

104TH CONGRESS
1ST SESSION

S. 1126

AN ACT

To authorize appropriations for fiscal year 1996 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 **SEC. 3001. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 National Security Act for Fiscal Year 1996”.

1 **SEC. 3002. TABLE OF CONTENTS.**

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

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

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Payment of penalties assessed against Rocky Flats Site.
- Sec. 3106. Standardization of ethics and reporting requirements affecting the
Department of Energy with Government-wide standards.
- Sec. 3107. Certain environmental restoration requirements.
- Sec. 3108. Amending the hydronuclear provisions of this Act.

Subtitle B—Recurring General Provisions

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

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

- Sec. 3131. Tritium production.
- Sec. 3132. Fissile materials disposition.
- Sec. 3133. Tritium recycling.
- Sec. 3134. Manufacturing infrastructure for refabrication and certification of
enduring nuclear weapons stockpile.
- Sec. 3135. Hydronuclear experiments.
- Sec. 3136. Fellowship program for development of skills critical to the Depart-
ment of Energy nuclear weapons complex.
- Sec. 3137. Education program for development of personnel critical to the De-
partment of Energy nuclear weapons complex.
- Sec. 3138. Limitation on use of funds for certain research and development
purposes.
- Sec. 3139. Processing of high level nuclear waste and spent nuclear fuel rods.
- Sec. 3140. Department of Energy Declassification Productivity Initiative.
- Sec. 3141. Authority to reprogram funds for disposition of certain spent nu-
clear fuel.
- Sec. 3142. Protection of workers at nuclear weapons facilities.

**Subtitle D—Review of Department of Energy National
Security Programs.**

Sec. 3151. Review of Department of Energy national security programs.

Subtitle E—Other Matters

Sec. 3161. Responsibility for Defense Programs Emergency Response Program.

Sec. 3162. Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996.

Sec. 3163. Report on proposed purchases of tritium from foreign suppliers.

Sec. 3164. Report on hydronuclear testing.

Sec. 3165. Plan for the certification and stewardship of the enduring nuclear weapons stockpile.

Sec. 3166. Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico.

Sec. 3167. Sense of Senate on negotiations regarding shipments of spent nuclear fuel from naval reactors.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NAVAL PETROLEUM RESERVES

Sec. 3301. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).

Sec. 3302. Future of naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1).

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

Sec. 3401. Authorized uses of stockpile funds.

Sec. 3402. Disposal of obsolete and excess materials contained in the National Defense Stockpile.

Sec. 3403. Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic.

Sec. 3404. Restrictions on disposal of manganese ferro.

Sec. 3405. Excess defense-related materials: transfer to stockpile and disposal.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.

Sec. 3502. Authorization of expenditures.

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

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

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

7 (a) STOCKPILE STEWARDSHIP.—Subject to sub-
8 section (d), funds are hereby authorized to be appro-
9 priated to the Department of Energy for fiscal year 1996
10 for stockpile stewardship in carrying out weapons activi-
11 ties necessary for national security programs in the
12 amount of \$1,624,080,000, to be allocated as follows:

13 (1) For core stockpile stewardship,
14 \$1,386,613,000, to be allocated as follows:

15 (A) For operation and maintenance,
16 \$1,305,308,000.

17 (B) For plant projects (including mainte-
18 nance, restoration, planning, construction, ac-
19 quisition, modification of facilities, and the con-
20 tinuation of projects authorized in prior years,
21 and land acquisition related thereto),
22 \$81,305,000, to be allocated as follows: Project
23 96–D–102, stockpile stewardship facilities revi-
24 talization, Phase VI, various locations,
25 \$2,520,000.

1 Project 96-D-103, Atlas, Los Alamos
2 National Laboratory, Los Alamos, New
3 Mexico, \$8,400,000.

4 Project 96-D-104, processing and en-
5 vironmental technology laboratory
6 (PETL), Sandia National Laboratories,
7 Albuquerque, New Mexico, \$1,800,000.

8 Project 96-D-105, contained firing
9 facility addition, Lawrence Livermore Na-
10 tional Laboratory, Livermore, California,
11 \$6,600,000.

12 Project 95-D-102, Chemical and
13 Metallurgy Research Building upgrades,
14 Los Alamos National Laboratory, New
15 Mexico, \$9,940,000.

16 Project 94-D-102, nuclear weapons
17 research, development, and testing facili-
18 ties revitalization, Phase V, various loca-
19 tions, \$12,200,000.

20 Project 93-D-102, Nevada support
21 facility, North Las Vegas, Nevada,
22 \$15,650,000.

23 Project 90-D-102, nuclear weapons
24 research, development, and testing facili-

1 ties revitalization, Phase III, various loca-
2 tions, \$6,200,000.

3 Project 88-D-106, nuclear weapons
4 research, development, and testing facili-
5 ties revitalization, Phase II, various loca-
6 tions, \$17,995,000.

7 (2) For inertial fusion, \$230,667,000, to be al-
8 located as follows:

9 (A) For operation and maintenance,
10 \$193,267,000.

11 (B) For the following plant project (includ-
12 ing maintenance, restoration, planning, con-
13 struction, acquisition, modification of facilities,
14 and land acquisition related thereto),
15 \$37,400,000:

16 Project 96-D-111, national ignition
17 facility, location to be determined.

18 (3) For Marshall Islands activities and Nevada
19 Test Site dose reconstruction, \$6,800,000.

20 (b) STOCKPILE MANAGEMENT.—Subject to sub-
21 section (d), funds are hereby authorized to be appro-
22 priated to the Department of Energy for fiscal year 1996
23 for stockpile management in carrying out weapons activi-
24 ties necessary for national security programs in the
25 amount of \$2,035,483,000, to be allocated as follows:

1 (1) For operation and maintenance,
2 \$1,911,858,000.

3 (2) For plant projects (including maintenance,
4 restoration, planning, construction, acquisition,
5 modification of facilities, and the continuation of
6 projects authorized in prior years, and land acquisition
7 related thereto), \$123,625,000, to be allocated
8 as follows:

9 Project GPD-121, general plant projects,
10 various locations, \$10,000,000.

11 Project 96-D-122, sewage treatment quality
12 upgrade (STQU), Pantex Plant, Amarillo,
13 Texas, \$600,000.

14 Project 96-D-123, retrofit heating, ventilation,
15 and air conditioning and chillers for
16 ozone protection, Y-12 Plant, Oak Ridge, Tennessee,
17 \$3,100,000.

18 Project 96-D-125, Washington measurements
19 operations facility, Andrews Air Force
20 Base, Camp Springs, Maryland, \$900,000.

21 Project 96-D-126, tritium loading line
22 modifications, Savannah River Site, South
23 Carolina, \$12,200,000.

1 Project 95-D-122, sanitary sewer up-
2 grade, Y-12 Plant, Oak Ridge, Tennessee,
3 \$6,300,000.

4 Project 94-D-124, hydrogen fluoride sup-
5 ply system, Y-12 Plant, Oak Ridge, Tennessee,
6 \$8,700,000.

7 Project 94-D-125, upgrade life safety,
8 Kansas City Plant, Kansas City, Missouri,
9 \$5,500,000.

10 Project 94-D-127, emergency notification
11 system, Pantex Plant, Amarillo, Texas,
12 \$2,000,000.

13 Project 94-D-128, environmental safety
14 and health analytical laboratory, Pantex Plant,
15 Amarillo, Texas, \$4,000,000.

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

19 Project 93-D-123, complex-21, various lo-
20 cations, \$41,065,000.

21 Project 88-D-122, facilities capability as-
22 surance program, various locations, \$8,660,000.

23 Project 88-D-123, security enhancements,
24 Pantex Plant, Amarillo, Texas, \$13,400,000.

1 (c) PROGRAM DIRECTION.—Subject to subsection
2 (d), funds are hereby authorized to be appropriated to the
3 Department of Energy for fiscal year 1996 for program
4 direction in carrying out weapons activities necessary for
5 national security programs in the amount of
6 \$118,000,000.

7 (d) ADJUSTMENTS.—The total amount authorized to
8 be appropriated pursuant to this section is the sum of the
9 amounts authorized to be appropriated in subsections (a)
10 through (c) reduced by the sum of—

11 (1) \$25,000,000, for savings resulting from
12 procurement reform; and

13 (2) \$86,344,000, for use of prior year balances.

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

16 (a) CORRECTIVE ACTIVITIES.—Subject to subsection
17 (i), funds are hereby authorized to be appropriated to the
18 Department of Energy for fiscal year 1996 for corrective
19 activities in carrying out environmental restoration and
20 waste management activities necessary for national secu-
21 rity programs in the amount of \$3,406,000, all of which
22 shall be available for the following plant project (including
23 maintenance, restoration, planning, construction, acquisi-
24 tion, modification of facilities, and land acquisition related
25 thereto):

1 Project 90–D–103, environment, safety and
2 health improvements, weapons research and develop-
3 ment complex, Los Alamos National Laboratory,
4 Los Alamos, New Mexico.

5 (b) ENVIRONMENTAL RESTORATION.—Subject to
6 subsection (i), funds are hereby authorized to be appro-
7 priated to the Department of Energy for fiscal year 1996
8 for environmental restoration for operating expenses in
9 carrying out environmental restoration and waste manage-
10 ment activities necessary for national security programs
11 in the amount of \$1,550,926,000.

12 (c) WASTE MANAGEMENT.—Subject to subsection (i),
13 funds are hereby authorized to be appropriated to the De-
14 partment of Energy for fiscal year 1996 for waste man-
15 agement in carrying out environmental restoration and
16 waste management activities necessary for national secu-
17 rity programs in the amount of \$2,386,596,000, to be allo-
18 cated as follows:

19 (1) For operation and maintenance,
20 \$2,151,266,000.

21 (2) For plant projects (including maintenance,
22 restoration, planning, construction, acquisition,
23 modification of facilities, and the continuation of
24 projects authorized in prior years, and land acquisi-

1 tion related thereto), \$235,330,000, to be allocated
2 as follows:

3 Project GPD-171, general plant projects,
4 various locations, \$15,728,000.

5 Project 96-D-400, replace industrial waste
6 piping, Kansas City Plant, Kansas City, Mis-
7 souri, \$200,000.

8 Project 96-D-401, comprehensive treat-
9 ment and management plan immobilization of
10 miscellaneous wastes, Rocky Flats Environ-
11 mental Technology Site, Golden, Colorado,
12 \$1,400,000.

