

103D CONGRESS
1ST SESSION

S. 1339

AN ACT

To authorize appropriations for fiscal year 1994 for defense activities of the Department of Energy, and for other purposes.

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To authorize appropriations for fiscal year 1994 for defense activities of the Department of Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 National Security Act for Fiscal Year 1994”.

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

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. New tritium production and plutonium disposition activities.
- Sec. 3103. Environmental restoration and waste management.
- Sec. 3104. Materials support and other defense programs.
- Sec. 3105. Defense nuclear waste disposal.
- Sec. 3106. Funding uses and limitations.

Subtitle B—Recurring General Provisions

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

Subtitle C—Other Matters

- Sec. 3131. Use of funds for payment of penalty assessed against Hanford project.
- Sec. 3132. Office of Tritium Production and Plutonium Disposition.
- Sec. 3133. Authority to transfer certain Department of Energy property.
- Sec. 3134. Reauthorization and expansion of authority to loan personnel and facilities.
- Sec. 3135. Inclusion of analysis of Nevada Test Site in environmental assessment of reconfiguration of Department of Energy nuclear weapons complex.
- Sec. 3136. Department of Energy management.
- Sec. 3137. Training programs for management of hazardous materials and of hazardous materials emergency response activities.
- Sec. 3138. Review of Department of Energy environmental compliance agreements.
- Sec. 3139. Extension of review of waste isolation pilot plant in New Mexico.
- Sec. 3140. Standardization of Requirements affecting Department of Energy employees.

Subtitle D—Cooperative Research and Development

- Sec. 3141. Short title.
- Sec. 3142. Definitions.
- Sec. 3143. Competitiveness amendment to the Department of Energy Organization Act.
- Sec. 3144. National advanced manufacturing technologies program.
- Sec. 3145. Not-for-profit organizations.
- Sec. 3146. Career path program.
- Sec. 3147. AVLIS commercialization.
- Sec. 3148. Amendments to Stevenson-Wylder Technology Innovation Act.
- Sec. 3149. Guidelines.

Sec. 3150. Authorization.

TITLE XXXII—NUCLEAR SAFETY

Sec. 3201. Authorization for Defense Nuclear Safety Board.

Sec. 3202. Requirement for transmittal to Congress of certain information prepared by Defense Nuclear Safety Board.

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

4 **Subtitle A—National Security**
 5 **Programs Authorizations**

6 **SEC. 3101. WEAPONS ACTIVITIES.**

7 (a) OPERATING EXPENSES.—Funds are hereby au-
 8 thorized to be appropriated to the Department of Energy
 9 for fiscal year 1994 for operating expenses incurred in car-
 10 rying out weapons activities necessary for national secu-
 11 rity programs in the amount \$3,735,571,000, to be allo-
 12 cated as follows:

13 (1) For research and development,
 14 \$1,152,325,000.

15 (2) For weapons testing, \$375,000,000.

16 (3) For stockpile support, \$1,792,280,000.

17 (4) For program direction, \$277,466,000.

18 (5) For complex reconfiguration, \$138,500,000.

19 (b) PLANT PROJECTS.—Funds are hereby authorized
 20 to be appropriated to the Department of Energy for fiscal
 21 year 1994 for plant projects (including maintenance, res-
 22 toration, planning, construction, acquisition, modification

1 of facilities, and the continuation of projects authorized
2 in prior years, and land acquisition related thereto) in car-
3 rying out weapons activities necessary for national secu-
4 rity programs as follows:

5 Project GPD-101, general plan projects, var-
6 ious locations, \$16,500,000.

7 Project GPD-121, general plant projects, var-
8 ious locations, \$7,700,000.

9 Project 94-D-102, nuclear weapons research,
10 development, and testing facilities revitalization,
11 Phase V, various locations, \$11,110,000.

12 Project 94-D-124, hydrogen fluoride supply
13 system, Y-12 Plant, Oak Ridge, Tennessee,
14 \$5,000,000.

15 Project 94-D-125, upgrade life safety, Kansas
16 City Plant, Kansas City, Missouri, \$3,000,000.

17 Project 94-D-127, emergency notification sys-
18 tem, Pantex Plant, Amarillo, Texas, \$1,000,000.

19 Project 94-D-128, environmental safety and
20 health analytical laboratory, Pantex Plant, Amarillo,
21 Texas, \$800,000.

22 Project 93-D-102, Nevada support facility,
23 North Las Vegas, Nevada, \$6,000,000.

24 Project 93-D-122, life safety upgrades, Y-12
25 Plant, Oak Ridge, Tennessee, \$5,000,000.

1 Project 93-D-123, complex-21, various loca-
2 tions, \$25,000,000.

3 Project 92-D-102, nuclear weapons research,
4 development, and testing facilities revitalization,
5 Phase IV, various locations, \$27,479,000.

6 Project 92-D-126, replace emergency notifica-
7 tion systems, various locations, \$10,500,000.

8 Project 90-D-102, nuclear weapons research,
9 development, and testing facilities revitalization,
10 Phase III, various locations, \$30,805,000.

11 Project 88-D-106, nuclear weapons research,
12 development, and testing facilities revitalization,
13 Phase II, various locations, \$39,624,000.

14 Project 88-D-122, facilities capability assur-
15 ance program, various locations, \$27,100,000.

16 Project 88-D-123, security enhancement,
17 Pantex Plant, Amarillo, Texas, \$20,000,000.

18 (c) CAPITAL EQUIPMENT.—Funds are hereby author-
19 ized to be appropriated to the Department of Energy for
20 fiscal year 1994 for capital equipment not related to con-
21 struction in carrying out weapons activities necessary for
22 national security programs in the amount of
23 \$123,034,000.

24 (d) ADJUSTMENT FOR SAVINGS.—The total amount
25 authorized to be appropriated pursuant to this section is

1 the sum of the amounts specified in subsections (a)
2 through (c) reduced by \$393,641,000.

3 **SEC. 3102. NEW TRITIUM PRODUCTION AND PLUTONIUM**
4 **DISPOSITION ACTIVITIES.**

5 Funds are hereby authorized to be appropriated to
6 the Department of Energy for fiscal year 1994 for ex-
7 penses incurred in carrying out new tritium production ac-
8 tivities and plutonium disposition activities necessary for
9 national security programs in the amount of \$83,000,000,
10 offset by \$43,000,000 in prior year funds.

11 **SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE**
12 **MANAGEMENT.**

13 (a) OPERATING EXPENSES.—Funds are hereby au-
14 thorized to be appropriated to the Department of Energy
15 for fiscal year 1994 for operating expenses incurred in car-
16 rying out environmental restoration and waste manage-
17 ment activities necessary for national security programs
18 in the amount of \$4,782,213,000, to be allocated as fol-
19 lows:

20 (1) For corrective activities, \$2,170,000.

21 (2) For environmental restoration,
22 \$1,536,027,000.

23 (3) For waste management, \$2,275,441,000.

24 (4) For technology development, \$361,150,000.

1 (5) For transportation management,
2 \$19,730,000.

3 (6) For program direction, \$82,427,000.

4 (7) For facility transition, \$545,268,000.

5 (b) PLANT PROJECTS.—Funds are hereby authorized
6 to be appropriated to the Department of Energy for fiscal
7 year 1994 for plant projects (including maintenance, res-
8 toration, planning, construction, acquisition, modification
9 of facilities, and the continuation of projects authorized
10 in prior years, and land acquisition related thereto) to
11 carry out environmental restoration and waste manage-
12 ment activities necessary for national security programs
13 as follows:

14 Project GPD-171, general plant projects, var-
15 ious locations, \$49,015,000.

16 Project 94-D-122, underground storage tanks,
17 Rocky Flats Plant, Golden, Colorado, \$700,000.

18 Project 94-D-400, high explosive wastewater
19 treatment, Los Alamos National Laboratory, Los Al-
20 amos, New Mexico, \$1,000,000.

21 Project 94-D-401, emergency response facility,
22 Idaho National Engineering Laboratory, Idaho,
23 \$600,000.

24 Project 94-D-402, liquid waste treatment sys-
25 tem, Nevada Test Site, \$491,000.

1 Project 94-D-404, Melton Valley storage tanks
2 capacity increase, Oak Ridge National Laboratory,
3 Oak Ridge, Tennessee, \$9,400,000.

4 Project 94-D-405, Central neutralization facil-
5 ity pipeline extension project, Oak Ridge K-25
6 Plant, Oak Ridge, Tennessee, \$1,714,000.

7 Project 94-D-406, low-level waste disposal fa-
8 cility, Oak Ridge K-25 Plant, Oak Ridge, Ten-
9 nessee, \$6,000,000.

10 Project 94-D-407, initial tank retrieval sys-
11 tems, Richland, Washington, \$7,000,000.

12 Project 94-D-408, 200 east office facility,
13 Richland, Washington, \$1,200,000.

14 Project 94-D-411, solid waste operations com-
15 plex project, Richland, Washington, \$7,100,000.

16 Project 94-D-412, 300 area process sewer pip-
17 ing system upgrade, Richland, Washington,
18 \$1,100,000.

19 Project 94-D-414, site 300 explosive waste
20 storage facility, Lawrence Livermore National Lab-
21 oratory, Livermore, California, \$370,000.

22 Project 94-D-415, medical facilities, Idaho Na-
23 tional Engineering Laboratory, Idaho, \$1,100,000.

1 Project 94-D-416, Solvent Storage Tanks in-
2 stallation, Savannah River Site, South Carolina,
3 \$1,500,000.

4 Project 94-D-417, intermediate level and low
5 activity waste vaults, Savannah River Site, South
6 Carolina, \$1,000,000.

7 Project 94-D-451, infrastructure replacement
8 Rocky Flats Plant, Golden, Colorado, \$6,600,000.

9 Project 93-D-172, electrical upgrade, Idaho
10 National Engineering Laboratory, Idaho,
11 \$9,600,000.

12 Project 93-D-174, plant drain waste water
13 treatment upgrades, Y-12 Plant, Oak Ridge, Ten-
14 nessee, \$3,500,000.

15 Project 93-D-175, industrial waste compaction
16 facility, Y-12 Plant, Oak Ridge, Tennessee,
17 \$1,800,000.

18 Project 93-D-176, Oak Ridge reservation stor-
19 age facility, K-25 Plant, Oak Ridge, Tennessee,
20 \$6,039,000.

21 Project 93-D-177, disposal of K-1515 sanitary
22 water treatment plant waste, K-125 Plant, Oak
23 Ridge, Tennessee, \$7,100,000.

1 Project 93-D-178, building 374 liquid waste
2 treatment facility, Rocky Flats Plant, Golden, Colo-
3 rado, \$1,000,000.

