

103^D CONGRESS
2^D SESSION

H. R. 4908

AN ACT

To authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, 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 “Hydrogen, Fusion, and
5 High Energy and Nuclear Physics Research Act of 1994”.

6 **SEC. 2. GENERAL FINDINGS.**

7 The Congress finds that—

1 (1) by the year 2050, the world will need to
2 supply between 2 and 3 times as much energy as is
3 presently produced to meet minimum requirements
4 for food, shelter, transportation, and economic secu-
5 rity;

6 (2) meeting the increased energy demands of
7 the year 2050 cannot be achieved without substan-
8 tial environmental degradation unless there is a
9 massive shift from dependence on fossil fuels which
10 today provide more than three-quarters of all energy
11 supply;

12 (3) a wide variety of nonfossil fuel energy tech-
13 nologies must be developed to meet the expected de-
14 mand of the year 2050;

15 (4) the Federal Government has a responsibility
16 to fund research in energy technologies to help meet
17 future expected energy demand where the technical
18 or economic risks of development are too high, or
19 the development time is too long, to be borne solely
20 by the private sector, or where the benefits accrue
21 to all and cannot be recouped by a private investor;
22 and

23 (5) despite the urgent need to develop a wide
24 variety of nonfossil energy technologies, the Federal
25 Government's investment in all energy supply re-

1 search and development (including fossil fuels) has
2 declined in real terms by more than two-thirds in
3 the last 14 years.

4 **SEC. 3. DEFINITIONS.**

5 For purposes of this Act—

6 (1) the term “alternative fusion concepts”
7 means any concepts for the production of energy
8 based on the fusing of atomic nuclei other than to-
9 roidal magnetic fusion concepts, including heavy ion
10 inertial fusion, aneutronic fusion, and electrostatic
11 fusion;

12 (2) the term “demonstration” means a dem-
13 onstration to determine technological and economic
14 feasibility;

15 (3) the term “Department” means the Depart-
16 ment of Energy;

17 (4) the term “Fusion Energy Research Pro-
18 gram” means the program described in section 203;

19 (5) the term “host country” means the country
20 selected by the international partners as the site for
21 the ITER facility;

22 (6) the term “international partners” means
23 the United States, the European Atomic Energy
24 Community, Japan, and the Russian Federation;

1 (7) the term “ITER” means the International
2 Thermonuclear Experimental Reactor;

3 (8) the term “magnetic fusion” means fusion
4 based on toroidal confinement concepts;

5 (9) the term “Secretary” means the Secretary
6 of Energy; and

7 (10) the term “Tokamak Physics Experiment”
8 means a facility to replace the Tokamak Fusion Test
9 Reactor which is designed to be capable of conduct-
10 ing experiments on reactions with a pulse length of
11 at least 15 minutes and demonstrating a more com-
12 pact and efficient magnetic fusion reactor design.

13 **TITLE I—HYDROGEN ENERGY**
14 **RESEARCH PROGRAM**

15 **SEC. 101. SHORT TITLE.**

16 This title may be cited as the “Hydrogen Future Act
17 of 1994”.

18 **SEC. 102. FINDINGS.**

19 The Congress finds that—

20 (1) fossil fuels, the main energy source of the
21 present, have provided this country with tremendous
22 supply but are limited and polluting, and their pro-
23 duction and utilization technologies are mature;

24 (2) the basic scientific fundamentals are needed
25 for private sector investment and development of

1 new and better energy sources and enabling tech-
2 nologies;

3 (3) hydrogen holds tremendous promise as a
4 new and better energy source because it secures a
5 practically infinite supply from water and combusts
6 purely to water;

7 (4) hydrogen production efficiency is a major
8 technical barrier to society collectively benefitting
9 from one of the great energy sources of the future;

10 (5) an aggressive, results-oriented, multiyear re-
11 search initiative on efficient hydrogen fuel produc-
12 tion and use should continue; and

13 (6) the current Federal effort to develop hydro-
14 gen as a fuel is inadequate.

15 **SEC. 103. PURPOSES.**

16 The purposes of this title are—

17 (1) to provide for the development and dem-
18 onstration of the processes and technologies needed
19 to produce, store, transport, and utilize hydrogen for
20 transportation, industrial, residential, and utility ap-
21 plications; and

22 (2) to foster industry participation during each
23 stage of the Department of Energy hydrogen re-
24 search, development, and demonstration program to

1 ensure that technology transfer to the private sector
2 occurs to develop viable, marketable products.

3 **SEC. 104. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**
4

5 (a) PROGRAM GOAL.—The goal of the program de-
6 scribed in this section is the demonstration, by the year
7 2000, of the practicability of utilizing hydrogen for trans-
8 portation, industrial, residential and utility applications on
9 a broad scale.

10 (b) PRODUCTION.—The Secretary shall support hy-
11 drogen energy production research, development, and
12 demonstration in the following areas, including funding
13 for at least 1 technical demonstration in each such area:

14 (1) Photoconversion.

15 (2) Bioconversion.

16 (3) Electrolysis of water.