13 Project 96-D-402, comprehensive treat-
14 ment and management plan building 374/774
15 sludge immobilization, Rocky Flats Environ-
16 mental Technology Site, Golden, Colorado,
17 \$1,500,000.

18 Project 96-D-403, tank farm service up-
19 grades, Savannah River, South Carolina,
20 \$3,315,000.

21 Project 96-D-405, T-plant secondary con-
22 tainment and leak detection upgrades, Rich-
23 land, Washington, \$2,100,000.

24 Project 96-D-406, K-Basin operations
25 program, Richland, Washington, \$41,000,000.

1 Project 96-D-409, advanced mixed waste
2 treatment facility, Idaho National Engineering
3 Laboratory, Idaho, \$5,000,000.

4 Project 96-D-410, specific manufacturing
5 characterization facility assessment and up-
6 grade, Idaho National Engineering Laboratory,
7 Idaho, \$2,000,000.

8 Project 95-D-402, install permanent elec-
9 trical service, Waste Isolation Pilot Plant, New
10 Mexico, \$4,314,000.

11 Project 95-D-405, industrial landfill V
12 and construction/demolition landfill VII, Y-12
13 Plant, Oak Ridge, Tennessee, \$4,600,000.

14 Project 95-D-406, road 5-01 reconstruc-
15 tion, area 5, Nevada Test Site, Nevada,
16 \$1,023,000.

17 Project 94-D-400, high explosive
18 wastewater treatment system, Los Alamos Na-
19 tional Laboratory, Los Alamos, New Mexico,
20 \$4,445,000.

21 Project 94-D-402, liquid waste treatment
22 system, Nevada Test Site, Nevada, \$282,000.

23 Project 94-D-404, Melton Valley storage
24 tanks capacity increase, Oak Ridge National

1 Laboratory, Oak Ridge, Tennessee,
2 \$11,000,000.

3 Project 94-D-407, initial tank retrieval
4 systems, Richland, Washington, \$9,400,000.

5 Project 94-D-411, solid waste operations
6 complex project, Richland, Washington,
7 \$5,500,000.

8 Project 94-D-417, intermediate-level and
9 low-activity waste vaults, Savannah River,
10 South Carolina, \$2,704,000.

11 Project 93-D-178, building 374 liquid
12 waste treatment facility, Rocky Flats Plant,
13 Golden, Colorado, \$3,900,000.

14 Project 93-D-182, replacement of cross-
15 site transfer system, Richland, Washington,
16 \$19,795,000.

17 Project 93-D-183, multi-tank waste stor-
18 age facility, Richland, Washington,
19 \$31,000,000.

20 Project 93-D-187, high-level waste re-
21 moval from filled waste tanks, Savannah River,
22 South Carolina, \$34,700,000.

23 Project 92-D-171, mixed waste receiving
24 and storage facility, Los Alamos National Lab-
25 oratory, Los Alamos, New Mexico, \$1,105,000.

1 Project 92-D-188, waste management en-
2 vironmental, safety and health (ES&H) and
3 compliance activities, various locations,
4 \$1,100,000.

5 Project 90-D-172, aging waste transfer
6 lines, Richland, Washington, \$2,000,000.

7 Project 90-D-177, RWMC transuranic
8 (TRU) waste characterization and storage facil-
9 ity, Idaho National Engineering Laboratory,
10 Idaho, \$1,428,000.

11 Project 90-D-178, TSA retrieval contain-
12 ment building, Idaho National Engineering
13 Laboratory, Idaho, \$2,606,000.

14 Project 89-D-173, tank farm ventilation
15 upgrade, Richland, Washington, \$800,000.

16 Project 89-D-174, replacement high-level
17 waste evaporator, Savannah River, South Caro-
18 lina, \$11,500,000.

19 Project 86-D-103, decontamination and
20 waste treatment facility, Lawrence Livermore
21 National Laboratory, California, \$8,885,000.

22 Project 83-D-148, nonradioactive hazard-
23 ous waste management, Savannah River, South
24 Carolina, \$1,000,000.

1 (d) TECHNOLOGY DEVELOPMENT.—Subject to sub-
2 section (i), funds are hereby authorized to be appropriated
3 to the Department of Energy for fiscal year 1996 for tech-
4 nology development in carrying out environmental restora-
5 tion and waste management activities necessary for na-
6 tional security programs in the amount of \$505,510,000.

7 (e) TRANSPORTATION MANAGEMENT.—Subject to
8 subsection (i), funds are hereby authorized to be appro-
9 priated to the Department of Energy for fiscal year 1996
10 for transportation management in carrying out environ-
11 mental restoration and waste management activities nec-
12 essary for national security programs in the amount of
13 \$16,158,000.

14 (f) NUCLEAR MATERIALS AND FACILITIES STA-
15 BILIZATION.—Subject to subsection (i), funds are hereby
16 authorized to be appropriated to the Department of En-
17 ergy for fiscal year 1996 for nuclear materials and facili-
18 ties stabilization in carrying out environmental restoration
19 and waste management activities necessary for national
20 security programs in the amount of \$1,596,028,000, to
21 be allocated as follows:

22 (1) For operation and maintenance,
23 \$1,463,384,000.

24 (2) For plant projects (including maintenance,
25 restoration, planning, construction, acquisition,

1 modification of facilities, and the continuation of
2 projects authorized in prior years, and land acquisition
3 related thereto), \$132,644,000, to be allocated
4 as follows:

5 Project GPD-171, general plant projects,
6 various locations, \$14,724,000.

7 Project 96-D-458, site drainage control,
8 Mound Plant, Miamisburg, Ohio, \$885,000.

9 Project 96-D-461, electrical distribution
10 upgrade, Idaho National Engineering Laboratory,
11 Idaho, \$1,539,000.

12 Project 96-D-462, health physics instrument
13 laboratory, Idaho National Engineering
14 Laboratory, Idaho, \$1,126,000.

15 Project 96-D-463, central facilities craft
16 shop, Idaho National Engineering Laboratory,
17 Idaho, \$724,000.

18 Project 96-D-464, electrical and utility
19 systems upgrade, Idaho Chemical Processing
20 Plant, Idaho National Engineering Laboratory,
21 Idaho, \$4,952,000.

22 Project 96-D-465, 200 area sanitary
23 sewer system, Richland, Washington,
24 \$1,800,000.

1 Project 96-D-470, environmental monitor-
2 ing laboratory, Savannah River Site, Aiken,
3 South Carolina, \$3,500,000.

4 Project 96-D-471, chlorofluorocarbon
5 heating, ventilation, and air conditioning and
6 chiller retrofit, Savannah River Site, Aiken,
7 South Carolina, \$1,500,000.

8 Project 96-D-472, plant engineering and
9 design, Savannah River Site, Aiken, South
10 Carolina, \$4,000,000.

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

14 Project 96-D-474, dry fuel storage facil-
15 ity, Idaho National Engineering Laboratory,
16 Idaho, \$15,000,000.

17 Project 96-D-475, high level waste volume
18 reduction demonstration (pentaborane), Idaho
19 National Engineering Laboratory, Idaho,
20 \$5,000,000.

21 Project 95-D-155, upgrade site road in-
22 frastructure, Savannah River, South Carolina,
23 \$2,900,000.

24 Project 95-D-156, radio trunking system,
25 Savannah River, South Carolina, \$10,000,000.

1 Project 95-D-454, 324 facility compliance/
2 renovation, Richland, Washington, \$3,500,000.

3 Project 95-D-456, security facilities up-
4 grade, Idaho Chemical Processing Plant, Idaho
5 National Engineering Laboratory, Idaho,
6 \$8,382,000.

7 Project 94-D-122, underground storage
8 tanks, Rocky Flats, Golden, Colorado,
9 \$5,000,000.

10 Project 94-D-401, emergency response fa-
11 cility, Idaho National Engineering Laboratory,
12 Idaho, \$5,074,000.

13 Project 94-D-412, 300 area process sewer
14 piping system upgrade, Richland, Washington,
15 \$1,000,000.

16 Project 94-D-415, medical facilities, Idaho
17 National Engineering Laboratory, Idaho,
18 \$3,601,000.

19 Project 94-D-451, infrastructure replace-
20 ment, Rocky Flats Plant, Golden, Colorado,
21 \$2,940,000.

22 Project 93-D-147, domestic water system
23 upgrade, Phase I and II, Savannah River,
24 South Carolina, \$7,130,000.

1 Project 93-D-172, electrical upgrade,
2 Idaho National Engineering Laboratory, Idaho,
3 \$124,000.

4 Project 92-D-123, plant fire/security
5 alarms system replacement, Rocky Flats Plant,
6 Golden, Colorado, \$9,560,000.

7 Project 92-D-125, master safeguards and
8 security agreement/materials surveillance task
9 force security upgrades, Rocky Flats Plant,
10 Golden, Colorado, \$7,000,000.

11 Project 92-D-181, fire and life safety im-
12 provements, Idaho National Engineering Lab-
13 oratory, Idaho, \$6,883,000.

14 Project 91-D-127, criticality alarm and
15 production annunciation utility replacement,
16 Rocky Flats Plant, Golden, Colorado,
17 \$2,800,000.

18 (g) COMPLIANCE AND PROGRAM COORDINATION.—
19 Subject to subsection (i), funds are hereby authorized to
20 be appropriated to the Department of Energy for fiscal
21 year 1996 for compliance and program coordination in
22 carrying out environmental restoration and waste manage-
23 ment activities necessary for national security programs
24 in the amount of \$81,251,000, to be allocated as follows:

1 (1) For operation and maintenance,
2 \$66,251,000.

3 (2) For the following plant project (including
4 maintenance, restoration, planning, construction, ac-
5 quisition, modification of facilities, and land acquisi-
6 tion related thereto), \$15,000,000:

7 Project 95-E-600, hazardous materials
8 training center, Richland, Washington.

9 (h) ANALYSIS, EDUCATION, AND RISK MANAGE-
10 MENT.—Subject to subsection (i), funds are hereby au-
11 thorized to be appropriated to the Department of Energy
12 for fiscal year 1996 for analysis, education, and risk man-
13 agement in carrying out environmental restoration and
14 waste management activities necessary for national secu-
15 rity programs in the amount of \$80,022,000.

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

20 (1) \$276,942,000, for use of prior year bal-
21 ances; and

22 (2) \$37,000,000 for recovery of overpayment to
23 the Savannah River Pension Fund.