4 Project 93-D-181, radioactive liquid waste line
5 replacement, Richland, Washington, \$6,000,000.

6 Project 93-D-182, replacement of cross-site
7 transfer system, Richland, Washington, \$6,500,000.

8 Project 93-D-183, multi-function waste reme-
9 diation facility, Richland, Washington, \$25,660,000.

10 Project 93-D-184, 325 facility compliance/ren-
11 ovation, Richland, Washington, \$3,500,000.

12 Project 93-D-185, landlord program safety
13 compliance, Phase II, Richland, Washington,
14 \$1,351,000.

15 Project 93-D-187, high-level waste removal
16 from filled waste tanks, Savannah River, South
17 Carolina, \$13,230,000.

18 Project 93-D-188, new sanitary landfill, Sa-
19 vannah River, South Carolina, \$1,020,000.

20 Project 92-D-125, master safeguards and secu-
21 rity agreement/material surveillance task force secu-
22 rity upgrades, Rocky Flats Plant, Golden, Colorado,
23 \$3,900,000.

1 Project 92-D-172, hazardous waste treatment
2 and processing facility, Pantex Plant, Amarillo,
3 Texas, \$300,000.

4 Project 92-D-173, nitrogen oxide abatement
5 facility, Idaho Chemical Processing Plant, Idaho Na-
6 tional Engineering Laboratory, Idaho, \$10,000,000.

7 Project 92-D-177, tank 101-AZ waste re-
8 trieval system, Richland, Washington, \$7,000,000.

9 Project 92-D-181, fire and life safety improve-
10 ments, Idaho National Engineering Laboratory,
11 Idaho, \$5,000,000.

12 Project 92-D-182, sewer system upgrade,
13 Idaho National Engineering Laboratory, Idaho,
14 \$1,450,000.

15 Project 92-D-183, transportation complex,
16 Idaho National Engineering Laboratory, Idaho,
17 \$7,198,000.

18 Project 92-D-184, Hanford infrastructure un-
19 derground storage tanks, Richland, Washington,
20 \$300,000.

21 Project 92-D-186, steam system rehabilitation,
22 Phase II, Richland, Washington, \$4,300,000.

23 Project 92-D-187, 300 area electrical distribu-
24 tion, conversion, and safety improvements, Phase II,
25 Richland, Washington, \$10,276,000.

1 Project 92-D-188, waste management ES&H,
2 and compliance activities, various locations,
3 \$8,568,000.

4 Project 92-D-403, tank upgrade project, Law-
5 rence Livermore National Laboratory, California,
6 \$3,888,000.

7 Project 91-D-171, waste receiving and process-
8 ing facility, module 1, Richland, Washington,
9 \$17,700,000.

10 Project 91-D-175, 300 area electrical distribu-
11 tion, conversion, and safety improvements, Phase I,
12 Richland, Washington, \$1,500,000.

13 Project 90-D-172, aging waste transfer lines,
14 Richland, Washington, \$5,000,000.

15 Project 90-D-175, landlord program safety
16 compliance-I, Richland, Washington, \$1,800,000.

17 Project 90-D-177, RWMC transuranic (TRU)
18 waste characterization and storage facility, Idaho
19 National Engineering Laboratory, Idaho,
20 \$21,700,000.

21 Project 89-D-172, Hanford environmental
22 compliance, Richland, Washington, \$11,700,000.

23 Project 89-D-173, tank farm ventilation up-
24 grade, Richland, Washington, \$1,000,000.

1 Project 89-D-174, replacement high-level waste
2 evaporator, Savannah River, South Carolina,
3 \$23,974,000.

4 Project 89-D-175, hazardous waste/mixed
5 waste disposal facility, Savannah River, South Caro-
6 lina, \$7,000,000.

7 Project 87-D-181, diversion box and pump pit
8 containment buildings, Savannah River, South Caro-
9 lina, \$2,137,000.

10 Project 86-D-103, decontamination and waste
11 treatment facility, Lawrence Livermore National
12 Laboratory, California, \$10,260,000.

13 Project 83-D-148, nonradioactive hazardous
14 waste management, Savannah River, South Caro-
15 lina, \$9,769,000.

16 Project 81-T-105, defense waste processing fa-
17 cility, Savannah River, South Carolina, \$43,873,000.

18 (c) CAPITAL EQUIPMENT.—Funds are hereby author-
19 ized to be appropriated to the Department of Energy for
20 fiscal year 1994 for capital equipment not related to con-
21 struction in carrying out environmental restoration and
22 waste management activities necessary for national secu-
23 rity programs in the amount of \$203,826,000, to be allo-
24 cated as follows:

25 (1) For corrective activities, \$600,000.

1 (2) For waste management, \$138,781,000.

2 (3) For technology development, \$29,850,000.

3 (4) For transportation management, \$400,000.

4 (5) For program direction, \$9,469,000.

5 (6) For facility transition, \$24,726,000

6 (d) USE OF FUNDS.—From funds authorized to be
7 appropriated pursuant to subsection (a) to the Depart-
8 ment of Energy for environmental restoration and waste
9 management activities, the Secretary of Energy may reim-
10 burse the cities of Westminster, Broomfield, Thornton,
11 and Northglenn, in the State of Colorado, \$21,415,000 for
12 the cost of implementing water management programs.
13 Reimbursements for the water management programs
14 shall not be considered a major Federal action for pur-
15 poses of 102(2) of the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4332(2)).

17 (e) GENERAL REDUCTION IN OPERATING EX-
18 PENSES.—The amount authorized to be appropriated for
19 operating expenses pursuant to subsection (a) is the
20 amount specified in that subsection reduced by
21 \$40,000,000.

22 (f) PRIOR YEAR BALANCES.—The total amount au-
23 thorized to be appropriated pursuant to this section is the
24 sum of the amounts specified in subsections (a), (b), and
25 (c) reduced by \$86,600,000. In determining the amount

1 authorized to be appropriated pursuant to subsection (a)
2 for the purposes of this subsection, subsection (e) shall
3 be taken into account.

4 **SEC. 3104. MATERIALS SUPPORT AND OTHER DEFENSE**
5 **PROGRAMS.**

6 (a) OPERATING EXPENSES.—Funds are hereby au-
7 thorized to be appropriated to the Department of Energy
8 for fiscal year 1994 for operating expenses incurred in car-
9 rying out nuclear materials production and other defense
10 programs necessary for national security programs in the
11 amount of \$2,171,039,000, to be allocated as follows:

12 (1) For materials support, \$853,966,000.

13 (2) For verification and control technology,
14 \$341,941,000.

15 (3) For nuclear safeguards and security,
16 \$86,246,000.

17 (4) For security investigations, \$53,335,000.

18 (5) For security evaluations, \$14,961,000.

19 (6) For nuclear safety, \$24,859,000.

20 (7) For worker training and adjustment,
21 \$100,000,000.

22 (8) For naval reactors, \$695,731,000.

23 (b) PLANT PROJECTS.—Funds are hereby authorized
24 to be appropriated to the Department of Energy for fiscal
25 year 1994 for plant projects (including maintenance, res-

1 toration, planning, construction, acquisition, modification
2 of facilities, and the continuation of projects authorized
3 in prior years, and land acquisition related thereto) in car-
4 rying out nuclear materials production and other defense
5 programs necessary for national security programs as fol-
6 lows:

7 (1) For materials production:

8 Project GPD-146, general plant projects,
9 various locations, \$31,760,000.

10 Project 93-D-147, domestic water system
11 upgrade, Phase I, Savannah River, South Caro-
12 lina, \$7,720,000.

13 Project 93-D-148, replace high-level drain
14 lines, Savannah River, South Carolina,
15 \$1,800,000.

16 Project 93-D-152, environmental modi-
17 fication for production facilities, Savannah
18 River, South Carolina, \$20,000,000.

19 Project 92-D-140, F&H canyon exhaust
20 upgrades, Savannah River, South Carolina,
21 \$15,000,000.

22 Project 92-D-142, nuclear material proc-
23 essing training center, Savannah River, South
24 Carolina, \$8,900,000.

1 Project 92-D-143, health protection in-
2 strument calibration facility, Savannah River,
3 South Carolina, \$9,600,000.

4 Project 92-D-150, operations support fa-
5 cilities, Savannah River, South Carolina,
6 \$26,900,000.

7 Project 92-D-153, engineering support fa-
8 cility, Savannah River, South Carolina,
9 \$9,500,000.

10 Project 90-D-149, plantwide fire protec-
11 tion, Phases I and II, Savannah River, South
12 Carolina, \$25,950,000.

13 Project 86-D-149, productivity retention
14 program, Phases I, II, III, IV, V, and VI, var-
15 ious locations, \$3,700,000.

16 (2) For verification and control technology:

17 Project 90-D-186, center for national se-
18 curity and arms control, Sandia National Lab-
19 oratories, Albuquerque, New Mexico,
20 \$8,515,000.

21 (3) For naval reactors development:

22 Project GPN-101, general plant projects,
23 various locations, \$7,500,000.

1 Project 93-D-200, engineering services fa-
2 cilities, Knolls Atomic Power Laboratory,
3 Niskayuna, New York, \$7,000,000.

4 Project 92-D-200, laboratories facilities
5 upgrades, various locations, \$2,800,000.

6 Project 90-N-102, expended core facility
7 dry cell project, Naval Reactors Facility, Idaho,
8 \$7,800,000.

9 (c) CAPITAL EQUIPMENT.—Funds are hereby author-
10 ized to be appropriated to the Department of Energy for
11 fiscal year 1994 for capital equipment not related to con-
12 struction in carrying out nuclear materials production and
13 other defense programs necessary for national security
14 programs as follows:

15 (1) For material support, \$75,209,000.

16 (2) For verification and control technology,
17 \$15,573,000.

18 (3) For nuclear safeguards and security,
19 \$4,101,000.

20 (4) For nuclear safety, \$50,000.

21 (5) For naval reactors development,
22 \$46,900,000.

23 (d) ADJUSTMENTS.—The total amount that may be
24 appropriated pursuant to this section is the sum of the

1 amounts specified in subsections (a) through (c) reduced
2 by \$393,132,000 for anticipated savings.

3 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to
5 the Department of Energy for fiscal year 1994 for pay-
6 ment to the Nuclear Waste Fund, \$120,000,000.

7 **SEC. 3106. FUNDING USES AND LIMITATIONS.**

8 (a) NATIONAL SECURITY PROGRAMS.—Notwith-
9 standing any other provision of law, not more than 90 per-
10 cent of the funds appropriated to the Department of En-
11 ergy for national security programs under this title may
12 be obligated for such programs until the Secretary of En-
13 ergy submits to the congressional defense committees the
14 five-year budget plan with respect to fiscal year 1994 re-
15 quired under section 3144 of the National Defense Au-
16 thorization Act for Fiscal Years 1990 and 1991 (Public
17 Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271b).

18 (b) INERTIAL CONFINEMENT FUSION.—Of the funds
19 authorized to be appropriated to the Department of En-
20 ergy for fiscal year 1994 for operating expenses and cap-
21 ital equipment, \$188,413,000 shall be available for the de-
22 fense inertial confinement fusion program.

