

DEPARTMENT OF ENERGY CIVILIAN RESEARCH AND  
DEVELOPMENT ACT OF 1997

—————  
JUNE 9, 1997.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. BLILEY, from the Committee on Commerce,  
submitted the following

REPORT

Together with

ADDITIONAL VIEWS

[To accompany H.R. 1277]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 1277) to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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#### AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Energy Civilian Research and Development Act of 1997”.

##### SEC. 2. DEFINITIONS.

For purposes of this Act—

- (1) the term “CERN” means the European Organization for Nuclear Research;
- (2) the term “Department” means the Department of Energy;
- (3) the term “Large Hadron Collider project” means the Large Hadron Collider project at CERN; and
- (4) the term “Secretary” means the Secretary of Energy.

##### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) ENERGY SUPPLY RESEARCH AND DEVELOPMENT ACTIVITIES.—There are authorized to be appropriated to the Secretary for Energy Supply Research and Development operating expenses and capital equipment \$1,961,182,000 for fiscal year 1998 and \$1,984,201,000 for fiscal year 1999, of which—

(1) \$272,820,000 for fiscal year 1998 (reduced by \$15,000,000 to reflect the use of prior year balances) and \$270,342,000 for fiscal year 1999 shall be for Solar and Renewable Resources Technologies, including—

(A) \$2,150,000 for fiscal year 1998 and \$2,150,000 for fiscal year 1999 for Solar Building Technology Research;

(B) \$63,900,000 for fiscal year 1998 and \$64,900,000 for fiscal year 1999 for Photovoltaic Energy Systems;

(C) \$18,170,000 for fiscal year 1998 and \$13,620,000 for fiscal year 1999 for Solar Thermal Energy Systems;

(D) \$28,835,000 for fiscal year 1998 and \$28,190,000 for fiscal year 1999 for Biopower/Biofuels Energy Systems;

(E) \$29,500,000 for fiscal year 1998 and \$18,140,000 for fiscal year 1999 for Wind Energy Systems;

(F) \$2,800,000 for fiscal year 1998 and \$500,000 for fiscal year 1999 for the National Renewable Energy Laboratory;

(G) \$19,518,000 for fiscal year 1998 and \$19,518,000 for fiscal year 1999 for Geothermal Electric Research and Development and Deployment;

(H) \$1,000,000 for fiscal year 1998 for Hydropower;

(I) \$44,500,000 for fiscal year 1998 and \$36,500,000 for fiscal year 1999 for Electric Energy Systems and Storage, of which—

(i) \$8,000,000 for fiscal year 1998 shall be for Electric and Magnetic Fields Research and Development;

(ii) \$32,500,000 for fiscal year 1998 and \$32,500,000 for fiscal year 1999 shall be for High-Temperature Superconductivity Research and Development; and

(iii) \$4,000,000 for fiscal year 1998 and \$4,000,000 for fiscal year 1999 shall be for Energy Storage Systems;

(J) \$50,000,000 for fiscal year 1998 and \$75,000,000 for fiscal year 1999 shall be for a Solar and Renewable Energy Science Initiative, to be managed by the Director of the Office of Energy Research, in consultation with the Assistant Secretary for Energy Efficiency and Renewable Energy on the goals and priorities of the initiative, for grants to be competitively awarded and subject to peer review for research related to solar and renewable energy; and

(K) \$12,447,000 for fiscal year 1998 and \$11,824,000 for fiscal year 1999 for Program Direction;

(2) \$164,312,000 for fiscal year 1998 and \$146,733,000 for fiscal year 1999 shall be for Nuclear Energy, including—

(A) \$47,000,000 for fiscal year 1998 and \$43,350,000 for fiscal year 1999 for Advanced Radioisotope Power Systems;

(B) \$9,500,000 for fiscal year 1998 and \$8,809,000 for fiscal year 1999 for Oak Ridge Landlord;

(C) \$3,217,000 for fiscal year 1998 and \$3,217,000 for fiscal year 1999 for Test Reactor Area Landlord;

(D) \$2,000,000 for fiscal year 1998 for Advanced Test Reactor Fusion Irradiations;

(E) \$6,000,000 for fiscal year 1998 and \$6,000,000 for fiscal year 1999 for University Nuclear Science and Reactor Support;

(F) \$82,535,000 for fiscal year 1998 and \$72,000,000 for fiscal year 1999 for Termination Costs; and

(G) \$14,060,000 for fiscal year 1998 and \$13,357,000 for fiscal year 1999 for Program Direction;

(3) \$367,538,000 for fiscal year 1998 and \$378,564,000 for fiscal year 1999 shall be for Biological and Environmental Research, including—

(A) \$157,037,000 for fiscal year 1998 and \$161,748,000 for fiscal year 1999 for Life Sciences;

(B) \$100,954,000 for fiscal year 1998 and \$103,983,000 for fiscal year 1999 for Environmental Processes;

(C) \$66,435,000 for fiscal year 1998 and \$68,428,000 for fiscal year 1999 for Environmental Remediation;

(D) \$43,112,000 for fiscal year 1998 and \$44,405,000 for fiscal year 1999 for Medical Applications and Measurement Sciences; and

(E) \$1,000,000 for fiscal year 1998 and \$1,000,000 for fiscal year 1999 for the United States-Mexico Foundation for Science for research on biosciences and the environment,

except that, notwithstanding subparagraphs (A) through (E), the total amount which may be appropriated under this paragraph shall not exceed the overall sums stated at the beginning of this paragraph;

(4) \$240,000,000 for fiscal year 1998 and \$240,000,000 for fiscal year 1999 shall be for Fusion Energy Sciences, of which \$5,000,000 for fiscal year 1998 and \$5,000,000 for fiscal year 1999 shall be for General Plasma Science;