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

2 (a) OTHER DEFENSE ACTIVITIES.—Subject to sub-
3 section (b), funds are hereby authorized to be appro-
4 priated to the Department of Energy for fiscal year 1996
5 for other defense activities in carrying out programs nec-
6 essary for national security in the amount of
7 \$1,408,162,000, to be allocated as follows:

8 (1) For verification and control technology,
9 \$430,842,000, to be allocated as follows:

10 (A) For nonproliferation and verification
11 research and development, \$226,142,000.

12 (B) For arms control, \$162,364,000.

13 (C) For intelligence, \$42,336,000.

14 (2) For nuclear safeguards and security,
15 \$83,395,000.

16 (3) For security investigations, \$25,000,000.

17 (4) For security evaluations, \$14,707,000.

18 (5) For the Office of Nuclear Safety,
19 \$15,050,000.

20 (6) For worker and community transition,
21 \$100,000,000.

22 (7) For fissile materials disposition,
23 \$70,000,000.

24 (8) For naval reactors development,
25 \$682,168,000, to be allocated as follows:

1 (A) For operation and infrastructure,
2 \$659,168,000.

3 (B) For plant projects (including mainte-
4 nance, restoration, planning, construction, ac-
5 quisition, modification of facilities, and the con-
6 tinuation of projects authorized in prior years,
7 and land acquisition related thereto),
8 \$23,000,000, to be allocated as follows:

9 Project 95-D-200, laboratory systems
10 and hot cell upgrades, various locations,
11 \$11,300,000.

12 Project 95-D-201, advanced test re-
13 actor radioactive waste system upgrades,
14 Idaho National Engineering Laboratory,
15 Idaho, \$4,800,000.

16 Project 93-D-200, engineering serv-
17 ices facilities, Knolls Atomic Power Lab-
18 oratory, Niskayuna, New York,
19 \$3,900,000.

20 Project 90-N-102, expended core fa-
21 cility dry cell project, Naval Reactors Fa-
22 cility, Idaho, \$3,000,000.

23 (b) ADJUSTMENT.—The total amount that may be
24 appropriated pursuant to this section is the total amount

1 authorized to be appropriated in subsection (a) reduced
2 by \$13,000,000, for use of prior year balances.

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

4 Funds are hereby authorized to be appropriated to
5 the Department of Energy for fiscal year 1996 for pay-
6 ment to the Nuclear Waste Fund established in section
7 302(c) of the Nuclear Waste Policy Act of 1982 (42
8 U.S.C. 10222(c)) in the amount of \$198,400,000.

9 **SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST**
10 **ROCKY FLATS SITE.**

11 The Secretary of Energy may pay to the Hazardous
12 Substance Superfund established under section 9507 of
13 the Internal Revenue Code of 1986 (26 U.S.C. 9507),
14 from funds appropriated to the Department of Energy for
15 environmental restoration and waste management activi-
16 ties pursuant to section 3102, stipulated civil penalties in
17 the amount of \$350,000 assessed under the Comprehen-
18 sive Environmental Response, Compensation, and Liabil-
19 ity Act of 1980 (42 U.S.C. 9601 et seq.) against the
20 Rocky Flats Site, Golden, Colorado.

1 **SEC. 3106. STANDARDIZATION OF ETHICS AND REPORTING**
2 **REQUIREMENTS AFFECTING THE DEPART-**
3 **MENT OF ENERGY WITH GOVERNMENT-WIDE**
4 **STANDARDS.**

5 (a) REPEALS.—(1) Part A of title VI of the Depart-
6 ment of Energy Organization Act and its catchline (42
7 U.S.C. 7211, 7212, and 7218) are repealed.

8 (2) Section 308 of the Energy Research and Develop-
9 ment Administration Appropriation Authorization Act for
10 Fiscal Year 1977 (42 U.S.C. 5816a) is repealed.

11 (3) Section 522 of the Energy Policy and Conserva-
12 tion Act (42 U.S.C. 6392) is repealed.

13 (b) CONFORMING AMENDMENTS.—(1) The table of
14 contents for the Department of Energy Organization Act
15 is amended by striking out the items relating to part A
16 of title VI including sections 601 through 603.

17 (2) The table of contents for the Energy Policy and
18 Conservation Act is amended by striking out the matter
19 relating to section 522.

20 **SEC. 3107. CERTAIN ENVIRONMENTAL RESTORATION RE-**
21 **QUIREMENTS.**

22 It is the sense of Congress that:

23 (1) No individual acting within the scope of
24 that individual's employment with a Federal agency
25 or department shall be personally subject to civil or
26 criminal sanctions, for any failure to comply with an

1 environmental cleanup requirement under the Solid
2 Waste Disposal Act or the Comprehensive Environ-
3 mental Response, Compensation, and Liability Act
4 or an analogous requirement under comparable Fed-
5 eral, State, or local laws, whether the failure to com-
6 ply is due to lack of funds requested or appropriated
7 to carry out such requirement. Federal and State
8 enforcement authorities shall refrain from enforce-
9 ment action in such circumstances.

10 (2) If appropriations by the Congress for fiscal
11 year 1996 or any subsequent fiscal year are insuffi-
12 cient to fund any such environmental cleanup re-
13 quirements, the committees of Congress with juris-
14 diction shall examine the issue, elicit the views of
15 Federal agencies, affected States, and the public,
16 and consider appropriate statutory amendments to
17 address personal criminal liability, and any related
18 issues pertaining to potential liability of any Federal
19 agency or department or its contractors.

20 **SEC. 3108. AMENDING THE HYDRONUCLEAR PROVISIONS**
21 **OF THIS ACT.**

22 Notwithstanding any other provision of this Act, the
23 provision dealing with hydronuclear experiments is quali-
24 fied in the following respect:

1 “(c) LIMITATIONS.—Nothing in this Act shall be con-
2 strued as an authorization to conduct hydronuclear tests.
3 Furthermore, nothing in this Act shall be construed as
4 amending or repealing the requirements of section 507 of
5 Public Law 102–377.”.

6 **Subtitle B—Recurring General**
7 **Provisions**

8 **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

22 (b) REPORT.—(1) The report referred to in sub-
23 section (a) is a report containing a full and complete state-
24 ment of the action proposed to be taken and the facts and

1 circumstances relied upon in support of such proposed ac-
2 tion.

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

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

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

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

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

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

1 defense committees explaining the reasons for the cost
2 variation.

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

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

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

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

18 (2) An action described in paragraph (1) may be
19 taken if—

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

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

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

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

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

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

21 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY;
22 LIMITATIONS.—(1) Subject to paragraph (2), the Sec-
23 retary of Energy may transfer funds authorized to be ap-
24 propriated to the Department of Energy pursuant to this
25 title between any such authorizations. Amounts of author-

1 izations so transferred may be merged with and be avail-
2 able for the same purposes and for the same period as
3 the authorization to which the amounts are transferred.

4 (2) Not more than 5 percent of any such authoriza-
5 tion may be transferred between authorizations under
6 paragraph (1). No such authorization may be increased
7 or decreased by more than 5 percent by a transfer under
8 such paragraph.

9 (3) The authority provided by this section to transfer
10 authorizations—

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

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

17 (c) NOTICE TO CONGRESS.—The Secretary of Energy
18 shall promptly notify the Committee on Armed Services
19 of the Senate and the Committee on National Security of
20 the House of Representatives of any transfer of funds to
21 or from authorizations under this title.

22 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
23 **TION DESIGN.**

24 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
25 Subject to paragraph (2) and except as provided in para-

1 graph (3), before submitting to Congress a request for
2 funds for a construction project that is in support of a
3 national security program of the Department of Energy,
4 the Secretary of Energy shall complete a conceptual de-
5 sign for that project.

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

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

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

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

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

23 (2) If the total estimated cost for construction design
24 in connection with any construction project exceeds

1 \$600,000, funds for such design must be specifically au-
2 thorized by law.

3 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
4 **SIGN, AND CONSTRUCTION ACTIVITIES.**

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

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

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

1 (d) REPORT.—The Secretary of Energy shall report
2 to the congressional defense committees any exercise of
3 authority under this section.

4 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
5 **RITY PROGRAMS OF THE DEPARTMENT OF**
6 **ENERGY.**

7 Subject to the provisions of appropriations Acts and
8 section 3121 of this title, amounts appropriated pursuant
9 to this title for management and support activities and
10 for general plant projects are available for use, when nec-
11 essary, in connection with all national security programs
12 of the Department of Energy.

13 **SEC. 3128. AVAILABILITY OF FUNDS.**

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

17 **Subtitle C—Program Authoriza-**
18 **tions, Restrictions, and Limita-**
19 **tions**

20 **SEC. 3131. TRITIUM PRODUCTION.**

21 (a) TRITIUM PRODUCTION.—Of the funds authorized
22 to be appropriated to the Department of Energy under
23 section 3101, not more than \$50,000,000 shall be avail-
24 able to conduct an assessment of alternative means of en-
25 suring that the tritium production of the Department of

1 Energy is adequate to meet the tritium requirements of
2 the Department of Defense. The assessment shall include
3 an assessment of various types of reactors and an accel-
4 erator.

5 (b) LOCATION OF NEW TRITIUM PRODUCTION FA-
6 CILITY.—The Secretary of Energy shall locate the new
7 tritium production facility of the Department of Energy
8 at the Savannah River Site, South Carolina.

9 (c) TRITIUM TARGETS.—Of the funds authorized to
10 be appropriated to the Department of Energy under sec-
11 tion 3101, not more than \$5,000,000 shall be available
12 for the Idaho National Engineering Laboratory for the
13 test and development of nuclear reactor tritium targets for
14 the various types of reactors to be assessed by the Depart-
15 ment under subsection (a).

16 **SEC. 3132. FISSILE MATERIALS DISPOSITION.**

17 Of the funds authorized to be appropriated to the De-
18 partment of Energy for fiscal year 1996 under section
19 3103(a)(7), \$70,000,000 shall be available only for pur-
20 poses of completing the evaluation of, and commencing im-
21 plementation of, the interim- and long-term storage and
22 disposition of fissile materials (including plutonium, highly
23 enriched uranium, and other fissile materials) that are ex-
24 cess to the national security needs of the United States,
25 of which \$10,000,000 shall be available for plutonium re-

1 source assessment on a competitive basis by an appro-
2 priate university consortium.

3 **SEC. 3133. TRITIUM RECYCLING.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), the following activities shall be carried out at the Sa-
6 vannah River Site, South Carolina:

7 (1) All tritium recycling for weapons, including
8 tritium refitting.

9 (2) All activities regarding tritium formerly car-
10 ried out at the Mound Plant, Ohio.