23 (c) FIRE PROTECTION AND COOLING OR REFRIGERA-
24 TION SYSTEMS.—None of the funds appropriated or other-
25 wise made available to the Department of Energy for fiscal

1 year 1994 may be obligated for the design, purchase, or
2 installation of any fire protection system or cooling or re-
3 frigeration system that utilizes class I substances (as list-
4 ed under section 602(a) of the Clean Air Act (42 U.S.C.
5 7671a(a)) unless the Secretary of Energy determines that
6 an alternative system meeting the operational require-
7 ments of the Department of Energy is not commercially
8 available or is not cost-effective when analyzed under a
9 life-cycle cost analysis.

10 (d) NEW TRITIUM PRODUCTION ACTIVITIES AND
11 PLUTONIUM DISPOSITION ACTIVITIES.—Funds author-
12 ized to be appropriated for fiscal year 1994 or otherwise
13 made available to the Secretary of Energy for such fiscal
14 year for new tritium production activities and plutonium
15 disposition activities shall be available only for the follow-
16 ing purposes and in the following amounts:

17 (1) For evaluation of an advanced light water
18 reactor and a modular high temperature gas reactor
19 to determine the feasibility and effectiveness of dis-
20 posing of plutonium, production of tritium (if need-
21 ed), and production of electricity, \$40,000,000.

22 (2) For evaluation of accelerator technology to
23 determine the feasibility and effectiveness of dispos-
24 ing of plutonium, production of tritium (if needed),
25 and production of electricity, \$18,000,000.

1 (3) For evaluation of an advance liquid metal
2 reactor to determine the feasibility and effectiveness
3 of disposing of plutonium, production of tritium (if
4 needed), and production of electricity, \$25,000,000.

5 (e) EXPENDED CORE FACILITY DRY CELL.—None of
6 the funds appropriated or otherwise made available to the
7 Department of Energy for fiscal year 1994 may be obli-
8 gated for project 90-N-102, expended core facility dry cell
9 project, Naval Reactors Facility, Idaho, until shipment of
10 spent naval nuclear fuel from United States naval surface
11 ships and submarines to the Idaho Engineering Labora-
12 tory, Idaho, is resumed.

13 (f) NUCLEAR WEAPONS TESTING.—(1) Funds au-
14 thorized to be appropriated under section 3101(a)(2) for
15 the Department of Energy for fiscal year 1994 for weap-
16 ons testing and funds otherwise made available to the de-
17 partment for that fiscal year for that purpose shall be
18 available only for the following purposes and in the follow-
19 ing amounts:

20 (A) For infrastructure maintenance at the Ne-
21 vada Test Site, \$131,250,000.

22 (B) For maintaining the technical capability to
23 resume testing at the Nevada Test Site,
24 \$109,375,000.

1 (C) For activities, including research and devel-
2 opment, of Department of Energy laboratories in de-
3 termining means of nuclear weapons testing as alter-
4 natives to underground nuclear weapons testing,
5 \$134,375,000.

6 (2) The Secretary of Energy may not obligate an ag-
7 gregate amount in excess of \$180,000,000 for the pur-
8 poses described in subparagraphs (B) and (C) of para-
9 graph (1) until the Secretary submits to the congressional
10 defense committees a detailed plan for carrying out the
11 activities described in subparagraphs (B) and (C) of that
12 paragraph.

13 (3) Each year at the time of the President's submis-
14 sion of a a budget under section 1105 of title 31, United
15 States Code, the President shall submit a report covering
16 the most recently completed calendar year setting forth—

17 (A) Whether the Stockpile Surveillance Pro-
18 gram of the Department of Energy, and the calcula-
19 tions and experiments performed by Sandia National
20 Laboratories, Lawrence Livermore National Labora-
21 tory, or Los Alamos National Laboratory have
22 raised any concerns with regard to the safety, secu-
23 rity, effectiveness, or reliability or existing United
24 States nuclear weapons; and

1 (B) If such concerns have been raised, the
2 President's evaluation of each concern and report on
3 what actions are being or will be taken to address
4 it.

5 (g) VERIFICATION CONTROL TECHNOLOGY.—Of the
6 funds authorized to be appropriated to the Department
7 of Energy for fiscal year 1994 for operating expenses and
8 capital equipment for activities relating to verification and
9 control technology, not more than \$334,441,000 may be
10 obligated until the Secretary of Defense submits the report
11 required by section 1104.

12 (h) SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR
13 ENVIRONMENTAL AND WASTE MANAGEMENT.—Of the
14 funds authorized to be appropriated to the Department
15 of Energy for fiscal year 1994 for environmental restora-
16 tion and waste management, \$1,000,000 shall be available
17 for the Scholarship and Fellowship Program for Environ-
18 mental Restoration and Waste Management carried out
19 under section 3132 of the National Defense Authorization
20 Act for Fiscal Years 1992 and 1993 (Public Law 102-
21 190; 42 U.S.C. 7274e).

22 (i) HANFORD HEALTH INFORMATION NETWORK.—
23 Of the funds authorized to be appropriated to the Depart-
24 ment of Energy for fiscal year 1994 under section
25 3101(a), \$1,750,000 shall be available for activities relat-

1 ing to the Hanford health information network established
2 pursuant to the authority set forth in section 3138 of the
3 National Defense Authorization Act for Fiscal Year 1991
4 (Public Law 101-510; 104 Stat. 1834).

5 (j) PROTECTION OF NUCLEAR WEAPONS FACILITIES
6 WORKERS.—Of the funds authorized to be appropriated
7 to the Department of Energy for fiscal year 1994 for envi-
8 ronmental restoration and waste management,
9 \$10,000,000 shall be available for activities relating to
10 worker protection at nuclear weapons facilities.

11 (k) MERGER OF CERTAIN FUNDS WITH FUNDS AP-
12 PROPRIATED FOR NEW PRODUCTION REACTORS.—Not-
13 withstanding any other provision of law, of the funds made
14 available to the Department of Energy for new production
15 reactor activities before the date of the enactment of this
16 Act, \$43,000,000 shall be merged with the funds author-
17 ized to be appropriated for new tritium production and
18 plutonium disposition under section 3102 and shall be
19 available for the same purposes and the same period as
20 the funds with which merged.

21 (l) TECHNOLOGY TRANSFER AND ECONOMIC DEVEL-
22 OPMENT.—None of the funds appropriated to the Depart-
23 ment of Energy for fiscal year 1994 pursuant to the au-
24 thorization of appropriations in section 3103, or otherwise
25 made available to the department for environmental res-

1 toration and waste management activities for such fiscal
2 year, may be obligated to foster technology transfer to and
3 economic development activities in the Southeastern Unit-
4 ed States until 30 days after the date on which the Sec-
5 retary of Energy submits to the congressional defense
6 committees a report containing a plan for the expenditure
7 of funds in a manner that ensures an equitable expendi-
8 ture of funds for such purposes throughout the Southeast-
9 ern United States.

10 **Subtitle B—Recurring General Provisions**

11 **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

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

1 (A) the Secretary of Energy has submitted to
2 the congressional defense committees a report con-
3 taining a full and complete statement of the action
4 proposed to be taken and the facts and cir-
5 cumstances relied upon in support of such proposed
6 action; and

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

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

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

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

20 (a) IN GENERAL.—The Secretary of Energy may
21 carry out any construction project under the general plant
22 projects provisions authorized by this title if the total esti-
23 mated cost of the construction project does not exceed
24 \$2,000,000.

1 (b) REPORT TO CONGRESS.—If, at any time during
2 the construction of any general plant project authorized
3 by this title, the estimated cost of the project is revised
4 because of unforeseen cost variations and the revised cost
5 of the project exceeds \$2,000,000, the Secretary shall im-
6 mediately furnish a complete report to the congressional
7 defense committees explaining the reasons for the cost
8 variation.

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

10 (a) IN GENERAL.—(1) Except as provided in para-
11 graph (2), construction on a construction project may not
12 be started or additional obligations incurred in connection
13 with the project above the total estimated cost, whenever
14 the current estimated cost of the construction project,
15 which is authorized by sections 3101, 3102, 3103, and
16 3104, or which is in support of national security programs
17 of the Department of Energy and was authorized by any
18 previous Act, exceeds by more than 25 percent the higher
19 of—

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

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

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

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

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

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

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

16 **SEC. 3124. FUND TRANSFER AUTHORITY.**

17 Funds appropriated pursuant to this title may be
18 transferred to other agencies of the Federal Government
19 for the performance of the work for which the funds were
20 appropriated, and funds so transferred may be merged
21 with the appropriations of the agency to which the funds
22 are transferred.

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

24 (a) IN GENERAL.—(1) Within the amounts author-
25 ized by this title for plant engineering and design, the Sec-

1 retary of Energy may carry out advance planning and con-
2 struction design (including architectural and engineering
3 services) in connection with any proposed construction
4 project if the total estimated cost for such planning and
5 design does not exceed \$2,000,000.

6 (2) In the case of any project in which the total esti-
7 mated cost for advance planning and design exceeds
8 \$300,000, the Secretary shall notify the congressional de-
9 fense committees in writing of the details of such project
10 at least 30 days before any funds are obligated for design
11 services for such project.

12 (b) **SPECIFIC AUTHORITY REQUIRED.**—In any case
13 in which the total estimated cost for advance planning and
14 construction design in connection with any construction
15 project exceeds \$2,000,000, funds for such planning and
16 design must be specifically authorized by law.

17 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
18 **SIGN, AND CONSTRUCTION ACTIVITIES.**

19 (a) **AUTHORITY.**—The Secretary of Energy may use
20 any funds available to the Department of Energy, includ-
21 ing those funds authorized to be appropriated for advance
22 planning and construction design under sections 3101,
23 3102, 3103, 3104, to perform planning, design, and con-
24 struction activities for any Department of Energy defense
25 activity construction project that, as determined by the

1 Secretary, must proceed expeditiously in order to protect
2 public health and safety, meet the needs of national de-
3 fense, or protect property.

4 (b) LIMITATION.—The Secretary may not exercise
5 the authority under subsection (a) in the case of any con-
6 struction project until the Secretary has submitted to the
7 congressional defense committees a report on the activities
8 that the Secretary intends to carry out under this section
9 and the circumstances making such activities necessary.

10 (c) SPECIFIC AUTHORITY.—The requirement of sec-
11 tion 3125(b) does not apply to emergency planning, de-
12 sign, and construction activities conducted under this sec-
13 tion.

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

17 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECUR-**
18 **RITY PROGRAMS OF THE DEPARTMENT OF**
19 **ENERGY.**

20 Subject to the provisions of appropriation Acts and
21 section 3121, amounts appropriated pursuant to this title
22 for management and support activities and for general
23 plant projects are available for use, when necessary, in
24 connection with all national security programs of the De-
25 partment of Energy.

