

Calendar No. 169

104TH CONGRESS
1ST SESSION

S. 1126

A BILL

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

AUGUST 7 (legislative day, JULY 10), 1995
Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, JULY 10), 1995

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

A BILL

To authorize appropriations for fiscal year 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 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Congressional defense committees defined.

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

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Payment of penalties assessed against Rocky Flats Site.

Subtitle B—Recurring General Provisions

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

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

- Sec. 3131. Tritium production.
- Sec. 3132. Plutonium 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 Department of Energy nuclear weapons complex.
- Sec. 3137. Effect of issuance of environmental impact statements on use of funds for certain Department of Energy facilities.
- Sec. 3138. Dual-axis Radiographic Hydrotest Facility.
- Sec. 3139. Limitation on use of funds for certain research and education purposes.
- Sec. 3140. Processing of high level nuclear waste and spent nuclear fuel rods.
- Sec. 3141. Department of Energy Declassification Productivity Initiative.
- Sec. 3142. Authority to reprogram funds for disposition of certain spent nuclear fuel.
- Sec. 3143. Protection of workers at nuclear weapons facilities.

**Subtitle D—Transfer of Jurisdiction Over Department of
Energy National Security Functions**

- Sec. 3151. Plans for transfer of jurisdiction over Department of Energy national security functions.

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. Enduring nuclear weapons stockpile.
- Sec. 3164. Report on proposed purchases of tritium from foreign suppliers.
- Sec. 3165. Report on hydronuclear testing.
- Sec. 3166. Master plan on warheads in the enduring nuclear weapons stockpile.
- Sec. 3167. Prohibition on international inspections of Department of Energy facilities pending certification of protection of restricted data.

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. Study regarding future of naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1).

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

- 4 (1) the Committee on Armed Services and the
5 Committee on Appropriations of the Senate; and
6 (2) the Committee on National Security and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

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

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

14 SEC. 3101. WEAPONS ACTIVITIES.

15 (a) STOCKPILE STEWARDSHIP.—Subject to sub-
16 section (d), funds are hereby authorized to be appro-
17 priated to the Department of Energy for fiscal year 1996

1 for stockpile stewardship in carrying out weapons activi-
2 ties necessary for national security programs in the
3 amount of \$1,384,675,000, to be allocated as follows:

4 (1) For core stockpile stewardship,
5 \$1,147,208,000, to be allocated as follows:

6 (A) For operation and maintenance,
7 \$1,065,903,000.

8 (B) For plant projects (including mainte-
9 nance, restoration, planning, construction, ac-
10 quisition, modification of facilities, and the con-
11 tinuation of projects authorized in prior years,
12 and land acquisition related thereto),
13 \$81,305,000, to be allocated as follows: Project
14 96-D-102, stockpile stewardship facilities revi-
15 talization, Phase VI, various locations,
16 \$2,520,000.

17 Project 96-D-103, Atlas, Los Alamos
18 National Laboratory, Los Alamos, New
19 Mexico, \$8,400,000.

20 Project 96-D-104, processing and en-
21 vironmental technology laboratory
22 (PETL), Sandia National Laboratories,
23 Albuquerque, New Mexico, \$1,800,000.

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

1 tional Laboratory, Livermore, California,
2 \$6,600,000.

3 Project 95-D-102, Chemical and
4 Metallurgy Research Building upgrades,
5 Los Alamos National Laboratory, New
6 Mexico, \$9,940,000.

7 Project 94-D-102, nuclear weapons
8 research, development, and testing facili-
9 ties revitalization, Phase V, various loca-
10 tions, \$12,200,000.

11 Project 93-D-102, Nevada support
12 facility, North Las Vegas, Nevada,
13 \$15,650,000.

14 Project 90-D-102, nuclear weapons
15 research, development, and testing facili-
16 ties revitalization, Phase III, various loca-
17 tions, \$6,200,000.

18 Project 88-D-106, nuclear weapons
19 research, development, and testing facili-
20 ties revitalization, Phase II, various loca-
21 tions, \$17,995,000.

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

24 (A) For operation and maintenance,
25 \$193,267,000.

1 (B) For the following plant project (includ-
2 ing maintenance, restoration, planning, con-
3 struction, acquisition, modification of facilities,
4 and land acquisition related thereto),
5 \$37,400,000:

6 Project 96-D-111, national ignition
7 facility, location to be determined.

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

10 (b) STOCKPILE MANAGEMENT.—Subject to sub-
11 section (d), funds are hereby authorized to be appro-
12 priated to the Department of Energy for fiscal year 1996
13 for stockpile management in carrying out weapons activi-
14 ties necessary for national security programs in the
15 amount of \$2,250,483,000, to be allocated as follows:

16 (1) For operation and maintenance,
17 \$2,111,858,000.

18 (2) For plant projects (including maintenance,
19 restoration, planning, construction, acquisition,
20 modification of facilities, and the continuation of
21 projects authorized in prior years, and land acqui-
22 sition related thereto), \$138,625,000, to be allocated
23 as follows:

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

1 Project 96-D-122, sewage treatment qual-
2 ity upgrade (STQU), Pantex Plant, Amarillo,
3 Texas, \$600,000.

4 Project 96-D-123, retrofit heating, ven-
5 tilation, and air conditioning and chillers for
6 ozone protection, Y-12 Plant, Oak Ridge, Ten-
7 nessee, \$3,100,000.

8 Project 96-D-125, Washington measure-
9 ments operations facility, Andrews Air Force
10 Base, Camp Springs, Maryland, \$900,000.

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

14 Project 96-D-127, pit refabrication and
15 certification facility, Savannah River Site,
16 South Carolina, \$15,000,000.

17 Project 95-D-122, sanitary sewer up-
18 grade, Y-12 Plant, Oak Ridge, Tennessee,
19 \$6,300,000.

20 Project 94-D-124, hydrogen fluoride sup-
21 ply system, Y-12 Plant, Oak Ridge, Tennessee,
22 \$8,700,000.

23 Project 94-D-125, upgrade life safety,
24 Kansas City Plant, Kansas City, Missouri,
25 \$5,500,000.

1 Project 94-D-127, emergency notification
2 system, Pantex Plant, Amarillo, Texas,
3 \$2,000,000.

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

7 Project 93-D-122, life safety upgrades,
8 Y-12 Plant, Oak Ridge, Tennessee,
9 \$7,200,000.

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

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

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

16 (c) PROGRAM DIRECTION.—Subject to subsection
17 (d), funds are hereby authorized to be appropriated to the
18 Department of Energy for fiscal year 1996 for program
19 direction in carrying out weapons activities necessary for
20 national security programs in the amount of
21 \$118,000,000.

22 (d) ADJUSTMENTS.—The total amount authorized to
23 be appropriated pursuant to this section is the sum of the
24 amounts authorized to be appropriated in subsections (a)
25 through (c) reduced by the sum of—

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

3 (2) \$86,344,000, for use of prior year balances.

4 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
5 **MANAGEMENT.**

6 (a) CORRECTIVE ACTIVITIES.—Subject to subsection
7 (i), funds are hereby authorized to be appropriated to the
8 Department of Energy for fiscal year 1996 for corrective
9 activities in carrying out environmental restoration and
10 waste management activities necessary for national secu-
11 rity programs in the amount of \$3,406,000, all of which
12 shall be available for the following plant project (including
13 maintenance, restoration, planning, construction, acquisi-
14 tion, modification of facilities, and land acquisition related
15 thereto):

16 Project 90–D–103, environment, safety and
17 health improvements, weapons research and develop-
18 ment complex, Los Alamos National Laboratory,
19 Los Alamos, New Mexico.

20 (b) ENVIRONMENTAL RESTORATION.—Subject to
21 subsection (i), funds are hereby authorized to be appro-
22 priated to the Department of Energy for fiscal year 1996
23 for environmental restoration for operating expenses in
24 carrying out environmental restoration and waste manage-

1 ment activities necessary for national security programs
2 in the amount of \$1,575,973,000.

3 (c) WASTE MANAGEMENT.—Subject to subsection (i),
4 funds are hereby authorized to be appropriated to the De-
5 partment of Energy for fiscal year 1996 for waste man-
6 agement in carrying out environmental restoration and
7 waste management activities necessary for national secu-
8 rity programs in the amount of \$2,401,596,000, to be allo-
9 cated as follows:

10 (1) For operation and maintenance,
11 \$2,181,226,000.