11 (b) EXCEPTION.—The following activities may be
12 carried out at the Los Alamos National Laboratory, New
13 Mexico:

14 (1) Research on tritium.

15 (2) Work on tritium in support of the defense
16 inertial confinement fusion program.

17 (3) Provision of technical assistance to the Sa-
18 vannah River Site regarding the weapons surveil-
19 lance program.

20 **SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR**
21 **REFABRICATION AND CERTIFICATION OF EN-**
22 **DURING NUCLEAR WEAPONS STOCKPILE.**

23 (a) MANUFACTURING PROGRAM.—The Secretary of
24 Energy shall carry out a program for purposes of estab-
25 lishing within the Government a manufacturing infra-

1 structure that has the following capabilities as specified
2 in the Nuclear Posture Review:

3 (1) To develop a stockpile surveillance engineer-
4 ing base.

5 (2) To refabricate and certify weapon compo-
6 nents and types in the enduring nuclear weapons
7 stockpile, as necessary.

8 (3) To design, fabricate, and certify new nu-
9 clear warheads, as necessary.

10 (4) To support nuclear weapons.

11 (5) To supply sufficient tritium in support of
12 nuclear weapons to ensure an upload hedge in the
13 event circumstances require.

14 (b) REQUIRED CAPABILITIES.—The manufacturing
15 infrastructure established under the program under sub-
16 section (a) shall include the following capabilities (modern-
17 ized to attain the objectives referred to in that subsection):

18 (1) The weapons assembly capabilities of the
19 Pantex Plant.

20 (2) The weapon secondary fabrication capabili-
21 ties of the Y-12 Plant, Oak Ridge, Tennessee.

22 (3) The tritium production and recycling capa-
23 bilities of the Savannah River Site.

24 (4) A weapon primary pit refabrication/manu-
25 facturing and reuse facility capability at Savannah

1 River Site (if required for national security pur-
2 poses).

3 (5) The non-nuclear component capabilities of
4 the Kansas City Plant.

5 (c) NUCLEAR POSTURE REVIEW.—For purposes of
6 subsection (a), the term “Nuclear Posture Review” means
7 the Department of Defense Nuclear Posture Review as
8 contained in the Report of the Secretary of Defense to
9 the President and the Congress dated February 19, 1995,
10 or subsequent such reports.

11 (d) FUNDING.—Of the funds authorized to be appro-
12 priated under section 3101(b), \$143,000,000 shall be
13 available for carrying out the program required under this
14 section, of which—

15 (1) \$35,000,000 shall be available for activities
16 at the Pantex Plant;

17 (2) \$30,000,000 shall be available for activities
18 at the Y-12 Plant, Oak Ridge, Tennessee;

19 (3) \$35,000,000 shall be available for activities
20 at the Savannah River Site; and

21 (4) \$43,000,000 shall be available for activities
22 at the Kansas City Plant.

23 **SEC. 3135. HYDRONUCLEAR EXPERIMENTS.**

24 Of the funds authorized to be appropriated to the De-
25 partment of Energy under section 3101, \$50,000,000

1 shall be available for preparation for the commencement
2 of a program of hydronuclear experiments at the nuclear
3 weapons design laboratories at the Nevada Test Site which
4 program shall be for the purpose of maintaining con-
5 fidence in the reliability and safety of the enduring nuclear
6 weapons stockpile.

7 **SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
8 **SKILLS CRITICAL TO THE DEPARTMENT OF**
9 **ENERGY NUCLEAR WEAPONS COMPLEX.**

10 (a) IN GENERAL.—The Secretary of Energy shall
11 conduct a fellowship program for the development of skills
12 critical to the ongoing mission of the Department of En-
13 ergy nuclear weapons complex. Under the fellowship pro-
14 gram, the Secretary shall—

15 (1) provide educational assistance and research
16 assistance to eligible individuals to facilitate the de-
17 velopment by such individuals of skills critical to
18 maintaining the ongoing mission of the Department
19 of Energy nuclear weapons complex;

20 (2) employ eligible individuals at the facilities
21 described in subsection (c) in order to facilitate the
22 development of such skills by these individuals; or

23 (3) provide eligible individuals with the assist-
24 ance and the employment.

1 (b) ELIGIBLE INDIVIDUALS.—Individuals eligible for
2 participation in the fellowship program are the following:

3 (1) Students pursuing graduate degrees in
4 fields of science or engineering that are related to
5 nuclear weapons engineering or to the science and
6 technology base of the Department of Energy.

7 (2) Individuals engaged in postdoctoral studies
8 in such fields.

9 (c) COVERED FACILITIES.—The Secretary shall carry
10 out the fellowship program at or in connection with the
11 following facilities:

12 (1) The Kansas City Plant, Kansas City, Mis-
13 souri.

14 (2) The Pantex Plant, Amarillo, Texas.

15 (3) The Y-12 Plant, Oak Ridge, Tennessee.

16 (4) The Savannah River Site, Aiken, South
17 Carolina.

18 (d) ADMINISTRATION.—The Secretary shall carry out
19 the fellowship program at a facility referred to in sub-
20 section (c) through the stockpile manager of the facility.

21 (e) ALLOCATION OF FUNDS.—The Secretary shall, in
22 consultation with the Assistant Secretary of Energy for
23 Defense Programs, allocate funds available for the fellow-
24 ship program under subsection (f) among the facilities re-
25 ferred to in subsection (c). The Secretary shall make the

1 allocation after evaluating an assessment by the weapons
2 program director of each such facility of the personnel and
3 critical skills necessary at the facility for carrying out the
4 ongoing mission of the facility.

5 (f) FUNDING.—Of the funds authorized to be appro-
6 priated to the Department of Energy for fiscal year 1996
7 under section 3101(b), \$10,000,000 may be used for the
8 purpose of carrying out the fellowship program under this
9 section.

10 **SEC. 3137. EDUCATION PROGRAM FOR DEVELOPMENT OF**
11 **PERSONNEL CRITICAL TO THE DEPARTMENT**
12 **OF ENERGY NUCLEAR WEAPONS COMPLEX.**

13 (a) IN GENERAL.—The Secretary of Energy shall
14 conduct an education program to ensure the long-term
15 supply of personnel having skills critical to the ongoing
16 mission of the Department of Energy nuclear weapons
17 complex. Under the program, the Secretary shall pro-
18 vide—

19 (1) education programs designed to encourage
20 and assist students in study in the fields of math,
21 science, and engineering that are critical to main-
22 taining the nuclear weapons complex;

23 (2) programs that enhance the teaching skills of
24 teachers who teach students in such fields; and

1 (3) education programs that increase the sci-
2 entific understanding of the general public in areas
3 of importance to the nuclear weapons complex and
4 to the Department of Energy national laboratories.

5 (b) FUNDING.—Of the funds authorized to be appro-
6 priated to the Department of Energy for fiscal year 1996
7 under section 3101(a), \$10,000,000 may be used for the
8 purpose of carrying out the education program under this
9 section.

10 **SEC. 3138. LIMITATION ON USE OF FUNDS FOR CERTAIN**
11 **RESEARCH AND DEVELOPMENT PURPOSES.**

12 Funds appropriated or otherwise made available to
13 the Department of Energy for fiscal year 1996 under sec-
14 tion 3101 may be obligated and expended for activities
15 under the Department of Energy Laboratory Directed Re-
16 search and Development Program or under Department
17 of Energy technology transfer programs only if such ac-
18 tivities support the national security mission of the De-
19 partment.

20 **SEC. 3139. PROCESSING OF HIGH LEVEL NUCLEAR WASTE**
21 **AND SPENT NUCLEAR FUEL RODS.**

22 (a) ELECTROMETALLURGICAL PROCESSING ACTIVI-
23 TIES.—Of the amount authorized to be appropriated to
24 the Department of Energy under section 3102, not more
25 than \$2,500,000 shall be available for electrometallurgical

1 processing activities at the Idaho National Engineering
2 Laboratory.

3 (b) PROCESSING OF SPENT NUCLEAR FUEL RODS AT
4 SAVANNAH RIVER SITE.—Of the amount authorized to be
5 appropriated to the Department of Energy under section
6 3102, \$30,000,000 shall be available for operating and
7 maintenance activities at the Savannah River Site, which
8 amount shall be available for the development at the can-
9 yon facilities at the site of technological methods (includ-
10 ing plutonium processing and reprocessing) of separating,
11 reducing, isolating, and storing the spent nuclear fuel rods
12 that are sent to the site from other Department of Energy
13 facilities and from foreign facilities.

14 (c) PROCESSING OF SPENT NUCLEAR FUEL RODS AT
15 IDAHO NATIONAL ENGINEERING LABORATORY.—Of the
16 amount authorized to be appropriated to the Department
17 of Energy under section 3102, \$15,000,000 shall be avail-
18 able for operating and maintenance activities at the Idaho
19 National Engineering Laboratory, which amount shall be
20 available for the development of technological methods of
21 processing the spent nuclear fuel rods that will be sent
22 to the laboratory from other Department of Energy facili-
23 ties.

24 (d) SPENT NUCLEAR FUEL DEFINED.—In this sec-
25 tion, the term “spent nuclear fuel” has the meaning given

1 such term in section 2(23) of the Nuclear Waste Policy
2 Act of 1982 (42 U.S.C. 10101(23)).

3 **SEC. 3140. DEPARTMENT OF ENERGY DECLASSIFICATION**
4 **PRODUCTIVITY INITIATIVE.**

5 Of the funds authorized to be appropriated to the De-
6 partment of Energy under section 3103, \$3,000,000 shall
7 be available for the Declassification Productivity Initiative
8 of the Department of Energy.

9 **SEC. 3141. AUTHORITY TO REPROGRAM FUNDS FOR DIS-**
10 **POSITION OF CERTAIN SPENT NUCLEAR**
11 **FUEL.**

12 (a) AUTHORITY TO REPROGRAM.—Notwithstanding
13 any other provision of law and subject to subsection (b),
14 the Secretary of Energy may reprogram funds available
15 to the Department of Energy for fiscal year 1996 under
16 section 3101(b) or 3102(b) to make such funds available
17 for use for storage pool treatment and stabilization or for
18 canning and storage in connection with the disposition of
19 spent nuclear fuel in the Democratic People's Republic of
20 Korea, which treatment and stabilization or canning and
21 storage is—

22 (1) necessary in order to meet International
23 Atomic Energy Agency safeguard standards with re-
24 spect to the disposition of spent nuclear fuel; and

1 (2) conducted in fulfillment of the Nuclear
2 Framework Agreement between the United States
3 and the Democratic People's Republic of Korea
4 dated October 21, 1994.