1 **SEC. 3128. AVAILABILITY OF FUNDS.**

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

5 **Subtitle C—Other Matters**

6 **SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY AS-**
7 **SESSED AGAINST HANFORD PROJECT.**

8 The Secretary of Energy may pay to the Hazardous
9 Substances Response Trust, from funds appropriated to
10 the Department of Energy for environmental restoration
11 and waste management activities pursuant to section
12 3103, a stipulated civil penalty in the amount of \$100,000
13 assessed under the Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act of 1980 (42
15 U.S.C. 9601 et seq.) and the Hanford Consent Agreement
16 and Compliance Order for Department of Energy Han-
17 ford.

18 **SEC. 3132. OFFICE OF TRITIUM PRODUCTION AND PLUTO-**
19 **NIUM DISPOSITION.**

20 (a) ESTABLISHMENT.—There is hereby established in
21 the Office of the Assistant Secretary of Energy for De-
22 fense Programs an Office of Tritium Production and Plu-
23 tonium Disposition.

24 (b) RESPONSIBILITIES.—The responsibilities of the
25 office shall include the following:

1 (1) Activities relating to the development, de-
2 sign, and construction (including research in support
3 thereof) of a tritium production facility in order to
4 ensure that a tritium production facility replacing
5 existing tritium production facilities of the Depart-
6 ment of Energy and capable of meeting the antici-
7 pated need of the Department of Defense for tritium
8 is in operation no later than December 31, 2011.

9 (2) Carrying out the evaluation of an advanced
10 light water reactor and a high temperature gas reac-
11 tor referred to in section 3105(d)(2) of the National
12 Defense Authorization Act for Fiscal Year 1993
13 (Public Law 102-484; 106 Stat. 2636).

14 (3) Activities relating to the design, develop-
15 ment, and construction (including research in sup-
16 port thereof) of the reactors referred to in para-
17 graph (2).

18 (4) Research and development activities relating
19 to design, development, and construction by the De-
20 partment of Energy of an advanced metal reactor
21 that utilizes an actinide recycling process and that
22 is capable of burning plutonium, producing tritium,
23 and producing electricity.

24 (5) Research and development activities relating
25 to the design, development, and construction by the

1 Department of Energy of an accelerator technology
2 that is capable of burning plutonium, producing tritium,
3 and producing electricity.

4 (6) Activities relating to the design, develop-
5 ment, and construction (including research in sup-
6 port thereof) of a facility to treat and dispose of ex-
7 cess plutonium.

8 **SEC. 3133. AUTHORITY TO TRANSFER CERTAIN DEPART-**
9 **MENT OF ENERGY PROPERTY.**

10 (a) **AUTHORITY TO TRANSFER.**—(1) Notwithstand-
11 ing any other provision of law, the Secretary of Energy
12 may transfer, for consideration, all right, title, and inter-
13 est of the United States in and to the property referred
14 to in subsection (b) to any person if the Secretary deter-
15 mines that such transfer will mitigate the adverse eco-
16 nomic consequences that might otherwise arise from the
17 closure of a Department of Energy facility.

18 (2) The amount of consideration received by the
19 United States for a transfer under paragraph (1) may be
20 less than the fair market value of the property transferred
21 if the Secretary determines that the receipt of such lesser
22 amount by the United States is in accordance with the
23 purpose of such transfer under this section.

24 (b) **COVERED PROPERTY.**—Property that may be
25 transferred under subsection (a) is the following property

1 of the Department of Energy that is located at department
2 facilities to be closed:

3 (1) The personal property and fixtures at such
4 facilities that the Secretary determines to be excess
5 to the needs of the department.

6 (2) Any other personal property and fixtures at
7 such facilities the replacement cost of which does not
8 exceed an amount equal to 110 percent of the cost
9 of transporting the property or fixtures to another
10 department facility.

11 (c) OTHER TERMS AND CONDITIONS.—The Secretary
12 may require such additional terms and conditions with re-
13 spect to a transfer of property under subsection (a) as
14 the Secretary determines appropriate to protect the inter-
15 ests of the United States.

16 **SEC. 3134. REAUTHORIZATION AND EXPANSION OF AU-**
17 **THORITY TO LOAN PERSONNEL AND FACILI-**
18 **TIES.**

19 (a) AUTHORITY TO LOAN PERSONNEL.—Subsection
20 (a)(1) of section 1434 of the National Defense Authoriza-
21 tion Act, Fiscal Year 1989 (Public Law 100–456; 102
22 Stat. 2074), as amended by section 3136 of the National
23 Defense Authorization Act for Fiscal Year 1991 (Public
24 Law 101–510; 104 Stat. 1824) and section 3136 of Na-

1 tional Defense Authorization for Fiscal Year 1993 (Public
2 Law 102-484; 106 Stat. 2641), is further amended—

3 (1) in subparagraph (A)—

4 (A) by striking out “and” at the end of
5 clause (i):

6 (B) by striking out the period at the end
7 of clause (ii) and inserting in lieu thereof a
8 semicolon; and

9 (C) by adding at the end the following:

10 “(iii) at the Savannah River Site, South Caro-
11 lina, to loan personnel in accordance with this sec-
12 tion to any community-based organization; and

13 “(iv) at Oak Ridge, Tennessee, to loan person-
14 nel in accordance with this section to any commu-
15 nity-based organization.”; and

16 (2) in subparagraph (B)—

17 (A) by striking out “and the Idaho” and
18 inserting in lieu thereof “, the Idaho”; and

19 (B) by adding before the period at the end
20 the following: “, the Savannah River Site, and
21 Oak Ridge”.

22 (b) AUTHORITY TO LOAN FACILITIES.—Subsection
23 (b) of such Act is amended—

24 (1) by striking out “or the Idaho” and inserting
25 in lieu thereof “the Idaho”; and

1 (2) by inserting “Savannah River Site, South
2 Carolina, or Oak Ridge, Tennessee,” before “to any
3 community-based organization”.

4 (c) DURATION OF PROGRAM.—Subsection (c) of such
5 section is amended—

6 (1) by striking out “Reservation, and” and in-
7 serting in lieu thereof “Reservation,”; and

8 (2) by inserting after “Idaho National Engi-
9 neering Laboratory” the following: “, and September
10 30, 1995, with respect to the Savannah River Site,
11 and to Oak Ridge”.

12 **SEC. 3135. INCLUSION OF ANALYSIS OF NEVADA TEST SITE**
13 **IN ENVIRONMENTAL ASSESSMENT OF RE-**
14 **CONFIGURATION OF DEPARTMENT OF EN-**
15 **ERGY NUCLEAR WEAPONS COMPLEX.**

16 In preparing an environmental impact statement in
17 connection with a decision to reconfigure the functions,
18 facilities, and personnel of the Department of Energy re-
19 lating to research and development, production, and test-
20 ing of nuclear materials and weapons, the Secretary of
21 Energy shall include an analysis of the Nevada Test Site
22 as a potential site for the location of some or all of such
23 functions, facilities, and personnel.

1 **SEC. 3136. DEPARTMENT OF ENERGY MANAGEMENT.**

2 (a) UNDER SECRETARIES.—Section 202 of the De-
3 partment of Energy Organization Act (42 U.S.C. 7132)
4 is amended—

5 (1) in subsection (a), by striking out “Under
6 Secretary” and inserting in lieu thereof “Under Sec-
7 retaries”; and

8 (2) by striking out subsection (b) and inserting
9 in lieu thereof the following:

10 “(b) There shall be in the Department three Under
11 Secretaries and a General Counsel, who shall be appointed
12 by the President, by and with the advice and consent of
13 the Senate, and who shall perform such functions and du-
14 ties the Secretary prescribes. The Under Secretaries shall
15 be compensated at the rate for level III of the Executive
16 Schedule under section 5314 of title 5, United States
17 Code, and the General Counsel shall be compensated at
18 the rate provided for level IV of the Executive Schedule
19 under section 5315 of title 5, United States Code.”.

20 (b) RATES OF PAY.—Section 5314 of title 5, United
21 States Code, is amended by striking out the item relating
22 to the Under Secretary, Department of Energy, and in-
23 serting in lieu thereof the following:

24 “Under Secretaries, Department of Energy
25 (3).”.

1 **SEC. 3137. TRAINING PROGRAMS FOR MANAGEMENT OF**
2 **HAZARDOUS MATERIALS AND OF HAZARDOUS**
3 **MATERIALS EMERGENCY RESPONSE ACTIVI-**
4 **TIES.**

5 (a) **AUTHORITY TO CARRY OUT PROGRAMS.**—The
6 Secretary of Energy may carry out the programs described
7 in subsection (b) for persons who work with hazardous
8 materials.

9 (b) **NATURE OF PROGRAMS.**—The programs referred
10 to in subsection (a) are programs relating to management
11 of hazardous materials and of hazardous materials emer-
12 gency response that are designed to enhance the safety
13 of the persons referred to in subsection (a) and to protect
14 the environment.

15 (c) **REGIONAL TRAINING CENTERS.**—(1) The pro-
16 grams referred to in subsection (a) may be conducted at
17 regional training centers to be operated under the super-
18 vision of the Secretary by qualified (as determined by the
19 Secretary) not-for-profit organizations acting in coopera-
20 tion with States, labor organizations, or Indian tribes.

21 (2) In consultation with appropriate representatives
22 of colleges and universities and other organizations having
23 appropriate technical expertise, the Secretary may de-
24 velop—

25 (A) standards relating to the operation of cen-
26 ters under this subsection; and

1 (B) the curricula of the training programs car-
2 ried out under subsection (a).

3 (d) AUTHORITY TO CONSTRUCT FACILITIES.—The
4 Secretary may, in cooperation with the Chief of Engineers
5 of the Army, construct such facilities as the Secretary de-
6 termines necessary to carry out the training programs au-
7 thorized under subsection (a), including regional training
8 centers located at Department of Energy sites.

9 (e) DEFINITION.—In this section, the term “Indian
10 tribe” has the meaning provided in section 4(e) of the In-
11 dian Self-Determination and Education Assistance Act
12 (25 U.S.C. 450b(e)).

13 (f) FUNDING.—From funds authorized to be appro-
14 priated to the Secretary of Energy under this division,
15 \$20,000,000 may be used to carry out programs author-
16 ized in subsection (a).

17 **SEC. 3138. REVIEW OF DEPARTMENT OF ENERGY ENVIRON-**
18 **MENTAL COMPLIANCE AGREEMENTS.**

19 (a) REVIEW REQUIRED.—The Secretary of Energy
20 shall review each agreement that the Department of En-
21 ergy has entered into with the Environmental Protection
22 Agency, a State, or an Indian tribe to bring a Department
23 of Energy facility into compliance with the requirements
24 of the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal
25 Water Pollution Control Act (42 U.S.C. 6901 et seq.), the

1 Comprehensive Environmental Response Compensation
2 and Liability Act (42 U.S.C. 9601 et seq.), the Solid
3 Waste Disposal Act (42 U.S.C. 6901 et seq.), or a com-
4 parable State or local government law or regulation.

