—It is the
5 sense of the Senate that the President should consult
6 closely with Congress regarding United States policy and
7 practices to ensure confidence in the safety and reliability
8 of the nuclear stockpile of the United States.

9 (c) SENSE OF THE SENATE REGARDING NOTIFICA-
10 TION AND CONSULTATION.—It is the sense of the Senate
11 that, upon a determination by the President that a prob-
12 lem with the safety or reliability of the nuclear stockpile
13 has occurred and that the problem cannot be corrected
14 within the stockpile stewardship program, the President
15 shall—

16 (1) immediately notify Congress of the problem;
17 and

18 (2) submit to Congress in a timely manner a
19 plan for corrective action with respect to the prob-
20 lem, including—

21 (A) a technical description of the activities
22 required under the plan; and

23 (B) if underground testing of nuclear
24 weapons would assist in such corrective action,
25 an assessment of advisability of withdrawing

1 from any treaty that prohibits underground
2 testing of nuclear weapons.

3 **TITLE XXXII—DEFENSE NU-**
4 **CLEAR FACILITIES SAFETY**
5 **BOARD**

6 **SEC. 3201. AUTHORIZATION.**

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