17 (c) STORAGE.—The Secretary shall support research,
18 development, and demonstration of safe and economical
19 storage of hydrogen, both for onboard vehicle and station-
20 ary use. Such research, development, and demonstration
21 should be aimed at improving existing methods and devel-
22 oping new approaches in each of the following areas, in-
23 cluding funding for at least 1 technical demonstration in
24 each such area:

25 (1) Hydrides and porous materials.

1 (2) Liquefaction and cryogenics.

2 (3) Compressed gas, especially low-temperature
3 dense gas.

4 (4) Advanced methods, such as iron oxide,
5 microspheres, and phase change materials.

6 (d) USE.—The Secretary shall support hydrogen en-
7 ergy research, development, and demonstration for each
8 of the following uses, including funding for at least 1 tech-
9 nical demonstration in each such area:

10 (1) Fuel cell systems for stationary applica-
11 tions.

12 (2) Fuel cell systems for mobile applications.

13 (3) Electricity generation using hydrogen as a
14 fuel source for utility and industrial applications.

15 (4) Heating and cooling using hydrogen.

16 (e) TRANSPORTATION.—The Secretary shall support
17 research, development, and demonstration of safe, effi-
18 cient, and nonpolluting hydrogen-based transportation ve-
19 hicles of the following types, including funding for at least
20 1 technical demonstration of each such type:

21 (1) An economically feasible, low emission
22 motor vehicle using hydrogen as a combustible power
23 supply, either in pure form or mixed with other
24 fuels, in a hybrid electric vehicle using a hydrogen
25 fuel cell.

1 (2) An economically feasible, zero emission or
2 low emission engine using hydrogen.

3 (f) SCHEDULE.—Within 180 days after the date of
4 enactment of this Act, the Secretary shall solicit proposals
5 for carrying out the research and development activities
6 authorized under this section. Awards of financial assist-
7 ance shall be made within 1 year after such date of enact-
8 ment.

9 (g) COST SHARING.—(1) Except as otherwise pro-
10 vided in section 105, for research and development pro-
11 grams carried out under this title, the Secretary shall re-
12 quire a commitment from non-Federal sources of at least
13 20 percent of the cost of the project. The Secretary may
14 reduce or eliminate the non-Federal requirement under
15 this paragraph if the Secretary determines that the re-
16 search and development is of a basic or fundamental na-
17 ture.

18 (2) The Secretary shall require at least 50 percent
19 of the costs directly and specifically related to any dem-
20 onstration project under this title to be provided from non-
21 Federal sources. The Secretary may reduce the non-Fed-
22 eral requirement under this paragraph if the Secretary de-
23 termines that the reduction is necessary and appropriate
24 considering the technological risks involved in the project

1 and is necessary to serve the purposes and goals of this
2 title.

3 (3) In calculating the amount of the non-Federal
4 commitment under paragraph (1) or (2), the Secretary
5 shall include cash, personnel, services, equipment, and
6 other resources.

7 (h) DUPLICATION OF PROGRAMS.—Nothing in this
8 title shall require the duplication of activities carried out
9 under otherwise authorized programs of the Department
10 of Energy.

11 **SEC. 105. HIGHLY INNOVATIVE TECHNOLOGIES.**

12 Of the amounts made available for carrying out sec-
13 tion 104, up to 5 percent may be used to support research
14 on highly innovative energy technologies. Such amounts
15 shall not be subject to the cost sharing requirements in
16 section 104(g).

17 **SEC. 106. TECHNOLOGY TRANSFER.**

18 The Secretary shall foster the exchange of generic,
19 nonproprietary information and technology developed pur-
20 suant to section 104, or other similiar Federal programs,
21 among industry, academia, and the Federal Government
22 with regard to production and use of hydrogen.

23 **SEC. 107. REPORTS TO CONGRESS.**

24 Within 18 months after the date of enactment of this
25 Act, and annually thereafter, the Secretary shall transmit

1 to the Congress a detailed report on the status and
2 progress of the Department of Energy's hydrogen re-
3 search, development, and demonstration programs. Such
4 report shall include an analysis of the effectiveness of such
5 programs, to be prepared and submitted by the Hydrogen
6 Technical Advisory Panel established under section 108
7 of the Spark M. Matsunaga Hydrogen Research, Develop-
8 ment, and Demonstration Act of 1990. Such Panel shall
9 also make recommendations for improvements to such
10 programs if needed, including recommendations for addi-
11 tional legislation.

12 **SEC. 108. COORDINATION AND CONSULTATION.**

13 (a) COORDINATION WITH OTHER FEDERAL AGEN-
14 CIES.—The Secretary shall coordinate all hydrogen re-
15 search, development, and demonstration activities with
16 other Federal agencies involved in similar research, devel-
17 opment, and demonstration, including the Department of
18 Defense and the National Aeronautics and Space Adminis-
19 tration.

20 (b) CONSULTATION.—The Secretary shall consult
21 with the Hydrogen Technical Advisory Panel established
22 under section 108 of the Spark M. Matsunaga Hydrogen
23 Research, Development, and Demonstration Act of 1990
24 as necessary in carrying out this title.