5 (b) CONTENT OF REVIEW.—The review required by
6 subsection (a) shall identify all required actions or mile-
7 stones that—

8 (1) can be completed faster than the schedule
9 provided in the agreement;

10 (2) are unnecessary because of—

11 (A) technological or programmatic
12 changes; or

13 (B) changes in circumstances or assump-
14 tions;

15 (3) cannot be completed by the completion date
16 scheduled in the agreement, but can be accomplished
17 within a reasonable time after such date by the use
18 of a more efficient or more cost-effective technology
19 than the technology that has been used;

20 (4) cannot be completed by the completion date
21 scheduled in the agreement because necessary tech-
22 nology will not be available in time to meet that
23 schedule;

24 (5) cannot be completed by the completion date
25 scheduled in the agreement because site character-

1 ization, site analysis, or another necessary informa-
2 tion collection activity will not be completed in time
3 to meet that schedule; or

4 (6) may endanger worker health and safety if
5 carried out within the period provided in the agree-
6 ment.

7 (c) CONSULTATION REQUIREMENT.—In conducting
8 the review of an agreement pursuant to subsection (a),
9 the Secretary shall consult with all parties to the agree-
10 ment and representatives of the community in which the
11 Department of Energy facility covered by the agreement
12 is located.

13 (d) REPORT TO CONGRESS.—The Secretary of En-
14 ergy, at the same time that the President submits to Con-
15 gress the budget for fiscal year 1996 pursuant to section
16 1105 of title 31, United States Code, shall submit to Con-
17 gress a report setting forth the following matters:

18 (1) The results of the review conducted pursu-
19 ant to subsection (a).

20 (2) Any alternatives to the milestones and com-
21 mitments that the Secretary considers appropriate.

22 (3) An explanation of any alternative action or
23 milestone that the Secretary considers necessary,
24 and the reason such alternative is necessary.

25 (4) For each such alternative—

1 (A) the date on which the alternative was
2 presented to the other parties to the agreement
3 concerned;

4 (B) whether the alternative was accepted,
5 rejected, or modified by any party to the agree-
6 ment; and

7 (C) whether the agreement was modified to
8 incorporate the alternative.

9 (e) EXISTING OBLIGATIONS.—(1) Notwithstanding
10 any other provision of this section, nothing in this Act is
11 intended to void or amend any obligation of the United
12 States under any agreement referred to in subsection (a).
13 In addition, this section is not intended to require any
14 party to any agreement referred to in subsection (a) to
15 renegotiate its agreement.

16 (2) The Secretary of Energy shall, 60 days prior to
17 filing its report required in subsection (d), provide a copy
18 of the proposed report and request comments from parties
19 to agreements referred to in subsection (a). Any such com-
20 ments received shall be printed as an appendix to the re-
21 port to Congress.

22 **SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION**
23 **PILOT PLANT IN NEW MEXICO.**

24 Section 1433(a) of the National Defense Authoriza-
25 tion Act, Fiscal Year 1989 (Public Law 100-456; 102

1 Stat. 2073) is amended in the second sentence by striking
2 out “four additional one-year periods” and inserting in
3 lieu thereof “nine additional one-year period”.

4 **SEC. 3140. STANDARDIZATION OF REQUIREMENTS AFFECT-**
5 **ING DEPARTMENT OF ENERGY EMPLOYEES.**

6 (a) Part A of title VI of the Department of Energy
7 Organization Act (42 U.S.C. 7211 through 7218) is re-
8 pealed.

9 (b) The table of contents for the Department of En-
10 ergy Organization Act is amended by striking out the mat-
11 ter relating to part A of title VI.

12 **Subtitle D—Cooperative Research and**
13 **Development**

14 **SEC. 3141. SHORT TITLE.**

15 This subtitle may be cited as the “Department of En-
16 ergy National Competitiveness Technology Partnership
17 Act of 1993”.

18 **SEC. 3142. DEFINITIONS.**

19 For purposes of this subtitle, the term—

20 (a) “Department” means the United States De-
21 partment of Energy; and

22 (b) “Secretary” means the Secretary of the
23 United States Department of Energy.

1 **SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DE-**
2 **PARTMENT OF ENERGY ORGANIZATION ACT.**

3 (a) The Department of Energy Organization Act is
4 amended by adding the following new title (42 U.S.C.
5 7101 et seq.):

6 **“TITLE XI—TECHNOLOGY PARTNERSHIPS**

7 **“SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.**

8 “(a) FINDINGS.—For purposes of this title, Congress
9 finds that—

10 “(1) the Department has scientific and tech-
11 nical resources within the departmental laboratories
12 in many areas of importance to the economic, sci-
13 entific and technological competitiveness of United
14 States industry;

15 “(2) the extensive scientific and technical in-
16 vestment in people, facilities and equipment in the
17 departmental laboratories can contribute to the
18 achievement of national technology goals in areas
19 such as the environment, health, space, and trans-
20 portation;

21 “(3) the Department has pursued aggressively
22 the transfer of technology from departmental labora-
23 tories to the private sector; however, the capabilities
24 of the laboratories could be made more fully acces-
25 sible to United States industry and to other Federal
26 agencies;

1 “(4) technology development has been increas-
2 ingly driven by the commercial marketplace, and the
3 private sector has research and development capa-
4 bilities in a broad range of generic technologies;

5 “(5) the Department and the departmental
6 laboratories would benefit, in carrying out their
7 missions, from collaboration and partnership with
8 United States industry and other Federal agencies;
9 and

10 “(6) partnerships between the departmental
11 laboratories and United States industry can provide
12 significant benefits to the Nation as a whole, includ-
13 ing creation of jobs for United States workers and
14 improvement of the competitive position of the
15 United States in key sectors of the economy such as
16 aerospace, automotive, chemical and electronics.

17 “(b) PURPOSES.—The purposes of this title are—

18 “(1) to promote partnerships among the De-
19 partment, the departmental laboratories and the pri-
20 vate sector;

21 “(2) to establish a goal for the amount of de-
22 partmental laboratory resources to be committed to
23 partnerships;

24 “(3) to ensure that the Department and the de-
25 partmental laboratories play an appropriate role,

1 consistent with the core competencies of the labora-
2 tories, in implementing the President's critical tech-
3 nology strategies;

4 “(4) to provide additional authority to the Sec-
5 retary to enter into partnerships with the private
6 sector to carry out research, development, dem-
7 onstration and commercial application activities;

8 “(5) to streamline the approval process for co-
9 operative research and development agreements pro-
10 posed by the departmental laboratories; and

11 “(6) to facilitate greater cooperation between
12 the Department and other federal agencies as part
13 of an integrated national effort to improve United
14 States competitiveness.

15 “(c) DEFINITIONS.—For purposes of this title, the
16 term—

17 “(1) ‘cooperative research and development
18 agreement’ has the meaning given that term in sec-
19 tion 12 of the Stevenson-Wydler Technology Innova-
20 tion Act of 1980 (15 U.S.C. 3710a(d)(1));

21 “(2) ‘core competency’ means an area in which
22 the Secretary determines a departmental laboratory
23 has developed expertise and demonstrated capabili-
24 ties;

1 “(3) ‘critical technology’ means a technology
2 identified in the Report of the National Critical
3 Technologies Panel;

4 “(4) ‘departmental laboratory’ means a facility
5 operated by or on behalf of the Department that
6 would be considered a laboratory as that term is de-
7 fined in section 12 of the Stevenson-Wydler Tech-
8 nology Innovation Act of 1980 (15 U.S.C.
9 3710a(d)(2)) or any other laboratory or facility des-
10 ignated by the Secretary;

11 “(5) ‘disadvantaged’ has the same meaning as
12 that term has in section 8(a) (5) and (6) of the
13 Small Business Act (15 U.S.C. 637(a) (5) and (6));

14 “(6) ‘dual-use technology’ means a technology
15 that has military and commercial applications;

16 “(7) ‘educational institution’ means a college,
17 university, or elementary or secondary school, in-
18 cluding any not-for-profit organization dedicated to
19 education that would be exempt under section
20 501(a) of the Internal Revenue Code of 1986;

21 “(8) ‘minority college or university’ means a
22 historically Black college or university that would be
23 considered a ‘part B institution’ by section 322(2) of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1061(2)) or a ‘minority institution’ as that term is

1 defined in section 1046 of the Higher Education Act
2 of 1965 (20 U.S.C. 1135d-5(3));

3 “(9) ‘multi-program departmental laboratory’
4 means any of the following: Argonne National Lab-
5 oratory, Brookhaven National Laboratory, Idaho
6 National Engineering Laboratory, Lawrence Berke-
7 ley Laboratory, Lawrence Livermore National Lab-
8 oratory, Los Alamos National Laboratory, National
9 Renewable Energy Laboratory, Oak Ridge National
10 Laboratory, Pacific Northwest Laboratory, and
11 Sandia National Laboratories;

12 “(10) ‘partnership’ means any arrangement
13 under which the Secretary or one or more depart-
14 mental laboratories undertakes research, develop-
15 ment, demonstration, commercial application or
16 technical assistance activities in cooperation with one
17 or more non-Federal partners and which may in-
18 clude partners from other Federal agencies;

19 “(11) ‘Report of the National Critical Tech-
20 nologies Panel’ means the biennial report on na-
21 tional critical technologies submitted to Congress by
22 the President pursuant to section 603(d) of the Na-
23 tional Science and Technology Policy, Organization,
24 and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

1 “(12) ‘small business’ means a business concern
2 that meets the applicable standards prescribed pur-
3 suant to section 3(a) of the Small Business Act (15
4 U.S.C. 632(a)).

5 **“SEC. 1102. GENERAL AUTHORITY.**

6 “(a)(1) In carrying out the missions of the Depart-
7 ment, the Secretary and the departmental laboratories
8 may conduct research, development, demonstration or
9 commercial application activities that build on the core
10 competencies of the departmental laboratories.

11 “(2) In addition to missions established pursu-
12 ant to other laws, the Secretary may assign to de-
13 partmental laboratories any of the following mis-
14 sions:

15 “(A) National security, including the—

16 “(i) advancement of the military ap-
17 plication of atomic energy;

18 “(ii) support of the production of
19 atomic weapons, or atomic weapons parts,
20 including special nuclear materials;

21 “(iii) support of naval nuclear propul-
22 sion programs;

23 “(iv) support for the dismantlement of
24 atomic weapons and the safe storage,

1 transportation and disposal of special nu-
2 clear materials;

3 “(v) development of technologies and
4 techniques for the safe storage, processing,
5 treatment, transportation, and disposal of
6 hazardous waste (including radioactive
7 waste) resulting from nuclear materials
8 production, weapons production and sur-
9 veillance programs, and naval nuclear pro-
10 pulsion programs and of technologies and
11 techniques for the reduction of environ-
12 mental hazards and contamination due to
13 such waste and the environmental restora-
14 tion of sites affected by such waste;

15 “(vi) development of technologies and
16 processes that facilitate the effective nego-
17 tiation and verification of international
18 arms control agreements and the contain-
19 ment of the proliferation of nuclear weap-
20 ons and the proliferation of delivery sys-
21 tems for such weapons; and

22 “(vii) protection of health and pro-
23 motion of safety in carrying out other na-
24 tional security missions.