(5) \$659,812,000 for fiscal year 1998 and \$678,888,000 for fiscal year 1999 shall be for Basic Energy Sciences, including—

(A) \$391,047,000 for fiscal year 1998 and \$402,060,000 for fiscal year 1999 for Materials Sciences, of which not to exceed \$5,000,000 for each such fiscal year may be used for the High Flux Beam Reactor at Brookhaven National Laboratory;

(B) \$199,933,000 for fiscal year 1998 and \$205,931,000 for fiscal year 1999 for Chemical Sciences;

(C) \$41,371,000 for fiscal year 1998 and \$42,612,000 for fiscal year 1999 for Engineering and Geosciences; and

(D) \$27,461,000 for fiscal year 1998 and \$28,285,000 for fiscal year 1999 for Energy Biosciences;

(6) \$140,907,000 for fiscal year 1998 and \$145,134,000 for fiscal year 1999 shall be for Computational and Technology Research, including—

(A) \$117,490,000 for fiscal year 1998 and \$121,014,000 for fiscal year 1999 for Mathematical, Information, and Computational Sciences;

(B) \$15,829,000 for fiscal year 1998 and \$16,304,000 for fiscal year 1999 for Laboratory Technology Research; and

(C) \$7,588,000 for fiscal year 1998 and \$7,816,000 for fiscal year 1999 for Advanced Energy Projects;

(7) \$1,500,000 for fiscal year 1998 and \$1,500,000 for fiscal year 1999 shall be for Energy Research Analysis;

(8) \$29,070,000 for fiscal year 1998 and \$27,434,000 for fiscal year 1999 shall be for Energy Research-Energy Supply Program Direction; and

(9) \$100,233,000 for fiscal year 1998 and \$95,606,000 for fiscal year 1999 shall be for Field Operations.

(b) ENERGY ASSETS ACQUISITION.—There are authorized to be appropriated to the Secretary for the purchase, construction, expansion, and acquisition of real plant, property, and other physical assets for energy supply research and development activities, \$34,885,000 for fiscal year 1998 and \$29,432,000 for fiscal year 1999, of which—

(1) for Solar and Renewable Resources Technology, \$2,200,000 for fiscal year 1998 shall be for completion of Project 96-E-100, Field Test Laboratory Building Renovation and Expansion, National Renewable Energy Laboratory;

(2) for Nuclear Energy, \$4,425,000 for fiscal year 1998 and \$6,425,000 for fiscal year 1999 shall be for completion of Project 95-E-201, Test Reactor Area

Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory;

(3) for Basic Energy Sciences, \$7,000,000 for fiscal year 1998 and \$4,000,000 for fiscal year 1999 for completion of Project 96-E-300, Combustion Research Facility, Phase II, Sandia National Laboratories, Livermore, California; and

(4) for Multiprogram Energy Laboratories-Facilities Support, \$21,260,000 for fiscal year 1998 and \$19,007,000 for fiscal year 1999 for—

(A) Project MEL-001, Multiprogram Energy Laboratories Infrastructure Project, Various Locations, \$7,259,000 for fiscal year 1998 and \$12,161,000 for fiscal year 1999;

(B) Project 96-E-333, Multiprogram Energy Laboratories Upgrades, Various Locations, \$5,273,000 for fiscal year 1998 and \$268,000 for fiscal year 1999;

(C) Project 95-E-308, Sanitary System Modifications, Phase II, Brookhaven National Laboratory, Upton, New York, \$568,000 for fiscal year 1998;

(D) Project 95-E-307, Fire Safety Improvements-Phase III, Argonne National Laboratory, Argonne, Illinois, \$718,000 for fiscal year 1998;

(E) Project 95-E-301, Central Heating Plant Rehabilitation-Phase I, Argonne National Laboratory, Argonne, Illinois, \$3,442,000 for fiscal year 1998; and

(F) Project 94-E-363, Roofing Improvements, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$4,000,000 for fiscal year 1998 and \$6,578,000 for fiscal year 1999.

(c) GENERAL SCIENCE AND RESEARCH ACTIVITIES.—There are authorized to be appropriated to the Secretary for General Science and Research Activities operating expenses and capital equipment—

(1) \$865,210,000 for fiscal year 1998 (reduced by \$15,000,000 to reflect the use of prior year balances), including—

(A) \$599,185,000 for High Energy Physics;

(B) \$256,525,000 for Nuclear Physics; and

(C) \$9,500,000 for Program Direction; and

(2) \$941,000,000 for fiscal year 1999, including—

(A) \$607,645,000 for High Energy Physics;

(B) \$324,330,000 for Nuclear Physics; and

(C) \$9,025,000 for Program Direction.

None of the funds authorized for High Energy Physics by this subsection or subsection (d) may be used for the Large Hadron Collider project, unless the Secretary, in consultation with the Director of the National Science Foundation, has transmitted to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the impacts of such funding on the operations and viability of United States high energy and nuclear physics facilities.

(d) SCIENCE ASSETS ACQUISITION.—There are authorized to be appropriated to the Secretary for the purchase, construction, expansion, and acquisition of real plant, property, and other physical assets for general science and research activities, \$126,870,000 for fiscal year 1998, of which—

(1) \$50,850,000 shall be for High Energy Physics, including—

(A) \$30,950,000 for completion of Project 92-G-302, Fermilab Main Injector, Fermi National Accelerator Laboratory, Illinois;

(B) \$9,400,000 for completion of Project 97-G-303, Stanford Linear Accelerator Center Master Station Upgrade, California;

(C) \$5,500,000 for architectural engineering and technical design work for Project 98-G-304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory, Illinois; and

(D) \$5,000,000 for completion of Project 98-G-305, Fermilab C-Zero Area Experimental Hall, Fermi National Accelerator Laboratory, Illinois; and

(2) \$76,020,000 shall be for Nuclear Physics, for completion of Project 91-G-300, Relativistic Heavy Ion Collider, Brookhaven National Laboratory, Upton, New York.