12 (2) For plant projects (including maintenance,
13 restoration, planning, construction, acquisition,
14 modification of facilities, and the continuation of
15 projects authorized in prior years, and land acquisi-
16 tion related thereto), \$220,330,000, to be allocated
17 as follows:

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

20 Project 96-D-400, replace industrial waste
21 piping, Kansas City Plant, Kansas City, Mis-
22 souri, \$200,000.

23 Project 96-D-401, comprehensive treat-
24 ment and management plan immobilization of
25 miscellaneous wastes, Rocky Flats Environ-

1 mental Technology Site, Golden, Colorado,
2 \$1,400,000.

3 Project 96-D-402, comprehensive treat-
4 ment and management plan building 374/774
5 sludge immobilization, Rocky Flats Environ-
6 mental Technology Site, Golden, Colorado,
7 \$1,500,000.

8 Project 96-D-403, tank farm service up-
9 grades, Savannah River, South Carolina,
10 \$3,315,000.

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

14 Project 96-D-406, K-Basin operations
15 program, Richland, Washington, \$26,000,000.

16 Project 96-D-409, advanced mixed waste
17 treatment facility, Idaho National Engineering
18 Laboratory, Idaho, \$5,000,000.

19 Project 96-D-410, specific manufacturing
20 characterization facility assessment and up-
21 grade, Idaho National Engineering Laboratory,
22 Idaho, \$2,000,000.

23 Project 95-D-402, install permanent elec-
24 trical service, Waste Isolation Pilot Plant, New
25 Mexico, \$4,314,000.

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

4 Project 95-D-406, road 5-01 reconstruc-
5 tion, area 5, Nevada Test Site, Nevada,
6 \$1,023,000.

7 Project 94-D-400, high explosive
8 wastewater treatment system, Los Alamos Na-
9 tional Laboratory, Los Alamos, New Mexico,
10 \$4,445,000.

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

13 Project 94-D-404, Melton Valley storage
14 tanks capacity increase, Oak Ridge National
15 Laboratory, Oak Ridge, Tennessee,
16 \$11,000,000.

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

19 Project 94-D-411, solid waste operations
20 complex project, Richland, Washington,
21 \$5,500,000.

22 Project 94-D-417, intermediate-level and
23 low-activity waste vaults, Savannah River,
24 South Carolina, \$2,704,000.

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

4 Project 93-D-182, replacement of cross-
5 site transfer system, Richland, Washington,
6 \$19,795,000.

7 Project 93-D-183, multi-tank waste stor-
8 age facility, Richland, Washington,
9 \$31,000,000.

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

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

16 Project 92-D-188, waste management en-
17 vironmental, safety and health (ES&H) and
18 compliance activities, various locations,
19 \$1,100,000.

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

22 Project 90-D-177, RWMC transuranic
23 (TRU) waste characterization and storage facil-
24 ity, Idaho National Engineering Laboratory,
25 Idaho, \$1,428,000.

1 Project 90–D–178, TSA retrieval contain-
2 ment building, Idaho National Engineering
3 Laboratory, Idaho, \$2,606,000.

4 Project 89–D–173, tank farm ventilation
5 upgrade, Richland, Washington, \$800,000.

6 Project 89–D–174, replacement high-level
7 waste evaporator, Savannah River, South Caro-
8 lina, \$11,500,000.

9 Project 86–D–103, decontamination and
10 waste treatment facility, Lawrence Livermore
11 National Laboratory, California, \$8,885,000.

12 Project 83–D–148, nonradioactive hazard-
13 ous waste management, Savannah River, South
14 Carolina, \$1,000,000.

15 (d) TECHNOLOGY DEVELOPMENT.—Subject to sub-
16 section (i), funds are hereby authorized to be appropriated
17 to the Department of Energy for fiscal year 1996 for tech-
18 nology development in carrying out environmental restora-
19 tion and waste management activities necessary for na-
20 tional security programs in the amount of \$490,510,000.

21 (e) TRANSPORTATION MANAGEMENT.—Subject to
22 subsection (i), funds are hereby authorized to be appro-
23 priated to the Department of Energy for fiscal year 1996
24 for transportation management in carrying out environ-
25 mental restoration and waste management activities nec-

1 essary for national security programs in the amount of
2 \$16,158,000.

3 (f) NUCLEAR MATERIALS AND FACILITIES STA-
4 BILIZATION.—Subject to subsection (i), funds are hereby
5 authorized to be appropriated to the Department of En-
6 ergy for fiscal year 1996 for nuclear materials and facili-
7 ties stabilization in carrying out environmental restoration
8 and waste management activities necessary for national
9 security programs in the amount of \$1,596,028,000, to
10 be allocated as follows:

11 (1) For operation and maintenance,
12 \$1,463,384,000.

13 (2) For plant projects (including maintenance,
14 restoration, planning, construction, acquisition,
15 modification of facilities, and the continuation of
16 projects authorized in prior years, and land acquisi-
17 tion related thereto), \$132,644,000, to be allocated
18 as follows:

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

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

23 Project 96-D-461, electrical distribution
24 upgrade, Idaho National Engineering Labora-
25 tory, Idaho, \$1,539,000.

1 Project 96-D-462, health physics instru-
2 ment laboratory, Idaho National Engineering
3 Laboratory, Idaho, \$1,126,000.

4 Project 96-D-463, central facilities craft
5 shop, Idaho National Engineering Laboratory,
6 Idaho, \$724,000.

7 Project 96-D-464, electrical and utility
8 systems upgrade, Idaho Chemical Processing
9 Plant, Idaho National Engineering Laboratory,
10 Idaho, \$4,952,000.

11 Project 96-D-465, 200 area sanitary
12 sewer system, Richland, Washington,
13 \$1,800,000.

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

17 Project 96-D-471, chlorofluorocarbon
18 heating, ventilation, and air conditioning and
19 chiller retrofit, Savannah River Site, Aiken,
20 South Carolina, \$1,500,000.

21 Project 96-D-472, plant engineering and
22 design, Savannah River Site, Aiken, South
23 Carolina, \$4,000,000.

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

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

7 Project 96-D-475, high level waste volume
8 reduction demonstration (pentaborane), Idaho
9 National Engineering Laboratory, Idaho,
10 \$5,000,000.

11 Project 95-D-155, upgrade site road in-
12 frastructure, Savannah River, South Carolina,
13 \$2,900,000.

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

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

18 Project 95-D-456, security facilities up-
19 grade, Idaho Chemical Processing Plant, Idaho
20 National Engineering Laboratory, Idaho,
21 \$8,382,000.

22 Project 94-D-122, underground storage
23 tanks, Rocky Flats, Golden, Colorado,
24 \$5,000,000.

1 Project 94-D-401, emergency response fa-
2 cility, Idaho National Engineering Laboratory,
3 Idaho, \$5,074,000.

4 Project 94-D-412, 300 area process sewer
5 piping system upgrade, Richland, Washington,
6 \$1,000,000.

7 Project 94-D-415, medical facilities, Idaho
8 National Engineering Laboratory, Idaho,
9 \$3,601,000.

10 Project 94-D-451, infrastructure replace-
11 ment, Rocky Flats Plant, Golden, Colorado,
12 \$2,940,000.

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

16 Project 93-D-172, electrical upgrade,
17 Idaho National Engineering Laboratory, Idaho,
18 \$124,000.

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

22 Project 92-D-125, master safeguards and
23 security agreement/materials surveillance task
24 force security upgrades, Rocky Flats Plant,
25 Golden, Colorado, \$7,000,000.

1 Project 92-D-181, fire and life safety im-
2 provements, Idaho National Engineering Lab-
3 oratory, Idaho, \$6,883,000.

4 Project 91-D-127, criticality alarm and
5 production annunciation utility replacement,
6 Rocky Flats Plant, Golden, Colorado,
7 \$2,800,000.

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

15 (1) For operation and maintenance,
16 \$66,251,000.

17 (2) For the following plant project (including
18 maintenance, restoration, planning, construction, ac-
19 quisition, modification of facilities, and land acquisi-
20 tion related thereto), \$15,000,000:

21 Project 95-E-600, hazardous materials
22 training center, Richland, Washington.

23 (h) ANALYSIS, EDUCATION, AND RISK MANAGE-
24 MENT.—Subject to subsection (i), funds are hereby au-
25 thorized to be appropriated to the Department of Energy

1 for fiscal year 1996 for analysis, education, and risk man-
2 agement in carrying out environmental restoration and
3 waste management activities necessary for national secu-
4 rity programs in the amount of \$157,022,000.