1 “(B) Energy-related science and tech-
2 nology, including the—

3 “(i) enhancement of the understand-
4 ing of all forms of energy production and
5 use;

6 “(ii) support of basic and applied re-
7 search on the fundamental nature of mat-
8 ter and energy, including construction and
9 operation of unique scientific instruments;

10 “(iii) development of energy resources,
11 including solar, geothermal, fossil, and nu-
12 clear energy resources, and related fuel cy-
13 cles;

14 “(iv) pursuit of a comprehensive pro-
15 gram of research and development on the
16 environmental effects of energy tech-
17 nologies and programs;

18 “(v) development of technologies and
19 processes to reduce the generation of waste
20 or pollution or the consumption of energy
21 or materials;

22 “(vi) development of technologies and
23 techniques for the safe storage, processing,
24 treatment, management, transportation

1 and disposal of nuclear waste resulting
2 from commercial nuclear activities; and

3 “(vii) improvement of the quality of
4 education in science, mathematics, and en-
5 gineering.

6 “(C) Technology transfer.

7 “(3)(A) In addition to the missions identified in
8 subsection (a)(2), the Departmental laboratories
9 may pursue supporting missions to the extent that
10 these supporting missions—

11 “(i) support the technology policies of the
12 President;

13 “(ii) are developed in consultation with and
14 coordinated with any other Federal agency or
15 agencies that carry out such mission activities;

16 “(iii) are built upon the competencies de-
17 veloped in carrying out the primary missions
18 identified in subsection (a)(2) and do not inter-
19 fere with the pursuit of the missions identified
20 in subsection (a)(2); and

21 “(iv) are carried out through a process
22 that solicits the views of United States industry
23 and other appropriate parties.

24 “(B) These supporting missions shall include
25 activities in the following areas:

1 “(i) developing and operating high-per-
2 formance computing and communications sys-
3 tems, with the goals of contributing to a na-
4 tional information infrastructure and address-
5 ing complex scientific and industrial challenges
6 which require large-scale computational capa-
7 bilities;

8 “(ii) conducting research on and develop-
9 ment of advanced manufacturing systems and
10 technologies, with the goal of assisting the pri-
11 vate sector in improving the productivity, qual-
12 ity, energy efficiency, and control of manufac-
13 turing processes; and

14 “(iii) conducting research on and develop-
15 ment of advanced materials, with the goals of
16 increasing energy efficiency, environmental pro-
17 tection, and improved industrial performance.

18 “(4) In carrying out the Department’s missions,
19 the Secretary, and the directors of the departmental
20 laboratories, shall, to the maximum extent prac-
21 ticable, make use of partnerships. Such partnerships
22 shall be for purposes of the following:

23 “(A) to lead to the development of tech-
24 nologies that the private sector can commer-
25 cialize in areas of technology with broad appli-

1 cation important to United States technological
2 and economic competitiveness;

3 “(B) to provide Federal support in areas
4 of technology where the cost or risk is too high
5 for the private sector to support alone but that
6 offer a potentially high payoff to the United
7 States;

8 “(C) to contribute to the education and
9 training of scientists and engineers;

10 “(D) to provide university and private re-
11 searchers access to departmental laboratory fa-
12 cilities; or

13 “(E) to provide technical expertise to uni-
14 versities, industry or other Federal agencies.

15 “(b) The Secretary, in carrying out partnerships,
16 may enter into agreements using instruments authorized
17 under applicable laws, including but not limited to con-
18 tracts, cooperative research and development agreements,
19 work for other agreements, user-facility agreements, coop-
20 erative agreements, grants, personnel exchange agree-
21 ments and patent and software licenses with any person,
22 any agency or instrumentality of the United States, any
23 State or local governmental entity, any educational institu-
24 tion, and any other entity, private sector or otherwise.

1 “(c) The Secretary and the directors of the depart-
2 mental laboratories shall utilize partnerships with United
3 States industry, to the maximum extent practicable, to en-
4 sure that technologies developed in pursuit of the Depart-
5 ment’s missions are applied and commercialized in a time-
6 ly manner.

7 “(d) The Secretary shall work with other Federal
8 agencies to carry out research, development, demonstra-
9 tion or commercial application activities where the core
10 competencies of the departmental laboratories could con-
11 tribute to the missions of such other agencies.

12 **“SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS**
13 **BETWEEN DEPARTMENTAL LABORATORIES**
14 **AND UNITED STATES INDUSTRY.**

15 “(a) Beginning in fiscal year 1994, the Secretary
16 shall establish a goal to make available for cost-shared
17 partnerships with United States industry not less than 20
18 percent of the annual funds provided by the Secretary to
19 each multi-program departmental laboratory for research,
20 development, demonstration and commercial application
21 activities.

22 “(b) Beginning in fiscal year 1994, the Secretary
23 shall establish an appropriate goal for the amount of re-
24 sources to be made available for cost-shared partnerships

1 with United States industry at other departmental labora-
2 tories.

3 **“SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOP-**
4 **MENT OF CRITICAL TECHNOLOGY STRATE-**
5 **GIES.**

6 “(a) The Secretary shall develop a multi-year critical
7 technology strategy for research, development, demonstra-
8 tion and commercial application activities supported by
9 the Department for the critical technologies listed in the
10 Report of the National Critical Technologies Panel.

11 “(b) In developing such strategy, the Secretary
12 shall—

13 “(1) identify the core competencies of each de-
14 partmental laboratory;

15 “(2) develop goals and objectives for the appro-
16 priate role of the Department in each of the critical
17 technologies listed in the report, taking into consid-
18 eration the core competencies of the departmental
19 laboratories;

20 “(3) consult with appropriate representatives of
21 United States industry, including members of indus-
22 try associations and representatives of labor organi-
23 zations; and

24 “(4) participate in the executive branch process
25 to develop critical technology strategies.

1 **“SEC. 1105. PARTNERSHIP PREFERENCES.**

2 “(a) The Secretary shall ensure that the principal
3 economic benefits of any partnership accrue to the United
4 States economy.

5 “(b) Any partnership that would be given preference
6 under section 12(c)(4) of the Stevenson-Wydler Tech-
7 nology Innovation Act of 1980 (15 U.S.C. 3710a (c)(4))
8 if it were a cooperative research and development agree-
9 ment shall be given preference under this title.

10 “(c) The Secretary shall issue guidelines, after con-
11 sultation with the Laboratory Partnership Advisory Board
12 established in section 1109, for application of section
13 12(c)(4) of the Stevenson-Wydler Technology Innovation
14 Act of 1980 (15 U.S.C. 3710a (c)(4)) and application of
15 subsection (a) of this section to partnerships.

16 “(d) The Secretary shall encourage partnerships that
17 involve minority colleges or universities or private sector
18 entities owned or controlled by disadvantaged individuals.

19 **“SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.**

20 “(a) The Secretary, in consultation with the Labora-
21 tory Partnership Advisory Board established in section
22 1109, shall develop mechanisms for independent evalua-
23 tion of the ongoing partnership activities of the Depart-
24 ment and the departmental laboratories.

1 “(b)(1) The Secretary and the director of each de-
2 partmental laboratory shall develop mechanisms for as-
3 sessing the progress of each partnership.

4 “(2) The Secretary and the director of each depart-
5 mental laboratory shall utilize the mechanisms developed
6 under paragraph (1) to evaluate the accomplishments of
7 each ongoing multi-year partnership and shall condition
8 continued Federal participation in each partnership on
9 demonstrated progress.

10 **“SEC. 1107. ANNUAL REPORT.**

11 “(a) The Secretary shall submit an annual report to
12 Congress describing the ongoing partnership activities of
13 the Secretary and each departmental laboratory and, to
14 the extent practicable, the activities planned by the Sec-
15 retary and by each departmental laboratory for the coming
16 fiscal year. In developing the report, the Secretary shall
17 seek the advice of the Laboratory Partnership Advisory
18 Board established in section 1109.

19 “(b) The Secretary shall submit the report under sub-
20 section (a) to the appropriate Committees of the Congress.
21 No later than March 1, 1994, and no later than the first
22 of March of each subsequent year, the Secretary shall sub-
23 mit the report under subsection (a) that covers the fiscal
24 year beginning on the first of October of such year.

1 “(c) Each director of a departmental laboratory shall
2 provide annually to the Secretary a report on ongoing
3 partnership activities and a plan and such other informa-
4 tion as the Secretary may reasonably require describing
5 the partnership activities the director plans to carry out
6 in the coming fiscal year. The director shall provide such
7 report and plan in a timely manner as prescribed by the
8 Secretary to permit preparation of the report under sub-
9 section (a).

10 “(d) The Secretary’s description of planned activities
11 under subsection (a) shall include, to the extent such in-
12 formation is available, appropriate information on—

13 “(1) the total funds to be allocated to partner-
14 ship activities by the Secretary and by the director
15 of each departmental laboratory;

16 “(2) a breakdown of funds to be allocated by
17 the Secretary and by the director of each depart-
18 mental laboratory for partnership activities by area
19 of technology;

20 “(3) any plans for additional funds not de-
21 scribed in paragraph (2) to be set aside for partner-
22 ships during the coming fiscal year;

23 “(4) any partnership that involves a Federal
24 contribution in excess of \$500,000 the Secretary or

1 the director of each departmental laboratory expects
2 to enter into in the coming fiscal year;

3 “(5) the technologies that will be advanced by
4 each partnership that involves a Federal contribu-
5 tion in excess of \$500,000;

6 “(6) the types of entities that will be eligible for
7 participation in partnerships;

8 “(7) the nature of the partnership arrange-
9 ments, including the anticipated level of financial
10 and in-kind contribution from participants and any
11 repayment terms;

12 “(8) the extent of use of competitive procedures
13 in selecting partnerships; and

14 “(9) such other information that the Secretary
15 finds relevant to the determination of the appro-
16 priate level of Federal support for such partnerships.

17 “(e) The Secretary shall provide appropriate notice
18 in advance to Congress of any partnership, which has not
19 been described previously in the report required by sub-
20 section (a), that involves a Federal contribution in excess
21 of \$500,000.

22 **“SEC. 1108. PARTNERSHIP PAYMENTS.**

23 “(a)(1) Partnership agreements entered into by the
24 Secretary may require a person or other entity to make
25 payments to the Department, or any other Federal agen-

1 cy, as a condition for receiving support under the agree-
2 ment.

3 “(2) The amount of any payment received by the
4 Federal Government pursuant to a requirement imposed
5 under paragraph (1) may be credited, to the extent au-
6 thorized by the Secretary, to the account established under
7 paragraph (3). Amounts so credited shall be available,
8 subject to appropriations, for partnerships.