1 **SEC. 109. REPEAL.**

2 Sections 104 and 105 of the Spark M. Matsunaga
3 Hydrogen Research, Development, and Demonstration Act
4 of 1990 are repealed.

5 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **GENERAL AUTHORIZATION.**—There are author-
7 ized to be appropriated, to carry out the purposes of this
8 title, in addition to any amounts made available for such
9 purposes under other Acts—

10 (1) \$12,000,000 for fiscal year 1995;

11 (2) \$20,000,000 for fiscal year 1996;

12 (3) \$40,000,000 for fiscal year 1997; and

13 (4) \$60,000,000 for fiscal year 1998.

14 (b) **RELATED AUTHORIZATIONS.**—For each fiscal
15 year from 1995 through 1998, the total amount author-
16 ized to be appropriated for Energy Supply Research and
17 Development Activities shall not exceed \$3,302,170,000.

18 **TITLE II—FUSION ENERGY**
19 **RESEARCH PROGRAM**

20 **SEC. 201. FINDINGS.**

21 The Congress finds that—

22 (1) fusion energy is one of the nonfossil fuel
23 technologies which could potentially provide safe,
24 abundant, environmentally sound, secure, and af-
25 fordable energy supplies in the future;

1 (2) in the last 16 years, fusion energy research-
2 ers have made significant progress toward realizing
3 magnetic fusion as a viable source of energy, in-
4 creasing power production from test reactors more
5 than a million-fold over that time period;

6 (3) while significant engineering, technical, and
7 scientific challenges remain to make fusion energy
8 commercially viable, limited funding remains the pri-
9 mary constraint to more rapid progress;

10 (4) the technical risks and the long time scale
11 needed to demonstrate the commercial viability of
12 fusion energy will likely require a stable, predictable,
13 and sustained investment of government funding for
14 decades to come;

15 (5) while magnetic fusion is the leading fusion
16 technology, research on alternative fusion concepts
17 should continue to be supported;

18 (6) opportunities to participate in international
19 fusion experiments can dramatically lower the cost
20 to the Federal Government of fusion energy re-
21 search;

22 (7) the United States must demonstrate that it
23 is a credible partner in international scientific pro-
24 grams by being able to make and keep long-term
25 commitments to funding and participation; and

1 (8) the United States should commit to partici-
2 pating in the siting, construction, and operation of
3 ITER as soon as practicable.

4 **SEC. 202. PURPOSES.**

5 The purposes of this title are—

6 (1) to provide direction and authorize appro-
7 priations for a broadly based fusion energy research,
8 development, and demonstration program;

9 (2) to ensure that alternative fusion concepts
10 receive adequate funding and management attention
11 from the Department of Energy;

12 (3) to provide an accelerated commitment to
13 United States participation in ITER and provide au-
14 thorization of appropriations for such activity con-
15 tingent on meeting program milestones; and

16 (4) to provide for the selection of a host coun-
17 try and establish a site selection process for ITER.

18 **SEC. 203. FUSION ENERGY RESEARCH PROGRAM.**

19 (a) **FUSION PROGRAM.**—The Secretary shall carry
20 out in accordance with the provisions of this title a Fusion
21 Energy Research Program, including research, develop-
22 ment, and demonstration to demonstrate the technical and
23 economic feasibility of producing safe, environmentally
24 sound, and affordable energy from fusion.

1 (b) PROGRAM GOALS.—The goals of the Fusion En-
2 ergy Research Program are to demonstrate by the year
3 2010 the practicability of commercial electric power pro-
4 duction and to lead to commercial production of fusion
5 energy by the year 2040.

6 (c) PROGRAM ELEMENTS.—The Fusion Energy Re-
7 search Program shall consist of the following elements:

8 (1) Research, development, and demonstration
9 on magnetic fusion energy technology, including—

10 (A) research on plasma physics and con-
11 trol, confinement, ignition, and burning;

12 (B) the design, construction, and operation
13 of experimental fusion reactors, including the
14 Tokamak Physics Experiment, and the develop-
15 ment of special materials for such reactors, the
16 facilities to develop such materials, and the de-
17 velopment of components which support the op-
18 eration of such reactors, such as diagnostic and
19 remote maintenance equipment; and

20 (C) participation by the United States in-
21 dustrial sector in the design and construction of
22 fusion reactors, and cooperation with utilities.

23 (2) Research, development, and demonstration
24 of alternative fusion concepts, to be administered
25 through a Program Director for Alternative Fusion

1 Research, including research and development need-
2 ed to build and test an Induction Linac Systems Ex-
3 periment, and for systems engineering and design of
4 a prototype inertial fusion energy power plant suit-
5 able for the eventual development of a heavy ion
6 based commercial power plant, for the purpose of
7 developing heavy ion inertial fusion energy.

8 (3) Participation in the design, construction,
9 and operation of ITER with the goal of ITER be-
10 coming operational by the year 2005.