5 (b) LIMITATION.—The total amount that the Sec-
6 retary may reprogram under the authority in subsection
7 (a) may not exceed \$5,000,000.

8 (c) DEFINITION.—In this section, the term “spent
9 nuclear fuel” has the meaning given such term in section
10 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
11 10101(23)).

12 **SEC. 3142. PROTECTION OF WORKERS AT NUCLEAR WEAP-**
13 **ONS FACILITIES.**

14 Of the funds authorized to be appropriated to the De-
15 partment of Energy under section 3102, \$10,000,000
16 shall be available to carry out activities authorized under
17 section 3131 of the National Defense Authorization Act
18 for Fiscal Years 1992 and 1993 (Public Law 102–190;
19 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker pro-
20 tection at nuclear weapons facilities.

1 **Subtitle D—Review of Department**
2 **of Energy National Security**
3 **Programs**

4 **SEC. 3151. REVIEW OF DEPARTMENT OF ENERGY NATIONAL**
5 **SECURITY PROGRAMS.**

6 (a) REPORT.—Not later than March 15, 1996, the
7 Secretary of Defense shall, in consultation with the Sec-
8 retary of Energy, submit to the congressional defense com-
9 mittees a report on the national security programs of the
10 Department of Energy.

11 (b) CONTENTS OF REPORT.—The report shall include
12 an assessment of the following:

13 (1) The effectiveness of the Department of En-
14 ergy in maintaining the safety and reliability of the
15 enduring nuclear weapons stockpile.

16 (2) The management by the Department of the
17 nuclear weapons complex, including—

18 (A) a comparison of the Department of
19 Energy's implementation of applicable environ-
20 mental, health, and safety requirements with
21 the implementation of similar requirements by
22 the Department of Defense; and

23 (B) a comparison of the costs and benefits
24 of the national security research and develop-
25 ment programs of the Department of Energy

1 with the costs and benefits of similar programs
2 sponsored by the Department of Defense.

3 (3) The fulfillment of the requirements estab-
4 lished for the Department of Energy in the Nuclear
5 Posture Review.

6 (c) DEFINITION.—In this section, the term “Nuclear
7 Posture Review” means the Department of Defense Nu-
8 clear Posture Review as contained in the Report of the
9 Secretary of Defense to the President and the Congress
10 dated February 19, 1995, or in subsequent such reports.

11 **Subtitle E—Other Matters**

12 **SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS**

13 **EMERGENCY RESPONSE PROGRAM.**

14 The Office of Military Applications under the Assist-
15 ant Secretary of Energy for Defense Programs shall retain
16 responsibility for the Defense Programs Emergency Re-
17 sponse Program within the Department of Energy.

18 **SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY**

19 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL** 20 **YEARS AFTER FISCAL YEAR 1996.**

21 (a) IN GENERAL.—The weapons activities budget of
22 the Department of Energy shall be developed in accord-
23 ance with the Nuclear Posture Review, the Post Nuclear
24 Posture Review Stockpile Memorandum currently under

1 development, and the programmatic and technical require-
2 ments associated with the review and memorandum.

3 (b) REQUIRED DETAIL.—The Secretary of Energy
4 shall include in the materials that the Secretary submits
5 to Congress in support of the budget for a fiscal year sub-
6 mitted by the President pursuant to section 1105 of title
7 31, United States Code, a long-term program plan, and
8 a near-term program plan, for the certification and stew-
9 ardship of the enduring nuclear weapons stockpile.

10 (c) DEFINITION.—In this section, the term “Nuclear
11 Posture Review” means the Department of Defense Nu-
12 clear Posture Review as contained in the Report of the
13 Secretary of Defense to the President and the Congress
14 dated February 19, 1995, or in subsequent such reports.

15 **SEC. 3163. REPORT ON PROPOSED PURCHASES OF TRITIUM**
16 **FROM FOREIGN SUPPLIERS.**

17 (a) REQUIREMENT.—Not later than May 30, 1997,
18 the President shall submit to the congressional defense
19 committees a report on any plans of the President to pur-
20 chase from foreign suppliers tritium to be used for pur-
21 poses of the nuclear weapons stockpile of the United
22 States.

23 (b) FORM OF REPORT.—The report shall be submit-
24 ted in unclassified form, but may contain a classified
25 annex.

1 **SEC. 3164. REPORT ON HYDRONUCLEAR TESTING.**

2 (a) REPORT.—The Secretary of Energy shall direct
3 the joint preparation by the Lawrence Livermore National
4 Laboratory and the Los Alamos National Laboratory of
5 a report on the advantages and disadvantages for the safe-
6 ty and reliability of the enduring nuclear weapons stock-
7 pile of permitting alternative limits to the current limits
8 on the explosive yield of hydronuclear tests. The report
9 shall address the following explosive yield limits:

10 (1) 4 pounds (TNT equivalent).

11 (2) 400 pounds (TNT equivalent).

12 (3) 4,000 pounds (TNT equivalent).

13 (4) 40,000 pounds (TNT equivalent).

14 (b) FUNDING.—The Secretary shall make available
15 funds authorized to be appropriated to the Department
16 of Energy under section 3101 for preparation of the report
17 required under subsection (a).

18 **SEC. 3165. PLAN FOR THE CERTIFICATION AND STEWARD-**
19 **SHIP OF THE ENDURING NUCLEAR WEAPONS**
20 **STOCKPILE.**

21 (a) REQUIREMENT.—Not later than March 15, 1996,
22 and every March 15 thereafter, the Secretary of Energy
23 shall submit to the Secretary of Defense a plan for main-
24 taining the enduring nuclear weapons stockpile.

25 (b) PLAN ELEMENTS.—Each plan under subsection
26 (a) shall set forth the following:

1 (1) The numbers of weapons (including active
2 weapons and inactive weapons) for each type of
3 weapon in the enduring nuclear weapons stockpile.

4 (2) The expected design lifetime of each weapon
5 system type, the current age of each weapon system
6 type, and any plans (including the analytical basis
7 for such plans) for lifetime extensions of a weapon
8 system type.

9 (3) An estimate of the lifetime of the nuclear
10 and non-nuclear components of the weapons (includ-
11 ing active weapons and inactive weapons) in the en-
12 during nuclear weapons stockpile, and any plans (in-
13 cluding the analytical basis for such plans) for life-
14 time extensions of such components.

15 (4) A schedule of the modifications, if any, re-
16 quired for each weapon type (including active weap-
17 ons and inactive weapons) in the enduring nuclear
18 weapons stockpile, and the cost of such modifica-
19 tions.

20 (5) The process to be used in recertifying the
21 safety, reliability, and performance of each weapon
22 type (including active weapons and inactive weap-
23 ons) in the enduring nuclear weapons stockpile.

1 (6) The manufacturing infrastructure required
2 to maintain the nuclear weapons stockpile steward-
3 ship management program.

4 **SEC. 3166. APPLICABILITY OF ATOMIC ENERGY COMMU-**
5 **NITY ACT OF 1955 TO LOS ALAMOS, NEW MEX-**
6 **ICO.**

7 (a) DATE OF TRANSFER OF UTILITIES.—Section 72
8 of the Atomic Energy Community Act of 1955 (42 U.S.C.
9 2372) is amended by striking out “not later than five
10 years after the date it is included within this Act” and
11 inserting in lieu thereof “not later than June 30, 1998”.

12 (b) DATE OF TRANSFER OF MUNICIPAL INSTALLA-
13 TIONS.—Section 83 of such Act (42 U.S.C. 2383) is
14 amended by striking out “not later than five years after
15 the date it is included within this Act” and inserting in
16 lieu thereof “not later than June 30, 1998”.

17 (c) RECOMMENDATION FOR FURTHER ASSISTANCE
18 PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is
19 amended—

20 (1) by striking out “, and the Los Alamos
21 School Board;” and all that follows through “county
22 of Los Alamos, New Mexico” and inserting in lieu
23 thereof “; or not later than June 30, 1996, in the
24 case of the Los Alamos School Board and the county
25 of Los Alamos, New Mexico”; and

1 (2) by adding at the end the following new sen-
 2 tence: “If the recommendation under the preceding
 3 sentence regarding the Los Alamos School Board or
 4 the county of Los Alamos, New Mexico, indicates a
 5 need for further assistance for the school board or
 6 the county, as the case may be, after June 30, 1997,
 7 the recommendation shall include a report and plan
 8 describing the actions required to eliminate the need
 9 for further assistance for the school board or the
 10 county, including a proposal for legislative action to
 11 carry out the plan.”.

12 (d) CONTRACT TO MAKE PAYMENTS.—Section 94 of
 13 such Act (42 U.S.C. 2394) is amended—

14 (1) by striking out “June 30, 1996” each place
 15 it appears in the proviso in the first sentence and in-
 16 serting in lieu thereof “June 30, 1997”; and

17 (2) by striking out “July 1, 1996” in the sec-
 18 ond sentence and inserting in lieu thereof “July 1,
 19 1997”.

20 **SEC. 3167. SENSE OF SENATE ON NEGOTIATIONS REGARD-**
 21 **ING SHIPMENTS OF SPENT NUCLEAR FUEL**
 22 **FROM NAVAL REACTORS.**

23 (a) SENSE OF THE SENATE.—It is the sense of the
 24 Senate that the Secretary of Defense, the Secretary of En-
 25 ergy, and the Governor of the State of Idaho should con-

1 tinue good faith negotiations for the purpose of reaching
2 an agreement on the issue of shipments of spent nuclear
3 fuel from naval reactors.

4 (b) REPORT.—(1) Not later than September 15,
5 1995, the Secretary of Defense shall submit to the Com-
6 mittee on Armed Services of the Senate and the Commit-
7 tee on National Security of the House of Representatives
8 a written report on the status or outcome of the negotia-
9 tions urged under subsection (a).

10 (2) The report shall include the following matters:

11 (A) If an agreement is reached, the terms of
12 the agreement, including the dates on which ship-
13 ments of spent nuclear fuel from naval reactors will
14 resume.

15 (B) If an agreement is not reached—

16 (i) the Secretary's evaluation of the issues
17 remaining to be resolved before an agreement
18 can be reached;

19 (ii) the likelihood that an agreement will be
20 reached before October 1, 1995; and

21 (iii) the steps that must be taken regard-
22 ing the shipment of spent nuclear fuel from
23 naval reactors to ensure that the Navy can
24 meet the national security requirements of the
25 United States.