9 “(3) There is hereby established in the United States
10 Treasury an account to be known as the ‘Department of
11 Energy Partnership Fund’. Funds in such account shall
12 be available to the Secretary for the support of partner-
13 ships.

14 “(b) The Secretary may advance funds under any
15 partnership without regard to section 3324 of title 31 of
16 the United States Code to—

17 “(1) small businesses;

18 “(2) not-for-profit organizations that would be
19 exempt under section 501(a) of the Internal Revenue
20 Code of 1986; or

21 “(3) State or local governmental entities.

1 **“SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD**
2 **AND INDUSTRIAL ADVISORY GROUPS AT**
3 **MULTI-PROGRAM DEPARTMENTAL LABORA-**
4 **TORIES.**

5 “(a)(1) The Secretary shall establish within the De-
6 partment an advisory board to be known as the ‘Labora-
7 tory Partnership Advisory Board’, to provide the Sec-
8 retary with advice on the implementation of this title.

9 “(2) The membership of the Laboratory Partnership
10 Advisory Board shall consist of persons who are qualified
11 to provide the Secretary with advice on the implementa-
12 tion of this title. Members of the Board shall include rep-
13 resentatives primarily from United States industry but
14 shall also include representatives from—

15 “(A) small businesses;

16 “(B) private sector entities owned or controlled
17 by disadvantaged persons;

18 “(C) educational institutions, including rep-
19 resentatives from minority colleges or universities;

20 “(D) laboratories of other Federal agencies;
21 and

22 “(E) professional and technical societies in the
23 United States.

24 “(3) The Laboratory Partnership Advisory Board
25 shall request comment and suggestions from departmental

1 laboratories to assist the Board in providing advice to the
2 Secretary on the implementation of this title.

3 “(b) The director of each multi-program depart-
4 mental laboratory shall establish an advisory group con-
5 sisting of persons from United States industry to—

6 “(1) evaluate new initiatives proposed by the
7 departmental laboratory;

8 “(2) identify opportunities for partnerships with
9 United States industry; and

10 “(3) evaluate ongoing programs at the depart-
11 mental laboratory from the perspective of United
12 States industry.

13 “(c) Nothing in this section is intended to preclude
14 the Secretary or the director of a departmental laboratory
15 from utilizing existing advisory boards to achieve the pur-
16 poses of this section.

17 **“SEC. 1110. FELLOWSHIP PROGRAM.**

18 “The Secretary shall encourage scientists, engineers
19 and technical staff from departmental laboratories to serve
20 as visiting fellows in research and manufacturing facilities
21 of industrial organizations, State and local governments,
22 and educational institutions in the United States and for-
23 eign countries. The Secretary may establish a formal fel-
24 lowship program for this purpose or may authorize such
25 activities on a case-by-case basis. The Secretary shall also

1 encourage scientists and engineers from United States in-
2 dustry to serve as visiting scientists and engineers in the
3 departmental laboratories.

4 **“SEC. 1111. COOPERATION WITH STATE AND LOCAL PRO-**
5 **GRAMS FOR TECHNOLOGY DEVELOPMENT**
6 **AND DISSEMINATION.**

7 “The Secretary and the director of each departmental
8 laboratory shall seek opportunities to coordinate their ac-
9 tivities with programs of State and local governments for
10 technology development and dissemination, including pro-
11 grams funded in part by the Secretary of Defense pursu-
12 ant to section 2523 of title 10 of the United States Code
13 and section 2513 of title 10 of the United States Code
14 and programs funded in part by the Secretary of Com-
15 merce pursuant to sections 25 and 26 of the Act of March
16 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b)
17 of the Omnibus Trade and Competitiveness Act of 1988
18 (15 U.S.C. 278l note).

19 **“SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.**

20 “(a) All of the funds authorized to be appropriated
21 to the Secretary for research, development, demonstration
22 or commercial application activities, other than atomic en-
23 ergy defense programs, shall be available for partnerships
24 to the extent such partnerships are consistent with the
25 goals and objectives of such activities.

1 “(b) All of the funds authorized to be appropriated
2 to the Secretary for atomic energy defense activities shall
3 be available for partnerships to the extent such partner-
4 ships are consistent with the goals and objectives of such
5 activities.

6 “(c) Funds authorized to be appropriated to the Sec-
7 retary and made available for departmental laboratory-di-
8 rected research and development shall be available for any
9 partnership.

10 **“SEC. 1113. PROTECTION OF INFORMATION.**

11 “Section 12(c)(7) of the Stevenson-Wydler Tech-
12 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)),
13 relating to the protection of information, shall apply to
14 the partnership activities undertaken by the Secretary and
15 by the directors of the departmental laboratories.

16 **“SEC. 1114. FAIRNESS OF OPPORTUNITY.**

17 “(a) The Secretary and the director of each depart-
18 mental laboratory shall institute procedures to ensure that
19 information on laboratory capabilities and arrangements
20 for participating in partnerships with the Secretary or the
21 departmental laboratories is publicly disseminated.

22 “(b) Prior to entering into any partnership having a
23 Federal contribution in excess of \$5,000,000, the Sec-
24 retary or director of a departmental laboratory shall en-

1 sure that the opportunity to participate in such partner-
2 ship has been publicly announced to potential participants.

3 “(c) In cases where the Secretary or the director of
4 a departmental laboratory believes a potential partnership
5 activity would benefit from broad participation from the
6 private sector, the Secretary or the director of such de-
7 partmental laboratory may take such steps as may be nec-
8 essary to facilitate formation of a United States industry
9 consortium to pursue the partnership activity.

10 **“SEC. 1115. PRODUCT LIABILITY.**

11 “The Secretary, after consultation with the Labora-
12 tory Partnership Advisory Board established in section
13 1109, and the Attorney General shall enter into a memo-
14 randum of understanding establishing a consistent policy
15 and standards regarding the liability of the United States,
16 of the non-Federal entity operating a departmental labora-
17 tory and of any other party to a partnership for product
18 liability claims arising from partnership activities. The
19 Secretary and the director of each departmental labora-
20 tory shall, to the maximum extent practicable, incorporate
21 into any partnership the policy and standards established
22 in the memorandum of understanding.

23 **“SEC. 1116. INTELLECTUAL PROPERTY.**

24 “The Secretary shall, after consultation with the
25 Laboratory Partnership Advisory Board established in

1 section 1109, develop guidelines governing the application
2 of intellectual property laws by the Secretary and by the
3 director of each departmental laboratory in partnership
4 arrangements.

5 **“SEC. 1117. SMALL BUSINESS.**

6 “(a) The Secretary shall develop simplified proce-
7 dures and guidelines for partnerships involving small busi-
8 nesses to facilitate access to the resources and capabilities
9 of the departmental laboratories.

10 “(b) Notwithstanding any other law, the Secretary
11 may waive, in whole or in part, any cost-sharing require-
12 ment for a small business involved in a partnership if the
13 Secretary determines that the cost-sharing requirement
14 would impose an undue hardship on the small business
15 and would prevent the formation of the partnership.

16 “(c) Notwithstanding section 12(d) of the Stevenson-
17 Wydler Technology Innovation Act of 1980 (15 U.S.C.
18 3710a(d)(1)), the Secretary may provide funds as part of
19 a cooperative research and development agreement to a
20 small business if the Secretary determines that the funds
21 are necessary to prevent imposing an undue hardship on
22 the small business and necessary for the formation of the
23 cooperative research and development agreement.

1 **“SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.**

2 “Within one year after the date of enactment of this
3 title, and annually thereafter, the Secretary shall submit
4 to the appropriate committees of the United States Senate
5 and the United States House of Representatives a report
6 identifying opportunities for minority colleges and univer-
7 sities to participate in programs and activities being car-
8 ried out by the Department or the departmental labora-
9 tories. The Secretary shall consult with representatives of
10 minority colleges and universities in preparing the report.
11 Such report shall—

12 “(a) describe ongoing education and training
13 programs being carried out by the Department or
14 the departmental laboratories with respect to or in
15 conjunction with minority colleges and universities in
16 the areas of mathematics, science, and engineering;

17 “(b) describe ongoing research, development
18 demonstration or commercial application activities
19 involving the Department or the departmental lab-
20 oratories and minority colleges and universities;

21 “(c) describe funding levels for the programs
22 and activities described in subsections (a) and (b);

23 “(d) identify ways for the Department or the
24 departmental laboratories to assist minority colleges
25 and universities in providing education and training

1 in the fields of mathematics, science, and engineer-
2 ing;

3 “(e) identify ways for the Department or the
4 departmental laboratories to assist minority colleges
5 and universities in entering into partnerships;

6 “(f) address the need for and potential role of
7 the Department or the departmental laboratories in
8 providing to minority colleges and universities the
9 following:

10 “(1) increased research opportunities for
11 faculty and students;

12 “(2) assistance in faculty development and
13 recruitment and curriculum enhancement and
14 development; and

15 “(3) laboratory instrumentation and equip-
16 ment, including computer equipment, through
17 purchase, loan, or other transfer;

18 “(g) address the need for and potential role of
19 the Department or the departmental laboratories in
20 providing funding and technical assistance for the
21 development of infrastructure facilities, including
22 buildings and laboratory facilities at minority col-
23 leges and universities; and

24 “(h) make specific proposals and recommenda-
25 tions, together with estimates of necessary funding

1 levels, for initiatives to be carried out by the Depart-
2 ment or the departmental laboratories to assist mi-
3 nority colleges and universities in providing edu-
4 cation and training in the areas of mathematics,
5 science, and engineering, and in entering into part-
6 nerships with the Department or departmental lab-
7 oratories.

8 **“SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOL-
9 ARSHIP PROGRAM.**

10 “The Secretary shall establish a scholarship program
11 for students attending minority colleges or universities
12 and pursuing a degree in energy-related scientific, mathe-
13 matical, engineering, and technical disciplines. The pro-
14 gram shall include tuition assistance. The program shall
15 provide an opportunity for the scholarship recipient to
16 participate in an applied work experience in a depart-
17 mental laboratory. Recipients of such scholarships shall be
18 students deemed by the Secretary to have demonstrated
19 (1) a need for such assistance and (2) academic potential
20 in the particular area of study. Scholarships awarded
21 under this program shall be known as Secretary of Energy
22 Scholarships.”.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents of the Department of Energy Organization Act (42

1 U.S.C. 7101 et seq.) is amended by adding at the end
 2 thereof the following items:

“TITLE XI—TECHNOLOGY PARTNERSHIPS

- “Sec. 1101. Finding, purposes, and definitions.
- “Sec. 1102. General authority.
- “Sec. 1103. Establishment of goal for partnerships between departmental laboratories and United States industry.
- “Sec. 1104. Role of the Department in the development of critical technology strategies.
- “Sec. 1105. Partnership preferences.
- “Sec. 1106. Evaluation of partnership programs.
- “Sec. 1107. Annual report.
- “Sec. 1108. Partnership payments.
- “Sec. 1109. Laboratory partnership advisory board and industrial advisory groups at multi-program departmental laboratories.
- “Sec. 1110. Fellowship program.
- “Sec. 1111. Cooperation with State and local programs for technology development and dissemination.
- “Sec. 1112. Availability of funds for partnerships.
- “Sec. 1113. Protection of information.
- “Sec. 1114. Fairness of opportunity.
- “Sec. 1115. Product liability.
- “Sec. 1116. Intellectual property.
- “Sec. 1117. Small business.
- “Sec. 1118. Minority college and university report.
- “Sec. 1119. Minority college and university scholarship program.”.