11 **SEC. 204. INDEPENDENT REVIEW OF FUSION TECH-**
12 **NOLOGIES.**

13 Within 6 months after the date of enactment of this
14 Act, the Secretary shall contract with the National Acad-
15 emy of Sciences to conduct a study, to be completed within
16 18 months after such contract is executed, which—

17 (1) examines the various magnetic fusion tech-
18 nologies and alternative fusion concepts to assess
19 their current state of development;

20 (2) evaluates the potential of such technologies
21 and concepts to become commercially viable sources
22 of energy in the future;

23 (3) identifies research and development goals
24 and priorities, and the range of probable costs and

1 time scales needed to achieve commercial viability;
2 and

3 (4) reviews facilities formerly proposed by the
4 Department of Energy for construction during the
5 past 10 years, comparing their proposed capabilities
6 and the justification offered for such proposals with
7 the rationale for the subsequent withdrawal of the
8 proposals.

9 **SEC. 205. NATIONAL ACADEMY OF SCIENCES STUDY.**

10 Within 6 months after the date of enactment of this
11 Act, the Secretary shall contract with the National Acad-
12 emy of Sciences to conduct a study, to be completed within
13 18 months after such contract is executed, which examines
14 the status and promise of other energy sources, including
15 deuterated metal, and improvements in the efficient use
16 of energy which could affect our national energy needs on
17 the same time scale and quantity as projected fusion en-
18 ergy development, and which identifies priorities for re-
19 search on other energy sources and energy-efficient de-
20 vices and practices.

21 **SEC. 206. ITER SITE SELECTION PROCESS.**

22 (a) **ITER STUDY AND REPORT.**—Within 120 days
23 after the date of enactment of this Act, the Secretary shall
24 submit to Congress a study which compares the technical
25 and scientific advantages and disadvantages and the eco-

1 nomic costs and benefits to the United States of siting
2 ITER in the United States with siting ITER outside of
3 the United States. Such study shall include the consider-
4 ation of the impact on employment of constructing ITER
5 in the United States, the effect of manufacturing major
6 ITER subsystems (such as superconducting magnets) in
7 the United States, and the effect of siting on United
8 States funding requirements for participation in ITER.

9 (b) HOST-COUNTRY SELECTION.—The Secretary
10 shall seek to reach an agreement with the international
11 partners which provides for—

12 (1) the selection of a host country in which to
13 site ITER by October, 1995;

14 (2) the equitable distribution of economic and
15 technological benefits among the international part-
16 ners, including the siting and construction of ITER
17 and related facilities and the manufacture of major
18 ITER subsystems;

19 (3) substantial United States industry and util-
20 ity involvement in the design, construction, and op-
21 eration of ITER to ensure United States industry
22 and utility expertise in the technologies developed;
23 and

24 (4) a schedule to complete site-specific design
25 activities by 1998.

1 (c) UNITED STATES SITE SELECTION.—The Sec-
2 retary shall—

3 (1) immediately initiate a process for identify-
4 ing candidate sites within the United States which
5 meet the site requirements for the construction and
6 operation of ITER; and

7 (2) propose within 90 days after the date of en-
8 actment of this Act a process for selection of a site
9 within the United States by June, 1996, if the Unit-
10 ed States is selected as the host country for ITER
11 pursuant to the international agreement described in
12 subsection (b).

13 (d) FINAL COST ESTIMATE.—The Secretary shall
14 provide to Congress, within 90 days following the comple-
15 tion of site-specific design activities, a detailed estimate
16 of the final projected total cost and cost to the United
17 States of the construction and operation of ITER based
18 on final site-specific engineering and construction designs.

19 **SEC. 207. REPORTS AND MISCELLANEOUS PROVISIONS.**

20 (a) CONTINGENCY PLAN.—Within 120 days after the
21 date of enactment of this Act, the Secretary shall submit
22 to Congress a report on the feasibility of conducting a par-
23 allel design effort on the Tokamak Physics Experiment to
24 augment the capabilities of or accelerate construction of
25 the Tokamak Physics Experiment in the event that an

1 international agreement cannot be reached on the site se-
2 lection or construction of ITER.

3 (b) PROGRAM REPORT.—Within 180 days after the
4 date of enactment of this Act, and biennially thereafter,
5 the Secretary shall prepare and submit to the Congress
6 a report on the Fusion Energy Research Program and the
7 progress it has made in meeting the goals and require-
8 ments of this title.

9 (c) CONSULTATION.—(1) In consultation with the
10 Secretary of Defense, the Secretary shall review the re-
11 search and development activities of the defense Inertial
12 Confinement Fusion Program to determine the potential
13 of such activities to contribute to the civilian Inertial Fu-
14 sion Energy Program.

15 (2) Within 120 days after the date of enactment of
16 this Act, the Secretary, in consultation with the Secretary
17 of Defense, shall submit a report to Congress with rec-
18 ommendations for sharing budget and other resources in
19 order to enhance the civilian energy applications of the
20 defense Inertial Confinement Fusion Program.

21 (d) DUPLICATION OF ACTIVITIES.—Nothing in this
22 title shall require the duplication of activities carried out
23 under otherwise authorized programs of the Department
24 of Energy.

1 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) FUSION ENERGY RESEARCH PROGRAM.—There
3 are authorized to be appropriated to the Secretary for car-
4 rying out the Fusion Energy Research Program
5 \$376,563,000 for fiscal 1995, \$425,000,000 for fiscal
6 year 1996, and \$475,000,000 for fiscal year 1997.