(e) FOSSIL ENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Fossil Energy Research and Development operating expenses, capital equipment, and construction, \$335,919,000 for fiscal year 1998 and \$335,250,000 for fiscal year 1999, of which—

(1) \$105,831,000 for fiscal year 1998 and \$104,206,000 for fiscal year 1999 shall be for Coal operating expenses, including—

(A) \$5,064,000 for fiscal year 1998 and \$5,064,000 for fiscal year 1999 for Coal Preparation;

- (B) \$5,816,000 for fiscal year 1998 and \$5,816,000 for fiscal year 1999 for Direct Liquefaction;
- (C) \$4,223,000 for fiscal year 1998 and \$4,223,000 for fiscal year 1999 for Indirect Liquefaction;
- (D) \$741,000 for fiscal year 1998 and \$741,000 for fiscal year 1999 for Advanced Clean Fuels Research Advanced Research and Environmental Technology;
- (E) \$5,462,000 for fiscal year 1998 and \$5,462,000 for fiscal year 1999 for Advanced Pulverized Coal-Fired Powerplant;
- (F) \$10,927,000 for fiscal year 1998 and \$10,927,000 for fiscal year 1999 for Indirect Fired Cycle;
- (G) \$22,342,000 for fiscal year 1998 and \$20,717,000 for fiscal year 1999 for High-Efficiency-Integrated Gasification Combined Cycle;
- (H) \$17,875,000 for fiscal year 1998 and \$17,875,000 for fiscal year 1999 for High-Efficiency Pressurized Fluidized Bed;
- (I) \$9,734,000 for fiscal year 1998 and \$9,734,000 for fiscal year 1999 for Advanced Clean/Efficient Power Systems Advanced Research and Environmental Technology; and
- (J) \$23,647,000 for fiscal year 1998 and \$23,647,000 for fiscal year 1999 for Advanced Research and Technology Development;
- (2) \$47,419,000 for fiscal year 1998 and \$46,464,000 for fiscal year 1999 shall be for Oil Technology operating expenses, including—
  - (A) \$31,157,000 for fiscal year 1998 and \$31,157,000 for fiscal year 1999 for Exploration and Production Supporting Research;
  - (B) \$3,931,000 for fiscal year 1998 and \$3,931,000 for fiscal year 1999 for Recovery Field Demonstrations;
  - (C) \$6,411,000 for fiscal year 1998 and \$5,456,000 for fiscal year 1999 for Exploration and Production Environmental Research; and
  - (D) \$5,920,000 for fiscal year 1998 and \$5,920,000 for fiscal year 1999 for Processing Research and Downstream Operations;
- (3) \$85,877,000 for fiscal year 1998 and \$85,877,000 for fiscal year 1999 shall be for Gas operating expenses, including—
  - (A) \$14,123,000 for fiscal year 1998 and \$14,123,000 for fiscal year 1999 for Natural Gas Research Exploration and Production;
  - (B) \$993,000 for fiscal year 1998 and \$993,000 for fiscal year 1999 for Natural Gas Research Delivery and Storage;
  - (C) \$31,379,000 for fiscal year 1998 and \$31,379,000 for fiscal year 1999 for Natural Gas Research Advanced Turbine Systems;
  - (D) \$4,808,000 for fiscal year 1998 and \$4,808,000 for fiscal year 1999 for Natural Gas Research Utilization;
  - (E) \$4,617,000 for fiscal year 1998 and \$4,617,000 for fiscal year 1999 for Natural Gas Research Environmental Research/Regulatory Analysis;
  - (F) \$1,210,000 for fiscal year 1998 and \$1,210,000 for fiscal year 1999 for Fuel Cells Advanced Research;
  - (G) \$16,335,000 for fiscal year 1998 and \$16,335,000 for fiscal year 1999 for Fuel Cells Molten Carbonate Systems to continue cost-shared cost reduction and performance improvement of one system; and
  - (H) \$12,412,000 for fiscal year 1998 and \$12,412,000 for fiscal year 1999 for Fuel Cells Advanced Concepts;
- (4) \$61,783,000 for fiscal year 1998 and \$62,494,000 for fiscal year 1999 shall be for Program Direction and Management Support operating expenses, including—
  - (A) \$13,676,000 for fiscal year 1998 and \$12,992,000 for fiscal year 1999 for Headquarters Program Direction; and
  - (B) \$48,107,000 for fiscal year 1998 and \$49,502,000 for fiscal year 1999 for Energy Technology Center Program Direction;
- (5) \$2,000,000 for fiscal year 1998 and \$2,000,000 for fiscal year 1999 shall be for Plant and Capital Equipment, for construction of General Plant Projects;
- (6) \$5,836,000 for fiscal year 1998 and \$5,836,000 for fiscal year 1999 shall be for Cooperative Research and Development operating expenses;
- (7) \$2,173,000 for fiscal year 1998 and \$2,173,000 for fiscal year 1999 shall be for Fuels Conversion, Natural Gas, and Electricity operating expenses; and
- (8) \$25,000,000 for fiscal year 1998 and \$30,000,000 for fiscal year 1999 shall be for a Fossil Energy Science Initiative to be managed by the Director of the Office of Energy Research, in consultation with the Assistant Secretary for Fossil Energy on the goals and priorities of the initiative, for grants to be competitively awarded and subject to peer review for research relating to fossil energy.