1 **TITLE XXXII—DEFENSE NU-**
 2 **CLEAR FACILITIES SAFETY**
 3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal
 6 year 1996, \$17,000,000 for the operation of the Defense
 7 Nuclear Facilities Safety Board under chapter 21 of the
 8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

9 **TITLE XXXIII—NAVAL**
 10 **PETROLEUM RESERVES**

11 **SEC. 3301. SALE OF NAVAL PETROLEUM RESERVE NUM-**
 12 **BERED 1 (ELK HILLS).**

13 (a) SALE OF ELK HILLS UNIT REQUIRED.—(1)
 14 Chapter 641 of title 10, United States Code, is amended
 15 by inserting after section 7421 the following new section:

16 **“§ 7421a. Sale of Naval Petroleum Reserve Numbered**
 17 **1 (Elk Hills)**

18 “(a) SALE REQUIRED.—(1) Notwithstanding any
 19 other provision of this chapter other than section
 20 7431(a)(2) of this title, the Secretary shall sell all right,
 21 title, and interest of the United States in and to lands
 22 owned or controlled by the United States inside Naval Pe-
 23 troleum Reserve Numbered 1, commonly referred to as the
 24 Elk Hills Unit, located in Kern County, California, and
 25 established by Executive order of the President, dated

1 September 2, 1912. Subject to subsection (j), within one
2 year after the effective date, the Secretary shall enter into
3 one or more contracts for the sale of all of the interest
4 of the United States in the reserve.

5 “(2) In this section:

6 “(A) The term ‘reserve’ means Naval Petroleum
7 Reserve Numbered 1.

8 “(B) The term ‘unit plan contract’ means the
9 unit plan contract between equity owners of the
10 lands within the boundaries of Naval Petroleum Re-
11 serve Numbered 1 entered into on June 19, 1944.

12 “(C) The term ‘effective date’ means the date
13 of the enactment of the National Defense Authoriza-
14 tion Act for Fiscal Year 1996.

15 “(b) EQUITY FINALIZATION.—(1) Not later than
16 three months after the effective date, the Secretary shall
17 finalize equity interests of the known oil and gas zones
18 in Naval Petroleum Reserve Numbered 1 in the manner
19 provided by this subsection.

20 “(2) The Secretary shall retain the services of an
21 independent petroleum engineer, mutually acceptable to
22 the equity owners, who shall prepare a recommendation
23 on final equity figures. The Secretary may accept the rec-
24 ommendation of the independent petroleum engineer for
25 final equity in each known oil and gas zone and establish

1 final equity interest in the Naval Petroleum Reserve Num-
2 bered 1 in accordance with such recommendation, or the
3 Secretary may use such other method to establish final
4 equity interest in the reserve as the Secretary considers
5 appropriate.

6 “(3) If, on the effective date, there is an ongoing eq-
7 uity redetermination dispute between the equity owners
8 under section 9(b) of the unit plan contract, such dispute
9 shall be resolved in the manner provided in the unit plan
10 contract within five months after the effective date. Such
11 resolution shall be considered final for all purposes under
12 this section.

13 “(c) TIMING AND ADMINISTRATION OF SALE.—(1)
14 Not later than two months after the effective date, the
15 Secretary shall publish a notice of intent to sell the Naval
16 Petroleum Reserve Numbered 1. The Secretary shall make
17 all technical, geological, and financial information relevant
18 to the sale of the reserve available to all interested and
19 qualified buyers upon request. The Secretary, in consulta-
20 tion with the Administrator of General Services, shall en-
21 sure that the sale process is fair and open to all interested
22 and qualified parties.

23 “(2)(A) Not later than two months after the effective
24 date, the Secretary shall retain the services of five inde-
25 pendent experts in the valuation of oil and gas fields to

1 conduct separate assessments, in a manner consistent with
2 commercial practices, of the value of the interest of the
3 United States in Naval Petroleum Reserve Numbered 1.
4 In making their assessments, the independent experts
5 shall consider (among other factors) all equipment and fa-
6 cilities to be included in the sale, the estimated quantity
7 of petroleum and natural gas in the reserve, and the net
8 present value of the anticipated revenue stream that the
9 Secretary and the Director of the Office of Management
10 and Budget jointly determine the Treasury would receive
11 from the reserve if the reserve were not sold, adjusted for
12 any anticipated increases in tax revenues that would result
13 if the reserve were sold. The independent experts shall
14 complete their assessments within six months after the ef-
15 fective date.

16 “(B) The independent experts shall also determine
17 and submit to the Secretary the estimated total amount
18 of the cost of any environmental restoration and remedi-
19 ation necessary at the reserve. The Secretary shall report
20 the estimate to the Director of the Office of Management
21 and Budget, the Secretary of the Treasury, and Congress.

22 “(C) The Secretary, in consultation with the Director
23 of the Office of Management and Budget, shall set the
24 minimum acceptable price for the reserve. The Secretary
25 may not set the minimum acceptable price below the aver-

1 age of three of the assessments (after excluding the high
2 and low assessments) made under subparagraph (A).

3 “(3) Not later than two months after the effective
4 date, the Secretary shall retain the services of an invest-
5 ment banker to independently administer, in a manner
6 consistent with commercial practices and in a manner that
7 maximizes sale proceeds to the Government, the sale of
8 Naval Petroleum Reserve Numbered 1 under this section.
9 Notwithstanding section 7433(b) of this title, costs and
10 fees of retaining the investment banker shall be paid out
11 of the proceeds of the sale of the reserve.

12 “(4)(A) Not later than six months after the effective
13 date, the investment banker serving as the sales adminis-
14 trator under paragraph (3) shall complete a draft contract
15 or contracts for the sale of Naval Petroleum Reserve
16 Numbered 1, which shall accompany the invitation for bids
17 and describe the terms and provisions of the sale of the
18 interest of the United States in the reserve.

19 “(B) The draft contract or contracts shall identify—

20 “(i) all equipment and facilities to be included
21 in the sale; and

22 “(ii) any potential claim or liability (including
23 liability for environmental restoration and remedi-
24 ation), and the extent of any such claim or liability,

1 for which the United States is responsible under
2 subsection (d).

3 “(C) The draft contract or contracts, including the
4 terms and provisions of the sale of the interest of the Unit-
5 ed States in the reserve, shall be subject to review and
6 approval by the Secretary, the Secretary of the Treasury,
7 and the Director of the Office of Management and Budget.
8 Each of those officials shall complete the review of, and
9 approve or disapprove, the draft contract or contracts not
10 later than seven months after the effective date.

11 “(5) Not later than seven months after the effective
12 date, the Secretary shall publish an invitation for bids for
13 the purchase of the reserve.

14 “(6) Not later than 10 months after the effective
15 date, the Secretary shall identify the highest responsible
16 offer or offers for purchase of the interest of the United
17 States in Naval Petroleum Reserve Numbered 1 that, in
18 total, meet or exceed the minimum acceptable price deter-
19 mined under paragraph (2).

20 “(7) The Secretary shall take such action imme-
21 diately after the effective date as is necessary to obtain
22 from an independent petroleum engineer within six
23 months after that date a certification regarding the quan-
24 tity of the content of the reserve. The Secretary shall use

1 the certification in support of the preparation of the invi-
2 tation for bids.

3 “(d) FUTURE LIABILITIES.—The United States shall
4 hold harmless and fully indemnify the purchaser or pur-
5 chasers (as the case may be) of the interest of the United
6 States in Naval Petroleum Reserve Numbered 1 from and
7 against any claim or liability as a result of ownership in
8 the reserve by the United States, including any claim re-
9 ferred to in subsection (e).

10 “(e) TREATMENT OF STATE OF CALIFORNIA
11 CLAIM.—After the costs incurred in the conduct of the
12 sale of Naval Petroleum Reserve Numbered 1 under this
13 section are deducted, seven percent of the remaining pro-
14 ceeds from the sale of the reserve shall be reserved in a
15 contingent fund in the Treasury (for a period not to ex-
16 ceed 10 years after the effective date) for payment to the
17 State of California in the event that, and to the extent
18 that, the claims of the State against the United States
19 regarding production and proceeds of sale from Naval Pe-
20 troleum Reserve Numbered 1 are resolved in favor of the
21 State by a court of competent jurisdiction. Funds in the
22 contingent fund shall be available for paying any such
23 claim to the extent provided in appropriation Acts. After
24 final disposition of the claims, any unobligated balance in

1 the contingent fund shall be credited to the general fund
2 of the Treasury.

3 “(f) MAINTAINING ELK HILLS UNIT PRODUCTION.—
4 Until the sale of Naval Petroleum Reserve Numbered 1
5 is completed under this section, the Secretary shall con-
6 tinue to produce the reserve at the maximum daily oil or
7 gas rate from a reservoir, which will permit maximum eco-
8 nomic development of the reservoir consistent with sound
9 oil field engineering practices in accordance with section
10 3 of the unit plan contract. The definition of maximum
11 efficient rate in section 7420(6) of this title shall not apply
12 to the reserve.

13 “(g) EFFECT ON EXISTING CONTRACTS.—(1) In the
14 case of any contract, in effect on the effective date, for
15 the purchase of production from any part of the United
16 States’ share of Naval Petroleum Reserve Numbered 1,
17 the sale of the interest of the United States in the reserve
18 shall be subject to the contract for a period of three
19 months after the closing date of the sale or until termi-
20 nation of the contract, whichever occurs first. The term
21 of any contract entered into after the effective date for
22 the purchase of such production shall not exceed the an-
23 ticipated closing date for the sale of the reserve.

24 “(2) The Secretary shall exercise the termination pro-
25 cedures provided in the contract between the United

1 States and Bechtel Petroleum Operation, Inc., Contract
2 Number DE-ACO1-85FE60520 so that the contract ter-
3 minates not later than the date of closing of the sale of
4 Naval Petroleum Reserve Numbered 1 under subsection
5 (c).

6 “(3) The Secretary shall exercise the termination pro-
7 cedures provided in the unit plan contract so that the unit
8 plan contract terminates not later than the date of closing
9 of the sale of reserve.

10 “(h) EFFECT ON ANTITRUST LAWS.—Nothing in this
11 section shall be construed to alter the application of the
12 antitrust laws of the United States to the purchaser or
13 purchasers (as the case may be) of Naval Petroleum Re-
14 serve Numbered 1 or to the lands in the reserve subject
15 to sale under this section upon the completion of the sale.

16 “(i) PRESERVATION OF PRIVATE RIGHT, TITLE, AND
17 INTEREST.—Nothing in this section shall be construed to
18 adversely affect the ownership interest of any other entity
19 having any right, title, and interest in and to lands within
20 the boundaries of Naval Petroleum Reserve Numbered 1
21 and which are subject to the unit plan contract.

22 “(j) NOTICE TO CONGRESS.—(1) Subject to para-
23 graph (2), the Secretary may not enter into any contract
24 for the sale of the reserve until the end of the 31-day pe-
25 riod beginning on the date on which the Secretary notifies

1 the Committee on Armed Services of the Senate and the
2 Committee on National Security and the Committee on
3 Commerce of the House of Representatives of the condi-
4 tions of the proposed sale.

5 “(2) If the Secretary receives only one offer for pur-
6 chase of the reserve or any subcomponent thereof, the Sec-
7 retary may not enter into a contract for the sale of the
8 reserve unless—

9 “(A) the Secretary submits to Congress a noti-
10 fication of the receipt of only one offer together with
11 the conditions of the proposed sale of the reserve or
12 parcel to the offeror; and

13 “(B) a joint resolution of approval described in
14 subsection (k) is enacted within 45 days after the
15 date of the notification.

16 “(k) JOINT RESOLUTION OF APPROVAL.—(1) For
17 the purpose of paragraph (2)(B) of subsection (j), ‘joint
18 resolution of approval’ means only a joint resolution that
19 is introduced after the date on which the notification re-
20 ferred to in that paragraph is received by Congress, and—

21 “(A) that does not have a preamble;

22 “(B) the matter after the resolving clause of
23 which reads only as follows: ‘That Congress ap-
24 proves the proposed sale of Naval Petroleum Reserve
25 Numbered 1 reported in the notification submitted

1 to Congress by the Secretary of Energy on
2 _____.’ (the blank space being filled in with
3 the appropriate date); and

4 “(C) the title of which is as follows: ‘Joint reso-
5 lution approving the sale of Naval Petroleum Re-
6 serve Numbered 1’.

7 “(2) A resolution described in paragraph (1) intro-
8 duced in the House of Representatives shall be referred
9 to the Committee on National Security of the House of
10 Representatives. A resolution described in paragraph (1)
11 introduced in the Senate shall be referred to the Commit-
12 tee on Armed Services of the Senate. Such a resolution
13 may not be reported before the 8th day after its introduc-
14 tion.

15 “(3) If the committee to which is referred a resolution
16 described in paragraph (1) has not reported such resolu-
17 tion (or an identical resolution) at the end of 15 calendar
18 days after its introduction, such committee shall be
19 deemed to be discharged from further consideration of
20 such resolution and such resolution shall be placed on the
21 appropriate calendar of the House involved.

22 “(4)(A) When the committee to which a resolution
23 is referred has reported, or has been deemed to be dis-
24 charged (under paragraph (3)) from further consideration
25 of, a resolution described in paragraph (1), it is at any

1 time thereafter in order (even though a previous motion
2 to the same effect has been disagreed to) for any Member
3 of the respective House to move to proceed to the consider-
4 ation of the resolution, and all points of order against the
5 resolution (and against consideration of the resolution) are
6 waived. The motion is highly privileged in the House of
7 Representatives and is privileged in the Senate and is not
8 debatable. The motion is not subject to amendment, or
9 to a motion to postpone, or to a motion to proceed to the
10 consideration of other business. A motion to reconsider the
11 vote by which the motion is agreed to or disagreed to shall
12 not be in order. If a motion to proceed to the consideration
13 of the resolution is agreed to, the resolution shall remain
14 the unfinished business of the respective House until dis-
15 posed of.

16 “(B) Debate on the resolution, and on all debatable
17 motions and appeals in connection therewith, shall be lim-
18 ited to not more than 10 hours, which shall be divided
19 equally between those favoring and those opposing the res-
20 olution. A motion further to limit debate is in order and
21 not debatable. An amendment to, or a motion to postpone,
22 or a motion to proceed to the consideration of other busi-
23 ness, or a motion to recommit the resolution is not in
24 order. A motion to reconsider the vote by which the resolu-
25 tion is agreed to or disagreed to is not in order.

1 “(C) Immediately following the conclusion of the de-
2 bate on a resolution described in paragraph (2), and a sin-
3 gle quorum call at the conclusion of the debate if re-
4 quested in accordance with the rules of the appropriate
5 House, the vote on final passage of the resolution shall
6 occur.

7 “(D) Appeals from the decisions of the Chair relating
8 to the application of the rules of the Senate or the House
9 of Representatives, as the case may be, to the procedure
10 relating to a resolution described in paragraph (1) shall
11 be decided without debate.

12 “(5) If, before the passage by one House of a resolu-
13 tion of that House described in paragraph (1), that House
14 receives from the other House a resolution described in
15 paragraph (1), then the following procedures shall apply:

16 “(A) The resolution of the other House shall
17 not be referred to a committee.

18 “(B) With respect to a resolution described in
19 paragraph (2) of the House receiving the resolu-
20 tion—

21 “(i) the procedure in that House shall be
22 the same as if no resolution had been received
23 from the other House; but

24 “(ii) the vote on final passage shall be on
25 the resolution of the other House.

1 “(6) This subsection is enacted by Congress—

2 “(A) as an exercise of the rulemaking power of
3 the Senate and House of Representatives, respec-
4 tively, and as such it is deemed a part of the rules
5 of each House, respectively, but applicable only with
6 respect to the procedure to be followed in that
7 House in the case of a resolution described in para-
8 graph (1), and it supersedes other rules only to the
9 extent that it is inconsistent with such rules; and

10 “(B) with full recognition of the constitutional
11 right of either House to change the rules (so far as
12 relating to the procedure of that House) at any time,
13 in the same manner, and to the same extent as in
14 the case of any other rule of that House.

15 “(l) NONCOMPLIANCE WITH DEADLINES.—If, at any
16 time during the one-year period beginning on the effective
17 date, the Secretary determines that the actions necessary
18 to complete the sale of the reserve within that period are
19 not being taken or timely completed, the Secretary shall
20 transmit to the Committee on Armed Services of the Sen-
21 ate and the Committees on National Security and on Com-
22 merce of the House of Representatives a notification of
23 that determination together with a plan setting forth the
24 actions that will be taken to ensure that the sale of the
25 reserve will be completed within that period. The Secretary

1 shall consult with the Director of the Office of Manage-
2 ment and Budget in preparing the plan for submission to
3 the committees.

4 “(m) OVERSIGHT.—The Comptroller General shall
5 monitor the actions of the Secretary relating to the sale
6 of the reserve and report to the Committee on Armed
7 Services of the Senate and the Committee on National se-
8 curity of the House of Representatives any findings on
9 such actions that the Comptroller General considers ap-
10 propriate to report to such committees.

11 “(n) ACQUISITION OF SERVICES.—The Secretary
12 may enter into contracts for the acquisition of services re-
13 quired under this section under the authority of paragraph
14 (7) of section 303(c) of the Federal Property and Admin-
15 istrative Services Act of 1949 (41 U.S.C. 253(c)), except
16 that the notification required under subparagraph (B) of
17 such paragraph for each contract shall be submitted to
18 Congress not less than 7 days before the award of the
19 contract.

20 “(o) RECONSIDERATION OF PROCESS OF SALE.—(1)
21 If during the course of the sale of the reserve the Sec-
22 retary of Energy and the Director of the Office of Man-
23 agement and Budget jointly determine that—

1 “(A) the sale is proceeding in a manner incon-
2 sistent with achievement of a sale price that reflects
3 the full value of the reserve, or

4 “(B) a course of action other than the imme-
5 diate sale of the reserve is in the best interests of
6 the United States,

7 the Secretary shall submit a notification of the determina-
8 tion to the Committee on Armed Services of the Senate
9 and the Committees on National Security and on Com-
10 merce of the House of Representatives.

11 “(2) After the Secretary submits a notification under
12 paragraph (1), the Secretary may not complete the sale
13 the reserve under this section unless there is enacted a
14 joint resolution—

15 “(A) that is introduced after the date on which
16 the notification is received by the committees re-
17 ferred to in such paragraph;

18 “(B) that does not have a preamble;

19 “(C) the matter after the resolving clause of
20 which reads only as follows: ‘That the Secretary of
21 Energy shall proceed with activities to sell Naval Pe-
22 troleum Reserve Numbered 1 in accordance with
23 section 7421a of title 10, United States Code, not-
24 withstanding the determination set forth in the noti-
25 fication submitted to Congress by the Secretary of

1 Energy on _____.’ (the blank space being
2 filled in with the appropriate date); and

3 “(D) the title of which is as follows: ‘Joint reso-
4 lution approving continuation of actions to sell
5 Naval Petroleum Reserve Numbered 1’.

6 “(3) Subsection (k), except for paragraph (1) of such
7 subsection, shall apply to the joint resolution described in
8 paragraph (2).”.

9 (2) The table of sections at the beginning of such
10 chapter is amended by inserting after the item relating
11 to section 7421 the following new item:

“7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are authorized to be appropriated for fiscal year 1996 for
14 carrying out section 7421a of title 10, United States Code
15 (as added by subsection (a)), in the total amount of
16 \$7,000,000.

17 **SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES**
18 **(OTHER THAN NAVAL PETROLEUM RESERVE**
19 **NUMBERED 1).**

20 (a) STUDY OF FUTURE OF PETROLEUM RE-
21 SERVES.—(1) The Secretary of Energy shall conduct a
22 study to determine which of the following options, or com-
23 bination of options, would maximize the value of the naval
24 petroleum reserves to or for the United States:

1 (A) Transfer of all or a part of the naval petro-
2 leum reserves to the jurisdiction of the Department
3 of the Interior for leasing in accordance with the
4 Mineral Leasing Act (30 U.S.C. 181 et seq.) and
5 surface management in accordance with the Federal
6 Land Policy and Management Act (43 U.S.C. 1701
7 et seq.).

8 (B) Lease of the naval petroleum reserves con-
9 sistent with the provisions of such Acts.

10 (C) Sale of the interest of the United States in
11 the naval petroleum reserves.

12 (2) The Secretary shall retain such independent con-
13 sultants as the Secretary considers appropriate to conduct
14 the study.

15 (3) An examination of the value to be derived by the
16 United States from the transfer, lease, or sale of the naval
17 petroleum reserves under paragraph (1) shall include an
18 assessment and estimate, in a manner consistent with cus-
19 tomary property valuation practices in the oil industry, of
20 the fair market value of the interest of the United States
21 in the naval petroleum reserves.

22 (4) Not later than December 31, 1995, the Secretary
23 shall submit to Congress and make available to the public
24 a report describing the results of the study and containing
25 such recommendations as the Secretary considers appro-

1 puate to implement the option, or combination of options,
2 identified in the study that would maximize the value of
3 the naval petroleum reserves to or for the United States.

4 (b) IMPLEMENTATION OF RECOMMENDATIONS.—Not
5 earlier than 31 days after submitting to Congress the re-
6 port required under subsection (a)(4), and not later than
7 December 31, 1996, the Secretary shall carry out the rec-
8 ommendations contained in the report.

9 (c) NAVAL PETROLEUM RESERVES DEFINED.—For
10 purposes of this section, the term “naval petroleum re-
11 serves” has the meaning given that term in section
12 7420(2) of title 10, United States Code, except that such
13 term does not include Naval Petroleum Reserve Numbered
14 1.

15 **TITLE XXXIV—NATIONAL** 16 **DEFENSE STOCKPILE**

17 **SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.**

18 (a) OBLIGATIONS AUTHORIZED.—During fiscal year
19 1996, the National Defense Stockpile Manager may obli-
20 gate up to \$77,100,000 of the funds in the National De-
21 fense Stockpile Transaction Fund established under sub-
22 section (a) of section 9 of the Strategic and Critical Mate-
23 rials Stock Piling Act (50 U.S.C. 98h) for the authorized
24 uses of such funds under subsection (b)(2) of such section.

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

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

SEC. 3402. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals	
Material for disposal	Quantity
Aluminum	62,881 short tons
Aluminum Oxide, Abrasive Grade	2,456 short tons

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Antimony	34 short tons
Bauxite, Metallurgical Grade, Jamaican	321,083 long dry tons
Bauxite, Refractory	53,788 long dry tons
Beryllium, Copper Master Alloy	7,387 short tons
Beryllium, Metal	300 short tons
Chromite, Chemical Grade Ore	34,709 short dry tons
Chromite, Metallurgical Grade Ore	580,700 short dry tons
Chromite, Refractory Grade Ore	159,282, short dry tons
Chromium, Ferro Group	712,362 short tons
Chromium Metal	2,971 short tons
Cobalt	27,868,181 pounds of contained cobalt
Columbium Group	2,871,194 pounds of contained columbium
Diamond, Bort	61,542 carats
Diamond Stones	3,030,087 carats
Fluorspar, Acid Grade	28,047 short dry tons
Germanium Metal	53,200 kilograms
Graphite, Natural, Ceylon Lump	5,492 short tons
Iodine	871 pounds
Indium	50,205 troy ounces
Jewel bearings	30,237,764 pieces
Manganese, Ferro, High Carbon	230,481 short tons
Manganese, Ferro, Medium Carbon	19,752 short tons
Manganese, Ferro, Silicon	202 short tons
Mica, Muscovite Block, Stained and Better	325,896 pounds
Mica, Phlogopite Block	130,745 pounds
Morphine, Sulfate & Analgesic, Refined	5,679 pounds of anhydrous morphine alkaloid
Nickel	887 short tons
Platinum	252,641 troy ounces
Palladium	1,064,601 troy ounces
Rubber, Natural	25,138 long tons
Rutile	257 short dry tons
Talc, Block & Lump	2 short tons
Tantalum, Carbide Powder	28,688 pounds of contained tantalum
Tantalum, Minerals	2,575,234 pounds of contained tantalum
Tantalum, Oxide	163,691 pounds of contained tantalum
Thorium Nitrate	551,687 pounds
Tin	1,077 metric tons
Titanium Sponge	24,830 short tons
Tungsten Group	82,312,516 pounds of contained tungsten

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Vegetable Tannin, Chestnut	15 long tons
Zirconium	15,991 short dry tons

1 (b) CONDITIONS ON DISPOSAL.—The authority of the
2 President under subsection (a) to dispose of materials
3 stored in the stockpile may not be used unless and until
4 the Secretary of Defense certifies to Congress that the dis-
5 posal of such materials will not adversely affect the capa-
6 bility of the National Defense Stockpile to supply the stra-
7 tegic and critical materials necessary to meet the needs
8 of the United States during a period of national emer-
9 gency that requires a significant level of mobilization of
10 the economy of the United States, including any recon-
11 stitution of the military and industrial capabilities nec-
12 essary to meet the planning assumptions used by the Sec-
13 retary of Defense under section 14(b) of the Strategic and
14 Critical Materials Stock Piling Act (50 U.S.C. 98h–5(b)).

15 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
16 ITY.—The disposal authority provided in subsection (a) is
17 in addition to any other disposal authority provided by
18 law.

1 **SEC. 3403. DISPOSAL OF CHROMITE AND MANGANESE ORES**
2 **AND CHROMIUM FERRO AND MANGANESE**
3 **METAL ELECTROLYTIC.**

4 (a) DOMESTIC UPGRADING.—In offering to enter into
5 agreements pursuant to any provision of law for the dis-
6 posal from the National Defense Stockpile of chromite and
7 manganese ores of metallurgical grade or chromium ferro
8 and manganese metal electrolytic, the President shall give
9 a right of first refusal on all such offers to domestic
10 ferroalloy upgraders.

11 (b) DOMESTIC FERROALLOY UPGRADER DEFINED.—
12 For purposes of this section, the term “domestic ferroalloy
13 upgrader” means a company or other business entity that,
14 as determined by the President—

15 (1) is engaged in operations to upgrade chro-
16 mite or manganese ores of metallurgical grade or
17 chromium ferro and manganese metal electrolytic;
18 and

19 (2) conducts a significant level of its research,
20 development, engineering, and upgrading operations
21 in the United States.

22 **SEC. 3404. RESTRICTIONS ON DISPOSAL OF MANGANESE**
23 **FERRO.**

24 (a) DISPOSAL OF LOWER GRADE MATERIAL
25 FIRST.—The President may not dispose of high carbon
26 manganese ferro in the National Defense Stockpile that

1 meets the National Defense Stockpile classification of
2 Grade One, Specification 30(a), as revised on May 22,
3 1992, until completing the disposal of all manganese ferro
4 in the National Defense Stockpile that does not meet such
5 classification. The President may not reclassify man-
6 ganese ferro in the National Defense Stockpile after the
7 date of the enactment of this Act.

8 (b) REQUIREMENT FOR REMELTING BY DOMESTIC
9 FERROALLOY PRODUCERS.—Manganese ferro in the Na-
10 tional Defense Stockpile that does not meet the classifica-
11 tion specified in subsection (a) may be sold only for
12 remelting by a domestic ferroalloy producer.

13 (c) DOMESTIC FERROALLOY PRODUCER DEFINED.—
14 For purposes of this section, the term “domestic ferroalloy
15 producer” means a company or other business entity that,
16 as determined by the President—

17 (1) is engaged in operations to upgrade man-
18 ganese ores of metallurgical grade or manganese
19 ferro; and

20 (2) conducts a significant level of its research,
21 development, engineering, and upgrading operations
22 in the United States.

1 **SEC. 3405. EXCESS DEFENSE-RELATED MATERIALS: TRANS-**
2 **FER TO STOCKPILE AND DISPOSAL.**

3 (a) TRANSFER AND DISPOSAL.—The Strategic and
4 Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)
5 is amended by adding at the end the following:

6 “EXCESS DEFENSE-RELATED MATERIALS: TRANSFER TO
7 STOCKPILE AND DISPOSAL

8 “SEC. 17. (a) The Secretary of Energy, in consulta-
9 tion with the Secretary of Defense, shall transfer to the
10 stockpile for disposal in accordance with this Act
11 uncontaminated materials that are in the inventory of De-
12 partment of Energy materials for production of defense-
13 related items, are excess to the requirements of the depart-
14 ment for that purpose, and are suitable for transfer to
15 the stockpile and disposal through the stockpile.

16 “(b) The Secretary of Defense shall determine wheth-
17 er materials are suitable for transfer to the stockpile under
18 this section, are suitable for disposal through the stock-
19 pile, and are uncontaminated.”.

20 (b) CONFORMING AMENDMENT.—Section 4(a) of
21 such Act (50 U.S.C. 98c(a)) is amended by adding at the
22 end the following:

23 “(10) Materials transferred to the stockpile
24 under section 17.”.

1 **TITLE XXXV—PANAMA CANAL**
2 **COMMISSION**

3 **SEC. 3501. SHORT TITLE.**

4 This title may be cited as the “Panama Canal Com-
5 mission Authorization Act for Fiscal Year 1996”.

6 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

7 (a) IN GENERAL.—Subject to subsection (b), the
8 Panama Canal Commission is authorized to make such ex-
9 penditures within the limits of funds and borrowing au-
10 thority available to it in accordance with law, and to make
11 such contracts and commitments without regard to fiscal
12 year limitations, as may be necessary under the Panama
13 Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the oper-
14 ation, maintenance, and improvement of the Panama
15 Canal for fiscal year 1996.

16 (b) LIMITATIONS.—For fiscal year 1996, the Panama
17 Canal Commission may expend from funds in the Panama
18 Canal Revolving Fund not more than \$50,741,000 for ad-
19 ministrative expenses, of which not more than—

20 (1) \$15,000 may be used for official reception
21 and representation expenses of the Supervisory
22 Board of the Commission;

23 (2) \$10,000 may be used for official reception
24 and representation expenses of the Secretary of the
25 Commission; and

1 (3) \$45,000 may be used for official reception
2 and representation expenses of the Administrator of
3 the Commission.

4 (c) REPLACEMENT VEHICLES.—Funds available to
5 the Panama Canal Commission shall be available for the
6 purchase of not to exceed 38 passenger motor vehicles (in-
7 cluding large heavy-duty vehicles to be used to transport
8 Commission personnel across the isthmus of Panama) at
9 a cost per vehicle of not more than \$19,500. A vehicle
10 may be purchased with such funds only as necessary to
11 replace another passenger motor vehicle of the Commis-
12 sion.

 Passed the Senate September 6 (legislative day, Sep-
tember 5), 1994.

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

S. 1126

AN ACT

To authorize appropriations for fiscal year 1996 for defense activities of the Department of Energy, and for other purposes.

S 1126 ES---2
S 1126 ES---3
S 1126 ES---4
S 1126 ES---5
S 1126 ES---6
S 1126 ES---7
S 1126 ES---8
S 1126 ES---9
S 1126 ES---10