7 (b) ALTERNATIVE FUSION RESEARCH.—From the
8 sums authorized in subsection (a), there are authorized
9 to be appropriated to the Secretary for carrying out the
10 Alternative Fusion Research Program under section
11 203(c)(2)—

12 (1) \$10,000,000 for fiscal year 1995 for the In-
13 duction Linac Systems Experiment project and re-
14 lated base programs, and for the engineering and
15 design of a prototype inertial fusion energy power
16 plant;

17 (2) \$30,000,000 for fiscal year 1996, of
18 which—

19 (A) not more than \$20,000,000 shall be
20 for the Induction Linac Systems Experiment
21 project and related base programs; and

22 (B) not more than \$5,000,000 shall be for
23 the engineering and design of a prototype iner-
24 tial fusion energy power plant; and

25 (3) \$33,000,000 for fiscal year 1997, of
26 which—

1 (A) not more than \$20,000,000 shall be
2 for the Induction Linac Systems Experiment
3 project and related base programs; and

4 (B) not more than \$5,000,000 shall be for
5 the engineering and design of a prototype iner-
6 tial fusion energy power plant.

7 (c) TOKAMAK PHYSICS EXPERIMENT.—(1) Except as
8 provided in paragraph (2), there are authorized to be ap-
9 propriated to the Secretary for the period encompassing
10 fiscal years 1995 through 2000 not to exceed
11 \$700,000,000 from within the Fusion Energy Research
12 Program, to complete the design, development, and con-
13 struction of the Tokamak Physics Experiment.

14 (2) None of the funds described in paragraph (1) are
15 authorized to be appropriated for any fiscal year unless,
16 within 60 days after the submission of the President's
17 budget request for that fiscal year, the Secretary—

18 (A) certifies to the Congress that—

19 (i) the technical goals of the design, devel-
20 opment, and construction are being met;

21 (ii) the design, development, and construc-
22 tion can be completed without further author-
23 ization of appropriations beyond amounts au-
24 thorized under paragraph (1); and

1 (iii) the design, development, and construc-
2 tion can be completed by the end of fiscal year
3 2000; or

4 (B) submits to the Congress a report which de-
5 scribes—

6 (i) the circumstances which prevent a cer-
7 tification under subparagraph (A);

8 (ii) remedial actions undertaken or to be
9 undertaken with respect to such circumstances;
10 and

11 (iii) a justification for proceeding with the
12 program, if appropriate.

13 (d) CONSTRUCTION OF ITER.—No funds are author-
14 ized for the construction of ITER.

15 (e) LIMITATION ON MAGNETIC FUSION FACILI-
16 TIES.—No funds are authorized for the design, engineer-
17 ing, or construction of any magnetic fusion facility other
18 than ITER, facilities related to ITER, and the Tokamak
19 Physics Experiment. This limitation shall not apply to the
20 design or engineering of fusion materials irradiation test
21 facilities. Upon completion of the concept design for a fu-
22 sion materials irradiation test facility, the Secretary shall
23 transmit to the Congress a report which includes the esti-
24 mated cost for design, engineering, and construction of the
25 facility, the expected participation of international part-

1 ners, and the planned dates for starting and completing
2 construction.

3 **SEC. 209. REPEAL OF ADVISORY COMMITTEE.**

4 Section 7 of the Magnetic Fusion Energy Engineer-
5 ing Act of 1980 (42 U.S.C. 9306), authorizing the Tech-
6 nical Panel on Magnetic Fusion, is repealed.

7 **TITLE III—HIGH ENERGY AND**
8 **NUCLEAR PHYSICS**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “Department of Energy
11 High Energy and Nuclear Physics Authorization Act of
12 1994”.

13 **SEC. 302. DEFINITIONS.**

14 For the purposes of this title—

15 (1) the term “CERN” means the European Or-
16 ganization for Nuclear Research;

17 (2) the term “construction” means all activities
18 necessary for completion of a project and its sup-
19 porting infrastructure, and includes conventional
20 construction and the fabrication, installation, test-
21 ing, and preoperation of technical systems;

22 (3) the term “conventional construction” means
23 the design and construction of civil works, facilities,
24 and other infrastructure necessary to construct a
25 project, including tunnels, buildings, and roads, nec-

1 essary to house and support the technical systems,
2 and utilities as necessary for the direct support of
3 elements of a project; and

4 (4) the term “Large Hadron Collider project”
5 means the Large Hadron Collider project at CERN.

6 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) HIGH ENERGY PHYSICS.—There are authorized
8 to be appropriated to the Secretary for high energy phys-
9 ics activities of the Department—

10 (1) \$695,400,000 for fiscal year 1996;

11 (2) \$719,700,000 for fiscal year 1997;

12 (3) \$744,900,000 for fiscal year 1998; and

13 (4) \$713,600,000 for fiscal year 1999.