Notwithstanding paragraphs (1) through (8), the total amount which may be appropriated under this subsection shall not exceed the overall sums stated at the beginning of this subsection;

(f) ENERGY CONSERVATION RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for Energy Conservation Research and Development operating expenses and capital equipment, \$414,208,000 for fiscal year 1998 (reduced by \$20,000,000 to reflect the use of prior year balances) and \$436,703,000 for fiscal year 1999, of which—

(1) \$41,004,000 for fiscal year 1998 and \$40,230,000 for fiscal year 1999 shall be for the Building Technology, State and Community Sector (Non-Grants), including—

(A) \$8,762,000 for fiscal year 1998 and \$8,762,000 for fiscal year 1999 for Building Systems Design for Building America Program;

(B) \$20,550,000 for fiscal year 1998 and \$20,250,000 for fiscal year 1999 for Building Equipment and Materials; and

(C) \$11,692,000 for fiscal year 1998 and \$11,218,000 for fiscal year 1999 for Management and Planning;

(2) \$125,380,000 for fiscal year 1998 and \$125,048,000 for fiscal year 1999 shall be for the Industry Sector, including—

(A) \$55,660,000 for fiscal year 1998 and \$55,660,000 for fiscal year 1999 for Industries of the Future (Specific);

(B) \$39,120,000 for fiscal year 1998 and \$39,120,000 for fiscal year 1999 for Industries of the Future (Crosscutting);

(C) \$23,950,000 for fiscal year 1998 and \$23,950,000 for fiscal year 1999 for Technology Access; and

(D) \$6,650,000 for fiscal year 1998 and \$6,318,000 for fiscal year 1999 for Management and Planning;

(3) \$176,876,000 for fiscal year 1998 and \$176,525,000 for fiscal year 1999 shall be for the Transportation Sector, including—

(A) \$124,046,000 for fiscal year 1998 and \$124,046,000 for fiscal year 1999 for Advanced Automotive Technologies;

(B) \$18,000,000 for fiscal year 1998 and \$18,000,000 for fiscal year 1999 for Advanced Heavy Vehicle Technologies;

(C) \$30,500,000 for fiscal year 1998 and \$30,500,000 for fiscal year 1999 for Transportation Materials Technologies; and

(D) \$7,030,000 for fiscal year 1998 and \$6,679,000 for fiscal year 1999 for Implementation and Program Management,

except that, notwithstanding subparagraphs (A) through (D), the total amount which may be appropriated under this paragraph shall not exceed the overall sums stated at the beginning of this paragraph;

(4) \$20,948,000 for fiscal year 1998 and \$19,900,000 for fiscal year 1999 shall be for Policy and Management; and

(5) \$50,000,000 for fiscal year 1998 and \$75,000,000 for fiscal year 1999 shall be for an Energy Efficiency Science Initiative to be managed by the Director of the Office of Energy Research, in consultation with the Assistant Secretary for Energy Efficiency and Renewable Energy on the goals and priorities of the initiative, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

#### SEC. 4. FUNDING LIMITATIONS.

None of the funds authorized by this Act for fiscal year 1998 or fiscal year 1999 may be used for the following programs, projects, and activities, except to fulfill contractual obligations:

- (1) Nuclear Energy Advanced Light Water Reactor.
- (2) Nuclear Energy Commercial Reactor.
- (3) Nuclear Energy Security.
- (4) Nuclear Energy Termination Costs Gas Turbine-Modular Helium Reactor.
- (5) Nuclear Energy Termination Costs Advanced Light Water Reactor.
- (6) Fossil Energy Research and Development Advanced Research and Technology Development Coal Technology Export.

#### SEC. 5. NATIONAL ACADEMY OF SCIENCES REPORTS.

(a) HIGH ENERGY AND NUCLEAR PHYSICS.—The Secretary shall enter into appropriate arrangements with National Academy of Sciences for the Academy to prepare a report on the high energy and nuclear physics activities of the Department, assuming a combined budget of \$977,080,000 for all activities authorized under section 3 (c) and (d) for fiscal year 1998, and \$941,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002. The report shall include—

- (1) a priority list of research opportunities, including both ongoing and proposed activities;
- (2) an analysis of the relevance of each research facility to the research opportunities listed under paragraph (1);
- (3) recommendations for the optimal balance among facility operations, construction, and research support and the optimal balance between university and laboratory research programs; and
- (4) recommended schedules for the continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility.

Not later than December 31, 1997, the Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the report prepared under this subsection.

(b) BASIC ENERGY SCIENCES.—(1) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences for the Academy to prepare a report on the basic energy sciences activities of the Department, based on the following three budget options for the entire Basic Energy Sciences account and all related research and energy asset activities:

- (A) Provision of \$683,000,000 for each of the fiscal years 1999 through 2002.
  - (B) Provision of \$683,000,000 for fiscal year 1999, and an amount reflecting a three percent reduction in each year thereafter through fiscal year 2002.
  - (C) Provision of \$683,000,000 for fiscal year 1999, and an amount reflecting a three percent increase in each year thereafter through fiscal year 2002.
- (2) None of the figures described in paragraph (1)(A) through (C) shall be altered to reflect inflationary allowances. The report shall include—

- (A) a priority list of research opportunities, including both ongoing and proposed activities;
- (B) an analysis of the relevance of each research facility to the research opportunities listed under subparagraph (A);
- (C) recommendations for the optimal balance among facility operations, construction, and research support and the optimal balance between university and laboratory research programs; and
- (D) recommended schedules for the continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility.

Not later than December 31, 1997, the Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the report prepared under this paragraph.