5 (i) ADJUSTMENTS.—The total amount authorized to
6 be appropriated pursuant to this section is the sum of the
7 amounts specified in subsections (a) through (h) reduced
8 by the sum of—

9 (1) \$276,942,000, for use of prior year bal-
10 ances; and

11 (2) \$37,000,000 for recovery of overpayment to
12 the Savannah River Pension Fund.

13 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

14 (a) OTHER DEFENSE ACTIVITIES.—Subject to sub-
15 section (b), funds are hereby authorized to be appro-
16 priated to the Department of Energy for fiscal year 1996
17 for other defense activities in carrying out programs nec-
18 essary for national security in the amount of
19 \$1,330,520,000, to be allocated as follows:

20 (1) For verification and control technology,
21 \$353,200,000, to be allocated as follows:

22 (A) For nonproliferation and verification
23 research and development, \$163,500,000.

24 (B) For arms control, \$147,364,000.

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

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

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

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

5 (5) For the Office of Nuclear Safety,
6 \$15,050,000.

7 (6) For worker and community transition,
8 \$100,000,000.

9 (7) For fissile materials disposition,
10 \$70,000,000.

11 (8) For naval reactors development,
12 \$682,168,000, to be allocated as follows:

13 (A) For operation and infrastructure,
14 \$659,168,000.

15 (B) For plant projects (including mainte-
16 nance, restoration, planning, construction, ac-
17 quisition, modification of facilities, and the con-
18 tinuation of projects authorized in prior years,
19 and land acquisition related thereto),
20 \$23,000,000, to be allocated as follows:

21 Project 95-D-200, laboratory systems
22 and hot cell upgrades, various locations,
23 \$11,300,000.

24 Project 95-D-201, advanced test re-
25 actor radioactive waste system upgrades,

1 Idaho National Engineering Laboratory,
2 Idaho, \$4,800,000.

3 Project 93-D-200, engineering serv-
4 ices facilities, Knolls Atomic Power Lab-
5 oratory, Niskayuna, New York,
6 \$3,900,000.

7 Project 90-N-102, expended core fa-
8 cility dry cell project, Naval Reactors Fa-
9 cility, Idaho, \$3,000,000.

10 (b) ADJUSTMENT.—The total amount that may be
11 appropriated pursuant to this section is the total amount
12 authorized to be appropriated in subsection (a) reduced
13 by \$13,000,000, for use of prior year balances.

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

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 1996 for pay-
17 ment to the Nuclear Waste Fund established in section
18 302(c) of the Nuclear Waste Policy Act of 1982 (42
19 U.S.C. 10222(c)) in the amount of \$198,400,000.

20 **SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST**
21 **ROCKY FLATS SITE.**

22 The Secretary of Energy may pay to the Hazardous
23 Substance Superfund established under section 9507 of
24 the Internal Revenue Code of 1986 (26 U.S.C. 9507),
25 from funds appropriated to the Department of Energy for

1 environmental restoration and waste management activi-
2 ties pursuant to section 3102, stipulated civil penalties in
3 the amount of \$350,000 assessed under the Comprehen-
4 sive Environmental Response, Compensation, and Liabil-
5 ity Act of 1980 (42 U.S.C. 9601 et seq.) against the
6 Rocky Flats Site, Golden, Colorado.

7 **Subtitle B—Recurring General** 8 **Provisions**

9 **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

23 (b) REPORT.—(1) The report referred to in sub-
24 section (a) is a report containing a full and complete state-
25 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 SECUR-**
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) ACCELERATOR PRODUCTION RESEARCH AND DE-
22 VELOPMENT.—Subject to paragraph (2), of the funds au-
23 thorized to be appropriated to the Department of Energy
24 under section 3101, not more than \$25,000,000 shall be
25 available to commence a 3-year program of research and

1 development into reduction of technical risk associated
2 with the use of the Los Alamos Neutron Scattering Center
3 for accelerator production of tritium at the Los Alamos
4 National Laboratory.

5 (2) The Secretary of Energy may not obligate or ex-
6 pend funds available under paragraph (1) for the program
7 referred to in that paragraph until the Secretary com-
8 mences the program referred to in subsection (b).

9 (b) MULTIPURPOSE REACTORS.—Of the funds au-
10 thorized to be appropriated to the Department of Energy
11 under section 3101, not more than \$25,000,000 shall be
12 available in fiscal year 1996 to commence a 3-year pro-
13 gram of cost and risk assessment, conceptual design, and
14 engineering design regarding the use of a privately owned
15 and operated multipurpose reactor to meet the tritium
16 production and plutonium disposition objectives of the De-
17 partment of Energy and of cost and risk assessment, con-
18 ceptual design, and engineering design regarding the use
19 of a Government multipurpose reactor to meet such objec-
20 tives.

21 (c) TRITIUM TARGETS.—Of the funds authorized to
22 be appropriated to the Department of Energy under sec-
23 tion 3101, not more than \$5,000,000 shall be available
24 for the Idaho National Engineering Laboratory for the

1 test and development of light water tritium targets and
2 mixed oxide fuels tritium targets.

3 **SEC. 3132. PLUTONIUM DISPOSITION.**

4 (a) PLUTONIUM DISPOSITION.—Of the funds author-
5 ized to be appropriated to the Department of Energy for
6 fiscal year 1996 under section 3103(a)(7), \$70,000,000
7 shall be available only for purposes of completing the eval-
8 uation of, and commencing implementation of, a pluto-
9 nium storage and disposition option, of which \$25,000,000
10 shall be available to commence a 3-year program to assess
11 the cost and risk of using a privately owned and operated
12 multipurpose reactor to meet the tritium production and
13 plutonium disposition objectives of the Department of En-
14 ergy and the cost and risk of using a Government multi-
15 purpose reactor to meet those objectives.

16 (b) ENVIRONMENTAL ASSESSMENT.—Using funds
17 available under subsection (a), the Secretary shall—

18 (1) include in the programmatic environmental
19 impact statement of the fissile material disposition
20 program a complete assessment of the impact on the
21 environment of each multipurpose reactor assessed
22 under that subsection; and

23 (2) prepare a programmatic environmental im-
24 pact statement for the Department of Energy which
25 includes—

1 (A) a complete assessment of the impact
2 on the environment of utilizing each multipur-
3 pose reactor assessed under that subsection to
4 carry out the combined tritium production and
5 plutonium disposition missions of the Depart-
6 ment;

7 (B) an accompanying cost analysis of uti-
8 lizing each such reactor to carry out such mis-
9 sions; and

10 (C) an accompanying integrated systems
11 analysis of utilizing each such reactor to carry
12 out such missions.

13 (c) DEFINITION.—In this section, the term “pluto-
14 nium storage and disposition option” means a method for
15 the interim storage, processing, reprocessing, or perma-
16 nent storage of plutonium.

17 **SEC. 3133. TRITIUM RECYCLING.**

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

21 (1) All tritium recycling for weapons, including
22 tritium refitting.

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

1 (b) EXCEPTION.—The following activities may be
2 carried out at the Los Alamos National Laboratory, New
3 Mexico:

4 (1) Research on tritium.

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

7 **SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR**
8 **REFABRICATION AND CERTIFICATION OF EN-**
9 **DURING NUCLEAR WEAPONS STOCKPILE.**

10 (a) MANUFACTURING PROGRAM.—The Secretary of
11 Energy shall carry out a program for purposes of estab-
12 lishing within the Government a manufacturing infra-
13 structure that has the capability—

14 (1) to refabricate and certify the entire active
15 and inactive enduring nuclear weapons stockpile be-
16 fore the end of the presently specified design lifetime
17 for each weapon currently in the stockpile; and

18 (2) to manufacture new nuclear warheads.

19 (b) REQUIRED CAPABILITIES.—The manufacturing
20 infrastructure established under the program under sub-
21 section (a) shall include the following capabilities (modern-
22 ized to attain the objectives subsection (a)(1)):

23 (1) The weapons assembly capabilities of the
24 Pantex Plant.

1 (2) The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.

3 (3) The tritium recycling capabilities of the Savannah River Site.

5 (4) A weapon primary pit refabrication/manufacturing and reuse facility capability at Savannah River Site.

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

10 (c) ENDURING NUCLEAR WEAPONS STOCKPILE.—

11 For purposes of subsection (a)(1), the term “enduring nuclear weapons stockpile” means the stockpile described in
12 clear weapons stockpile” means the stockpile described in
13 the February 1995 Department of Defense Annual Report
14 to the President and the Congress (as specified on pages
15 83 and following of the report) or the stockpile described
16 in section 3163(b), whichever would yield a higher number
17 of weapons.

18 (d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), \$100,000,000 shall be
19 available for carrying out the program required under this
20 section, of which—

22 (1) \$25,000,000 shall be available for activities
23 at the Pantex Plant;

24 (2) \$20,000,000 shall be available for activities
25 at the Y-12 Plant, Oak Ridge, Tennessee;

1 (3) \$25,000,000 shall be available for activities
2 at the Savannah River Site; and

3 (4) \$30,000,000 shall be available for activities
4 at the Kansas City Plant.

5 **SEC. 3135. HYDRONUCLEAR EXPERIMENTS.**

6 (a) FUNDING.—Of the funds authorized to be appro-
7 priated to the Department of Energy under section 3101,
8 \$50,000,000 shall be available for preparation for the
9 commencement of a program of hydronuclear experiments
10 at the nuclear weapons design laboratories at the Nevada
11 Test Site which program shall be for the purpose of main-
12 taining confidence in the reliability and safety of the en-
13 during nuclear weapons stockpile.

14 (b) DEFINITION.—For purposes of subsection (a),
15 the term “enduring nuclear weapons stockpile” means the
16 stockpile described in the February 1995 Department of
17 Defense Annual Report to the President and the Congress
18 (as specified on pages 83 and following of the report) or
19 the stockpile described in section 3163(b), whichever
20 would yield a higher number of weapons.

21 **SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
22 **SKILLS CRITICAL TO THE DEPARTMENT OF**
23 **ENERGY NUCLEAR WEAPONS COMPLEX.**

24 (a) IN GENERAL.—The Secretary of Energy shall
25 conduct a fellowship program for the development of skills

1 critical to the ongoing mission of the Department of En-
2 ergy nuclear weapons complex. Under the fellowship pro-
3 gram, the Secretary shall—

4 (1) provide educational assistance and research
5 assistance to eligible individuals to facilitate the de-
6 velopment by such individuals of skills critical to
7 maintaining the ongoing mission of the Department
8 of Energy nuclear weapons complex;

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

12 (3) provide eligible individuals with the assist-
13 ance and the employment.

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

16 (1) Students pursuing graduate degrees in
17 fields of science or engineering that are related to
18 nuclear weapons engineering or to the science and
19 technology base of the Department of Energy.

20 (2) Individuals engaged in postdoctoral studies
21 in such fields.

22 (c) COVERED FACILITIES.—The Secretary shall carry
23 out the fellowship program at or in connection with the
24 following facilities:

1 (1) Los Alamos National Laboratory, New Mex-
2 ico.

3 (2) Sandia National Laboratories, New Mexico.

4 (3) Lawrence Livermore National Laboratory,
5 California.

6 (4) The Kansas City Plant, Kansas City, Mis-
7 souri.

8 (5) The Pantex Plant, Amarillo, Texas.

9 (6) The Y-12 Plant, Oak Ridge, Tennessee.

10 (7) The Savannah River Site, Aiken, South
11 Carolina.

12 (d) ADMINISTRATION.—The Secretary shall carry out
13 the fellowship program—

14 (1) in the case of a facility referred to in para-
15 graph (1), (2), or (3) of subsection (c), through the
16 weapons program director of the facility; and

17 (2) in the case of a facility referred to in para-
18 graph (4), (5), or (6) of that subsection, through the
19 stockpile manager of the facility.

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

1 program director of each such facility of the personnel and
2 critical skills necessary at the facility for carrying out the
3 ongoing mission of the facility.

4 (f) FUNDING.—Of the funds authorized to be appro-
5 priated to the Department of Energy for fiscal year 1996
6 under section 3101, \$20,000,000 may be used for the pur-
7 pose of carrying out the fellowship program under this sec-
8 tion.

9 **SEC. 3137. EFFECT OF ISSUANCE OF ENVIRONMENTAL IM-**
10 **PACT STATEMENTS ON USE OF FUNDS FOR**
11 **CERTAIN DEPARTMENT OF ENERGY FACILI-**
12 **TIES.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, if a statement on the environmental impact
15 of the construction and operation of a Department of En-
16 ergy defense facility has been issued under section
17 102(2)(C) of the National Environmental Policy Act of
18 1969 (42 U.S.C. 4332(2)(C)), no provision of that Act
19 may be interpreted as prohibiting—

20 (1) the use of funds appropriated pursuant to
21 an authorization of appropriations in this Act, or
22 otherwise appropriated or made available, for the
23 construction or operation of that facility; or

1 (2) the Department of Energy from construct-
2 ing, acquiring, or procuring equipment for the facil-
3 ity.

4 (b) MODIFICATION OF COURT ORDERS.—Congress
5 urges the Attorney General to seek modification of any
6 court order that is inconsistent with the provisions of sub-
7 section (a).

8 (c) TREATMENT OF PROHIBITIONS BY DEPARTMENT
9 OF ENERGY PENDING PROGRAMMATIC EIS.—Pending
10 completion of a programmatic environmental impact state-
11 ment with respect to a Department of Energy defense fa-
12 cility, the Secretary of Energy may not administratively
13 prohibit with respect to the facility any action referred to
14 in paragraph (1) or (2) of subsection (a).

15 (d) DEFINITION.—In this section, the term “Depart-
16 ment of Energy defense facility” means any facility under
17 the jurisdiction of the Secretary of Energy for which funds
18 are authorized to be appropriated pursuant to an Act au-
19 thorizing appropriations for national security programs of
20 the Department of Energy.

21 **SEC. 3138. DUAL-AXIS RADIOGRAPHIC HYDROTEST FACIL-**
22 **ITY.**

23 (a) ENVIRONMENTAL ASSESSMENT.—Not later than
24 October 30, 1995, the Secretary of Energy shall—

1 (1) prepare a comprehensive environmental im-
2 pact statement for the Dual-Axis Radiographic
3 Hydrotest Facility project; and

4 (2) issue a record of decision on the project
5 pursuant to that environmental impact statement.

6 (b) COMPLETION OF FACILITY.—If the Secretary de-
7 termines in the record of decision referred to in paragraph
8 (2) of subsection (a) that the project referred to in that
9 subsection should proceed, the Secretary shall complete
10 the project and commence operations at the facility re-
11 ferred to in that subsection without delay even if the
12 project is subject to any on-going or proposed assessment
13 (including a programmatic assessment or a site-wide as-
14 sessment) of environmental impacts by the Secretary.

15 **SEC. 3139. LIMITATION ON USE OF FUNDS FOR CERTAIN**
16 **RESEARCH AND EDUCATION PURPOSES.**

17 None of the funds appropriated or otherwise made
18 available to the Department of Energy for fiscal year 1996
19 under this title may be obligated or expended for the fol-
20 lowing activities:

21 (1) Activities under the Department of Energy
22 Laboratory Directed Research and Development
23 Program.

24 (2) Research and development activities selected
25 by the director of a national laboratory that are not

1 connected with stockpile stewardship programs or
2 stockpile management programs.

3 (3) Providing instruction for general education
4 purposes.

5 **SEC. 3140. PROCESSING OF HIGH LEVEL NUCLEAR WASTE**
6 **AND SPENT NUCLEAR FUEL RODS.**

7 (a) ELECTROMETALLURGICAL PROCESSING ACTIVI-
8 TIES.—Of the amount authorized to be appropriated to
9 the Department of Energy under section 3102, not more
10 than \$2,500,000 shall be available for electrometallurgical
11 processing activities at the Idaho National Engineering
12 Laboratory.

13 (b) PROCESSING OF SPENT NUCLEAR FUEL RODS AT
14 SAVANNAH RIVER SITE.—Of the amount authorized to be
15 appropriated to the Department of Energy under section
16 3102, not more than \$15,000,000 shall be available for
17 operating and maintenance activities at the Savannah
18 River Site, which amount shall be available for the devel-
19 opment at the canyon facilities at the site of technological
20 methods (including plutonium processing and reprocess-
21 ing) of separating, reducing, isolating, and storing the
22 spent nuclear fuel rods that are sent to the site from other
23 Department of Energy facilities and from foreign facili-
24 ties.

1 (c) PROCESSING OF SPENT NUCLEAR FUEL RODS AT
2 IDAHO NATIONAL ENGINEERING LABORATORY.—Of the
3 amount authorized to be appropriated to the Department
4 of Energy under section 3102, not more than \$15,000,000
5 shall be available for operating and maintenance activities
6 at the Idaho National Engineering Laboratory, which
7 amount shall be available for the development of techno-
8 logical methods of processing the spent nuclear fuel rods
9 that will be sent to the laboratory from other Department
10 of Energy facilities.

11 (d) SPENT NUCLEAR FUEL DEFINED.—In this sec-
12 tion, the term “spent nuclear fuel” has the meaning given
13 such term in section 2(23) of the Nuclear Waste Policy
14 Act of 1982 (42 U.S.C. 10101(23)).

15 **SEC. 3141. DEPARTMENT OF ENERGY DECLASSIFICATION**
16 **PRODUCTIVITY INITIATIVE.**

17 Of the funds authorized to be appropriated to the De-
18 partment of Energy under section 3103, \$3,000,000 shall
19 be available for the Declassification Productivity Initiative
20 of the Department of Energy.

21 **SEC. 3142. AUTHORITY TO REPROGRAM FUNDS FOR DIS-**
22 **POSITION OF CERTAIN SPENT NUCLEAR**
23 **FUEL.**

24 (a) AUTHORITY TO REPROGRAM.—Notwithstanding
25 any other provision of law and subject to subsection (b),

1 the Secretary of Energy may reprogram funds available
2 to the Department of Energy for fiscal year 1996 under
3 section 3101(b) or 3102(b) to make such funds available
4 for use for storage pool treatment and stabilization or for
5 canning and storage in connection with the disposition of
6 spent nuclear fuel in the Democratic People's Republic of
7 Korea, which treatment and stabilization or canning and
8 storage is—

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

12 (2) conducted in fulfillment of the Nuclear
13 Framework Agreement between the United States
14 and the Democratic People's Republic of Korea
15 dated October 21, 1994.

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

19 (c) DEFINITION.—In this section, the term “spent
20 nuclear fuel” has the meaning given such term in section
21 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
22 10101(23)).

1 **SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAP-**
2 **ONS FACILITIES.**

3 Of the funds authorized to be appropriated to the De-
4 partment of Energy under section 3102, \$10,000,000
5 shall be available to carry out activities authorized under
6 section 3131 of the National Defense Authorization Act
7 for Fiscal Years 1992 and 1993 (Public Law 102-190;
8 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker pro-
9 tection at nuclear weapons facilities.

10 **Subtitle D—Transfer of Jurisdic-**
11 **tion Over Department of Energy**
12 **National Security Functions**

13 **SEC. 3151. PLANS FOR TRANSFER OF JURISDICTION OVER**
14 **DEPARTMENT OF ENERGY NATIONAL SECUR-**
15 **RITY FUNCTIONS.**

16 (a) PURPOSE.—It is the purpose of this section—

17 (1) to express the sense of the Senate concern-
18 ing—

19 (A) the continued importance of the main-
20 tenance of a safe and reliable nuclear weapons
21 stockpile to the national security of the United
22 States;

23 (B) growing concern with the Department
24 of Energy's management of the nuclear weap-
25 ons stockpile; and

1 (C) proposed legislative initiatives which
2 seek extensive changes to the present organiza-
3 tion and existence of the Department of En-
4 ergy, which could impact the nuclear weapons
5 stockpile of the United States; and

6 (2) to direct the Secretary of Defense and the
7 Secretary of Energy jointly to submit to Congress
8 the report referred to in subsection (c).

9 (b) SENSE OF THE SENATE.—It is the sense of the
10 Senate that—

11 (1) the nuclear weapons stockpile of the United
12 States is rapidly aging and absolute assurance of its
13 safety and reliability must be maintained;

14 (2) the national security strategy of the United
15 States is fundamentally based on the continued safe-
16 ty and reliability of the nuclear weapons stockpile;

17 (3) it is essential that the United States act de-
18 cisively to restore the capacity to remanufacture nu-
19 clear weapons at a rate sufficient to sustain the
20 stockpile at levels consistent with relevant treaty
21 limits and to maintain the safety and reliability of
22 the stockpile and the safety and performance of the
23 nuclear weapons complex;

24 (4) there is a growing concern that the Depart-
25 ment of Energy is not focusing sufficient resources

1 and management attention to its defense-related
2 mission, comprised fundamentally of the mainte-
3 nance of the nuclear weapons stockpile;

4 (5) the critical nature of the Department of En-
5 ergy's defense mission to the national security of the
6 United States and the growing concern with the De-
7 partment of Energy's performance of this defense
8 mission warrant aggressive action; and

9 (6) before any transfer of responsibility of na-
10 tional security programs of the Department of En-
11 ergy is decided upon, careful evaluation is required
12 to determine the effect of such transfer on the abil-
13 ity to maintain the safety and reliability of the nu-
14 clear weapons stockpile and the safety and perform-
15 ance of the nuclear weapons complex.

16 (c) REPORT REQUIRED.—The Secretary of Defense
17 and the Secretary of Energy shall jointly submit to Con-
18 gress a report setting forth the notional plans referred to
19 in subsection (d) examining the potential transfer of re-
20 sponsibility for the national security programs of the De-
21 partment of Energy.

22 (d) NOTIONAL PLANS.—(1) The report under sub-
23 section (c) shall set forth the following:

1 (A) A notional plan for the potential transfer of
2 the national security programs of the Department of
3 Energy to the Department of Defense.

4 (B) A notional plan for the potential establish-
5 ment of an independent establishment in the execu-
6 tive branch and transfer of the national security pro-
7 grams of the Department of Energy to that inde-
8 pendent establishment.

9 (2) Each notional plan shall be a plan which—

10 (A) could be implemented if the Department of
11 Energy were to be abolished; and

12 (B) assumes a commencement date for the
13 transfer of responsibility for the programs on or
14 after January 1, 1997.

15 (3) Each notional plan shall assume the transfer of
16 the following organizations:

17 (A) The Bettis Atomic Power Laboratory.

18 (B) The Fernald Site.

19 (C) The Hanford Site.

20 (D) The Idaho National Engineering Labora-
21 tory.

22 (E) The Kansas City Plant.

23 (F) The Knolls Atomic Power Laboratory.

24 (G) The Lawrence Livermore National Labora-
25 tory.

1 (H) The Los Alamos National Laboratory.

2 (I) The Mound Laboratory.

3 (J) The Nevada Test Site.

4 (K) The Y-12 Plant located at the Oak Ridge
5 National Laboratory.

6 (L) The Pantex Plant.

7 (M) The Rocky Flats Site.

8 (N) The Sandia National Laboratories, includ-
9 ing the facilities of such laboratories located in New
10 Mexico and California.

11 (O) The Savannah River Site.

12 (P) The Waste Isolation Pilot Project, New
13 Mexico.

14 (e) MATTERS TO BE INCLUDED IN PLAN.—Each no-
15 tional plan submitted in the report under subsection (c)
16 shall include the following:

17 (1) A detailed plan for the integration into the
18 entity concerned of the offices and laboratories of
19 the Department of Energy which could be antici-
20 pated to be transferred to such entity as part of a
21 transfer of programs under the plan.

22 (2) An assessment of the personnel strength ad-
23 justments estimated to be made as a result of such
24 a transfer of programs, which assessment shall set

1 forth the adjustments estimated to be made with re-
2 spect to each program anticipated to be transferred.

3 (3) An assessment of the effect of such a trans-
4 fer on the capability of the United States to carry
5 out the mission of the national security programs of
6 the Department of Energy, including—

7 (A) weapons activities;

8 (B) defense environmental restoration and
9 waste management activities;

10 (C) defense nuclear waste disposal activi-
11 ties;

12 (D) naval reactor activities;

13 (E) fissile materials disposition activities;

14 (F) nuclear safeguards and security activi-
15 ties;

16 (G) security investigations activities;

17 (H) security evaluation activities; and

18 (I) verification and arms control activities.

19 (4) An assessment of costs, or savings, associ-
20 ated with such a transfer.

21 (5) An identification of all applicable provisions
22 of law that may inhibit or preclude the transfer.

23 (6) The advantages and disadvantages of the
24 plan as it relates to the maintenance of the nuclear

1 weapons stockpile and related activities, both in the
2 near term and the long term.

3 (7) The recommendations of the Secretary of
4 Energy and the Secretary of Defense as to which no-
5 tional plan, if any, is preferable.

6 (f) PRESERVATION OF INTEGRITY OF DOE NA-
7 TIONAL SECURITY PROGRAMS.—In developing the no-
8 tional plans under this section, the Secretary of Defense
9 and the Secretary of Energy shall make every effort to
10 ensure that the mission and functioning of the national
11 security programs of the Department of Energy would not
12 be unduly affected adversely during the transfer of respon-
13 sibility for such programs into the entity concerned and,
14 in the case of the transfer to the Department of Defense,
15 during the consolidation of such programs into programs
16 of the Department.

17 (g) SUBMISSION OF REPORT.—The report required
18 under subsection (c) shall be submitted not later than
19 February 1, 1996.

20 (h) DEFINITIONS.—In this section:

21 (1) The term “independent establishment” has
22 the meaning given such term in section 104 of title
23 5, United States Code.

24 (2) The term “national security programs of
25 the Department of Energy” means the responsibil-

1 ities of the Secretary of Energy that are funded
2 under budget function 053 (Atomic Energy Defense
3 Activities).

4 **Subtitle E—Other Matters**

5 **SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS** 6 **EMERGENCY RESPONSE PROGRAM.**

7 The Office of Military Applications under the Assist-
8 ant Secretary of Energy for Defense Programs shall retain
9 responsibility for the Defense Programs Emergency Re-
10 sponse Program within the Department of Energy.

11 **SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY** 12 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL** 13 **YEARS AFTER FISCAL YEAR 1996.**

14 (a) IN GENERAL.—The weapons activities budget of
15 the Department of Energy shall be developed in accord-
16 ance with the Department of Defense Nuclear Posture Re-
17 view as contained in the Report of the Secretary of De-
18 fense to the President and the Congress dated February
19 19, 1995, the Post Nuclear Posture Review Stockpile
20 Memorandum currently under development, and the pro-
21 grammatic and technical requirements associated with the
22 review and memorandum.

23 (b) REQUIRED DETAIL.—(1) The Secretary of En-
24 ergy shall include in the materials that the Secretary sub-
25 mits to Congress in support of the budget for a fiscal year

1 submitted by the President pursuant to section 1105 of
2 title 31, United States Code, a long-term program plan,
3 and a near-term program plan, for the Stockpile Steward-
4 ship Program and the Stockpile Management Program of
5 the Department of Energy and for each Department of
6 Energy laboratory and site.

7 (2) Each program plan under paragraph (1) shall
8 specify the budget amounts proposed for, and shall include
9 other information on, the following subprograms:

10 (A) Stockpile confidence.

11 (B) Stockpile surveillance.

12 (C) Stockpile manufacturing and certification.

13 (D) Weapons engineering.

14 (E) Weapons science.

15 (F) Weapons enabling technology.

16 (c) APPLICABILITY.—The requirements of this sec-
17 tion shall apply with respect to budgets for the fiscal years
18 after fiscal year 1996.

19 **SEC. 3163. ENDURING NUCLEAR WEAPONS STOCKPILE.**

20 (a) REQUIREMENT.—The Secretary of Energy shall
21 take appropriate actions to maintain the Enduring Nu-
22 clear Weapons Stockpile in complete readiness for use.
23 The actions taken shall include providing for such
24 refabrication of nuclear weapons and nuclear warheads at
25 the end of the design lifetime of such weapons and war-

1 heads as the Secretary considers necessary to maintain the
2 safety and reliability of such weapons and warheads.

3 (b) ENDURING NUCLEAR WEAPONS STOCKPILE.—

4 For purposes of this section, the Enduring Nuclear Weap-
5 ons Stockpile shall consist of the following:

6 (1) The weapons in the active nuclear weapons
7 stockpile, which shall be a number of weapons that
8 is not less than the greater of—

9 (A) the number of active weapons per-
10 mitted by the Secretary of Defense on existing
11 platforms as of January 1, 1995; or

12 (B) the number of such weapons that is
13 determined appropriate by the Secretary of De-
14 fense.

15 (2) The weapons necessary for the maintenance
16 of an inactive nuclear weapons stockpile, which shall
17 be a number of weapons that is not less than the
18 greater of—

19 (A) the number of active weapons needed
20 to upload the capacity of existing platforms
21 from their capacity as of January 1, 1995, to
22 their maximum capacity; or

23 (B) the number of such weapons that is
24 determined appropriate by the Secretary of De-
25 fense.

1 (3) The number of weapons that the President
2 determines is necessary to provide for replacements
3 of the weapons referred to in paragraphs (1) and
4 (2), for tests of such weapons, and for other pur-
5 poses.

6 (c) DEFINITION.—In this section, the term “inactive
7 nuclear weapons stockpile” means a stockpile of nuclear
8 weapons necessary to provide for the rapid rearming of
9 all United States nuclear weapons launchers in the event
10 such rearming is required by international circumstances.

11 **SEC. 3164. REPORT ON PROPOSED PURCHASES OF TRITIUM**
12 **FROM FOREIGN SUPPLIERS.**

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

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

22 **SEC. 3165. REPORT ON HYDRONUCLEAR TESTING.**

23 (a) REPORT.—The Secretary of Energy shall direct
24 the joint preparation by the Lawrence Livermore National
25 Laboratory and the Los Alamos National Laboratory of

1 a report on the advantages and disadvantages for the safe-
2 ty and reliability of the enduring nuclear weapons stock-
3 pile of permitting alternative limits to the current limits
4 on the explosive yield of hydronuclear tests. The report
5 shall address the following explosive yield limits:

- 6 (1) 4 pounds (TNT equivalent).
- 7 (2) 400 pounds (TNT equivalent).
- 8 (3) 4,000 pounds (TNT equivalent).
- 9 (4) 40,000 pounds (TNT equivalent).

10 (b) FUNDING.—The Secretary shall make available
11 funds authorized to be appropriated to the Department
12 of Energy under section 3101 for preparation of the report
13 required under subsection (a).

14 (c) DEFINITION.—For purposes of this section, the
15 term “enduring nuclear weapons stockpile” means the
16 stockpile described in the February 1995 Department of
17 Defense Annual Report to the President and the Congress
18 (as specified on pages 83 and following of the report) or
19 the stockpile described in section 3163(b), whichever
20 would yield a higher number of weapons.

21 **SEC. 3166. MASTER PLAN ON WARHEADS IN THE ENDURING**
22 **NUCLEAR WEAPONS STOCKPILE.**

23 (a) MASTER PLAN.—Not later than March 15, 1996,
24 the President shall submit to Congress a master plan that

1 describes in detail how the Government plans to dem-
2 onstrate, by 2002—

3 (1) the capability to refabricate and certify war-
4 heads in the enduring nuclear weapons stockpile;
5 and

6 (2) the capability to design, fabricate, and cer-
7 tify new warheads.

8 (b) FORM OF PLAN.—The plan should be submitted
9 in classified and unclassified forms.

10 (c) DEFINITION.—For purposes of this section, the
11 term “enduring nuclear weapons stockpile” means the
12 stockpile described in the February 1995 Department of
13 Defense Annual Report to the President and the Congress
14 (as specified on pages 83 and following of the report) or
15 the stockpile described in section 3163(b), whichever
16 would yield a higher number of weapons.

17 **SEC. 3167. PROHIBITION ON INTERNATIONAL INSPECTIONS**
18 **OF DEPARTMENT OF ENERGY FACILITIES**
19 **PENDING CERTIFICATION OF PROTECTION**
20 **OF RESTRICTED DATA.**

21 (a) PROHIBITION.—The Secretary of Energy may not
22 permit an inspection of a Department of Energy nuclear
23 weapons facility by the International Atomic Energy
24 Agency until—

1 (1) the Secretary certifies to Congress that no
 2 restricted data or classified information will be re-
 3 vealed during the inspection; and

4 (2) a period of 30 days has elapsed after the
 5 date on which the certification is received by Con-
 6 gress.

7 (b) RESTRICTED DATA DEFINED.—In this section,
 8 the term “restricted data” has the meaning given the term
 9 “Restricted Data” in section 11 y. of the Atomic Energy
 10 Act of 1954 (42 U.S.C. 2014(y)).

11 **TITLE XXXII—DEFENSE NU-**
 12 **CLEAR FACILITIES SAFETY**
 13 **BOARD**

14 **SEC. 3201. AUTHORIZATION.**

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

19 **TITLE XXXIII—NAVAL**
 20 **PETROLEUM RESERVES**

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

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

1 **“§ 7421a. Sale of Naval Petroleum Reserve Numbered**
2 **1 (Elk Hills)**

3 “(a) SALE REQUIRED.—(1) Notwithstanding any
4 other provision of this chapter other than section
5 7431(a)(2) of this title, the Secretary shall sell all right,
6 title, and interest of the United States in and to lands
7 owned or controlled by the United States inside Naval Pe-
8 troleum Reserve Numbered 1, commonly referred to as the
9 Elk Hills Unit, located in Kern County, California, and
10 established by Executive order of the President, dated
11 September 2, 1912. Subject to subsection (j), within one
12 year after the effective date, the Secretary shall enter into
13 one or more contracts for the sale of all of the interest
14 of the United States in the reserve.

15 “(2) In this section:

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

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

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

25 “(b) EQUITY FINALIZATION.—(1) Not later than
26 three months after the effective date, the Secretary shall

1 finalize equity interests of the known oil and gas zones
2 in Naval Petroleum Reserve Numbered 1 in the manner
3 provided by this subsection.

4 “(2) The Secretary shall retain the services of an
5 independent petroleum engineer, mutually acceptable to
6 the equity owners, who shall prepare a recommendation
7 on final equity figures. The Secretary may accept the rec-
8 ommendation of the independent petroleum engineer for
9 final equity in each known oil and gas zone and establish
10 final equity interest in the Naval Petroleum Reserve Num-
11 bered 1 in accordance with such recommendation, or the
12 Secretary may use such other method to establish final
13 equity interest in the reserve as the Secretary considers
14 appropriate.

15 “(3) If, on the effective date, there is an ongoing eq-
16 uity redetermination dispute between the equity owners
17 under section 9(b) of the unit plan contract, such dispute
18 shall be resolved in the manner provided in the unit plan
19 contract within three months after the effective date. Such
20 resolution shall be considered final for all purposes under
21 this section.

22 “(c) TIMING AND ADMINISTRATION OF SALE.—(1)
23 Not later than two months after the effective date, the
24 Secretary shall publish a notice of intent to sell the Naval
25 Petroleum Reserve Numbered 1. The Secretary shall make

1 all technical, geological, and financial information relevant
2 to the sale of the reserve available to all interested and
3 qualified buyers upon request. The Secretary, in consulta-
4 tion with the Administrator of General Services, shall en-
5 sure that the sale process is fair and open to all interested
6 and qualified parties.

7 “(2)(A) Not later than two months after the effective
8 date, the Secretary shall retain the services of five inde-
9 pendent experts in the valuation of oil and gas fields to
10 conduct separate assessments, in a manner consistent with
11 commercial practices, of the fair market value of the inter-
12 est of the United States in Naval Petroleum Reserve Num-
13 bered 1. In making their assessments, the independent ex-
14 perts shall consider (among other factors) all equipment
15 and facilities to be included in the sale, the estimated
16 quantity of petroleum and natural gas in the reserve, and
17 the net present value of the anticipated revenue stream
18 that the Secretary and the Director of the Office of Man-
19 agement and Budget jointly determine the Treasury would
20 receive from the reserve if the reserve were not sold, ad-
21 justed for any anticipated increases in tax revenues that
22 would result if the reserve were sold. The independent ex-
23 perts shall complete their assessments within six months
24 after the effective date.

1 “(B) The independent experts shall also determine
2 and submit to the Secretary the estimated total amount
3 of the cost of any environmental restoration and remedi-
4 ation necessary at the reserve. The Secretary shall report
5 the estimate to the Director of the Office of Management
6 and Budget, the Secretary of the Treasury, and Congress.

7 “(C) The Secretary, in consultation with the Director
8 of the Office of Management and Budget, shall set the
9 minimum acceptable price for the reserve. In setting that
10 price, the Secretary, in consultation with the Director,
11 may consider the average of three of the assessments
12 (after excluding the high and low assessments) made
13 under subparagraph (A).

14 “(3) Not later than two months after the effective
15 date, the Secretary shall retain the services of an invest-
16 ment banker to independently administer, in a manner
17 consistent with commercial practices and in a manner that
18 maximizes sale proceeds to the Government, the sale of
19 Naval Petroleum Reserve Numbered 1 under this section.

20 “(4)(A) Not later than six months after the effective
21 date, the investment banker serving as the sales adminis-
22 trator under paragraph (3) shall complete a draft contract
23 for the sale of Naval Petroleum Reserve Numbered 1,
24 which shall accompany the invitation for bids and describe

1 the terms and provisions of the sale of the interest of the
2 United States in the reserve.

3 “(B) The draft contract shall identify—

4 “(i) all equipment and facilities to be included
5 in the sale; and

6 “(ii) any potential claim or liability (including
7 liability for environmental restoration and remedi-
8 ation), and the extent of any such claim or liability,
9 for which the United States is responsible under
10 subsection (d).

11 “(C) The draft contract, including the terms and pro-
12 visions of the sale of the interest of the United States in
13 the reserve, shall be subject to review and approval by the
14 Secretary, the Secretary of the Treasury, and the Director
15 of the Office of Management and Budget. Each of those
16 officials shall complete the review of, and approve or dis-
17 approve, the draft contract not later than seven months
18 after the effective date.

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

22 “(6) Not later than 10 months after the effective
23 date, the Secretary shall identify the highest responsible
24 offer or offers for purchase of the interest of the United
25 States in Naval Petroleum Reserve Numbered 1 that, in

1 total, meet or exceed the minimum acceptable price deter-
2 mined under paragraph (2).

3 “(7) The Secretary shall take such action imme-
4 diately after the effective date as is necessary to obtain
5 from an independent petroleum engineer within six
6 months after that date a certification regarding the quan-
7 tity of the content of the reserve. The Secretary shall use
8 the certification in support of the preparation of the invi-
9 tation for bids.

10 “(d) FUTURE LIABILITIES.—The United States shall
11 hold harmless and fully indemnify the purchaser of the
12 interest of the United States in Naval Petroleum Reserve
13 Numbered 1 from and against any claim or liability as
14 a result of ownership in the reserve by the United States,
15 including any claim referred to in subsection (e).

16 “(e) TREATMENT OF STATE OF CALIFORNIA
17 CLAIM.—After the costs incurred in the conduct of the
18 sale of Naval Petroleum Reserve Numbered 1 under this
19 section are deducted, seven percent of the remaining pro-
20 ceeds from the sale of the reserve shall be reserved in a
21 contingent fund in the Treasury (for a period not to ex-
22 ceed 10 years after the effective date) for payment to the
23 State of California in the event that, and to the extent
24 that, the claims of the State against the United States
25 regarding production and proceeds of sale from Naval Pe-

1 troleum Reserve Numbered 1 are resolved in favor of the
2 State by a court of competent jurisdiction. Funds in the
3 contingent fund shall be available for paying any such
4 claim to the extent provided in appropriation Acts. After
5 final disposition of the claims, any unobligated balance in
6 the contingent fund shall be credited to the general fund
7 of the Treasury.

8 “(f) MAINTAINING ELK HILLS UNIT PRODUCTION.—
9 Until the sale of Naval Petroleum Reserve Numbered 1
10 is completed under this section, the Secretary shall con-
11 tinue to produce the reserve at the maximum daily oil or
12 gas rate from a reservoir, which will permit maximum eco-
13 nomic development of the reservoir consistent with sound
14 oil field engineering practices in accordance with section
15 3 of the unit plan contract. The definition of maximum
16 efficient rate in section 7420(6) of this title shall not apply
17 to the reserve.

18 “(g) EFFECT ON EXISTING CONTRACTS.—(1) In the
19 case of any contract, in effect on the effective date, for
20 the purchase of production from any part of the United
21 States’ share of Naval Petroleum Reserve Numbered 1,
22 the sale of the interest of the United States in the reserve
23 shall be subject to the contract for a period of three
24 months after the closing date of the sale or until termi-
25 nation of the contract, whichever occurs first. The term

1 of any contract entered into after the effective date for
2 the purchase of such production shall not exceed the an-
3 ticipated closing date for the sale of the reserve.

4 “(2) The Secretary shall exercise the termination pro-
5 cedures provided in the contract between the United
6 States and Bechtel Petroleum Operation, Inc., Contract
7 Number DE-ACO1-85FE60520 so that the contract ter-
8 minates not later than the date of closing of the sale of
9 Naval Petroleum Reserve Numbered 1 under subsection
10 (c).

11 “(3) The Secretary shall exercise the termination pro-
12 cedures provided in the unit plan contract so that the unit
13 plan contract terminates not later than the date of closing
14 of the sale of reserve.

15 “(h) EFFECT ON ANTITRUST LAWS.—Nothing in this
16 section shall be construed to alter the application of the
17 antitrust laws of the United States to the purchaser of
18 Naval Petroleum Reserve Numbered 1 or to the lands in
19 the reserve subject to sale under this section upon the
20 completion of the sale.

21 “(i) PRESERVATION OF PRIVATE RIGHT, TITLE, AND
22 INTEREST.—Nothing in this section shall be construed to
23 adversely affect the ownership interest of any other entity
24 having any right, title, and interest in and to lands within

1 the boundaries of Naval Petroleum Reserve Numbered 1
2 and which are subject to the unit plan contract.

3 “(j) NOTICE TO CONGRESS.—(1) Subject to para-
4 graph (2), the Secretary may not enter into a contract
5 for the sale of the reserve until the end of the 31-day pe-
6 riod beginning on the date on which the Secretary notifies
7 the Committee on Armed Services of the Senate and the
8 Committee on National Security and the Committee on
9 Commerce of the House of Representatives of the condi-
10 tions of the proposed sale.

11 “(2) If the Secretary receives only one offer for pur-
12 chase of the reserve, the Secretary may not enter into a
13 contract for the sale of the reserve unless—

14 “(A) the Secretary submits to Congress a noti-
15 fication of the receipt of only one offer together with
16 the conditions of the proposed sale of the reserve to
17 the offeror; and

18 “(B) a joint resolution of approval described in
19 subsection (k) is enacted within 45 days after the
20 date of the notification.

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

1 “(A) that does not have a preamble;

2 “(B) the matter after the resolving clause of
3 which reads only as follows: ‘That Congress ap-
4 proves the proposed sale of Naval Petroleum Reserve
5 Numbered 1 reported in the notification submitted
6 to Congress by the Secretary of Energy on
7 _____.’ (the blank space being filled in with
8 the appropriate date); and

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

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

20 “(3) If the committee to which is referred a resolution
21 described in paragraph (1) has not reported such resolu-
22 tion (or an identical resolution) at the end of 15 calendar
23 days after its introduction, such committee shall be
24 deemed to be discharged from further consideration of

1 such resolution and such resolution shall be placed on the
2 appropriate calendar of the House involved.

3 “(4)(A) When the committee to which a resolution
4 is referred has reported, or has been deemed to be dis-
5 charged (under paragraph (3)) from further consideration
6 of, a resolution described in paragraph (1), it is at any
7 time thereafter in order (even though a previous motion
8 to the same effect has been disagreed to) for any Member
9 of the respective House to move to proceed to the consider-
10 ation of the resolution, and all points of order against the
11 resolution (and against consideration of the resolution) are
12 waived. The motion is highly privileged in the House of
13 Representatives and is privileged in the Senate and is not
14 debatable. The motion is not subject to amendment, or
15 to a motion to postpone, or to a motion to proceed to the
16 consideration of other business. A motion to reconsider the
17 vote by which the motion is agreed to or disagreed to shall
18 not be in order. If a motion to proceed to the consideration
19 of the resolution is agreed to, the resolution shall remain
20 the unfinished business of the respective House until dis-
21 posed of.

22 “(B) Debate on the resolution, and on all debatable
23 motions and appeals in connection therewith, shall be lim-
24 ited to not more than 10 hours, which shall be divided
25 equally between those favoring and those opposing the res-

1 olution. A motion further to limit debate is in order and
2 not debatable. An amendment to, or a motion to postpone,
3 or a motion to proceed to the consideration of other busi-
4 ness, or a motion to recommit the resolution is not in
5 order. A motion to reconsider the vote by which the resolu-
6 tion is agreed to or disagreed to is not in order.

7 “(C) Immediately following the conclusion of the de-
8 bate on a resolution described in paragraph (2), and a sin-
9 gle quorum call at the conclusion of the debate if re-
10 quested in accordance with the rules of the appropriate
11 House, the vote on final passage of the resolution shall
12 occur.

13 “(D) Appeals from the decisions of the Chair relating
14 to the application of the rules of the Senate or the House
15 of Representatives, as the case may be, to the procedure
16 relating to a resolution described in paragraph (1) shall
17 be decided without debate.

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

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

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

4 “(i) the procedure in that House shall be
5 the same as if no resolution had been received
6 from the other House; but

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

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

10 “(A) as an exercise of the rulemaking power of
11 the Senate and House of Representatives, respec-
12 tively, and as such it is deemed a part of the rules
13 of each House, respectively, but applicable only with
14 respect to the procedure to be followed in that
15 House in the case of a resolution described in para-
16 graph (1), and it supersedes other rules only to the
17 extent that it is inconsistent with such rules; and

18 “(B) with full recognition of the constitutional
19 right of either House to change the rules (so far as
20 relating to the procedure of that House) at any time,
21 in the same manner, and to the same extent as in
22 the case of any other rule of that House.

23 “(l) NONCOMPLIANCE WITH DEADLINES.—If, at any
24 time during the one-year period beginning on the effective
25 date, the Secretary determines that the actions necessary

1 to complete the sale of the reserve within that period are
2 not being taken or timely completed, the Secretary shall
3 transmit to the Committee on Armed Services of the Sen-
4 ate and the Committees on National Security and on Com-
5 merce of the House of Representatives a notification of
6 that determination together with a plan setting forth the
7 actions that will be taken to ensure that the sale of the
8 reserve will be completed within that period. The Secretary
9 shall consult with the Director of the Office of Manage-
10 ment and Budget in preparing the plan for submission to
11 the committees.”.

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

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

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
16 are authorized to be appropriated for fiscal year 1996 for
17 carrying out section 7421a of title 10, United States Code
18 (as added by subsection (a)), in the total amount of
19 \$7,000,000.

20 **SEC. 3302. STUDY REGARDING FUTURE OF NAVAL PETRO-**
21 **LEUM RESERVES (OTHER THAN NAVAL PE-**
22 **TROLEUM RESERVE NUMBERED 1).**

23 (a) STUDY REQUIRED.—The Secretary of Energy
24 shall conduct a study to determine which of the following

1 options regarding the naval petroleum reserves represents
2 the most cost-effective option for the United States:

3 (1) Retention and operation of the naval petro-
4 leum reserves by the Secretary under chapter 641 of
5 title 10, United States Code.

6 (2) Transfer of all or a part of the naval petro-
7 leum reserves to the jurisdiction of another Federal
8 agency.

9 (3) Lease of the naval petroleum reserves.

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

12 (b) CONDUCT OF STUDY.—The Secretary shall retain
13 an independent petroleum consultant to conduct the study.

14 (c) CONSIDERATIONS UNDER STUDY.—An examina-
15 tion of the benefits to be derived by the United States
16 from the sale of the naval petroleum reserves shall include
17 an assessment and estimate, in a manner consistent with
18 commercial practices, of the fair market value of the inter-
19 est of the United States in the naval petroleum reserves.
20 An examination of the benefits to be derived by the United
21 States from the lease of the naval petroleum reserves shall
22 consider full exploration, development, and production of
23 petroleum products in the naval petroleum reserves, with
24 a royalty payment to the United States.

1 (d) REPORT REGARDING STUDY.—Not later than
 2 December 31, 1995, the Secretary shall submit to Con-
 3 gress a report describing the results of the study and con-
 4 taining such recommendations as the Secretary considers
 5 necessary to implement the most cost-effective option
 6 identified in the study.

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

S 1126 PCS—2

S 1126 PCS—3

S 1126 PCS—4

S 1126 PCS—5

S 1126 PCS—6

S 1126 PCS—7

S 1126 PCS—8

S 1126 PCS—9

S 1126 PCS—10