14 Funds authorized under paragraphs (1) through (4) may
15 be expended for the B-factory at the Stanford Linear Ac-
16 celerator Center and the Fermilab Main Injector. Funds
17 may also be expended for research, development, and plan-
18 ning for the Large Hadron Collider and its associated de-
19 tectors. No funds are authorized for United States partici-
20 pation in the construction and operation of the Large
21 Hadron Collider project until the Secretary certifies to the
22 Congress that there is an international agreement that in-
23 cludes the provisions described in section 304(a).

1 (b) NUCLEAR PHYSICS.—There are authorized to be
2 appropriated to the Secretary for nuclear physics activities
3 of the Department—

4 (1) \$337,100,000 for fiscal year 1996;

5 (2) \$348,900,000 for fiscal year 1997;

6 (3) \$361,100,000 for fiscal year 1998; and

7 (4) \$373,700,000 for fiscal year 1999.

8 None of the funds authorized under paragraph (2), (3),
9 or (4) are authorized to be appropriated for facility oper-
10 ations of the Los Alamos Meson Physics Facility. Funds
11 authorized under paragraphs (1) through (4) may be ex-
12 pended for the Relativistic Heavy Ion Collider at
13 Brookhaven National Laboratory.

14 (c) LIMITATION ON MAJOR CONSTRUCTION
15 PROJECTS.—No funds may be expended for the construc-
16 tion and operation of any high energy and nuclear physics
17 facility construction project of the Department, with total
18 project expenditures projected to be in excess of
19 \$100,000,000, unless funds are specifically authorized for
20 such purposes in an Act that is not an appropriations Act.
21 Funds authorized under subsections (a) and (b) may be
22 expended for preliminary research, development, and plan-
23 ning for such projects.

1 **SEC. 304. THE LARGE HADRON COLLIDER PROJECT.**

2 (a) NEGOTIATIONS.—The Secretary, in consultation
3 with the Director of the National Science Foundation and
4 the Secretary of State, shall enter into negotiations with
5 CERN concerning United States participation in the plan-
6 ning and construction of the Large Hadron Collider
7 project, and shall ensure that any agreement incorporates
8 provisions to protect the United States investment in the
9 project, including provisions for—

10 (1) fair allocation of costs and benefits among
11 project participants;

12 (2) a limitation on the amount of United States
13 contribution to project construction and an estimate
14 of the United States contribution to subsequent op-
15 erating costs;

16 (3) a cost and schedule control system for the
17 total project;

18 (4) a preliminary statement of costs and the
19 schedule for all component design, testing, and fab-
20 rication, including technical goals and milestones,
21 and a final statement of such costs and schedule
22 within 1 year after the date on which the parties
23 enter into the agreement;

24 (5) a preliminary statement of costs and the
25 schedule for total project construction and operation,
26 including technical goals and milestones, and a final

1 statement of such costs and schedule within 1 year
2 after the date on which the parties enter into the
3 agreement;

4 (6) reconsideration of the extent of United
5 States participation if technical or operational mile-
6 stones described in paragraphs (4) and (5) are not
7 met, or if the project falls significantly behind sched-
8 ule;

9 (7) conditions of access for United States and
10 other scientists to the facility; and

11 (8) a process for addressing international co-
12 ordination and cost sharing on high energy physics
13 projects beyond the Large Hadron Collider.

14 (b) OTHER INTERNATIONAL NEGOTIATIONS.—Noth-
15 ing in this Act shall be construed to preclude the President
16 from entering into negotiations with respect to inter-
17 national science agreements.

18 (c) REQUIREMENT.—The Director of the Office of
19 Science and Technology Policy shall report, within 3
20 months after the date of enactment of this Act, to the
21 Committee on Science, Space, and Technology of the
22 House of Representatives and to the Committee on Com-
23 merce, Science, and Transportation of the Senate on spe-
24 cific goals for international coordination in megascience
25 projects, including an action plan needed to achieve these

1 goals. The action plan shall address such issues as cost
2 sharing and financial support, site location, access, and
3 management of megascience facilities.

4 **SEC. 305. OPERATING PLAN.**

5 Within 30 days after the date of the enactment of
6 any Act appropriating funds for the high energy or nuclear
7 physics activities of the Department, the Secretary shall
8 transmit to the Committee on Science, Space, and Tech-
9 nology of the House of Representatives and the Committee
10 on Energy and Natural Resources of the Senate a plan
11 for the operations of the high energy and nuclear physics
12 activities of the Department, as adjusted to reflect the
13 amounts appropriated for such purposes by such Act.

14 **SEC. 306. LONG-RANGE PLANNING AND GOVERNANCE.**

15 (a) PROGRAM GOVERNANCE REVIEW.—

16 (1) REQUIREMENT.—The Secretary shall con-
17 tract with an appropriate independent organization
18 to review the governance of all elements of the De-
19 partment's high energy and nuclear physics pro-
20 grams. Such review shall include—

21 (A) an evaluation of the staff allocation
22 and funding balance among facility operations,
23 construction, and research support; and

24 (B) an analysis of the extent to which the
25 Department's high energy and nuclear physics

1 advisory groups represent the diversity of, and
2 the full range of interests among, high energy
3 and nuclear physics researchers.

4 (2) REPORT TO CONGRESS.—The Secretary
5 shall submit a report to Congress within 18 months
6 after the date of enactment of this Act detailing the
7 results of the review required by this section, includ-
8 ing recommendations for implementing the results
9 and schedules for such implementation.