(c) NATIONAL SPALLATION NEUTRON SOURCE.—The Secretary shall enter into appropriate arrangements with National Academy of Sciences for the Academy to prepare a report containing a detailed evaluation of the costs of construction and operation of the National Spallation Neutron Source at alternative appropriate sites, including at least the Argonne National Laboratory, the Brookhaven National Laboratory, the Los Alamos National Laboratory, and the Oak Ridge National Laboratory. Such report shall also include an identification of other advantages and disadvantages of each site evaluated. Not later than December 31, 1997, the Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the report prepared under this subsection. Along with such report, the Secretary shall include a recommendation from the Department for the preferred site that will meet its program criteria, taking into consideration the effect of delay on neutron science work, existing expertise in the field of neutron science, affiliations with institutions of higher education in neutron science, and State allocations or commitments to facilities.

#### SEC. 6. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

#### SEC. 7. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) **LIMITATION ON APPROPRIATIONS.**—No sums are authorized to be appropriated to the Secretary for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) **ELIGIBILITY FOR AWARDS.**—

(1) **IN GENERAL.**—The Secretary shall exclude from consideration for grant agreements made by the Department after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) **DEFINITION.**—For purposes of this subsection, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

**SEC. 8. NOTICE.**

(a) **NOTICE OF REPROGRAMMING.**—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(b) **NOTICE OF REORGANIZATION.**—The Secretary shall provide notice to the Committees on Science, Commerce, and Appropriations of the House of Representatives, and the Committees on Energy and Natural Resources and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Department.

**SEC. 9. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.**

With the year 2000 fast approaching, it is the sense of Congress that the Department should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Department posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Department is unable to correct in time.

**SEC. 10. BUY AMERICAN.**

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

(b) **SENSE OF CONGRESS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the Secretary of Energy shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

## PURPOSE AND SUMMARY

The purpose of H.R. 1277, the Department of Energy Civilian Research and Development Act of 1997, is to authorize appropriations for Fiscal Years 1998 and 1999 for Department of Energy (DOE) civilian scientific research and technology development activities. These activities include: energy supply research and development; biological and environmental research; general science and research; fossil energy research and development; energy conservation research and development; and Departmental asset acquisitions.

## BACKGROUND AND NEED FOR LEGISLATION

The Department of Energy conducts a host of research and development activities, ranging from nuclear weapons development and national energy security to biomedical research and energy conservation. The general authority for this research and development work lies in various statutes, including the Department of Energy Organization Act (Public Law 95-91), the Energy Reorganization Act of 1974 (Public Law 93-438), and the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577).

Beyond this general authority, statutes such as the Energy Policy Act of 1992 (Public Law 102-486) authorize numerous specific research and development activities. However, many of the research and development activities of the Department do not have specific authorization, or such specific authorization has expired or will expire by the turn of the century. H.R. 1277 establishes specific direction for a variety of research and development activities, and prohibits the Department from pursuing activities in several currently authorized areas.

After its consideration by the Committee on Science, H.R. 1277 was referred sequentially to the Committee on Commerce for consideration of those provisions falling within the jurisdiction of the Committee pursuant to clause 1(e) of Rule X of the Rules of the House. A number of provisions of H.R. 1277, as passed by the Committee on Science, are either not exclusively of a scientific research or technology development nature and involve activities outside the jurisdiction of the Science Committee, or are within the shared jurisdiction of both the Commerce and Science Committees. Rule X states that the jurisdiction of the Committee on Science extends to "all energy research, development, and demonstration", "environmental research and development", and "measures relating to the commercial application of energy technology". The Committee on Commerce has broad jurisdiction over energy conservation, energy resources, national energy policy, and general management of the Department of Energy.

The Committee on Commerce recognizes the importance of the civilian research and development activities of the Department of Energy. The Committee also recognizes the importance of the non-research and development programs authorized in H.R. 1277 as passed by the Committee on Science. The Commerce Committee has been conducting thorough oversight of multiple Department of Energy activities and feels strongly that the authorization for these general management responsibilities should be conducted sepa-

rately from legislation authorizing the Department's more limited research and development activities.

In order to accomplish this objective, the Committee, during its consideration of H.R. 1277, generally eliminated those provisions of the bill which are not of a research or development nature. The Committee adopted an Amendment in the Nature of a Substitute which eliminated several provisions solely within the jurisdiction of the Committee on Commerce, including Uranium Programs, Non-Defense Environmental Restoration and Waste Management, and Environment, Safety and Health.

The Committee-approved bill retains those provisions over which the Committees on Commerce and Science have joint jurisdiction, as well as those programs within the sole jurisdiction of the Committee on Science. The elimination of provisions within the jurisdiction of the Committee on Commerce is not intended to be construed as a lack of endorsement of those programs. Similarly, since the Committee on Commerce had no referral of the provisions solely within the jurisdiction of the Committee on Science, the Commerce Committee's actions cannot be construed as an endorsement of those provisions. The legislation as reported by the Committee on Commerce simply attempts to more accurately define H.R. 1277 as authorizing those civilian activities of the Department of Energy which involve scientific research and technology development.

#### HEARINGS

The Subcommittee on Energy and Power held a hearing on H.R. 1277, the Department of Energy Civilian Research and Development Act of 1997, on May 20, 1997. The Subcommittee received testimony from Mr. Kyle Simpson, Senior Policy Advisor to the Secretary, U.S. Department of Energy.

#### COMMITTEE CONSIDERATION

On May 22, 1997, the Subcommittee on Energy and Power met in open markup session and approved H.R. 1277 for Full Committee consideration, amended, by a voice vote. On June 4, 1997, the Full Committee met in open markup session and ordered the bill H.R. 1277 reported to the House, amended, by a voice vote.

#### ROLL CALL VOTES

Clause 2(1)(2)(B) of rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 1277 reported. A motion by Mr. Bliley to order H.R. 1277 reported to the House, amended, was agreed to by a voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee held a legislative hearing and made findings that are reflected in this report.

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee finds that H.R. 1277, the Department of Energy Civilian Research and Development Act of 1997, would result in no new or increased budget authority or tax expenditures or revenues.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 6, 1997.*

Hon. TOM BLILEY,  
*Chairman, Committee on Commerce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1277, the Department of Energy Civilian Research and Development Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kathleen Gramp and Kim Cawley (for federal costs) and Pepper Santalucia (for the state and local impact).

Sincerely,

JUNE E. O'NEILL,  
*Director.*

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 1277—Department of Energy Civilian Research and Development Act of 1997*

Summary: H.R. 1277 would authorize appropriations for civilian research and development programs of the Department of Energy (DOE) for fiscal years 1998 and 1999 and would make those authorizations subject to certain conditions. For example, some of the authorized amounts would have to be derived from unobligated balances of prior-year appropriations. Other provisions would restrict the use of funds for certain nuclear and fossil energy projects, for new initiatives on the next-generation Internet, and for U.S. par-

ticipation in the Large Hadron Collider. DOE also would be required to revise its grant eligibility criteria and to fund studies by the National Academy of Sciences on research priorities and on the National Spallation Neutron Source. Recipients of DOE funding would be required to comply with the Buy American Act.

Assuming the appropriation of the authorized amounts, CBO estimates that enacting H.R. 1277 would result in additional discretionary spending of \$7.4 billion over the 1998–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1277 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA).

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 1277 is shown in the following table. For the purposes of this estimate, CBO assumes that the amounts authorized in the bill will be appropriated for each year and that the amounts appropriated for 1998 will be consistent with the bill's directive to use \$50 million in previously appropriated funds to meet the total program levels authorized in the bill. The table includes outlays of these previously appropriated amounts as spending under current law. We also assume that funds will be appropriated by the start of each fiscal year and that outlays will follow the historical spending patterns for these programs. CBO estimates that other provisions in the legislation would have no significant budgetary impact.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION							
Spending for DOE's civilian R&D programs under current law:							
Budget authority <sup>1</sup> .....	3,709	3,723	0	0	0	0	0
Estimated outlays .....	4,169	3,838	2,030	545	18	0	0
Proposed changes:							
Authorization level .....	0	0	3,703	3,727	0	0	0
Estimated outlays .....	0	0	1,628	3,193	2,035	552	22
Spending for DOE's civilian R&D programs under H.R. 1277:							
Authorization level <sup>1</sup> .....	3,709	3,723	3,703	3,727	0	0	0
Estimated outlays .....	4,169	3,838	3,658	3,738	2,053	552	22

<sup>1</sup> The 1996 and 1997 levels are the amounts appropriated for that year.

The costs of this legislation fall within budget functions 250 (general science, space, and technology) and 270 (energy).

Pay-as-you-go considerations: None.

**Estimated impact on State, local, and tribal governments:** The bill contains no intergovernmental mandates as defined in UMRA, but two provisions in the bill would affect eligibility for federal grants. The first would require compliance with the Buy American Act. The second would exclude grantees from consideration for awards if they have received funds under any other federal grant program that was not subject to a competitive, merit-based award process. The latter provision could change the allocation of funds among grant recipients, including state universities and colleges. CBO cannot predict how the share of research funding awarded to

public universities and colleges would change because of this provision.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On April 18, 1997, CBO prepared a cost estimate for H.R. 1277, as ordered reported by the House Committee on Science on April 16, 1997. The Commerce Committee's version of the bill would authorize \$1.8 billion less than the Science Committee's version over the 1998–2002 period, primarily because it would authorize appropriations for fewer programs.

Estimate prepared by: Federal Costs: Kathleen Gramp and Kim Cawley and Impact on State, Local, and Tribal Governments: Pepper Santalucia.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section designates the short title of the Act as the "Department of Energy Civilian Research and Development Act of 1997."

##### *Section 2. Definitions*

The section provides definitions for certain terms within the Act.

##### *Section 3. Authorization of appropriations.*

This section establishes authorization for fiscal years 1998 and 1999 for spending by the Department of Energy on scientific research and development within the jurisdictions of the Committee on Commerce and the Committee on Science. A total of \$3.703 billion is authorized for Fiscal Year 1998 and \$3.726 billion for Fiscal Year 1999 for civilian research and development activities of the

Department of Energy. A more detailed breakdown of this spending is included as table I.

Proposed Department of Energy Authorization for Civilian Research and Development Activities for Fiscal Years 1998 and 1999  
(In Thousands of Dollars)

Program/Subprogram/Activity	FY97 Appropriation	FY98 Request	FY98 Recommendation (Commerce)	FY98 Recommendation (Science)	FY98 Recommendation (Commerce)	FY98 Recommendation (Science)
Solar and Renewable Resources Technologies	248,220	327,500	257,820	257,820	270,342	270,342
Nuclear Energy	186,869	251,037	184,312	173,168	146,733	146,510
Urban Programs	39,200	73,850	0	73,850	0	73,850
Environment, Safety and Health	110,253	108,916	0	107,870	0	100,237
Biological and Environmental Science	346,280	376,710	387,538	397,538	378,564	378,564
Fusion Energy Resources	223,061	225,600	240,000	240,000	240,000	240,000
Basic Energy Sciences	631,271	661,240	659,812	659,812	678,888	678,888
Computational and Technology Research	158,348	175,907	140,907	140,907	145,134	145,134
Energy Research Analysis	1,751	1,500	1,500	1,500	1,500	1,500
Energy Research-Energy Supply Program Director	30,600	30,600	29,070	29,070	27,434	27,434
Environmental Research and Waste Management (Non-Defense)	570,951	682,387	0	682,387	0	682,387
Technical Information Management	11,837	11,967	0	11,554	0	11,152
Field Operations	98,400	100,233	100,233	93,480	95,606	88,806
Total, Energy Supply Research and Development Activities	2,653,821	2,894,497	1,961,162	2,838,719	1,984,201	2,847,812
Energy Assets Acquisition	86,501	86,914	34,885	43,582	29,432	46,332
General Science and Research Activities	835,960	875,910	850,210	850,210	941,000	941,000
Science Assets Acquisition	165,000	128,870	128,870	128,870	0	0
Fossil Energy Research and Development	364,704	346,408	335,919	348,854	335,250	348,185
Energy Conservation Research and Development	368,412	444,927	394,208	396,508	438,703	439,403
Clean Coal Technology Program	14,679	0	0	0	0	0
TOTAL	4,487,277	4,867,526	3,703,274	4,605,143	3,726,786	4,821,732

The Committee recognizes that Program Direction, Management and Planning, Program Management, Landlord Costs, and related provisions are general management activities of the Department unrelated to specific research and development activities.

*Energy supply research and development*

The bill authorizes a total of \$1,961,182,000 for Fiscal Year 1998 and \$1,984,201,000 for Fiscal Year 1999 for Energy Supply Research and Development, which includes funding for solar and renewable resources technologies; nuclear energy programs; biological and environmental research, including medical applications; fusion energy sciences; basic energy sciences; computational and technology research; energy research analysis; energy research-energy supply program direction; and field operations.

With respect to the authorization for Nuclear Programs, the Committee understands the importance of the University Nuclear Science and Reactor Support program, which supports the operation of 34 university research reactors in 25 States. Many of these reactors are in need of upgrades to replace outdated equipment. This support program assists in ensuring that these valuable research tools will remain available to universities and researchers.

With respect to the authorization for Nuclear Energy Termination Costs, the Committee recognizes the importance of continuing the demonstration project for electrometallurgical technology for spent nuclear fuel as recommended by the National Research Council's National Academy of Science. The Academy asserts that this program holds great promise for application to the Federal government's inventory of spent nuclear fuel. Successful demonstration of this technology is an integral component of the Federal government's plan to meet its legal obligations to the State of Idaho as set forth in the Settlement Agreement with the Governor of Idaho.

The Biological and Environmental Research program contains several valuable initiatives worthy of continued support. The Department of Energy's expertise in molecular biology in studying the health effects of energy use gives it a unique capability to assist with the work of the Human Genome Project. Its work on molecular disruptions caused by radiological exposures is also an important scientific endeavor. In its efforts on Medical Applications and Measurement Sciences, the Department is progressing with clinical trials for boron neutron capture therapy, which has great promise for cancer and tumor treatment. However, the Committee has strong concerns that the U.S. taxpayer receive a return on its investment for these activities, and encourages the Department to assess its procedures in two areas. First, the Department should determine whether it should be reimbursed for the work it does on behalf of other agencies. This would ensure that Departmental activities are funded by those entities receiving the primary benefit of those activities. Second, the Department should assess the role of patents on its publicly-developed technologies to ensure that the U.S. taxpayer, through royalties on the use of these technologies, benefits from their development.

With respect to the authorization for Field Operations, the Committee recognizes the importance and role of these Field Offices, lo-

cated in California, Idaho, Illinois, and Tennessee. The Committee supports full funding for this activity.

*Energy assets acquisition*

The Committee recommends \$34,885,000 for Fiscal Year 1998 and \$29,432,000 for Fiscal Year 1999 for Energy Assets Acquisition, which authorizes the Department to purchase physical assets for energy supply research and development activities.

*General science and research activities*

The bill authorizes \$850,210,000 in Fiscal Year 1998 and \$941,000,000 in Fiscal Year 1999 for general science activities, including high energy physics and nuclear physics research.

*Science assets acquisition*

The bill authorizes \$126,870,000 in Fiscal Year 1998 for the Department to purchase physical assets in support of general science activities.

*Fossil energy research and development*

The Committee recommends \$335,919,000 for Fiscal Year 1998 and \$335,250,000 for Fiscal Year 1999 for Fossil Energy Research and Development. The Department is authorized to carry out a number of activities for the advanced exploration of fossil energy sources, research and development of pollution reduction technologies, and greater energy efficiency for coal, oil, and gas.

With respect to the authorization for Coal Operating Expenses/Advanced Research and Technology Development, the Committee recognizes the importance of this program's analytical support for the implementation of fossil-related provisions of the Energy Policy Act of 1992, and encourages the Department to complete, in a timely fashion, those activities necessary to allow U.S. entities to fully comply with the requirements of the Energy Policy Act.

The Committee understands that activities under the Oil Technology Exploration and Production Environmental Research program include cooperative efforts between the Department, States, Indian tribes, and Federal agencies to streamline environmental regulations and regulatory processes. Consolidation of regulations and the reduction of regulatory burden on individuals is crucial to an effective functioning of intergovernmental processes. The Committee supports these efforts while recognizing that the overall environmental protection and statutory requirements should not be compromised.

Similarly, with respect to the authorization for Gas Operating Expenses/Natural Gas Research Environmental Research/Regulatory Analyses, the Committee recognizes the value of efforts to identify challenges to compliance with environmental statutes in natural gas production activities. The Committee also notes that this account is funding activities on the treatment and disposal of naturally occurring radioactive materials (NORM) associated with natural gas production.

With respect to the authorization for Cooperative Research and Development operating expenses, the Committee notes that the Western Research Institute, located in Laramie, Wyoming, is ac-

tively involved in important fossil energy research and development, as well as technology transfer, under an ongoing cooperative agreement with the Department. Central to the Western Research Institute's activities are its efforts to enhance the domestic production of, and to improve the utilization of, our Nation's fossil fuels. With cost sharing from non-Federal sources at greater than 60 percent, the Institute has shown that its work produces key private sector support and involvement. The Committee understands that the Western Research Institute has traditionally received about 50 percent of the amounts authorized under Cooperative Research and Development operating expenses, and encourages the Department to continue funding the Laramie site with at least 50 percent of the total authorization in Fiscal Years 1998 and 1999.

*Energy conservation research and development*

The Committee authorizes \$394,208,000 in Fiscal Year 1998 and \$436,703,000 in Fiscal Year 1999 for Energy Conservation Research and Development. This funding is important for a variety of energy conservation activities, from building technologies to transportation improvements. Additionally, it includes funding for activities to implement conservation technologies and promote energy efficiency. The Committee recognizes the importance of these activities, especially in the Department's work associated with rulemakings required under the Energy Policy and Conservation Act (Public Law 94-163, as amended).

*Section 4. Funding limitations*

This section provides that no funding authorized under this Act may be utilized for the following Departmental activities:

1. Nuclear Energy Advanced Light Water Reactor;
2. Nuclear Energy Commercial Sector;
3. Nuclear Energy Security;
4. Nuclear Energy Termination Costs Gas Turbine-Modular Helium Reactor;
5. Nuclear Energy Termination Costs Advanced Light Water Reactor; and
6. Fossil Energy Research and Development Advanced Research and Technology Development Coal Technology Export.

*Section 5. National Academy of Sciences reports*

This section requires the Secretary of Energy to enter into arrangements with the National Academy of Sciences to report on three areas of DOE's research and development activities as follows:

1. high energy and nuclear physics;
2. basic energy sciences; and
3. the National Spallation Neutron Source.

*Section 6. Next Generation Internet*

This section prohibits the use of funds in Fiscal Years 1998 and 1999 for the establishment or operation of the Next Generation Internet.

*Section 7. Limitations*

This section prohibits the use of any funds authorized to be appropriated by this Act to be utilized for purposes of influencing legislation pending before Congress. Further, the language limits appropriations to those sums authorized under this Act. The Secretary is prohibited from considering for grants those applicants who received funds from a Federal grant agreement from any project which was not subject to a competitive, merit-based award process, and provides a specific exception to the requirement.

*Section 8. Notice*

This section requires the notification of Congress, including the House Committees on Commerce, Science, and Appropriations, if any funds authorized by the Act are subject to a reprogramming request or of any major reorganization of any program, project or activity of the Department.

*Section 9. Sense of Congress on the year 2000 problem*

The section provides a sense of Congress statement that the Department should quickly address possible two-digit date-related problems with its computer systems which could occur as a result of the turn of the century. The Committee recognizes that the problems associated with the Department's older computer equipment pose a significant potential threat to its ability to carry out its responsibilities, and strongly encourages the Department to take aggressive and responsible steps to ensure that no disruption in Departmental activities results from computer difficulties associated with the coming of the year 2000.

*Section 10. Buy American*

This section requires that any funds appropriated under the Act be expended only if the entity expending such appropriations complies with the "Buy American Act," and expresses the sense of Congress that, in the case of equipment or products purchased with financial assistance provided under this Act, such equipment or products be of American manufacture.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

## ADDITIONAL VIEWS

During the House Commerce Committee's mark-up of H.R. 1277, the Department of Energy (DOE) Civilian Research and Development Act, I had intended to offer an amendment which would have reorganized, consolidated, and corporatized the DOE's national laboratories through an independent commission which would have applied the DOE's own internal recommendations.

Although I decided not to offer my amendment because I wanted to avoid any uncertainty about whether or not it was germane, I plan to offer this amendment on the floor because I believe that we must reassess programs like the DOE labs when their own internal reviews and studies by several other groups have found waste, mismanagement, duplication, as well as unclear and expanded missions well beyond the traditional focus of the labs.

The DOE's own review found an oversized system. In 1995, the DOE's Galvin Task Force reported to Energy Secretary O'Leary and President Clinton that "the national laboratory system is oversized" and that "the system could be downsized." The task force concluded, however, that there was "an apparent inability by the Department either to downsize facilities which have excess capacity or to terminate programs."

An independent commission is a proven model. Congress used the independent base closure commission in the early 1990s to carefully examine, reorganize, and close military bases. Several communities which once were dependent on military bases now have new jobs and new industries. Since the political will to make tough decisions regarding the DOE labs has been hard to find, it's time to step in and pass legislation appointing a non-partisan, non-political commission to help get the DOE labs back on track.

The DOE should define and continue its basic research. The National Energy Labs originally grew out of the Manhattan Project to further the design and development of nuclear energy weapons. Over the years, the research and missions of the labs expanded to include competitive weapons as well as any other energy related programs justified by national crises. As co-chair and co-founder of the House Renewable Fuels Caucus, I believe that basic energy research should continue. As tight budgets threaten the funding of programs like Head Start and WIC, however, we can't afford to fund projects that are beyond the labs' traditional scope.

GAO and DOE found that federal labs weren't as good as private ones. According to the DOE's own Inspector General, commercial labs perform commercial services better and at less cost than federal labs working on the same projects. According to the GAO, more than half of the Energy Department's routine environmental analyses could be performed at lower costs by commercial labs. And, DOE labs currently compete against each other and against

private labs for commercial work. We can save money by letting commercial labs perform higher quality research at lower costs.

Several groups have endorsed reorganizing, consolidating, privatizing and eliminating DOE labs including former Secretaries of the DOE and several taxpayer watchdog groups. Overall, I believe the DOE labs are a perfect example of taxpayer dollars being thrown down the drain by an agency trying to justify their existence. If we are ever going to balance the federal budget, we have to reassess programs like this one and limit them to their traditional focus of national security and basic energy research.

SCOTT KLUG.