3 **SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECH-**
 4 **NOLOGIES PROGRAM.**

5 The Secretary is encouraged to use partnerships to
 6 expedite the private sector deployment of advanced manu-
 7 facturing technologies as required by section 2202(a) of
 8 the Energy Policy Act of 1992 (42 U.S.C. 13502).

9 **SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.**

10 The Secretary shall encourage the establishment of
 11 not-for-profit organizations, such as the Center for Ap-
 12 plied Development of Environmental Technology
 13 (CADET), that will facilitate the transfer of technologies
 14 from the departmental laboratories to the private sector.

1 **SEC. 3146. CAREER PATH PROGRAM.**

2 (a) The Secretary, utilizing authority under other ap-
3 plicable law and the authority of this section, shall estab-
4 lish a career path program to recruit employees of the na-
5 tional laboratories to serve in positions in the Department.

6 (b) Section 207 of title 18, United States Code, is
7 amended by inserting after subsection (j)(6) the following:

8 “(7) NATIONAL LABORATORIES.—(A) The re-
9 strictions contained in subsections (a), (b), (c), and
10 (d) shall not apply to an appearance or communica-
11 tion made, or advice or aid rendered by a person em-
12 ployed at a facility described in subparagraph (B),
13 if the appearance or communication is made on be-
14 half of the facility or the advice or aid is provided
15 to the contractor of the facility.

16 “(B) This paragraph applies to the following:
17 Argonne National Laboratory, Brookhaven National
18 Laboratory, Idaho National Engineering Laboratory,
19 Lawrence Berkeley Laboratory, Lawrence Livermore
20 National Laboratory, Los Alamos National Labora-
21 tory, National Renewable Energy Laboratory, Oak
22 Ridge National Laboratory, Pacific Northwest Lab-
23 oratory, and Sandia National Laboratories.”.

24 (c) Section 27 of the Office of Federal Procurement
25 Policy Act (41 U.S.C. 423) is amended by inserting the
26 following new subsection:

1 “(q) NATIONAL LABORATORIES.—(1) The restric-
2 tions on obtaining a recusal contained in paragraphs
3 (c)(2) and (c)(3) shall not apply to discussions of future
4 employment or business opportunity between a procure-
5 ment official and a competing contractor managing and
6 operating a facility described in paragraph (3): *Provided,*
7 That such discussions concern the employment of the pro-
8 curement official at such facility.

9 “(2) The restrictions contained in paragraph (f)(1)
10 shall not apply to activities performed on behalf of a facil-
11 ity described in paragraph (3).

12 “(3) This subsection applies to the following: Ar-
13 gonne National Laboratory, Brookhaven National Labora-
14 tory, Idaho National Engineering Laboratory, Lawrence
15 Berkeley Laboratory, Lawrence Livermore National Lab-
16 oratory, Los Alamos National Laboratory, National Re-
17 newable Energy Laboratory, Oak Ridge National Labora-
18 tory, Pacific Northwest Laboratory, and Sandia National
19 Laboratories.”.

20 **SEC. 3147. AVLIS COMMERCIALIZATION.**

21 (a) PREDEPLOYMENT CONTRACTOR.—Not later than
22 ninety days after the date of enactment of this Act, the
23 Secretary shall solicit proposals for a commercial
24 predeployment contractor to conduct such activities as
25 may be necessary to enable the Secretary or any successor

1 to the Secretary's uranium enrichment enterprise to de-
2 ploy a commercial uranium enrichment plant using the
3 Atomic Vapor Laser Isotope Separation (AVLIS) tech-
4 nology. Such activities shall include—

5 (1) developing a transition plan for transferring
6 the AVLIS program from research, development,
7 and demonstration activities at the Lawrence Liver-
8 more National Laboratory to deployment of a com-
9 mercial AVLIS production plant;

10 (2) confirming the technical performance of
11 AVLIS technology;

12 (3) developing the economic and industrial as-
13 sessments necessary for the Secretary or his succes-
14 sor to make a commercial decision whether to deploy
15 AVLIS;

16 (4) providing an industrial perspective for the
17 planning and execution of remaining demonstration
18 program activities; and

19 (5) completing feasibility and risk studies nec-
20 essary for a commercial decision whether to deploy
21 AVLIS, including financing options.

22 (b) ADDITIONAL ACTIVITIES.—Based upon the re-
23 sults of subsection (a), the Secretary may solicit additional
24 proposals to complete the following activities:

1 (1) site selection, site characterization, and en-
2 vironmental documentation activities for a commer-
3 cial AVLIS plant;

4 (2) engineering design of a production plant,
5 developing a project schedule, and initiating oper-
6 ations planning;

7 (3) activities leading to obtaining necessary li-
8 censes from the Nuclear Regulatory Commission;
9 and

10 (4) ensuring the successful integration of
11 AVLIS technology into the commercial nuclear fuel
12 cycle.

13 (c) REPORTS.—The Secretary shall submit to the
14 Committee on Energy and Natural Resources of the
15 United States Senate and to the Speaker of the House
16 of Representatives a written report on the progress made
17 toward the deployment of a commercial AVLIS production
18 plant ninety days after the date of enactment of this Act
19 and each ninety days thereafter.

20 **SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECH-**
21 **NOLOGY INNOVATION ACT.**

22 (a) Section 12(c)(5) of the Stevenson-Wydler Tech-
23 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5))
24 is amended—

1 (1) by deleting subparagraph (C)(i) and insert-
2 ing in lieu thereof the following:

3 “(C)(i) Any agency that has contracted
4 with a non-Federal entity to operate a labora-
5 tory shall review and approve, request specific
6 modifications to, or disapprove a joint work
7 statement and cooperative research and devel-
8 opment agreement that is submitted by the di-
9 rector of such laboratory within thirty days
10 after such submission. In any case where an
11 agency has requested specific modifications to a
12 joint work statement or cooperative research
13 and development agreement, the agency shall
14 approve or disapprove any resubmission of such
15 joint work statement or cooperative research
16 and development agreement within fifteen days
17 after such resubmission. No agreement may be
18 entered into by a Government-owned, contrac-
19 tor-operated laboratory under this section be-
20 fore both approval of the cooperative research
21 and development agreement and a joint work
22 statement.”;

23 (2) by adding in subparagraph (C)(ii) the
24 words, “or cooperative research and development
25 agreement” after “joint work statement”;

1 (3) by deleting subparagraph (C)(iv);

2 (4) by deleting subparagraph (C)(v) and insert-
3 ing in lieu thereof:

4 “(C)(iv) If an agency fails to complete a
5 review under clause (i) within any of the speci-
6 fied time-periods, the agency shall submit to the
7 Congress, within ten days after the failure to
8 complete the review, a report on the reasons for
9 such failure. The agency shall, at the end of
10 each successive 15-day period thereafter during
11 which such failure continues, submit to Con-
12 gress another report on the reasons for the con-
13 tinued failure.”; and

14 (5) by deleting subparagraph (C)(vi).

15 (b) Section 12(d)(2) of the Stevenson-Wydler Tech-
16 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2))
17 is amended—

18 (1) in subparagraph (B) by striking “substan-
19 tial” before “purpose”; and

20 (2) in subparagraph (C) by striking “the pri-
21 mary purpose” and inserting in lieu thereof “one of
22 the purposes”.

23 **SEC. 3149. GUIDELINES.**

24 The implementation of the provisions of this Act shall
25 not be delayed pending the issuance of guidelines, policies

1 or standards required by sections 1105, 1115 and 1116
2 of the Department of Energy Organization Act (42 U.S.C.
3 7101 et seq.) as added by section 3143 of this Act.

4 **SEC. 3150. AUTHORIZATION.**

5 (a) In addition to funds made available for partner-
6 ships under section 1112 of the Department of Energy
7 Organization Act (42 U.S.C. 7101 et seq.) as added by
8 section 3143 of this Act, there is authorized to be appro-
9 priated from funds otherwise available to the Secretary for
10 partnership activities with industry in areas other than
11 atomic energy defense activities \$100,000,000 for fiscal
12 year 1994, \$140,000,000 for fiscal year 1995,
13 \$180,000,000 for fiscal year 1996 and \$220,000,000 for
14 fiscal year 1997.

15 (b) There is authorized to be appropriated to the Sec-
16 retary for the Minority College and University Scholarship
17 Program established in section 1119 of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.) as
19 added by section 3143 of this Act in areas other than
20 atomic energy defense activities \$1,000,000 for fiscal year
21 1994, \$2,000,000 for fiscal year 1995 and \$3,000,000 for
22 fiscal year 1996.

23 (c) There is authorized to be appropriated to the Sec-
24 retary for research or educational programs, in areas
25 other than atomic energy defense activities, carried out

1 through partnerships or otherwise, and for related facili-
 2 ties and equipment that involve minority colleges or uni-
 3 versities such sums as may be necessary.

4 **TITLE XXXII—NUCLEAR SAFETY**

5 **SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFE-**
 6 **TY BOARD.**

7 There are authorized to be appropriated for fiscal
 8 year 1994, \$18,000,000 for the operation of the Defense
 9 Nuclear Facilities Safety Board under chapter 21 of the
 10 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

11 **SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CON-**
 12 **GRESS OF CERTAIN INFORMATION PRE-**
 13 **PARED BY DEFENSE NUCLEAR SAFETY**
 14 **BOARD.**

15 (a) REQUIREMENT.—Chapter 21 of the Atomic En-
 16 ergy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

17 (1) by redesignating section 320 as section 321;

18 and

19 (2) by inserting after section 319 the following
 20 new section 320:

21 **“SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO**
 22 **CONGRESS.**

23 “Whenever the Board submits or transmits to the
 24 President or the Director of the Office of Management
 25 and Budget any budget estimate, budget request, supple-

1 mental budget request, or other budget information, any
2 legislative recommendation, or any statement or informa-
3 tion in preparation of a report to be submitted to Congress
4 pursuant to section 316(a), the Board shall submit at the
5 same time a copy thereof to Congress.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 at the beginning of the Atomic Energy Act of 1954 (42
8 U.S.C. 2011 et seq.) is amended by striking out the item
9 relating to section 320 and inserting in lieu thereof the
10 following:

“Sec. 320. Transmittal of certain information to Congress.

“Sec. 321. Annual authorization of appropriations.”.

Passed the Senate September 14 (legislative day,
September 7), 1993.

Attest:

Secretary.

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