10 (b) LONG-RANGE PLAN.—

11 (1) REQUIREMENT.—The Secretary, in con-
12 sultation with the high energy and nuclear physics
13 communities, shall prepare a long-range plan for the
14 Department of Energy high energy and nuclear
15 physics programs based on current and projected
16 program funding levels. The Secretary shall coordi-
17 nate the preparation of the plan with the Director
18 of the National Science Foundation, as appropriate,
19 to ensure that long-range planning efforts and objec-
20 tives for the entire Federal high energy and nuclear
21 physics program are appropriately integrated. The
22 plan shall be modified every 3 years. The long-range
23 plan shall include—

1 (A) a list of research opportunities to be
2 pursued, including both ongoing and proposed
3 activities, listed in order of priority;

4 (B) an analysis of the relevance of each re-
5 search facility to the research opportunities list-
6 ed under subparagraph (A);

7 (C) a statement of the optimal balance for
8 the fiscal year in which the report is submitted
9 among facility operations, construction, and re-
10 search support and the optimal balance between
11 university and laboratory research programs;

12 (D) schedules for continuation, consolida-
13 tion, or termination of each major category of
14 research programs, and continuation, upgrade,
15 transfer, or closure of each research facility;

16 (E) a statement by project of efforts to co-
17 ordinate research projects with the international
18 community to maximize the use of limited re-
19 sources and avoid unproductive duplication of
20 efforts;

21 (F) a description of the extent to which the
22 plan modifications differ from previous plans
23 submitted under this subsection, along with an
24 explanation for such differences; and

25 (G) an estimate of—

1 (i) the number of scientists and grad-
2 uate students being supported by Federal
3 high energy and nuclear physics programs;
4 and

5 (ii) the number of scientists and grad-
6 uate students needed to carry out produc-
7 tive and sustainable research programs in
8 these fields over the next 10 years.

9 (2) REPORTS TO CONGRESS.—(A) The Sec-
10 retary shall transmit a copy of the original long-
11 range plan with the President's annual budget re-
12 quest to Congress for fiscal year 1997. The plan as
13 modified shall be submitted with the President's
14 budget request to Congress for every third fiscal
15 year thereafter.

16 (B) The Secretary shall transmit with the
17 President's budget request to Congress each year a
18 report demonstrating the consistency of the current
19 long-range plan with the budget being requested for
20 the Department's high energy and nuclear physics
21 programs.

22 (C) CAPITAL BUDGET ACCOUNT.—Each of the Presi-
23 dent's annual budget requests to the Congress for high
24 energy physics activities of the Department, and for nu-
25 clear physics activities of the Department, shall distin-

1 guish between the budget for capital expenditures, includ-
2 ing all ongoing and planned major construction and cap-
3 ital equipment items, and other activities.

4 **TITLE IV—MISCELLANEOUS**
5 **PROVISIONS**

6 **SEC. 401. UNIVERSITY RADIATION SCIENCE AND TECH-**
7 **NOLOGY.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) the future of fusion energy and advanced
10 nuclear energy technology research and development
11 programs will rely heavily on a healthy and vibrant
12 university-based radiation science and nuclear engi-
13 neering academic program;

14 (2) nuclear engineering is a broad, diverse field
15 with unique academic requirements, including math-
16 ematics, physics, reactor engineering, nuclear mate-
17 rials, radiation protection, and reactivity control and
18 operations;

19 (3) nuclear engineering academic programs at
20 both undergraduate and graduate levels have de-
21 clined in terms of the number of students enrolling
22 in such programs, the number of schools offering
23 such programs, and the number of research reactors
24 available on university campuses;

1 (4) the existing nuclear technical community
2 and faculties are aging, and new, younger graduates
3 are not entering the field, threatening the United
4 States technological superiority in this area;

5 (5) a robust, long-term fusion program will be
6 dependent on the availability of properly trained sci-
7 entific experts to carry on the program from the cur-
8 rent leaders in the field;

9 (6) in the 1950s and 1960s, the Federal Gov-
10 ernment was instrumental in founding and funding
11 the University Research Reactor program and the
12 Nuclear Engineering Education and Research pro-
13 gram, and as a primary user of the graduates of
14 these programs, continued strong support for these
15 programs for decades;

16 (7) the decline of Federal support for these pro-
17 grams has forced many universities to close down re-
18 search reactors and seriously erode the accompany-
19 ing academic programs;

20 (8) the current condition of the university re-
21 search reactors needs attention and funding to up-
22 grade instrumentation and safety features; and

23 (9) the Federal Government should continue its
24 fuel assistance program in order to avert further
25 hardships to the universities.

1 (b) PURPOSES.—The purposes of this section are
2 to—

3 (1) provide Federal support and maintain and
4 upgrade the Nation's Nuclear Engineering Edu-
5 cation and Research and University Research Reac-
6 tor programs, while continuing the University Reac-
7 tor Fuel Assistance program;

8 (2) combine these programs into a comprehen-
9 sive and cohesive national program which will sup-
10 port the future needs of the Nation across many sci-
11 entific and technological disciplines; and

12 (3) provide the nuclear engineering education
13 and university research reactor academic community
14 opportunities to consult and cooperate with the De-
15 partment of Energy and the national laboratories in
16 the decisionmaking and priority setting processes.

17 (c) PROGRAM DIRECTION.—

18 (1) COMBINING OF PROGRAMS.—The Secretary
19 shall combine the Nuclear Engineering Research and
20 Education program, the University Research Reac-
21 tor program, and the University Reactor Fuel As-
22 sistance program to form a new University Radi-
23 ation Science and Technology program to be in-
24 cluded as a separate and distinct part of the Univer-
25 sity and Science Education program.

1 (2) COLLABORATION.—The Secretary, in devel-
2 oping the annual budget request and program plan
3 for the University Radiation Science and Technology
4 program, shall collaborate with the university radi-
5 ation science and technology community (including
6 academia, professional societies, and the national
7 laboratories).

8 (d) REPORTS.—

9 (1) COMPREHENSIVE PLAN.—The Secretary
10 shall request the Nuclear Engineering Education
11 Department Heads Organization and the National
12 Organization of Test, Research, and Training Reac-
13 tors to submit, within 60 days after the date of en-
14 actment of this Act, to the Congress and the Sec-
15 retary a minimum of a 5-year comprehensive na-
16 tional plan for the University Radiation Science and
17 Technology program. Such plan shall include com-
18 ments from industry and all appropriate professional
19 societies.

20 (2) PROGRAM PROPOSAL.—Within 120 days
21 after the submittal of the plan under paragraph (1),
22 the Secretary shall submit to the Congress a Univer-
23 sity Radiation Science and Technology program pro-
24 posal, which shall incorporate the plan submitted
25 under paragraph (1) and shall include comments

1 from the National Academy of Sciences regarding
2 the completeness of the program proposal.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary for car-
5 rying out the University Radiation Science and Tech-
6 nology Program \$25,000,000 for fiscal year 1995,
7 \$25,000,000 for fiscal year 1996, and \$25,000,000 for fis-
8 cal year 1997.

9 **SEC. 402. LIMITATION ON APPROPRIATIONS.**

10 Notwithstanding any other provision of law, no funds
11 are authorized to be appropriated for carrying out the pro-
12 grams for which funds are authorized by this Act for any
13 fiscal year other than as provided by this Act.

14 **SEC. 403. FOREIGN PARTICIPATION REPORT.**

15 Within 1 year after the date of enactment of this Act,
16 and annually thereafter, the Secretary shall report to the
17 Congress on the status of foreign participation in and con-
18 tributions to projects for which funding is authorized
19 under this Act.

20 **SEC. 403. MERIT REVIEW REQUIREMENT FOR AWARDS OF**
21 **FINANCIAL ASSISTANCE.**

22 (a) MERIT REVIEW REQUIREMENT.—Except as pro-
23 vided in sections 204 and 205, the Secretary may not
24 award financial assistance to any person under this Act
25 for research, development, or precommercial demonstra-

1 tion activities, including related facility construction, un-
2 less an objective merit review process is used to award the
3 financial assistance.

4 (b) REQUIREMENT OF SPECIFIC MODIFICATION OF
5 MERIT REVIEW PROVISION.—

6 (1) IN GENERAL.—A provision of law may not
7 be construed as modifying or superseding subsection
8 (a), or as requiring that financial assistance be
9 awarded by the Secretary in a manner inconsistent
10 with subsection (a), unless such provision of law—

11 (A) specifically refers to this section;

12 (B) specifically states that such provision
13 of law modifies or supersedes subsection (a);
14 and

15 (C) specifically identifies the person to be
16 awarded the financial assistance and states that
17 the financial assistance to be awarded pursuant
18 to such provision of law is being awarded in a
19 manner inconsistent with subsection (a).

20 (2) NOTICE AND WAIT REQUIREMENT.—No fi-
21 nancial assistance may be awarded pursuant to a
22 provision of law that requires or authorizes the
23 award of the financial assistance in a manner incon-
24 sistent with subsection (a) until—

1 (A) the Secretary submits to the Congress
2 a written notice of the Secretary's intent to
3 award the financial assistance; and

4 (B) 180 days has elapsed after the date on
5 which the notice is received by the Congress.

6 (c) DEFINITIONS.—For purposes of this section:

7 (1) The term “objective merit review process”
8 means a thorough, consistent, and independent ex-
9 amination of requests for financial assistance based
10 on pre-established criteria and scientific and tech-
11 nical merit by persons knowledgeable in the field for
12 which the financial assistance is requested.

13 (2) The term “financial assistance” means the
14 transfer of funds or property to a recipient or sub-
15 recipient to accomplish a public purpose of support
16 or stimulation authorized by Federal law. Such term
17 includes grants, cooperative agreements, and
18 subawards but does not include cooperative research
19 and development agreements as defined in sub-

- 1 section 12(d)(1) of the Stevenson-Wydler Technology
- 2 Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

Passed the House of Representatives August 19,
1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H.R. 4908

AN ACT

To authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes.