

**NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2003**

---

**CONFERENCE REPORT**

TO ACCOMPANY

**H.R. 4546**



NOVEMBER 12, 2002.—Ordered to be printed

# **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS**

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

### **Subtitle A—National Security Programs Authorizations**

- Sec. 3101. *National Nuclear Security Administration.*
- Sec. 3102. *Defense environmental management.*
- Sec. 3103. *Other defense activities.*
- Sec. 3104. *Defense nuclear waste disposal.*

### **Subtitle B—Program Authorizations, Restrictions, and Limitations**

- Sec. 3141. *Annual assessments and reports to the President and Congress regarding the condition of the United States nuclear weapons stockpile.*
- Sec. 3142. *Plans for achieving enhanced readiness posture for resumption by the United States of underground nuclear weapons tests.*
- Sec. 3143. *Requirements for specific request for new or modified nuclear weapons.*
- Sec. 3144. *Database to track notification and resolution phases of Significant Finding Investigations.*
- Sec. 3145. *Defense environmental management cleanup reform program.*
- Sec. 3146. *Limitation on obligation of funds for Robust Nuclear Earth Penetrator program pending submission of report.*

### **Subtitle C—Proliferation Matters**

- Sec. 3151. *Transfer to National Nuclear Security Administration of Department of Defense's Cooperative Threat Reduction program relating to elimination of weapons grade plutonium production in Russia.*
- Sec. 3152. *Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia.*
- Sec. 3153. *Expansion of annual reports on status of nuclear materials protection, control, and accounting programs.*
- Sec. 3154. *Testing of preparedness for emergencies involving nuclear, radiological, chemical, or biological weapons.*
- Sec. 3155. *Cooperative program on research, development, and demonstration of technology regarding nuclear or radiological terrorism.*
- Sec. 3156. *Matters relating to the International Materials Protection, Control, and Accounting program of the Department of Energy.*
- Sec. 3157. *Accelerated disposition of highly enriched uranium.*
- Sec. 3158. *Strengthened international security for nuclear materials and security of nuclear operations.*
- Sec. 3159. *Export control programs.*
- Sec. 3160. *Plan for accelerated return of weapons-usable nuclear materials.*
- Sec. 3161. *Sense of Congress on amendment of Convention on Physical Protection of Nuclear Materials.*
- Sec. 3162. *Sense of Congress on program to secure stockpiles of highly enriched uranium and plutonium.*

### **Subtitle D—Other Matters**

- Sec. 3171. *Indemnification of Department of Energy contractors.*
- Sec. 3172. *Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.*
- Sec. 3173. *Worker health and safety rules for Department of Energy nuclear facilities.*
- Sec. 3174. *Extension of authority to appoint certain scientific, engineering, and technical personnel.*
- Sec. 3175. *One-year extension of panel to assess the reliability, safety, and security of the United States nuclear stockpile.*
- Sec. 3176. *Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.*

**Subtitle E—Disposition of Weapons-Usable Plutonium at Savannah River, South Carolina**

Sec. 3181. Findings.

Sec. 3182. Disposition of weapons-usable plutonium at Savannah River Site.

Sec. 3183. Study of facilities for storage of plutonium and plutonium materials at Savannah River Site.

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$8,038,490,000, to be allocated as follows:

(1) For weapons activities, \$5,901,641,000.

(2) For defense nuclear nonproliferation activities, \$1,104,130,000.

(3) For naval reactors, \$706,790,000.

(4) For the Office of the Administrator for Nuclear Security, \$325,929,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects as follows:

(1) For weapons activities, the following new plant projects:

Project 03-D-101, Sandia underground reactor facility (SURF), Sandia National Laboratories, Albuquerque, New Mexico, \$2,000,000.

Project 03-D-103, project engineering and design, various locations, \$17,039,000.

Project 03-D-121, gas transfer capacity expansion, Kansas City Plant, Kansas City, Missouri, \$4,000,000.

Project 03-D-122, prototype purification facility, Y-12 plant, Oak Ridge, Tennessee, \$20,800,000.

Project 03-D-123, special nuclear materials requalification, Pantex plant, Amarillo, Texas, \$3,000,000.

(2) For naval reactors, the following new plant project:

Project 03-D-201, cleanroom technology facility, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$7,200,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for environmental management activities in carrying out programs necessary for national security in the amount of \$6,759,846,000, to be allocated as follows:

(1) For defense environmental restoration and waste management, \$4,510,133,000.

(2) For defense environmental management cleanup reform in carrying out environmental restoration and waste management activities necessary for national security programs, \$982,000,000.

(3) For defense facilities closure projects, \$1,109,314,000.

(4) For defense environmental management privatization, \$158,399,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects as follows:

(1) For environmental restoration and waste management activities, the following new plant project:

Project 03–D–403, immobilized high-level waste interim storage facility, Richland, Washington, \$6,363,000.

(2) For defense environmental management cleanup reform, the following new plant project:

Project 03–D–414, project engineering and design, various locations, \$8,800,000.

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

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for other defense activities in carrying out programs necessary for national security in the amount of \$462,664,000.

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

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2003 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$315,000,000.

## **Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3141. ANNUAL ASSESSMENTS AND REPORTS TO THE PRESIDENT AND CONGRESS REGARDING THE CONDITION OF THE UNITED STATES NUCLEAR WEAPONS STOCKPILE.**

(a) **ANNUAL ASSESSMENTS REQUIRED.**—For each nuclear weapon type in the stockpile of the United States, each official specified in subsection (b) on an annual basis shall, to the extent such official is directly responsible for the safety, reliability, performance, or military effectiveness of that nuclear weapon type, complete an assessment of the safety, reliability, performance, or military effectiveness (as the case may be) of that nuclear weapon type.

(b) **COVERED OFFICIALS.**—The officials referred to in subsection (a) are the following:

(1) The head of each national security laboratory.

(2) The commander of the United States Strategic Command.

(c) **USE OF TEAMS OF EXPERTS FOR ASSESSMENTS.**—The head of each national security laboratory shall establish and use one or more teams of experts, known as “red teams”, to assist in the assessments required by subsection (a). Each such team shall include experts from both of the other national security laboratories. Each such team for a national security laboratory shall—

(1) review the matters covered by the assessments under subsection (a) performed by the head of that laboratory;

(2) subject such matters to challenge; and

(3) submit the results of such review and challenge, together with the findings and recommendations of such team with respect to such review and challenge, to the head of that laboratory.

(d) **REPORT ON ASSESSMENTS.**—Not later than December 1 of each year, each official specified in subsection (b) shall submit to the Secretary concerned, and to the Nuclear Weapons Council, a report on the assessments that such official was required by subsection (a) to complete. The report shall include the following:

(1) The results of each such assessment.

(2)(A) Such official's determination as to whether or not one or more underground nuclear tests are necessary to resolve any issues identified in the assessments and, if so—

(i) an identification of the specific underground nuclear tests that are necessary to resolve such issues; and

(ii) a discussion of why options other than an underground nuclear test are not available or would not resolve such issues.

(B) An identification of the specific underground nuclear tests which, while not necessary, might have value in resolving any such issues and a discussion of the anticipated value of conducting such tests.

(C) Such official's determination as to the readiness of the United States to conduct the underground nuclear tests identified under subparagraphs (A)(i) and (B), if directed by the President to do so.

(3) In the case of a report submitted by the head of a national security laboratory—

(A) a concise statement regarding the adequacy of the science-based tools and methods being used to determine the matters covered by the assessments;

(B) a concise statement regarding the adequacy of the tools and methods employed by the manufacturing infrastructure required by section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note) to identify and fix any inadequacy with respect to the matters covered by the assessments; and

(C) a concise summary of the findings and recommendations of any teams under subsection (c) that relate to the assessments, together with a discussion of those findings and recommendations.

(4) In the case of a report submitted by the Commander of the United States Strategic Command, a discussion of the relative merits of other nuclear weapon types (if any), or compensatory measures (if any) that could be taken, that could enable accomplishment of the missions of the nuclear weapon types to which the assessments relate, should such assessments identify any deficiency with respect to such nuclear weapon types.

(5) An identification and discussion of any matter having an adverse effect on the capability of the official submitting the report to accurately determine the matters covered by the assessments.

(e) **SUBMITTALS TO THE PRESIDENT AND CONGRESS.**—(1) Not later than March 1 of each year, the Secretary of Defense and the Secretary of Energy shall submit to the President—

(A) each report, without change, submitted to either Secretary under subsection (d) during the preceding year;

(B) any comments that the Secretaries individually or jointly consider appropriate with respect to each such report;

(C) the conclusions that the Secretaries individually or jointly reach as to the safety, reliability, performance, and military effectiveness of the nuclear weapons stockpile of the United States; and

(D) any other information that the Secretaries individually or jointly consider appropriate.

(2) Not later than March 15 of each year, the President shall forward to Congress the matters received by the President under paragraph (1) for that year, together with any comments the President considers appropriate.

(f) **CLASSIFIED FORM.**—Each submittal under subsection (e) shall be in classified form only, with the classification level required for each portion of such submittal marked appropriately.

(g) **DEFINITIONS.**—In this section:

(1) The term “national security laboratory” has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

(2) The term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy; and

(B) the Secretary of Defense, with respect to matters concerning the Department of Defense.

(h) **FIRST SUBMISSIONS.**—(1) The first submissions made under subsection (d) shall be the submissions required to be made in 2003.

(2) The first submissions made under subsection (e) shall be the submissions required to be made in 2004.

**SEC. 3142. PLANS FOR ACHIEVING ENHANCED READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.**

(a) **PLANS REQUIRED.**—The Secretary of Energy, in consultation with the Administrator for Nuclear Security, shall prepare plans for achieving, not later than one year after the date on which the plans are submitted under subsection (c), readiness postures of six months, 12 months, 18 months, and 24 months for resumption by the United States of underground nuclear weapons tests.

(b) **READINESS POSTURE.**—For purposes of this section, a readiness posture of a specified number of months for resumption by the United States of underground nuclear weapons tests is achieved when the Department of Energy has the capability to resume such tests, if directed by the President to resume such tests, not later than the specified number of months after the date on which the President so directs.

(c) **REPORT.**—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the plans required by subsection (a). The report shall include—

(1) an assessment of the current readiness posture for resumption by the United States of underground nuclear weapons tests;

(2) the plans required by subsection (a) and, for each such plan, the estimated cost for implementing such plan and an estimate of the annual cost of maintaining the readiness posture to which the plan relates; and

(3) the recommendation of the Secretary, developed in consultation with the Secretary of Defense, as to the optimal readiness posture for resumption by the United States of underground nuclear weapons tests, including the basis for that recommendation.

**SEC. 3143. REQUIREMENTS FOR SPECIFIC REQUEST FOR NEW OR MODIFIED NUCLEAR WEAPONS.**

(a) **REQUIREMENT FOR REQUEST FOR FUNDS FOR DEVELOPMENT.**—(1) In any fiscal year after fiscal year 2002 in which the Secretary of Energy plans to carry out activities described in paragraph (2) relating to the development of a new nuclear weapon or modified nuclear weapon, the Secretary shall specifically request funds for such activities in the budget of the President for that fiscal year under section 1105(a) of title 31, United States Code.

(2) The activities described in this paragraph are as follows:

(A) The conduct, or provision for conduct, of research and development which could lead to the production of a new nuclear weapon by the United States.

(B) The conduct, or provision for conduct, of engineering or manufacturing to carry out the production of a new nuclear weapon by the United States.

(C) The conduct, or provision for conduct, of research and development which could lead to the production of a modified nuclear weapon by the United States.

(D) The conduct, or provision for conduct, of engineering or manufacturing to carry out the production of a modified nuclear weapon by the United States.

(b) **BUDGET REQUEST FORMAT.**—The Secretary shall include in a request for funds under subsection (a) the following:

(1) In the case of funds for activities described in subparagraph (A) or (C) of subsection (a)(2), a single dedicated line item for all such activities for new nuclear weapons or modified nuclear weapons that are in phase 1, 2, or 2A or phase 6.1, 6.2, or 6.2A (as the case may be), or any concept work prior to phase 1 or 6.1 (as the case may be), of the nuclear weapons acquisition process.

(2) In the case of funds for activities described in subparagraph (B) or (D) of subsection (a)(2), a dedicated line item for each such activity for a new nuclear weapon or modified nuclear weapon that is in phase 3 or higher or phase 6.3 or higher (as the case may be) of the nuclear weapons acquisition process.

(c) **EXCEPTION.**—Subsection (a) shall not apply to funds for purposes of conducting, or providing for the conduct of, research and development, or manufacturing and engineering, determined by the Secretary to be necessary—

(1) for the nuclear weapons life extension program;

(2) to modify an existing nuclear weapon solely to address safety or reliability concerns; or

(3) to address proliferation concerns.

(d) **DEFINITIONS.**—In this section:

(1) The term “life extension program” means the program to repair or replace non-nuclear components, or to modify the pit or canned subassembly, of nuclear weapons that are in the nuclear weapons stockpile on the date of the enactment of this Act in order to assure that such nuclear weapons retain the ability to meet the military requirements applicable to such nuclear weapons when first placed in the nuclear weapons stockpile.

(2) The term “modified nuclear weapon” means a nuclear weapon that contains a pit or canned subassembly, either of which—

(A) is in the nuclear weapons stockpile as of the date of the enactment of this Act; and

(B) is being modified in order to meet a military requirement that is other than the military requirements applicable to such nuclear weapon when first placed in the nuclear weapons stockpile.

(3) The term “new nuclear weapon” means a nuclear weapon that contains a pit or canned subassembly, either of which is neither—

(A) in the nuclear weapons stockpile on the date of the enactment of this Act; nor

(B) in production as of that date.

**SEC. 3144. DATABASE TO TRACK NOTIFICATION AND RESOLUTION PHASES OF SIGNIFICANT FINDING INVESTIGATIONS.**

(a) **AVAILABILITY OF FUNDS FOR DATABASE.**—Amounts authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities shall be available to the Deputy Administrator for Nuclear Security for Defense Programs for the development and implementation of a database for all national security laboratories to track the notification and resolution phases of Significant Finding Investigations (SFIs). The purpose of the database is to facilitate the monitoring of the progress and accountability of the national security laboratories in Significant Finding Investigations.

(b) **IMPLEMENTATION DEADLINE.**—The database required by subsection (a) shall be implemented not later than September 30, 2003.

(c) **NATIONAL SECURITY LABORATORY DEFINED.**—In this section, the term “national security laboratory” has the meaning given that term in section 3281(1) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471(1)).

**SEC. 3145. DEFENSE ENVIRONMENTAL MANAGEMENT CLEANUP REFORM PROGRAM.**

(a) **PROGRAM REQUIRED.**—From funds made available pursuant to section 3102(a)(2) for defense environmental management cleanup reform, the Secretary of Energy shall carry out a program to reform DOE environmental management activities. In carrying out the program, the Secretary shall allocate, to each site for which the Secretary has submitted to the congressional defense committees a site performance management plan, the amount of those funds that such plan requires.

(b) **TRANSFER AND MERGER OF FUNDS.**—(1) Funds so allocated shall, notwithstanding section 3624, be transferred to the account

for DOE environmental management activities and, subject to paragraph (2) and subsection (c), shall be merged with and be available for the same purposes and for the same period as the funds available in such account. The authority provided by section 3629 shall apply to funds so transferred.

(2) No funds so allocated may be obligated or expended until 30 days after the Secretary submits to the congressional defense committees a description of the activities to be carried out at each site to which funds are so allocated.

(c) **LIMITATION ON USE OF ALL MERGED FUNDS.**—Upon a transfer and merger of funds under subsection (b), all funds in the merged account that are available with respect to the site may be used only to carry out the site performance management plan for the site.

(d) **SITE PERFORMANCE MANAGEMENT PLAN DEFINED.**—For purposes of this section, a site performance management plan for a site is a plan, agreed to by the applicable Federal and State agencies with regulatory jurisdiction with respect to the site, for the performance of activities to accelerate the reduction of environmental risk in connection with, and to accelerate the environmental cleanup of, the site.

(e) **DOE ENVIRONMENTAL MANAGEMENT ACTIVITIES DEFINED.**—For purposes of this section, the term “DOE environmental management activities” means environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

**SEC. 3146. LIMITATION ON OBLIGATION OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR PROGRAM PENDING SUBMISSION OF REPORT.**

(a) **REPORT-AND-WAIT REQUIREMENT.**—None of the funds made available to the Secretary of Energy for fiscal year 2003 for the Robust Nuclear Earth Penetrator program may be obligated until—

(1) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (b); and

(2) a period of 30 days has passed after such report is received by those committees.

(b) **REPORT.**—A report under subsection (a)(1) is a report on the Robust Nuclear Earth Penetrator program, prepared by the Secretary of Defense in consultation with the Secretary of Energy, that sets forth the following:

(1) The military requirements for the Robust Nuclear Earth Penetrator.

(2) The nuclear weapons employment policy regarding the Robust Nuclear Earth Penetrator.

(3) A detailed description of the categories or types of targets that the Robust Nuclear Earth Penetrator is designed to hold at risk.

(4) An assessment of the ability of conventional weapons to defeat the same categories and types of targets as are described pursuant to paragraph (3).

## **Subtitle C—Proliferation Matters**

**SEC. 3151. TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM PRODUCTION IN RUSSIA.**

(a) **TRANSFER OF PROGRAM.**—There are hereby transferred to the Administrator for Nuclear Security the following:

(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium production in Russia.

(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act by the Department of Defense.

(b) **TRANSFER OF ASSETS.**—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in paragraph (2), so much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

(2) The Cooperative Threat Reduction funds specified in this paragraph are the following:

(A) Fiscal year 2002 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1254; 22 U.S.C. 5952 note).

(B) Fiscal year 2001 Cooperative Threat Reduction funds, as specified in section 1301(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–339; 22 U.S.C. 5959 note).

(C) Fiscal year 2000 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 792; 22 U.S.C. 5952 note).

(c) **AVAILABILITY OF TRANSFERRED FUNDS.**—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in subsection (b)(2), the Cooperative Threat Reduction funds transferred under subsection (b) for the program referred to in subsection (a) shall be available for activities as follows:

(A) To design and construct, refurbish, or both, fossil fuel energy plants in Russia that provide alternative sources of energy to the energy plants in Russia that produce weapons grade plutonium.

(B) To carry out limited safety upgrades of not more than three energy plants in Russia that produce weapons grade plutonium, provided that such upgrades do not extend the life of those plants.

(2) Amounts available under paragraph (1) for activities referred to in that paragraph shall remain available for obligation for three fiscal years.

(d) *LIMITATION.*—(1) *Of the amounts authorized to be appropriated by this title or any other Act for the program referred to in subsection (a), the Administrator for Nuclear Security may not obligate any funds for construction, or obligate or expend more than \$100,000,000 for that program, until 30 days after the later of—*

(A) *the date on which the Administrator submits to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate, a copy of an agreement or agreements entered into between the United States Government and the Government of the Russian Federation to shut down the three plutonium-producing reactors in Russia as specified under paragraph (2); and*

(B) *the date on which the Administrator submits to the committees specified in subparagraph (A) a report on a plan to achieve international participation in the program referred to in subsection (a), including cost sharing.*

(2) *The agreement (or agreements) under paragraph (1)(A) shall contain—*

(A) *a commitment to shut down the three plutonium-producing reactors;*

(B) *the date on which each such reactor will be shut down;*

(C) *a schedule and milestones for each such reactor to complete the shutdown of such reactor by the date specified under subparagraph (B);*

(D) *a schedule and milestones for refurbishment or construction of fossil fuel energy plants to be undertaken by the Government of the Russian Federation in support of the program;*

(E) *an arrangement for access to sites and facilities necessary to meet such schedules and milestones;*

(F) *an arrangement for audit and examination procedures in order to evaluate progress in meeting such schedules and milestones; and*

(G) *any cost sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement (or agreements).*

**SEC. 3152. REPEAL OF REQUIREMENT FOR REPORTS ON OBLIGATION OF FUNDS FOR PROGRAMS ON FISSILE MATERIALS IN RUSSIA.**

*Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617; 22 U.S.C. 5952 note) is amended—*

(1) *in subsection (a), by striking “(a) AUTHORITY.—”; and*

(2) *by striking subsection (b).*

**SEC. 3153. EXPANSION OF ANNUAL REPORTS ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAMS.**

(a) *COVERED PROGRAMS.*—*Subsection (a) of section 3171 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–475; 22 U.S.C. 5952 note) is amended by striking “Russia that” and inserting “countries where such materials”.*

(b) *REPORT CONTENTS.*—Subsection (b) of that section is amended—

(1) in paragraph (1) by inserting “in each country covered by subsection (a)” after “locations,”;

(2) in paragraph (2), by striking “in Russia” and inserting “in each such country”;

(3) in paragraph (3), by inserting “in each such country” after “subsection (a)”;

(4) in paragraph (5), by striking “by total amount and by amount per fiscal year” and inserting “by total amount per country and by amount per fiscal year per country”.

**SEC. 3154. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.**

(a) *EXTENSION OF TESTING.*—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking “of five successive fiscal years beginning with fiscal year 1997” and inserting “of fiscal years 1997 through 2013”; and

(2) in subsection (b)(2), by striking “of five successive fiscal years beginning with fiscal year 1997” and inserting “of fiscal years 1997 through 2013”.

(b) *CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.*—The amendments made by subsection (a) may not be construed as modifying the designation of the President titled “Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997”, dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of the National Defense Authorization Act for Fiscal Year 1997).

**SEC. 3155. COOPERATIVE PROGRAM ON RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF TECHNOLOGY REGARDING NUCLEAR OR RADIOLOGICAL TERRORISM.**

(a) *PROGRAM REQUIRED.*—The Administrator for Nuclear Security shall carry out with the Russian Federation a cooperative program on the research, development, and demonstration of technologies for protection from and response to nuclear or radiological terrorism.

(b) *PROGRAM ELEMENTS.*—In carrying out the program required by subsection (a), the Administrator shall—

(1) conduct research and development of technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, and disposition of radiological materials that could be used for nuclear terrorism; and

(2) provide, where feasible, for the demonstration to other countries of technologies or methodologies on matters relating to nuclear or radiological terrorism, including—

(A) the demonstration of technologies developed under the program to respond to nuclear or radiological terrorism;

(B) the demonstration of technologies developed under the program for the disposal of radioactive materials;

(C) the demonstration of methodologies developed under the program for use in evaluating the radiological threat of radiological sources identified as not under current accounting programs in the audit report of the Inspector General of the Department of Energy titled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries" (DOE/IG-0546);

(D) in coordination with the Nuclear Regulatory Commission, the demonstration of methodologies developed under the program to facilitate the development of a regulatory framework for licensing and controlling radioactive sources; and

(E) in coordination with the Office of Environment, Safety, and Health of the Department of Energy, the demonstration of methodologies developed under the program to facilitate development of consistent criteria for screening international transfers of radiological materials.

(c) CONSULTATION.—In carrying out activities in accordance with subsection (b)(2), the Administrator shall consult with—

(1) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(2) the International Atomic Energy Agency.

(d) AMOUNT FOR ACTIVITIES.—Of the amount authorized to be appropriated by section 3101(a)(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$15,000,000 may be available for carrying out this section.

**SEC. 3156. MATTERS RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.**

(a) RADIOLOGICAL DISPERSAL DEVICE MATERIALS PROTECTION, CONTROL, AND ACCOUNTING.—The Secretary of Energy may establish within the International Materials Protection, Control, and Accounting program of the Department of Energy a program on the protection, control, and accounting of materials usable in radiological dispersal devices. In establishing such program, the Secretary shall—

(1) identify the sites and radiological materials to be covered by such program;

(2) carry out a risk assessment of such radiological materials; and

(3) identify and establish the costs of and schedules for such program.

(b) REVISED FOCUS FOR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF RUSSIAN FEDERATION.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to develop, as soon as practicable but not later than January 1, 2013, a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(2) *The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.*

(c) **AMOUNT FOR ACTIVITIES.**—*Of the amount authorized to be appropriated by section 3101(a)(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$5,000,000 may be available for carrying out this section.*

**SEC. 3157. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM.**

(a) **PROGRAM ON ACCELERATED DISPOSITION OF HEU AUTHORIZED.**—(1) *The Secretary of Energy may carry out a program to pursue with the Russian Federation options for blending highly enriched uranium so that the concentration of U-235 in such uranium is below 20 percent.*

(2) *The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—*

(A) *additional facilities for the blending of highly enriched uranium; and*

(B) *additional centralized secure storage facilities for highly enriched uranium designated for blending.*

(3) *Any site selected for the storage of uranium or blended material under paragraph (2)(B) shall undergo complete materials protection, control, and accounting upgrades before the commencement of the storage of uranium or blended material at such site under the program.*

(b) **CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.**—*Nothing in this section may be construed as terminating, modifying, or otherwise affecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.*

(c) **LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.**—*Uranium blended under this section may not be released for sale until the earlier of—*

(1) *January 1, 2014; or*

(2) *the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining, conversion, and enrichment industry in the United States.*

(d) **AMOUNT FOR ACTIVITIES.**—*Of the amount to be appropriated by section 3101(a)(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$10,000,000 may be available for carrying out this section.*

**SEC. 3158. STRENGTHENED INTERNATIONAL SECURITY FOR NUCLEAR MATERIALS AND SECURITY OF NUCLEAR OPERATIONS.**

(a) **REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SECURITY.**—(1) *Not later than 270 days after the date*

of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for an international program to develop strengthened security for nuclear reactors and associated materials outside the United States.

(2) In evaluating options for purposes of the report, the Secretary shall consult with the Nuclear Regulatory Commission and the International Atomic Energy Agency on the feasibility and advisability of actions to reduce the risks associated with terrorist attacks on nuclear reactors outside the United States.

(b) **JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION-RESISTANT NUCLEAR ENERGY TECHNOLOGIES.**—(1) The Secretary shall pursue with the Ministry of Atomic Energy of the Russian Federation joint programs between the United States and the Russian Federation on the development of proliferation-resistant nuclear energy technologies, including advanced fuel cycles.

(2) Of the amount authorized to be appropriated by section 3101(a)(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$10,000,000 may be available for carrying out the joint programs referred to in paragraph (1).

(c) **ASSISTANCE REGARDING HOSTILE INSIDERS.**—The Secretary may, utilizing appropriate expertise of the Department of Energy and the Nuclear Regulatory Commission, provide technical assistance to nuclear reactor facilities outside the United States with respect to the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

**SEC. 3159. EXPORT CONTROL PROGRAMS.**

(a) **AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.**—The Secretary of Energy, in coordination with the Secretary of State, may pursue in the region of the former Soviet Union and other regions of concern options for accelerating programs that assist the countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) **AMOUNT FOR ACTIVITIES.**—Of the amount authorized to be appropriated by section 3101(a)(2) for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$5,000,000 may be available for carrying out this section.

**SEC. 3160. PLAN FOR ACCELERATED RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.**

(a) **PLAN FOR ACCELERATED RETURN.**—The Secretary of Energy shall work with the Russian Federation to develop a plan to accelerate the return to Russia of all weapons-usable nuclear materials located in research reactors and other facilities outside Russia that were supplied by the former Soviet Union.

(b) **FUNDING AND SCHEDULES.**—As part of the plan under subsection (a), the Secretary shall identify the funding and schedules required to assist the research reactors and facilities referred to in that subsection in—

(1) transferring highly enriched uranium to Russia; and

(2) upgrading the materials protection, control, and accounting procedures at such research reactors and facilities until the weapons-usable nuclear materials in such reactors and facilities are returned in accordance with that subsection.

(c) **COORDINATION.**—The provision of assistance under subsection (b) shall be closely coordinated with the International Atomic Energy Agency.

**SEC. 3161. SENSE OF CONGRESS ON AMENDMENT OF CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIALS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should encourage amendment of the Convention on the Physical Protection of Nuclear Materials in order to provide that the Convention shall—

(1) apply to both the domestic and international use and transport of nuclear materials;

(2) incorporate fundamental practices for the physical protection of such materials; and

(3) address protection against sabotage involving nuclear materials.

(b) **CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL DEFINED.**—In this section, the term “Convention on the Physical Protection of Nuclear Materials” means the Convention on the Physical Protection of Nuclear Materials, With Annex, done at Vienna on October 26, 1979.

**SEC. 3162. SENSE OF CONGRESS ON PROGRAM TO SECURE STOCKPILES OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.**

It is the sense of Congress that the Secretary of Energy should, in consultation with the Secretary of State and Secretary of Defense, develop a comprehensive program of activities to encourage all countries with nuclear materials to adhere to, or to adopt standards equivalent to, the International Atomic Energy Agency standard on The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4), relating to the security of stockpiles of highly enriched uranium (HEU) and plutonium (Pu).

## **Subtitle D—Other Matters**

**SEC. 3171. INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.**

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “until August 1, 2002,” and inserting “until December 31, 2004,”.

**SEC. 3172. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) **SUPPORT FOR FISCAL YEAR 2003.**—From amounts authorized to be appropriated to the Secretary of Energy by this title, \$6,900,000 shall be available for payment by the Secretary for fiscal year 2003 to the Los Alamos National Laboratory Foundation, a not-for-profit foundation chartered as described in section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2052).

(b) **USE OF FUNDS.**—The foundation referred to in subsection (a) shall—

(1) utilize funds provided under this section as a contribution to the endowment fund for the foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to the payment made under this section to fund programs to support the educational needs of children in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico.

(c) **REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF AUTHORITY TO EXTEND CONTRACT.**—(1) Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1368) is amended to read as follows:

“(b) **SUPPORT FOR FISCAL YEARS 2003 THROUGH 2005.**—Subject to the availability of appropriations, the Secretary may provide for a contract extension through fiscal year 2005 similar to the contract extension referred to in subsection (a)(2).”.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002.

(d) **REPORT.**—(1) The Secretary of Energy, in consultation with the Administrator for Nuclear Security, shall conduct a study of options for funding the contract extension authorized by subsection (b) of such section 3136 (as amended by subsection (c)) other than through annual appropriations. The study should also include options for providing cost of living adjustments to teachers in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico, other than through such contract extension.

(2) Not later than December 31, 2003, the Secretary shall submit to the congressional defense committees a report on the study conducted under paragraph (1). The report shall set forth the findings and conclusions of the study, together with any recommendations as a result of the study.

**SEC. 3173. WORKER HEALTH AND SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.**

(a) **WORKER HEALTH AND SAFETY RULES.**—The Atomic Energy Act of 1954 is amended by inserting after section 234B (42 U.S.C. 2282b) the following new section:

**“SEC. 234C. WORKER HEALTH AND SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.**

“a. **REGULATIONS REQUIRED.**—

“(1) **IN GENERAL.**—The Secretary shall promulgate regulations for industrial and construction health and safety at Department of Energy facilities that are operated by contractors covered by agreements of indemnification under section 170 d. of the Atomic Energy Act of 1954, after public notice and opportunity for comment under section 553 of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’). Such regulations shall, subject to paragraph (3), provide a level of protection for workers at such facilities that is substantially equivalent to the level of protection currently provided to such workers at such facilities.

“(2) **APPLICABILITY.**—The regulations promulgated under paragraph (1) shall not apply to any facility that is a component of, or any activity conducted under, the Naval Nuclear Propulsion Program provided for under Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note) (as in

force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 42 U.S.C. 7158 note).

“(3) FLEXIBILITY.—In promulgating the regulations under paragraph (1), the Secretary shall include flexibility—

“(A) to tailor implementation of such regulations to reflect activities and hazards associated with a particular work environment;

“(B) to take into account special circumstances at a facility that is, or is expected to be, permanently closed and that is expected to be demolished, or title to which is expected to be transferred to another entity for reuse; and

“(C) to achieve national security missions of the Department of Energy in an efficient and timely manner.

“(4) NO EFFECT ON HEALTH AND SAFETY ENFORCEMENT.—This subsection does not diminish or otherwise affect the enforcement or the application of any other law, regulation, order, or contractual obligation relating to worker health and safety.

“b. CIVIL PENALTIES.—

“(1) IN GENERAL.—A person (or any subcontractor or supplier of the person) who has entered into an agreement of indemnification under section 170 d. (or any subcontractor or supplier of the person) that violates (or is the employer of a person that violates) any regulation promulgated under subsection a. shall be subject to a civil penalty of not more than \$70,000 for each such violation.

“(2) CONTINUING VIOLATIONS.—If any violation under this subsection is a continuing violation, each day of the violation shall constitute a separate violation for the purpose of computing the civil penalty under paragraph (1).

“c. CONTRACT PENALTIES.—

“(1) IN GENERAL.—The Secretary shall include in each contract with a contractor of the Department who has entered into an agreement of indemnification under section 170 d. provisions that provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any regulation promulgated under subsection a.

“(2) CONTENTS.—The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“d. COORDINATION OF PENALTIES.—

“(1) CHOICE OF PENALTIES.—For any violation by a person of a regulation promulgated under subsection a., the Secretary shall pursue either civil penalties under subsection b. or contract penalties under subsection c., but not both.

“(2) MAXIMUM AMOUNT.—In the case of an entity described in subsection d. of section 234A, the total amount of civil penalties under subsection b. and contract penalties under subsection c. in a fiscal year may not exceed the total amount of fees paid by the Department of Energy to that entity in that fiscal year.

“(3) COORDINATION WITH SECTION 234A.—The Secretary shall ensure that a contractor of the Department is not penal-

ized both under this section and under section 234A for the same violation.”.

**(b) PROMULGATION OF INITIAL REGULATIONS.—**

(1) **DEADLINE FOR PROMULGATING REGULATIONS.—**The Secretary of Energy shall promulgate the regulations required by subsection a. of section 234C of the Atomic Energy Act of 1954 (as added by subsection (a)) not later than one year after the date of the enactment of this Act.

(2) **EFFECTIVE DATE.—**The regulations promulgated under paragraph (1) shall take effect on the date that is one year after the promulgation date of the regulations.

(c) **PROHIBITION.—**The Secretary of Energy shall not participate in or otherwise support any study or other project relating to a modification in the scope of the regulations enforceable by civil penalties under section 234A or 234C of the Atomic Energy Act of 1954, or the responsibility of the Secretary to implement and enforce such regulations, until after the date on which the regulations for such purposes under such section 234C take effect in accordance with subsection (b).

**SEC. 3174. EXTENSION OF AUTHORITY TO APPOINT CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.**

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking “September 30, 2002” and inserting “September 30, 2004”.

**SEC. 3175. ONE-YEAR EXTENSION OF PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.**

Section 3159 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note) is amended—

(1) in subsection (f), by striking “atomic energy defense activities” and inserting “the National Nuclear Security Administration”;

(2) in subsection (g), by striking “three years” and all that follows through the period at the end and inserting “April 1, 2003.”; and

(3) by adding at the end the following new subsection:

“(i) **FOLLOW-UP REPORT.—**Not later than February 1, 2003, the panel shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a follow-up report assessing progress toward meeting the expectations set forth by the panel for the United States stockpile stewardship program, and making recommendations for corrective legislative action where progress has been unsatisfactory.”.

**SEC. 3176. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.**

(a) **REPORT REQUIRED.—**The Secretary of Energy shall prepare a report on the status of those environmental management initiatives specified in subsection (c) that are being undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) **CONTENTS.—**The report shall include the following matters:

(1) A discussion of the progress made in reducing such risks and challenges in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out such initiatives, including the justification for each such proposal.

(c) **INITIATIVES COVERED.**—The environmental management initiatives referred to in subsection (a) are the initiatives arising out of the report titled “Top-to-Bottom Review of the Environmental Management Program” and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

(d) **SUBMISSION OF REPORT.**—On the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2004 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress, the Secretary shall submit to the congressional defense committees the report required by subsection (a).

## **Subtitle E—Disposition of Weapons-Usable Plutonium at Savannah River, South Carolina**

### **SEC. 3181. FINDINGS.**

Congress makes the following findings:

(1) In September 2000, the United States and the Russian Federation signed a Plutonium Management and Disposition Agreement by which each agreed to dispose of 34 metric tons of weapons-grade plutonium.

(2) The agreement with Russia is a significant step toward safeguarding nuclear materials and preventing their diversion to rogue states and terrorists.

(3) The Department of Energy plans to dispose of 34 metric tons of weapons-grade plutonium in the United States before the end of 2019 by converting the plutonium to a mixed-oxide fuel to be used in commercial nuclear power reactors.

(4) *The Department has formulated a plan for implementing the agreement with Russia through construction of a mixed-oxide fuel fabrication facility, the so-called MOX facility, and a pit disassembly and conversion facility at the Savannah River Site, Aiken, South Carolina.*

(5) *The United States and the State of South Carolina have a compelling interest in the safe, proper, and efficient operation of the plutonium disposition facilities at the Savannah River Site. The MOX facility will also be economically beneficial to the State of South Carolina, and that economic benefit will not be fully realized unless the MOX facility is built.*

(6) *The State of South Carolina desires to ensure that all plutonium transferred to the State of South Carolina is stored safely; that the full benefits of the MOX facility are realized as soon as possible; and, specifically, that all defense plutonium or defense plutonium materials transferred to the Savannah River Site either be processed or be removed expeditiously.*

**SEC. 3182. DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE.**

(a) *PLAN FOR CONSTRUCTION AND OPERATION OF MOX FACILITY.—(1) Not later than February 1, 2003, the Secretary of Energy shall submit to Congress a plan for the construction and operation of the MOX facility at the Savannah River Site, Aiken, South Carolina.*

(2) *The plan under paragraph (1) shall include—*

(A) *a schedule for construction and operations so as to achieve, as of January 1, 2009, and thereafter, the MOX production objective, and to produce 1 metric ton of mixed-oxide fuel by December 31, 2009; and*

(B) *a schedule of operations of the MOX facility designed so that 34 metric tons of defense plutonium and defense plutonium materials at the Savannah River Site will be processed into mixed-oxide fuel by January 1, 2019.*

(3)(A) *Not later than February 15 each year, beginning in 2004 and continuing for as long as the MOX facility is in use, the Secretary shall submit to Congress a report on the implementation of the plan required by paragraph (1).*

(B) *Each report under subparagraph (A) for years before 2010 shall include—*

(i) *an assessment of compliance with the schedules included with the plan under paragraph (2); and*

(ii) *a certification by the Secretary whether or not the MOX production objective can be met by January 2009.*

(C) *Each report under subparagraph (A) for years after 2009 shall—*

(i) *address whether the MOX production objective has been met; and*

(ii) *assess progress toward meeting the obligations of the United States under the Plutonium Management and Disposition Agreement.*

(D) *Each report under subparagraph (A) for years after 2017 shall also include an assessment of compliance with the MOX production objective and, if not in compliance, the plan of the Secretary for achieving one of the following:*

(i) *Compliance with such objective.*

(ii) *Removal of all remaining defense plutonium and defense plutonium materials from the State of South Carolina.*

(b) **CORRECTIVE ACTIONS.**—(1) *If a report under subsection (a)(3) indicates that construction or operation of the MOX facility is behind the applicable schedule under subsection (a)(2) by 12 months or more, the Secretary shall submit to Congress, not later than August 15 of the year in which such report is submitted, a plan for corrective actions to be implemented by the Secretary to ensure that the MOX facility project is capable of meeting the MOX production objective by January 1, 2009.*

(2) *If a plan is submitted under paragraph (1) in any year after 2008, the plan shall include corrective actions to be implemented by the Secretary to ensure that the MOX production objective is met.*

(3) *Any plan for corrective actions under paragraph (1) or (2) shall include established milestones under such plan for achieving compliance with the MOX production objective.*

(4) *If, before January 1, 2009, the Secretary determines that there is a substantial and material risk that the MOX production objective will not be achieved by 2009 because of a failure to achieve milestones set forth in the most recent corrective action plan under this subsection, the Secretary shall suspend further transfers of defense plutonium and defense plutonium materials to be processed by the MOX facility until such risk is addressed and the Secretary certifies that the MOX production objective can be met by 2009.*

(5) *If, after January 1, 2009, the Secretary determines that the MOX production objective has not been achieved because of a failure to achieve milestones set forth in the most recent corrective action plan under this subsection, the Secretary shall suspend further transfers of defense plutonium and defense plutonium materials to be processed by the MOX facility until the Secretary certifies that the MOX production objective can be met.*

(6)(A) *Upon making a determination under paragraph (4) or (5), the Secretary shall submit to Congress a report on the options for removing from the State of South Carolina an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the State of South Carolina after April 15, 2002.*

(B) *Each report under subparagraph (A) shall include an analysis of each option set forth in the report, including the cost and schedule for implementation of such option, and any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to consideration or selection of such option.*

(C) *Upon submittal of a report under paragraph (A), the Secretary shall commence any analysis that may be required under the National Environmental Policy Act of 1969 in order to select among the options set forth in the report.*

(c) **CONTINGENT REQUIREMENT FOR REMOVAL OF PLUTONIUM AND MATERIALS FROM SAVANNAH RIVER SITE.**—*If the MOX production objective is not achieved as of January 1, 2009, the Secretary shall, consistent with the National Environmental Policy Act of 1969 and other applicable laws, remove from the State of South Carolina, for storage or disposal elsewhere—*

(1) *not later than January 1, 2011, not less than 1 metric ton of defense plutonium or defense plutonium materials; and*

(2) not later than January 1, 2017, an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the Savannah River Site between April 15, 2002 and January 1, 2017, but not processed by the MOX facility.

(d) **ECONOMIC AND IMPACT ASSISTANCE.**—(1) If the MOX production objective is not achieved as of January 1, 2011, the Secretary shall, from funds available to the Secretary, pay to the State of South Carolina each year beginning on or after that date through 2016 for economic and impact assistance an amount equal to \$1,000,000 per day, not to exceed \$100,000,000 per year, until the later of—

(A) the date on which the MOX production objective is achieved in such year; or

(B) the date on which the Secretary has removed from the State of South Carolina in such year at least 1 metric ton of defense plutonium or defense plutonium materials.

(2)(A) If, as of January 1, 2017, the MOX facility has not processed mixed-oxide fuel from defense plutonium and defense plutonium materials in the amount of not less than—

(i) one metric ton, in each of any two consecutive calendar years; and

(ii) three metric tons total,

the Secretary shall, from funds available to the Secretary, pay to the State of South Carolina for economic and impact assistance an amount equal to \$1,000,000 per day, not to exceed \$100,000,000 per year, until the removal by the Secretary from the State of South Carolina of an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the Savannah River Site between April 15, 2002, and January 1, 2017, but not processed by the MOX facility.

(B) Nothing in this paragraph may be construed to terminate, supersede, or otherwise affect any other requirements of this section.

(3) If the State of South Carolina obtains an injunction that prohibits the Department from taking any action necessary for the Department to meet any deadline specified by this subsection, that deadline shall be extended for a period of time equal to the period of time during which the injunction is in effect.

(e) **FAILURE TO COMPLETE PLANNED DISPOSITION PROGRAM.**—If on July 1 each year beginning in 2020 and continuing for as long as the MOX facility is in use, less than 34 metric tons of defense plutonium or defense plutonium materials have been processed by the MOX facility, the Secretary shall submit to Congress a plan for—

(1) completing the processing of 34 metric tons of defense plutonium and defense plutonium material by the MOX facility; or

(2) removing from the State of South Carolina an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the Savannah River Site after April 15, 2002, but not processed by the MOX facility.

(f) **REMOVAL OF MIXED-OXIDE FUEL UPON COMPLETION OF OPERATIONS OF MOX FACILITY.**—If, one year after the date on which

operation of the MOX facility permanently ceases, any mixed-oxide fuel remains at the Savannah River Site, the Secretary shall submit to Congress—

(1) a report on when such fuel will be transferred for use in commercial nuclear reactors; or

(2) a plan for removing such fuel from the State of South Carolina.

(g) DEFINITIONS.—In this section:

(1) MOX PRODUCTION OBJECTIVE.—The term “MOX production objective” means production at the MOX facility of mixed-oxide fuel from defense plutonium and defense plutonium materials at an average rate equivalent to not less than one metric ton of mixed-oxide fuel per year. The average rate shall be determined by measuring production at the MOX facility from the date the facility is declared operational to the Nuclear Regulatory Commission through the date of assessment.

(2) MOX FACILITY.—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(3) DEFENSE PLUTONIUM; DEFENSE PLUTONIUM MATERIALS.—The terms “defense plutonium” and “defense plutonium materials” mean weapons-usable plutonium.

**SEC. 3183. STUDY OF FACILITIES FOR STORAGE OF PLUTONIUM AND PLUTONIUM MATERIALS AT SAVANNAH RIVER SITE.**

(a) STUDY.—The Defense Nuclear Facilities Safety Board shall conduct a study of the adequacy of the K-Area Materials Storage facility (KAMS), and related support facilities such as Building 235-F, at the Savannah River Site, Aiken, South Carolina, for the storage of defense plutonium and defense plutonium materials in connection with the disposition program provided in section 3182 and in connection with the amended Record of Decision of the Department of Energy for fissile materials disposition.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Defense Nuclear Facilities Safety Board shall submit to Congress and the Secretary of Energy a report on the study conducted under subsection (a).

(c) REPORT ELEMENTS.—The report under subsection (b) shall—

(1) address—

(A) the suitability of KAMS and related support facilities for monitoring and observing any defense plutonium or defense plutonium materials stored in KAMS;

(B) the adequacy of the provisions made by the Department for remote monitoring of such defense plutonium and defense plutonium materials by way of sensors and for handling of retrieval of such defense plutonium and defense plutonium materials; and

(C) the adequacy of KAMS should such defense plutonium and defense plutonium materials continue to be stored at KAMS after 2019; and

(2) include such proposals as the Defense Nuclear Facilities Safety Board considers appropriate to enhance the safety, reliability, and functionality of KAMS.

(d) REPORTS ON ACTIONS ON PROPOSALS.—Not later than 6 months after the date on which the report under subsection (b) is submitted to Congress, and every year thereafter, the Secretary and

*the Board shall each submit to Congress a report on the actions taken by the Secretary in response to the proposals, if any, included in the report.*

## **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

*Sec. 3201. Authorization.*

### **SEC. 3201. AUTHORIZATION.**

*There are authorized to be appropriated for fiscal year 2003, \$19,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).*

## **TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

*Sec. 3301. Authorized uses of National Defense Stockpile funds.*

### **SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

*(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2003, the National Defense Stockpile Manager may obligate up to \$76,400,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.*

*(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 on which 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.*

## **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

*Sec. 3401. Authorization of appropriations.*

### **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

*(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy \$21,069,000 for fiscal year 2003 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.*

(b) *PERIOD OF AVAILABILITY.*—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

## **TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. *Authorization of appropriations for fiscal year 2003.*

Sec. 3502. *Authority to convey vessel USS SPHINX (ARL-24).*

Sec. 3503. *Independent analysis of title XI insurance guarantee applications.*

Sec. 3504. *Preparation as artificial reefs and scrapping of obsolete vessels.*

### **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003.**

Funds are hereby authorized to be appropriated for fiscal year 2003, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$93,132,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$54,126,000, of which—

(A) \$50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$4,126,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402 (as amended by this title), \$20,000,000.

### **SEC. 3502. AUTHORITY TO CONVEY VESSEL USS SPHINX (ARL-24).**

(a) *IN GENERAL.*—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel USS SPHINX (ARL-24), to the Dunkirk Historical Lighthouse and Veterans Park Museum (a not-for-profit corporation, in this section referred to as the “recipient”) for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that when the recipient no longer requires the vessel for use as a military museum—

(A) the recipient will, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

ing ship disposal reporting requirements in section 3502 of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The report shall include a description of the activities under the pilot programs, and such recommendations for further legislative or administrative action as the Secretary considers appropriate.

(d) CONSTRUCTION.—Nothing in this section shall be construed to establish a preference for the reefing or export of obsolete vessels in the National Defense Reserve Fleet over other alternatives available to the Secretary for the scrapping of such vessels under section 3502(d)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

## **TITLE XXXVI—ATOMIC ENERGY DEFENSE PROVISIONS**

Sec. 3601. Short title.

### **Subtitle A—[Reserved]**

### **Subtitle B—Department of Energy National Security Authorizations General Provisions**

Sec. 3620. Definitions.

Sec. 3621. Reprogramming.

Sec. 3622. Minor construction projects.

Sec. 3623. Limits on construction projects.

Sec. 3624. Fund transfer authority.

Sec. 3625. Conceptual and construction design.

Sec. 3626. Authority for emergency planning, design, and construction activities.

Sec. 3627. Scope of authority to carry out plant projects.

Sec. 3628. Availability of funds.

Sec. 3629. Transfer of defense environmental management funds.

Sec. 3630. Transfer of weapons activities funds.

Sec. 3631. Funds available for all national security programs of the Department of Energy.

#### **SEC. 3601. SHORT TITLE.**

*This title may be cited as the “Atomic Energy Defense Act”.*

### **Subtitle A—[Reserved]**

### **Subtitle B—Department of Energy National Security Authorizations General Provisions**

#### **SEC. 3620. DEFINITIONS.**

*In this subtitle:*

(1) The term “DOE national security authorization” means an authorization of appropriations for activities of the Department of Energy in carrying out programs necessary for national security.

(2) The term “congressional defense committees” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term “minor construction threshold” means \$5,000,000.

**SEC. 3621. REPROGRAMMING.**

(a) *IN GENERAL.*—Except as provided in subsection (b) and in sections 3629 and 3630, the Secretary of Energy may not use amounts appropriated pursuant to a DOE national security authorization for a program—

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

(A) 115 percent of the amount authorized for that program by that authorization for that fiscal year; or

(B) \$5,000,000 more than the amount authorized for that program by that authorization for that fiscal year; or

(2) which has not been presented to, or requested of, Congress.

(b) *EXCEPTION WHERE NOTICE-AND-WAIT GIVEN.*—An action described in subsection (a) may be taken if—

(1) the Secretary submits to the congressional defense committees a report referred to in subsection (c) with respect to such action; and

(2) a period of 30 days has elapsed after the date on which such committees receive the report.

(c) *REPORT.*—The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(d) *COMPUTATION OF DAYS.*—In the computation of the 30-day period under subsection (b), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(e) *LIMITATIONS.*—

(1) *TOTAL AMOUNT OBLIGATED.*—In no event may the total amount of funds obligated pursuant to a DOE national security authorization for a fiscal year exceed the total amount authorized to be appropriated by that authorization for that fiscal year.

(2) *PROHIBITED ITEMS.*—Funds appropriated pursuant to a DOE national security authorization may not be used for an item for which Congress has specifically denied funds.

**SEC. 3622. MINOR CONSTRUCTION PROJECTS.**

(a) *AUTHORITY.*—Using operation and maintenance funds or facilities and infrastructure funds authorized by a DOE national security authorization, the Secretary of Energy may carry out minor construction projects.

(b) *ANNUAL REPORT.*—The Secretary shall submit to the congressional defense committees on an annual basis a report on each exercise of the authority in subsection (a) during the preceding fiscal year. Each report shall provide a brief description of each minor construction project covered by the report.

(c) *COST VARIATION REPORTS TO CONGRESSIONAL COMMITTEES.*—If, at any time during the construction of any minor construction project authorized by a DOE national security authorization, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to the congressional defense committees a report explaining the reasons for the cost variation.

(d) *MINOR CONSTRUCTION PROJECT DEFINED.*—In this section, the term “minor construction project” means any plant project not

specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold.

**SEC. 3623. LIMITS ON CONSTRUCTION PROJECTS.**

(a) **CONSTRUCTION COST CEILING.**—Except as provided in subsection (b), construction on a construction project which is in support of national security programs of the Department of Energy and was authorized by a DOE national security authorization may not be started, and additional obligations in connection with the project above the total estimated cost may not be incurred, whenever the current estimated cost of the construction project exceeds by more than 25 percent the higher of—

(1) the amount authorized for the project; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) **EXCEPTION WHERE NOTICE-AND-WAIT GIVEN.**—An action described in subsection (a) may be taken if—

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

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) **COMPUTATION OF DAYS.**—In the computation of the 30-day period under subsection (b), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) **EXCEPTION FOR MINOR PROJECTS.**—Subsection (a) does not apply to a construction project with a current estimated cost of less than the minor construction threshold.

**SEC. 3624. FUND TRANSFER AUTHORITY.**

(a) **TRANSFER TO OTHER FEDERAL AGENCIES.**—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) **TRANSFER WITHIN DEPARTMENT OF ENERGY.**—

(1) **TRANSFERS PERMITTED.**—Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to a DOE national security authorization to any other DOE national security authorization. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) **MAXIMUM AMOUNTS.**—Not more than 5 percent of any such authorization may be transferred to another authorization under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) **LIMITATIONS.**—The authority provided by this subsection to transfer authorizations—

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

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the congressional defense committees of any transfer of funds to or from any DOE national security authorization.

**SEC. 3625. CONCEPTUAL AND CONSTRUCTION DESIGN.**

(a) CONCEPTUAL DESIGN.—

(1) REQUIREMENT.—Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

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

(A) for a construction project the total estimated cost of which is less than the minor construction threshold; or

(B) for emergency planning, design, and construction activities under section 3626.

(b) CONSTRUCTION DESIGN.—

(1) AUTHORITY.—Within the amounts authorized by a DOE national security authorization, the Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PROJECTS.—If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for that design must be specifically authorized by law.

**SEC. 3626. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.**

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to a DOE national security authorization, including funds authorized to be appropriated for advance planning, engineering, and construction design, and for plant projects, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of a construction project until the Secretary has submitted to the congressional defense committees a

report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3625(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

**SEC. 3627. SCOPE OF AUTHORITY TO CARRY OUT PLANT PROJECTS.**

In carrying out programs necessary for national security, the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto.

**SEC. 3628. AVAILABILITY OF FUNDS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), amounts appropriated pursuant to a DOE national security authorization for operation and maintenance or for plant projects may, when so specified in an appropriations Act, remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to a DOE national security authorization for a fiscal year shall remain available to be obligated only until the end of that fiscal year.

**SEC. 3629. TRANSFER OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of that office to another such program or project.

(b) **LIMITATIONS.**—

(1) **NUMBER OF TRANSFERS.**—Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) **AMOUNTS TRANSFERRED.**—The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.

(3) **DETERMINATION REQUIRED.**—A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary—

(A) to address a risk to health, safety, or the environment; or

(B) to assure the most efficient use of defense environmental management funds at the field office.

(4) **IMPERMISSIBLE USES.**—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3621 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) *DEFINITIONS.*—*In this section:*

(1) The term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by that office, and for which defense environmental management funds have been authorized and appropriated.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

**SEC. 3630. TRANSFER OF WEAPONS ACTIVITIES FUNDS.**

(a) *TRANSFER AUTHORITY FOR WEAPONS ACTIVITIES FUNDS.*—*The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project.*

(b) *LIMITATIONS.*—

(1) *NUMBER OF TRANSFERS.*—*Not more than one transfer may be made to or from any program or project under subsection (a) in a fiscal year.*

(2) *AMOUNTS TRANSFERRED.*—*The amount transferred to or from a program or project in any one transfer under subsection (a) may not exceed \$5,000,000.*

(3) *DETERMINATION REQUIRED.*—*A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer—*

(A) *is necessary to address a risk to health, safety, or the environment; or*

(B) *will result in cost savings and efficiencies.*

(4) *LIMITATION.*—*A transfer may not be carried out by a manager of a field office under subsection (a) to cover a cost overrun or scheduling delay for any program or project.*

(5) *IMPERMISSIBLE USES.*—*Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.*

(c) *EXEMPTION FROM REPROGRAMMING REQUIREMENTS.*—*The requirements of section 3621 shall not apply to transfers of funds pursuant to subsection (a).*

(d) *NOTIFICATION.*—*The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.*

(e) *DEFINITIONS.*—*In this section:*

(1) The term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated.

(2) The term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authoriza-

*tion for carrying out weapons activities necessary for national security programs.*

**SEC. 3631. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

*Subject to the provisions of appropriation Acts and section 3621, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.*

And the House agree to the same.

From the Committee on Armed Services, for consideration of the House amendment and the Senate amendment, and modifications committed to conference:

BOB STUMP,  
DUNCAN HUNTER,  
JAMES V. HANSEN,  
CURT WELDON,  
JOEL HEFLEY,  
JIM SAXTON,  
JOHN M. MCHUGH,  
TERRY EVERETT,  
HOWARD P. "BUCK" MCKEON,  
J.C. WATTS, Jr.,  
MAC THORNBERRY,  
JOHN N. HOSTETTLER,  
SAXBY CHAMBLISS,  
WALTER B. JONES,  
VAN HILLEARY,  
LINDSEY GRAHAM,  
IKE SKELTON,  
JOHN M. SPRATT, Jr.,  
SOLOMON P. ORTIZ,  
LANE EVANS,  
MARTIN T. MEEHAN,  
ROBERT A. UNDERWOOD,  
THOMAS ALLEN,  
SILVESTRE REYES,  
JIM TURNER,  
ELLEN O. TAUSCHER,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PORTER J. GOSS,  
DOUG BEREUTER,

From the Committee on Education and the Workforce, for consideration of secs. 341–343, and 366 of the House amendment, and secs. 331–333, 542, 656, 1064, and 1107 of the Senate amendment, and modifications committed to conference:

JOHNNY ISAKSON,  
JOE WILSON,  
GEORGE MILLER,

From the Committee on Government Reform, for consideration of secs. 323, 804, 805, 1003, 1004, 1101–1106, 2811, and 2813 of the House amendment, and secs. 241, 654, 817, 907, 1007–1009, 1061, 1101–1106, 2811, and 3173 of the Senate amendment, and modifications committed to conference:

DAN BURTON,  
DAVE WELDON,

From the Committee on International Relations, for consideration of secs. 1201, 1202, 1204, title XIII, and sec. 3142 of the House amendment, and subtitle A of title XII, secs. 1212–1216, 3136, 3151, and 3156–3161 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,  
BENJAMIN A. GILMAN,

From the Committee on the Judiciary, for consideration of secs. 811 and 1033 of the House amendment, and secs. 1067 and 1070 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,

From the Committee on Resources, for consideration of secs. 311, 312, 601, title XIV, secs 2821, 2832, 2841, and 2863 of the House amendment, and secs. 601, 2821, 2823, 2828, and 2841 of the Senate amendment, and modifications committed to conference:

JOHN J. DUNCAN, Jr.,

From the Committee on Science, for consideration of secs. 244, 246, 1216, 3155, 3163 of the Senate amendment, and modifications committed to conference:

SHERWOOD L. BOEHLERT,  
NICK SMITH,  
RALPH M. HALL,

From the Committee on Small Business for consideration of secs. 243, 824, and 829 of the Senate amendment, and modifications committed to conference:

DONALD A. MANZULLO,  
SUE KELLY,

From the Committee on Transportation and Infrastructure, for consideration of sec. 601 of the House amendment, and secs. 601 and 1063 of the Senate amendment, and modifications committed to conference:

DON YOUNG,  
FRANK A. LOBIONDO,  
CORRINE BROWN,

From the Committee on Veterans' Affairs, for consideration of secs. 641, 651, 721, 723, 724, 726, 727, and 728 of the House amendment, and secs. 541 and 641 of the Senate amendment, and modifications committed to conference:

CHRIS SMITH,  
*Managers on the Part of the House.*

CARL LEVIN,  
TED KENNEDY,  
ROBERT C. BYRD,

JOSEPH I. LIEBERMAN,  
MAX CLELAND,  
MARY L. LANDRIEU,  
JACK REED,  
DANIEL K. AKAKA,  
BILL NELSON,  
BEN NELSON,  
JEAN CARNAHAN,  
MARK DAYTON,  
JEFF BINGAMAN,  
JOHN W. WARNER,  
STROM THURMOND,  
JOHN MCCAIN,  
JAMES M. INHOFE,  
PAT ROBERTS,  
JEFF SESSIONS,  
SUSAN COLLINS,  
JIM BUNNING,

*Managers on the Part of the Senate.*



## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 4546), to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out the matter proposed to be inserted by the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

### SUMMARY STATEMENT OF CONFERENCE ACTIONS

The conferees recommend authorization of appropriations for fiscal year 2003 for the Department of Defense for procurement; research and development; test and evaluation; operation and maintenance; working capital funds; military construction and family housing; and for weapons and environmental restoration programs of the Department of Energy, that have a budget authority implication of \$392.9 billion for the national defense function.

This funding level represents a \$3.5 billion reduction to the amounts requested by the President to reflect the proper accounting for civilian retirement and health benefits under current law. The administration's budget included \$3.5 billion in the national defense function as part of a governmentwide proposal for accrual funding that was not adopted by the committees of jurisdiction within Congress. This reduction of \$3.5 billion is an accounting adjustment that does not reduce the amount of funding available for defense programs and would not result in any reduction in benefits for federal civilian employees of the Department of Defense or the Department of Energy.

*Land acquisition, Boundary Channel Drive Site, Arlington*

The Senate amendment contained a provision (sec. 2827) that would authorize the Secretary of Defense, using amounts authorized to be appropriated by section 2401, to acquire approximately 7.2 acres of real property in Arlington County, Virginia, known as the Boundary Channel Drive Site. The provision would direct that, upon the purchase of the site, the property be included in the Pentagon Reservation as defined in section 2674 (f)(1) of title 10, United States Code.

The House bill contained no similar provision.

The Senate recesses.

*National emergency exemption from screening and other requirements of McKinney-Vento Homeless Assistance Act for property used in support of response activities*

The House bill contained a provision (sec. 2813) that would amend section 11411 of title 42, United States Code, to provide an exception to the requirement to screen excess or surplus property for various other uses when the property may be needed by federal, state, or local agencies to support response efforts in times of war, national emergency, or a major disaster.

The Senate amendment contained no similar provision.

The House recesses.

*Transfer of funds for acquisition of replacement property for National Wildlife Refuge system lands in Nevada*

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of the Air Force to transfer \$15.0 million in funds authorized to be appropriated to the Air Force for fiscal year 2003 for land acquisition at Nellis Air Force Base, Nevada, to the United States Fish and Wildlife Service to purchase replacement lands for the National Wildlife Refuge (NWR) system in Nevada. These lands would replace lands removed from the NWR system and withdrawn for military training by section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65).

The House bill contained no similar provision.

The Senate recesses.

## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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

*Overview*

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy (DOE) for fiscal year 2003, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). The title would authorize appropriations

in four categories: National Nuclear Security Administration (NNSA); defense environmental management; other defense activities; and defense nuclear waste disposal.

The budget request for atomic energy defense activities at the Department of Energy totaled \$15.4 billion, a 4.4 percent increase above the fiscal year 2002 level. Of the total amount requested, \$8.0 billion would be for the National Nuclear Security Administration, of which \$5.9 billion would be for weapons activities, \$1.1 billion would be for defense nuclear nonproliferation activities, \$708.0 million would be for naval reactors, and \$347.7 million would be for the Office of the Administrator; \$6.6 billion would be for defense environmental management, of which, \$4.6 billion would be for defense environmental restoration and waste management activities, \$800.0 million for environmental management cleanup reform, \$1.1 billion would be for defense facilities closure projects, and \$158.4 million would be for defense environmental management privatization; \$472.2 million would be for other defense activities; and \$315.0 million would be for defense nuclear waste disposal.

The conferees agree to authorize \$15.6 billion for atomic energy defense activities at the Department of Energy, an increase of \$142.0 million above the budget request. The conferees agree to authorize \$8.0 billion for the NNSA, a reduction of \$0.2 million to the budget request. Of the amounts authorized for the NNSA, \$5.9 billion would be for weapons activities, \$1.1 billion would be for defense nuclear nonproliferation activities, \$706.8 million would be for naval reactors, and \$325.9 million would be for the Office of the Administrator. The conferees agree to authorize \$6.8 billion for the defense environmental management activities, an increase of \$151.8 million above the budget request. Of the amounts authorized for defense environmental management, \$4.5 billion would be for defense environmental restoration and waste management activities, \$982.0 million would be for environmental management cleanup reform, \$1.1 billion would be for defense facilities closure projects, and \$158.4 million would be for defense environmental management privatization. The conferees agree to authorize \$462.7 million for other defense activities, a decrease of \$9.5 million. The amount authorized for other defense activities would include \$27.7 million for energy security and assurance, \$185.5 million for the Office of Security, \$41.2 million for intelligence, \$46.0 million for counterintelligence, \$22.4 million for independent oversight and performance assurance, \$99.0 million for environmental safety and health; \$19.7 million for worker and community transition, \$25.6 million for national security program administration support and \$2.9 million for the Office of Hearing and Appeals. The conferees agree to authorize \$315.0 million for defense nuclear waste disposal.

The following table summarizes the budget request and the authorizations:

**NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2003**

(In Thousands of Dollars)

	<b>FY 2003</b>				
	<b>Request to</b>	<b>House</b>	<b>Senate</b>	<b>Conference</b>	<b>Conference</b>
	<b>Congress</b>	<b>Authorized</b>	<b>Authorized</b>	<b>Change</b>	<b>Authorized</b>
<b>Atomic Energy Defense Activities (053)</b>					
National Nuclear Security Administration					
Weapons Activities.....	5,869,379	5,937,000	5,988,188	32,262	5,901,641
Defense Nuclear Nonproliferation.....	1,113,630	1,074,630	1,129,130	-9,500	1,104,130
Naval Reactors.....	708,020	706,790	707,020	-1,230	706,790
Office of the Administrator.....	347,705	315,929	335,705	-21,776	325,929
<b>Total, National Nuclear Security Administration.....</b>	<b>8,038,734</b>	<b>8,034,349</b>	<b>8,160,043</b>	<b>-244</b>	<b>8,038,490</b>
Environmental and Other Defense Activities:					
Defense Environmental Restoration and Waste Management.....	4,558,360	4,544,133	4,601,460	-48,227	4,510,133
Defense Environmental Cleanup Reform.....	800,000	800,000	1,000,000	182,000	982,000
Defense Facilities Closure Projects.....	1,091,314	1,091,314	1,109,314	18,000	1,109,314
Environmental Management Privatization.....	158,399	158,399	158,399		158,399
Other Defense Activities.....	472,156	457,664	489,883	-9,492	462,664
Defense Nuclear Waste Disposal.....	315,000	315,000	215,000		315,000
<b>Total Department of Energy/NNSA.....</b>	<b>15,433,963</b>	<b>15,400,859</b>	<b>15,734,099</b>	<b>142,037</b>	<b>15,576,000</b>
Defense Nuclear Facilities Safety Board	19,494	19,000	19,494	-494	19,000
Formerly Utilized Sites Remedial Action Program	—	—	140,000	—	—
<b>Total Atomic Energy Defense Activities</b>	<b>15,453,457</b>	<b>15,419,859</b>	<b>15,893,593</b>	<b>141,543</b>	<b>15,595,000</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>National Nuclear Security Administration:</b>					
<b>Weapons Activities</b>					
Directed stockpile work					
Stockpile research and development.....	467,149	467,149	451,649		467,149
Stockpile maintenance.....	401,157	401,157	401,157		401,157
Stockpile evaluation.....	197,184	197,184	197,184		197,184
Dismantlement/disposal.....	24,378	24,378	24,378		24,378
Production support.....	137,706	137,706	137,706		137,706
Field engineering, training and manuals.....	6,893	6,893	6,893		6,893
<b>Total, Directed stockpile work.....</b>	<b>1,234,467</b>	<b>1,234,467</b>	<b>1,218,967</b>	<b>—</b>	<b>1,234,467</b>
Campaigns					
Science campaigns					
Primary certification.....	47,159	47,159	47,159		47,159
Dynamic materials properties.....	87,594	87,594	87,594		87,594
Advanced radiography					
Operations and maintenance.....	52,925	52,925	52,925		52,925
Secondary certification and nuclear systems margins.....	47,790	47,790	47,790		47,790
<b>Total, Science campaigns.....</b>	<b>235,468</b>	<b>235,468</b>	<b>235,468</b>	<b>—</b>	<b>235,468</b>
Engineering campaigns					
Enhanced surety.....	37,713	37,713	37,713		37,713

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Weapons system engineering certification.....	27,007	27,007	27,007		27,007
Nuclear survivability.....	23,394	23,394	23,394		23,394
Enhanced surveillance.....	77,155	77,155	77,155		77,155
Advanced design and production technologies.....	74,141	74,141	74,141		74,141
<b>Total, Engineering campaigns.....</b>	<b>239,410</b>	<b>239,410</b>	<b>239,410</b>	—	<b>239,410</b>
High energy density physics campaign					
Operations and maintenance.....	237,748	262,748	248,442	35,694	273,442
Construction:					
96-D-111 National ignition facility (NIF), LLNL, Livermore, CA.....	214,045	214,045	224,045		214,045
<b>Total, High energy density physics campaign.....</b>	<b>451,793</b>	<b>476,793</b>	<b>472,487</b>	<b>35,694</b>	<b>487,487</b>
Advanced simulation and computing					
Operations and maintenance.....	669,527	669,527	669,527		669,527
Construction:					
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA.....	13,305	13,305	13,305		13,305
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.....	35,030	35,030	35,030		35,030

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.....	7,000	7,000	7,000		7,000
<b>Total, Construction.....</b>	<b>55,335</b>	<b>55,335</b>	<b>55,335</b>	—	<b>55,335</b>
<b>Total, Advanced simulation and computing.....</b>	<b>724,862</b>	<b>724,862</b>	<b>724,862</b>	—	<b>724,862</b>
Pit manufacturing and certification.....	194,484	194,484	199,484	5,000	199,484
Readiness campaigns					
Stockpile readiness.....	61,027	61,027	61,027		61,027
High explosives manufacturing and weapons assembly/disassembly readiness.....	12,093	12,093	11,093		12,093
Non-nuclear readiness.....	22,398	22,398	20,398	-2,000	20,398
Materials readiness.....	—				
Tritium readiness					
Operations and maintenance.....	56,134	56,134	56,134		56,134
Construction:					
98-D-125 Tritium extraction facility, Savannah River Site, Aiken SC.....	70,165	70,165	70,165		70,165
<b>Total, Tritium readiness.....</b>	<b>126,299</b>	<b>126,299</b>	<b>126,299</b>	—	<b>126,299</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Total, Readiness campaigns.....</b>	<b>221,817</b>	<b>221,817</b>	<b>218,817</b>	<b>-2,000</b>	<b>219,817</b>
<b>Total, Campaigns.....</b>	<b>2,067,834</b>	<b>2,092,834</b>	<b>2,090,528</b>	<b>38,694</b>	<b>2,106,528</b>
Readiness in technical base and facilities					
Operations of facilities.....	949,920	994,920	989,920	72,000	1,021,920
Pantex.....				[+25,000]	
Y-12 .....				[+20,000]	
Center for Combating Terrorism.....				[+27,000]	
Program readiness.....	208,089	208,089	208,089		208,089
Special projects.....	37,744	37,744	44,644	6,900	44,644
Material recycle and recovery.....	98,816	98,816	98,816		98,816
Containers.....	17,721	17,721	17,721		17,721
Storage.....	14,593	14,593	14,593		14,593
Nuclear weapons incident response.....	91,000	91,000	91,000		91,000
<b>Subtotal, Readiness in technical base and facilities.....</b>	<b>1,417,883</b>	<b>1,462,883</b>	<b>1,464,783</b>	<b>78,900</b>	<b>1,496,783</b>
Construction:					
03-D-101 Sandia underground reactor facility					
SURF, SNL, Livermore, CA.....	2,000	2,000	2,000		2,000

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
03-D-103 Project engineering and design various locations.....	15,539	15,539	17,839	1,500	17,039
03-D-121 Gas transfer capacity expansion, Kansas City Plant, Kansas City, MO.....	4,000	4,000	4,000		4,000
03-D-122 Prototype purification facility, Y-12 plant, Oak Ridge, TN.....	20,800	20,800	20,800		20,800
03-D-123 Special nuclear materials Requalification, Pantex plant, Amarillo, TX.....	3,000	3,000	3,000		3,000
02-D-103 Project engineering and design, various locations.....	27,245	27,245	24,945	-1,500	25,745
02-D-105 Engineering technology complex upgrade (ETCU), LLNL, Livermore, CA.....	10,000	10,000	10,000		10,000
02-D-107 Electrical power systems safety communications and bus upgrades, Nevada Test Site, NV.....	7,500	7,500	7,500		7,500
01-D-103 Project engineering and design (PE&D), various locations.....	6,164	6,164	6,164		6,164

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
01-D-107 Atlas relocation and operations Nevada Test Site, NV.....	4,123	4,123	4,123		4,123
01-D-108 Microsystem and engineering science applications (MESA), SNL, Albuquerque, NM.....	75,000	75,000	75,000		75,000
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN.....	25,000	25,000	25,000		25,000
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX.....	8,650	8,650	8,650		8,650
01-D-800 Sensitive compartmented information facility, LLNL, Livermore, CA.....	9,611	9,611	9,611		9,611
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA.....	4,011	4,011	4,011		4,011
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA.....	5,915	5,915	5,915		5,915

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO.....	29,900	29,900	29,900		29,900
99-D-128 Stockpile management restructuring initiative, Pantex plant, Amarillo, TX.....	407	407	407		407
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River Site, Aiken, SC.....	10,481	10,481	10,481		10,481
96-D-102 Stockpile stewardship facilities revitalization, Phase VI, various locations.....	1,000	1,000	1,000		1,000
<b>Total, Construction.....</b>	<b>270,346</b>	<b>270,346</b>	<b>270,346</b>	<b>—</b>	<b>270,346</b>
<b>Total, Readiness in technical base and facilities.....</b>	<b>1,688,229</b>	<b>1,733,229</b>	<b>1,735,129</b>	<b>78,900</b>	<b>1,767,129</b>
Facilities and infrastructure recapitalization program.....	242,512	242,512	242,512		242,512

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Secure transportation asset					
Operations and equipment.....	100,863	100,863	102,578		100,863
Program direction.....	54,505	52,126	54,505	-2,379	52,126
<b>Total, Secure transportation asset.....</b>	<b>155,368</b>	<b>152,989</b>	<b>157,083</b>	<b>-2,379</b>	<b>152,989</b>
Safeguards and security					
Operations and maintenance.....	501,054	501,054	566,054		501,054
Construction:					
99-D-132 SMRI nuclear material safeguards and security upgrade project, LANL, Los Alamos, NM.....	8,900	8,900	8,900		8,900
<b>Total, Safeguards and security.....</b>	<b>509,954</b>	<b>509,954</b>	<b>574,954</b>	<b>—</b>	<b>509,954</b>
<b>Subtotal, Weapons Activities.....</b>	<b>5,898,364</b>	<b>5,965,985</b>	<b>6,019,173</b>	<b>115,215</b>	<b>6,013,579</b>
Adjustments					
Use of prior year balances.....	—			-82,953	-82,953
Less security charge for reimbursable work .....	-28,985	-28,985	-28,985		-28,985
Civilian personnel accrual accounting adjustment.....			-2,000		—
<b>Total, Weapons Activities.....</b>	<b>5,869,379</b>	<b>5,937,000</b>	<b>5,988,188</b>	<b>32,262</b>	<b>5,901,641</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Defense Nuclear Nonproliferation</b>					
Nonproliferation and verification R&D					
Operation and maintenance.....	283,407	283,407	298,907		283,407
<b>Total, Nonproliferation &amp; verification R&amp;D.....</b>	<b>283,407</b>	<b>283,407</b>	<b>298,907</b>	—	<b>283,407</b>
 Nonproliferation and international security.....	 92,668	 92,668	 92,668		 92,668
 Nonproliferation programs with Russia					
International nuclear materials protection and cooperation.....					
	233,077	233,077	233,077		233,077
Russian transition initiatives.....	39,334	39,334	39,334		39,334
HEU transparency implementation.....	17,229	17,229	17,229		17,229
Accelerated disposition of HEU and plutonium.....			40,000		
International nuclear safety.....	14,576	11,576	14,576	-1,500	13,076
International safety and security programs.....			20,000		—
IAEA support.....			15,000		—
International export control support.....			5,000		—
International materials protection, control & accounting.....			5,000		
Elimination of weapons-grade plutonium production program.....	49,339	19,339	49,339		49,339

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Fissile materials disposition					
U S surplus materials disposition.....	194,000	198,000	194,000		194,000
Russian surplus materials disposition.....	98,000	88,000	98,000		98,000
Program oversight.....		[-10,000]			
Construction:					
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River Site, Aiken, SC.....	30,000	30,000	30,000		30,000
99-D-141 Pit disassembly and conversion facility, Savannah River Site, Aiken, SC.....	33,000	33,000	33,000		33,000
99-D-143 Mixed oxide fuel fabrication facility, Savannah River Site, Aiken, SC.....	93,000	93,000	93,000		93,000
<b>Total, Construction.....</b>	<b>156,000</b>	<b>156,000</b>	<b>156,000</b>	<b>—</b>	<b>156,000</b>
<b>Total, Fissile materials disposition.....</b>	<b>448,000</b>	<b>442,000</b>	<b>448,000</b>	<b>—</b>	<b>448,000</b>
<b>Total, Nonproliferation programs with Russia.....</b>	<b>801,555</b>	<b>762,555</b>	<b>886,555</b>	<b>-1,500</b>	<b>800,055</b>
General reduction.....	—	—	-85,000		—
Program direction.....	—	—	—		—

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Subtotal, Defense Nuclear Nonproliferation.....</b>	<b>1,177,630</b>	<b>1,138,630</b>	<b>1,193,130</b>	<b>-1,500</b>	<b>1,176,130</b>
Adjustments:					
Use of prior year balances.....	-64,000	-64,000	-64,000	-8,000	-72,000
<b>Total, Defense Nuclear Nonproliferation.....</b>	<b>1,113,630</b>	<b>1,074,630</b>	<b>1,129,130</b>	<b>-9,500</b>	<b>1,104,130</b>
 <b>Naval Reactors</b>					
Naval reactors development					
Operation and maintenance.....	671,290	671,290	671,290		671,290
Construction:					
03-D-201 Cleanroom technology facility, West Mifflin, PA.....	7,200	7,200	7,200		7,200
01-D-200 Major office replacement building, Schenectady, NY.....	2,100	2,100	2,100		2,100
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID.....	2,000	2,000	2,000		2,000
<b>Total, Construction.....</b>	<b>11,300</b>	<b>11,300</b>	<b>11,300</b>	<b>—</b>	<b>11,300</b>
<b>Total, Naval reactors development.....</b>	<b>682,590</b>	<b>682,590</b>	<b>682,590</b>	<b>—</b>	<b>682,590</b>
Program direction.....	25,430	24,200	24,430	-1,230	24,200
<b>Total, Naval Reactors.....</b>	<b>708,020</b>	<b>706,790</b>	<b>707,020</b>	<b>-1,230</b>	<b>706,790</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Office Of The Administrator.....	347,705	315,929	335,705	-21,776	325,929
Civilian personnel accrual adjustment.....				[-11,776]	
Overhead.....				[-10,000]	
<b>Total, Office of the Administrator</b>	<b>347,705</b>	<b>315,929</b>	<b>335,705</b>	<b>-21,776</b>	<b>325,929</b>
<b>Total, National Nuclear Security Administration.....</b>	<b>8,038,734</b>	<b>8,034,349</b>	<b>8,160,043</b>	<b>-244</b>	<b>8,038,490</b>
<b>Defense Environmental Restoration &amp; Waste Management</b>					
Site/project completion					
Operation and maintenance.....	779,706	779,706	779,706		779,706
Construction:					
02-D-402 Intec cathodic protection system expansion project, INEEL, Idaho Falls, ID.....	1,119	1,119	1,119		1,119
02-D-420 Plutonium packaging and stabilization, Savannah River Site, Aiken, SC.....	2,000	2,000	2,000		2,000
01-D-414 Preliminary project, engineering and design (PE&D), various locations.....	5,125	5,125	5,125		5,125

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA.....	—	—	6,000		—
<b>Total, Construction.....</b>	<b>8,244</b>	<b>8,244</b>	<b>14,244</b>	<b>—</b>	<b>8,244</b>
<b>Total, Site/project completion.....</b>	<b>787,950</b>	<b>787,950</b>	<b>793,950</b>	<b>—</b>	<b>787,950</b>
Post 2006 completion					
Operation and maintenance.....	1,702,241	1,702,241	1,704,341		1,702,241
Uranium enrichment D&D fund contribution.....	—	—	—		—
Construction:					
93-D-187 High-level waste removal from filled waste tanks, Savannah River, Site, Aiken, SC.....	14,870	14,870	14,870		14,870
Office of river protection					
Operation and maintenance.....	226,256	226,256	226,256		226,256
Construction:					
03-D-403 Immobilized high-level waste interim storage facility, Richland, WA.....	6,363	6,363	6,363		6,363
01-D-416 Tank waste remediation system, Richland, WA.....	619,000	619,000	619,000		619,000

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
97-D-402 Tank farm restoration and safe operations, Richland, WA.....	25,424	25,424	25,424		25,424
94-D-407 Initial tank retrieval systems, Richland, WA.....	20,945	20,945	20,945		20,945
<b>Total, Construction.....</b>	<b>671,732</b>	<b>671,732</b>	<b>671,732</b>	—	<b>671,732</b>
<b>Total, Office of river protection.....</b>	<b>897,988</b>	<b>897,988</b>	<b>897,988</b>	—	<b>897,988</b>
<b>Total, Post 2006 completion.....</b>	<b>2,615,099</b>	<b>2,615,099</b>	<b>2,617,199</b>	—	<b>2,615,099</b>
Science and technology.....	92,000	92,000	92,000		92,000
Excess facilities.....	1,300	1,300	1,300		1,300
Multi-Site activities					
Uranium enrichment D&D fund contribution.....	442,000	442,000	441,000		442,000
Other activities.....	37,871	37,871	—		37,871
<b>Total, Multi-Site activities.....</b>	<b>479,871</b>	<b>479,871</b>	<b>441,000</b>	—	<b>479,871</b>
Safeguards and security.....	228,260	228,260	278,260		228,260
Program direction.....	358,227	344,000	396,098	-14,227	344,000
Civilian personnel accrual adjustment.....				[-14,227]	

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Subtotal, Defense Environmental Restoration and Waste Management.....</b>	<b>4,562,707</b>	<b>4,548,480</b>	<b>4,619,807</b>	<b>-14,227</b>	<b>4,548,480</b>
Use of prior year balances.....	—	—	—	-34,000	-34,000
Civilian personnel accrual adjustment.....			-14,000		—
Less security charge for reimbursable work.....	-4,347	-4,347	-4,347		-4,347
<b>Total, Defense Environmental Restoration And Waste Management.....</b>	<b>4,558,360</b>	<b>4,544,133</b>	<b>4,601,460</b>	<b>-48,227</b>	<b>4,510,133</b>
<b>Environmental Management Cleanup Reform</b>					
Environmental management cleanup reform.....	800,000	800,000	1,000,000	182,000	982,000
Construction.....					
03-D-414, Preliminary project engineering and design, (PE&D) Savannah River Site, Aiken, SC				[8,800]	[8,800]
<b>Defense Facilities Closure Projects</b>					
Site closure.....	1,054,153	1,054,153	1,054,153		1,054,153
Safeguards and security.....	37,161	37,161	55,161	18,000	55,161
<b>Total, Defense Facilities Closure Projects.....</b>	<b>1,091,314</b>	<b>1,091,314</b>	<b>1,109,314</b>	<b>18,000</b>	<b>1,109,314</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Defense Environmental Management Privatization</b>					
Privatization initiatives, various locations.....	158,399	158,399	158,399		158,399
<b>Total, Defense Environmental Management</b>	<b>6,608,073</b>	<b>6,593,846</b>	<b>6,869,173</b>	<b>151,773</b>	<b>6,759,846</b>
<b>Other Defense Activities</b>					
Energy security and assurance					
Energy security.....	23,411	23,411	—		23,411
Program direction.....	4,275	4,275	—		4,275
<b>Total, Energy security and assurance.....</b>	<b>27,686</b>	<b>27,686</b>	<b>—</b>	<b>—</b>	<b>27,686</b>
Office of Security					
Nuclear safeguards and security.....	91,102	91,102	156,102		91,102
Security investigations.....	45,870	45,870	45,870		45,870
Program direction.....	50,246	48,543	50,246	-1,703	48,543
Chief information officer					
Corporate management information program.....	—	—	—	—	—
<b>Total, Office of Security.....</b>	<b>187,218</b>	<b>185,515</b>	<b>252,218</b>	<b>-1,703</b>	<b>185,515</b>
Intelligence.....	41,559	41,246	43,559	-313	41,246

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Counterintelligence.....	46,083	45,955	48,083	-128	45,955
Independent oversight and performance assurance.....	22,615	22,430	22,615	-185	22,430
Environment, safety & health					
Environment, safety and health (defense).....	81,892	81,892	86,892		81,892
Program direction.....	18,018	17,149	18,018	-869	17,149
Management efficiencies.....		-5,000			
<b>Total, Environment, safety and health.....</b>	<b>99,910</b>	<b>94,041</b>	<b>104,910</b>	<b>-869</b>	<b>99,041</b>
Worker and community transition					
Worker and community transition.....	22,965	22,965	22,965		22,965
Program direction.....	2,809	2,718	2,809	-91	2,718
Management efficiencies.....		-6,000		-6,000	-6,000
<b>Total, Worker and community transition.....</b>	<b>25,774</b>	<b>19,683</b>	<b>25,774</b>	<b>-6,091</b>	<b>19,683</b>
National security programs administration support					
National security programs administration support.....	25,587	25,587	—		25,587
Office of hearings and appeals.....	3,136	2,933	3,136	-203	2,933
<b>Subtotal, Other defense activities.....</b>	<b>479,568</b>	<b>465,076</b>	<b>500,295</b>	<b>-9,492</b>	<b>470,076</b>

**Department of Energy National Security Programs**  
(Dollars in Thousands)

	FY 2003 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Adjustments:					
Use of prior year balances.....	-6,700	-6,700	-6,700		-6,700
Civilian personnel accrual adjustment.....			-3,000		—
Less security charge for reimbursable work.....	-712	-712	-712		-712
<b>Total, Adjustments.....</b>	<b>-7,412</b>	<b>-7,412</b>	<b>-10,412</b>	<b>—</b>	<b>-7,412</b>
<b>Total, Other Defense Activities.....</b>	<b>472,156</b>	<b>457,664</b>	<b>489,883</b>	<b>-9,492</b>	<b>462,664</b>
<b>Defense Nuclear Waste Disposal</b>					
Defense nuclear waste disposal.....	315,000	315,000	215,000	—	315,000
<b>Total, Environmental and Other Defense Activities.....</b>	<b>7,395,229</b>	<b>7,366,510</b>	<b>7,574,056</b>	<b>142,281</b>	<b>7,537,510</b>
<b>TOTAL, Atomic Energy Defense Activities.....</b>	<b>15,433,963</b>	<b>15,400,859</b>	<b>15,734,099</b>	<b>142,037</b>	<b>15,576,000</b>

## ITEMS OF SPECIAL INTEREST

*Management of the National Nuclear Security Administration*

The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), which was enacted on December 28, 2001, amended the National Nuclear Security Administration Act, at the request of the Administrator, to create a new position of Deputy Administrator for the National Nuclear Security Administration (NNSA). As of September 2002 the President has not submitted a nominee for that position, and it remains vacant. In July 2002, the Administrator of the NNSA resigned to take a new position. No nominee has been submitted for the Administrator position.

The NNSA was created by Congress to provide clear lines of authority and to streamline the management of the nonproliferation and defense programs at the Department of Energy. The conferees are concerned that without permanent leadership in these two senior NNSA positions, much of the progress that has been made at the NNSA, particularly in efforts to restructure the headquarters and field organizations, may be in jeopardy. The conferees support the work of the two programmatic deputies at the NNSA and believe that each has contributed significantly to the progress of the organization. Nevertheless, the conferees believe that the two most senior positions in the NNSA should be permanently filled. Any individual, no matter how talented and well-qualified, is at a disadvantage when serving in an acting capacity. The conferees strongly encourage the President to submit qualified nominees for the two senior NNSA positions as quickly as possible.

## LEGISLATIVE PROVISIONS ADOPTED

## Subtitle A—National Security Programs Authorizations

*National Nuclear Security Administration (sec. 3101)*

The House bill contained a provision (sec. 3101) that would authorize \$8.0 billion for the National Nuclear Security Administration (NNSA).

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$8.2 billion for the NNSA.

The conferees agree to include a provision that would authorize \$8.0 billion for the activities of the NNSA after offsets, a reduction of \$0.2 million to the budget request. The conferees note that each program is authorized at the full amount reflected in the individual program line prior to offsets. The conferees have reduced program direction accounts to reflect the proper accounting for the accrual of civilian personnel benefits under current law.

The budget request included \$451.8 million for the high energy density physics campaign, of which \$237.7 million was for operation and maintenance and \$214.0 million was for construction of the National Ignition Facility (NIF). The conferees agree to include \$487.5 million for the campaign, an increase of \$35.7 million above the budget request for operation and maintenance to keep the cryogenic target and NIF diagnostics work on schedule to support the planned NIF ignition schedule, and to support the high average power laser and pettawatt laser initiatives.

The budget request included \$194.5 million for the pit manufacturing and certification campaign. The conferees agree to include \$199.5 million, an increase of \$5.0 million above the budget request to support the Environmental Impact Statement for a new pit facility.

The budget request included \$1.7 billion for Readiness in Technical Base and Facilities (RTBF) of which \$949.9 million was for operation of facilities and \$37.7 million was for special projects. The conferees agree to include \$1.0 billion for operation of facilities, an increase of \$72.0 million above the budget request of which \$25.0 million is for the Pantex facility, \$20.0 million is for the Y-12 facility, and \$27.0 million is for the Nevada Test Site for the Center for Combating Terrorism. The conferees agree to provide \$44.7 million for special projects, an increase of \$6.9 million above the budget request for the annual payment to the Los Alamos Foundation.

The budget request included \$14.6 million for International Nuclear Safety. The conferees agree to include \$13.1 million, a reduction of \$1.5 million to the budget request. The conferees do not support work related to the operational safety of commercial power reactors outside the Former Soviet Union, and that are not Soviet-designed reactors.

#### *Defense environmental management (sec. 3102)*

The House bill contained a provision (sec. 3102) that would authorize \$7.4 billion for environmental restoration, waste management, and other defense activities.

The Senate amendment contained a provision (sec. 3102) that would authorize \$6.8 billion for defense environmental management activities and a provision (sec. 3104) that would authorize \$158.4 million for defense environmental management privatization.

The conferees agree to authorize \$6.7 billion for defense environmental management, including defense environmental privatization, an increase of \$151.8 million above the budget request. The conferees note that each program is authorized at the full amount reflected in the individual program line prior to offsets. The conferees have reduced program direction accounts to reflect the proper accounting for the accrual of civilian personnel benefits under current law to reflect the civil service accrual adjustment.

The budget request included \$800.0 million for environmental management cleanup reform. An amended budget request included an additional \$300.0 million. The conferees agree to include \$982.0 million, an increase of \$182.0 million above the budget request. The conferees note that this will fully fund the Department of Energy commitments to defense sites. In addition, the conferees have included a new construction line item within the environmental management cleanup reform account that would provide \$8.8 million for project engineering and design funds, including \$7.5 million for design of the salt waste processing facility, and \$1.3 million for design of an additional glass waste storage building. Both projects are at the Savannah River Site.

The budget request included \$1.1 billion for defense facilities closure projects. The conferees agree to authorize \$1.1 billion, an

increase of \$18.0 million above the budget request, for increased security costs at the Rocky Flats Site.

*Other defense activities (sec. 3103)*

The Senate amendment contained a provision (sec. 3103) that would authorize \$489.9 million for other defense activities.

The House bill contained a provision (sec. 3102) that would authorize \$7.4 billion for environmental and other defense activities including \$457.7 million for other defense activities.

The conferees agree to authorize \$462.7 million, a decrease of \$9.5 million to the budget request. The conferees note that each program is authorized at the full amount reflected in the individual program line prior to offsets. The conferees have reduced program direction accounts to reflect the proper accounting for the accrual of civilian personnel benefits under current law.

The budget request included \$99.9 million for environment, safety and health. The conferees agree to authorize \$99.0 million. In addition to the \$13.9 million contained in the budget request for enhanced medical screening, the conferees agree that an additional \$2.5 million shall be available for a total of \$16.4 million for enhanced medical screening of current and former workers at Department of Energy (DOE) nuclear facilities, including the three gaseous diffusion plants. The conferees believe DOE should promptly take the steps necessary to ensure that medical screening, including the use of advanced techniques for early lung cancer detection, is made available to current and former workers. The conferees encourage DOE to request sufficient funds in the future to conduct medical screening on all current and former workers who wish to have the screening.

The budget request included \$25.8 million for the office of worker and community transition. The conferees include \$19.7 million, a reduction of \$6.1 million to the budget request.

*Defense nuclear waste disposal (sec. 3104)*

The Senate amendment contained a provision (sec. 3105) that would authorize \$215.0 million for payment to the Nuclear Waste Fund (NWF) established by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

The House bill contained a provision (sec. 3102) that would authorize \$7.4 billion for environmental and other defense activities including \$315.0 million for the payment to the NWF.

The conferees agree to authorize \$315.0 million for the payment to the NWF, the amount of the budget request.

Subtitle B—Program Authorizations, Restrictions, and Limitations

*Annual assessments and reports to the President and Congress regarding the condition of the United States nuclear weapons stockpile (sec. 3141)*

The House bill contained a provision (sec. 3144) that would require an annual certification process regarding the safety, reliability, and performance of the U.S. nuclear stockpile. No later than January 15 of each year, the directors of the national laboratories and the Commander in Chief of the Strategic Command

would be required to submit to the Secretary of Energy and the Secretary of Defense, respectively, a certification regarding the safety, reliability, and performance of each nuclear weapon type in the active stockpile of the United States for which each official is responsible. No later than February 1 of each year, the secretaries would be required to submit to the President and the Congress each certification and report that they received together with any other information. The provision would also require that the head of each national laboratory would constitute and use a "red team" as part of the certification process to subject to challenge and provide peer review of matters in the certification. In addition, the head of each national laboratory and the Commander in Chief of the Strategic Command would each submit, with the certification, a report that would assess the Department of Energy stockpile stewardship program.

The Senate amendment contained no similar provision.

The Senate recedes with a number of clarifying amendments. The conferees intend that this provision should generally reflect the ongoing annual certification process of the active stockpile with the addition of the "red teams", including the participation of the Nuclear Weapons Council. The heads of the national security laboratories and the Commander in Chief of the Strategic Command would be required to submit their reports to the Secretary of Energy and the Secretary of Defense, respectively, and to the Nuclear Weapons Council by December 1 of each year beginning in 2003. The Secretaries of Energy and Defense would be required to submit their reports to the President by March 1 of each year beginning in 2004. The President would be required to submit his report, together with all reports required to be submitted to him, to Congress by March 15 of each year beginning in 2004. Each of the various reports would be required to be submitted in classified form but with each portion of the report marked to show its specific classification level.

The conferees note that the various reports should be brief and concise.

*Plans for achieving enhanced readiness posture for resumption by the United States of underground nuclear weapons tests (sec. 3142)*

The House bill contained a provision (sec. 3145) that would require the Secretary of Energy to submit to Congress with the fiscal year 2004 budget request a report on a plan and a budget to enhance underground nuclear test readiness. The report would detail the plan and budget required to achieve a one-year readiness posture for resumption of underground nuclear weapons tests.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Energy to submit to Congress with the fiscal year 2004 budget request a report on plans and cost estimates for achieving and maintaining test readiness postures of six, 12, 18, and 24 months. In addition, the report would include an assessment of the current test readiness posture of the United States and a recommendation by the Secretary in conjunction with the Secretary of Defense as to the optimal readiness posture for the United States.

The conferees encourage the Secretary of Energy to submit plans for achieving and the cost of achieving and maintaining the recommended test readiness posture with, or as part of, the report required by the provision.

*Requirements for specific request for new or modified nuclear weapons (sec. 3143)*

The Senate amendment contained a provision (sec. 3134) that would require the Secretary of Energy specifically to request funds before beginning research and development and engineering and production activities to support any new or modified nuclear weapon to meet a new military requirement. The provision would require a specific request in a specific line item or items at two distinct points in time for any work on new or modified nuclear weapons. This requirement is consistent with past practices at the Department of Energy (DOE), similar to current acquisition practices for major weapons systems at the Department of Defense (DOD), and similar to the way DOE budgets for construction projects.

A new weapon would be defined by the provision as any weapon that contains a pit or canned subassembly which is not in the stockpile or not in production on the date of enactment of this Act.

The provision would require funding for all research and development activity leading to and including phase 1, 2, and 2A, for new nuclear weapons, and for all research and development activity leading to and including phase 6.1, 6.2 and 6.2A for modified nuclear weapons, be requested in a dedicated line item for each such activity. Funding for work at phase 3 or 6.3 and beyond would be required to be in a single line item for each new or modified nuclear weapon.

The provision would not apply to the nuclear weapon stockpile life extension programs (SLEPs), to modification of an existing nuclear weapon solely to address safety or reliability concerns; or to modifications that would address proliferation concerns.

The provision would not be construed to modify, repeal, or in any way affect the provisions of section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

The House bill contained no similar provision.

The House recedes with an amendment that would require that the budget request for any research and development activities for modifications to nuclear weapons at the 6.2A phase and earlier, and research and development activities for new nuclear weapons at the 2A phase and earlier, would be aggregated in a single line.

The conferees agree that nothing in this section may be construed to modify, repeal, or in any way affect the provisions of section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) relating to prohibitions on research and development of low-yield nuclear weapons.

*Database to track notification and resolution phases of Significant Finding Investigations (sec. 3144)*

The Senate amendment contained a provision (sec. 3133) that would establish at the national laboratories of the National Nuclear Security Administration (NNSA) a database to track the noti-

fication and resolution phases of significant finding investigations (SFIs). The provision would require the Administrator of the NNSA to develop and implement a laboratory-wide database to monitor the laboratories' progress on resolving SFIs. The Department of Energy's Inspector General (DOE-IG) recommended a central SFI tracking system in a December 2001 report. The DOE-IG determined that DOE was plagued with a system that frequently missed self-imposed time frames for initiating and conducting investigations of defects and malfunctions in nuclear weapons. The committee believes that DOE should place a high priority on correcting this problem.

The House bill contained no similar provision.

The House recedes.

*Defense environmental management cleanup reform program (sec. 3145)*

The House bill contained a provision (sec. 3151) that would require the Secretary of Energy to carry out a program to reform Department of Energy (DOE) environmental management activities using the funds for the reform account authorized under section 3102(a) of the House bill. The funds would be transferred to and merged with accounts for DOE environmental management activities. Upon transfer and merger of the funds, all funds in the merged account would be available to carry out the site performance management plan at each site. The Secretary would be authorized to transfer the merged funds, which include the reform account funds, to each site upon the execution of a site performance management plan and its submission to the congressional defense committees. The provision would also define "DOE environmental management activities" as environmental restoration and waste management activities of the Department of Energy in carrying out programs necessary for national security.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit funds in the reform account from being obligated for a particular site until 30 days after the Secretary submits to the congressional defense committees a description of the activities to be carried out at that site.

*Limitation on obligation of funds for Robust Nuclear Earth Penetrator program pending submission of report (sec. 3146)*

The Senate amendment contained a provision (sec. 3132) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to submit a report to the congressional defense committees no later than February 3, 2003, on the Robust Nuclear Earth Penetrator (RNEP) that sets forth: (1) the military requirements for the RNEP; (2) the nuclear weapons employment policy for the RNEP; (3) the detailed categories or types of targets that the RNEP is designed to hold at risk; and (4) an assessment of the ability of conventional weapons to address the same types of categories of targets that the RNEP is designed to hold at risk.

The House bill contained no similar provision.

The House recedes with an amendment that would fully fund the RNEP but prohibit obligation of any fiscal year 2003 funds for

the RNEP until 30 days after the study is submitted to the Committees on Armed Services of the Senate and the House of Representatives.

### Subtitle C—Proliferation Matters

*Transfer to National Nuclear Security Administration of Department of Defense's Cooperative Threat Reduction program relating to elimination of weapons grade plutonium production in Russia (sec. 3151)*

The House bill contained a provision (sec. 3142) that would transfer to the National Nuclear Security Administration (NNSA) the Department of Defense (DOD) Cooperative Threat Reduction (CTR) program to eliminate weapons grade plutonium in Russia and all associated program funds. The funds transferred would remain subject to the limitations applied to such funds before the transfer.

The Senate amendment contained a similar provision (sec. 3151) that would transfer the program from DOD to the NNSA, with all associated program funds but would make the program funds available to the NNSA notwithstanding any provision of law that limits expenditure of DOD funds. The NNSA could use the funds to design, construct, or refurbish, fossil fuel energy plants in Russia to provide alternative sources of energy to the Russian reactors that produce weapons grade plutonium and energy. The funds could also be used for limited safety upgrades of the Russian reactor plants to permit safe shutdown.

The Senate amendment also contained a provision (sec. 3136) that would establish limitations on the funds after they were transferred to the NNSA.

The House recedes with amendments. The conferees agree to include a single provision that will transfer the funds for the program to eliminate weapons grade plutonium in Russia from DOD to the NNSA, removing all prior limitations and establish new limitations. The funds would be available to design, refurbish, or both, fossil fuel energy plants and to carry out limited safety upgrades that would not extend the life of the plants. The provision would prohibit the Administrator from obligating or expending more than \$100.0 million for the program until 30 days after the Administrator submits a copy of an agreement or agreements with the Russian Federation to shut down the three plutonium-producing reactors and submits a plan to achieve international cost sharing and participation in the program.

The agreements must specify: (1) a commitment to shut down and the date or dates on which the Russian reactors will be shut down; (2) the schedule with milestones to shut down each reactor; (3) the schedule and milestones for the Russian participation in the construction or refurbishment of the fossil fuel energy plants; (4) a suitable access arrangement for the sites; (5) an arrangement for audit and examination procedures; and (6) any cost-sharing arrangements between the United States and the Russian Federation.

*Repeal of requirement for reports on obligation of funds for programs on fissile materials in Russia (sec. 3152)*

The House bill contained a provision (sec. 3143) that would repeal the semi-annual report on the Department of Energy fissile Materials Protection, Control, and Accounting (MPC&A) program required by section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). This report is no longer needed as the information is now included in the annual MPC&A report.

The Senate amendment contained an identical provision. The conference agreement includes this provision.

*Expansion of annual reports on status of nuclear materials protection, control, and accounting programs (sec. 3153)*

The Senate amendment contained a provision (sec. 3153) that would amend the annual reporting requirement for the Department of Energy (DOE) Materials Protection, Control, and Accounting (MPC&A) program to include countries other than Russia. The DOE MPC&A program works to protect weapons grade nuclear materials in the countries of the Former Soviet Union, including Russia. The provision would also amend the MPC&A report to require the Secretary of Energy to identify the nature of the work performed in each country outside of Russia, the amount of material secured, the amount of material remaining to be secured, and the total amount spent by country.

The House bill contained no similar provision.

The House recedes.

*Testing of preparedness for emergencies involving nuclear, radiological, chemical, or biological weapons (sec. 3154)*

The Senate amendment contained a provision (sec. 3154) that would extend the time that exercises could be carried out under the program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological, chemical, nuclear, and radiological weapons and related materials from five fiscal years, beginning in fiscal year 1997, to 17 fiscal years, ending in fiscal year 2013.

The House bill contained no similar provision.

The House recedes.

*Cooperative program on research, development, and demonstration of technology regarding nuclear or radiological terrorism (sec. 3155)*

The Senate amendment contained a provision (sec. 3155) that would direct the Administrator of Nuclear Security to carry out a program of research and technology for protection from nuclear or radiological terrorism in support of homeland security and counterterrorism. As part of the program, the Administrator would coordinate this program with the Office of Homeland Security, the Nuclear Regulatory Commission, the Departments of Defense, State, and Commerce, and the International Atomic Energy Agency. In addition, the Administrator would cooperate with the Russian Federation on research and demonstration of these technologies and, where feasible, provide assistance to other countries

on matters relating to nuclear or radiological terrorism. The amendment would also authorize the Office of Defense Nuclear Nonproliferation in the National Nuclear Security Administration to use up to \$15.0 million for the development of a new generation of radiation detectors for homeland defense under this program.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Administrator to establish a cooperative program with the Russian Federation on the research, development, and demonstration of technologies for protection from and response to nuclear or radiological terrorism. The program would conduct research on technologies that could be used for the detection, identification, assessment, control, and disposition of radiological materials that could be used for nuclear terrorism. The program would also provide for the demonstration of the technologies developed by this program to other countries, in cooperation with the Russian Federation. The Administrator would be required to coordinate these research, development, and demonstration efforts with the Department of Energy's Office of Environment, Safety, and Health; the Nuclear Regulatory Commission; the Departments of State, Defense, and Commerce; and the International Atomic Energy Agency. The Administrator would be authorized to use up to \$15.0 million to carry out the activities under this program.

*Matters relating to the International Materials Protection, Control, and Accounting program of the Department of Energy (sec. 3156)*

The Senate amendment contained a provision (sec. 3156) that would authorize the Secretary of Energy to expand the scope of the International Materials Protection, Control and Accounting (MPC&A) program to countries outside Russia and the independent states of the Former Soviet Union and require the Secretary to notify Congress 30 days after funds are obligated for these purposes. The provision would also: (1) authorize the Secretary to provide technical assistance to the Secretary of State to support his efforts to assist nuclear weapons states' nuclear materials security program; (2) require the Secretary to develop a plan to accelerate the conversion or return of weapons-usable nuclear materials to the country of origin; (3) establish within the MPC&A program a radiological dispersal device MPC&A program and require a feasibility study on such a program; and (4) provide a sense of Congress encouraging support of the Convention on Physical Protection of Nuclear Materials. The provision would authorize the Office of Defense Nuclear Nonproliferation in the National Nuclear Security Administration to use up to \$5.0 million for these activities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Energy to establish within the MPC&A program a new program that would protect, control, and account for radiological dispersal device materials. The provision would also encourage the Secretary to work cooperatively with the Russian Federation to develop a sustainable nuclear materials protection, control and accounting system for nuclear materials in Russia no later than January 1, 2013. This system should be designed to be sup-

ported, maintained and operated solely by the Russian Federation. In an effort to support this activity, the provision would also require the Secretary to work with the Russian Federation to identify transparency measures adequate to provide the United States with the assurances that the program is meeting this goal. Up to \$5.0 million may be used to carry out the new MPC&A program on radiological dispersal device materials activities.

The conferees expect the United States' support for the Russian Federation MPC&A system should be completed and the system should be sustainable by Russia no later than January 1, 2013. The conferees encourage the Secretary to accelerate efforts to resolve outstanding transparency issues for the MPC&A program to facilitate the required assurances necessary to monitor the progress and successes of this important national security program.

The conferees have agreed to divide this provision into three provisions (secs. 3156, 3160, 3161).

*Accelerated disposition of highly enriched uranium (sec. 3157)*

The Senate amendment contained a provision (sec. 3157) that would set forth the sense of Congress that the Secretary of Energy, in consultation with the Secretaries of State and Defense, develop a comprehensive program to encourage all countries with nuclear materials to adhere to or adopt International Atomic Energy Agency standards on The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.4) relating to the security of stockpiles of highly enriched uranium and plutonium. The provision would also authorize the Secretary of Energy to carry out a program with the Russian Federation and any other nation with highly enriched uranium to pursue options for blending the uranium so that the enrichment of uranium U-235 is below 20 percent. As part of these options, the Department of Energy (DOE) Material Consolidation and Conversion program would be expanded, and the Secretary of Energy could provide financial and other incentives to Russia for the consolidation of Russian highly enriched uranium located throughout the Russian Federation. The Secretary would be required to report to Congress no later than July 1, 2003, on the status of this program. The provision would also permit the Secretary to purchase highly enriched uranium or weapons grade plutonium from any country and transport it to and store it in the United States. The Secretary would be encouraged to establish similar transactions between any nation and Russia for storage and blending highly enriched uranium. The provision would allow the Secretary to pay such nation's transportation costs. Finally, the provision would provide that up to \$40.0 million could be used to carry out the activities in this section.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Energy to pursue a program with the Russian Federation on options for blending highly enriched uranium to reduce the concentration of U-235 below 20 percent. These options would include expanding the Material Consolidation and Conversion program within DOE to include additional facilities in Russia for blending the highly enriched uranium and identifying more centralized secure storage facilities in Russia for the secure storage of

materials awaiting blend down. The conferees note that both the additional blending facilities and centralized storage facilities must already have complete materials, protection, control and accounting upgrades before highly enriched uranium is blended down or stored at these facilities. The amendment also states that nothing in this program would impact the existing Highly Enriched Uranium Disposition Agreement between the United States and Russia and that the uranium blended down under this program would not be released for sale until the earlier date of either one of the following: (1) January 1, 2014; or (2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining, conversion, and enrichment industry in the United States. Finally, the amendment would enable up to \$10.0 million in fiscal year 2003 to be used for activities under this program.

The conferees direct the Secretary of Energy to provide to the congressional defense committees, no later than July 1, 2003, a report on the status of the program with the Russian Federation on options for blending highly enriched uranium so that the concentration of U-235 is below 20 percent. The report should identify the scope of the program and the implementing costs, as well as describe the additional facilities that will participate in the expanded material consolidation and conversion effort.

*Strengthened international security for nuclear materials and security of nuclear operations (sec. 3158)*

The Senate amendment contained a provision (sec. 3159) that would require the Secretary of Energy to submit to Congress a report on options for an international program to develop strengthened security for all nuclear materials and safety and security for current nuclear operations. As part of the report, the Secretary would consult with the Nuclear Regulatory Commission, the Russian Federation, and the International Atomic Energy Agency. The report would be due 270 days after the date of enactment of this Act. The provision would also direct the Director of the Office of Nuclear Energy Science and Technology and the Secretary to pursue, with the Russian Ministry of Atomic Energy, joint programs on the development of proliferation-resistant nuclear energy technologies, including advanced fuel cycles. In addition, the provision would authorize the Secretary to provide assistance to nuclear facilities abroad on the interdiction of hostile insiders to prevent the disablement of these facilities' vital operations. The provision would authorize the Secretary to carry out a joint program with the Russian Federation and other countries to address and mitigate damage from aircraft impacts on nuclear facilities overseas. Finally, the amendment would authorize the Secretary of Energy to expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in its efforts to strengthen international nuclear safety and security. Up to \$35.0 million would be available to carry out these programs in fiscal year 2003.

The House bill contained no similar provision.

The House recesses with an amendment that would require the Secretary of Energy to submit to Congress a report on options for

an international program to develop strengthened security for nuclear reactors and associated materials. This report would be due 270 days after enactment of this Act. In evaluating the options for an international program, the Secretary would be required to consult with the Nuclear Regulatory Commission and the International Atomic Energy Agency on the feasibility and advisability of actions to reduce the risks associated with terrorist attacks on nuclear reactors outside the United States. The provision would also direct the Secretary of Energy to pursue, with the Russian Ministry of Atomic Energy, joint programs on the development of proliferation-resistant nuclear energy technologies, including advanced fuel cycles. Up to \$10.0 million would be available for implementing this joint program with Russia. Finally, the provision would authorize the Secretary to provide technical assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities and efforts to prevent the disablement of vital systems at these facilities.

*Export control programs (sec. 3159)*

The Senate amendment contained a provision (sec. 3160) that would authorize the Secretary of Energy to pursue, in the former Soviet Union and regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions to improve their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device. The amendment would authorize up to \$5.0 million for this effort.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would authorize the Secretary of Energy, in coordination with the Secretary of State, to pursue, in the Former Soviet Union and other regions of concern, options for accelerating programs that assist countries in these regions to improve their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device. Up to \$5.0 million may be available for carrying out this effort in fiscal year 2003.

*Plan for accelerated return of weapons-usable nuclear material (Sec. 3160)*

The Senate amendment contained a provision (sec. 3156) that would authorize the Secretary of Energy to expand the scope of the International Materials Protection, Control and Accounting (MPC&A) program to countries outside Russia and the independent states of the Former Soviet Union and require the Secretary to notify Congress 30 days after funds are obligated for these purposes. The provision would also: (1) authorize the Secretary to provide technical assistance to the Secretary of State to support his efforts to assist nuclear weapons states' nuclear materials security programs; (2) require the Secretary to develop a plan to accelerate the conversion or return of weapons-usable nuclear materials to the country of origin; (3) establish within the MPC&A program a radiological dispersal device MPC&A program and require a feasibility

study on such a program; and (4) provide a sense of Congress encouraging support of the Convention on Physical Protection of Nuclear Materials. The provision would authorize the Office of Defense Nuclear Nonproliferation in the National Nuclear Security Administration to use up to \$5.0 million for these activities.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Energy to develop, with the Russian Federation, a plan to accelerate the return to Russia of all weapons-usable nuclear materials located in research reactors and other facilities outside Russia that were supplied by the Former Soviet Union. The plan should include the costs and schedules associated with assisting these research reactors and facilities in transferring highly enriched uranium to Russia and providing these facilities and research reactors with MPC&A upgrades until the weapons-usable nuclear materials are returned to Russia.

*Sense of Congress on amendment of Convention on Physical Protection of Nuclear Materials (sec. 3161)*

The Senate amendment contained a provision (sec. 3156) that would authorize the Secretary of Energy to expand the scope of the International Materials Protection, Control and Accounting (MPC&A) program to countries outside Russia and the independent states of the Former Soviet Union and require the Secretary to notify Congress 30 days after funds are obligated for these purposes. The provision would also: (1) authorize the Secretary to provide technical assistance to the Secretary of State to support his efforts to assist nuclear weapons states' nuclear materials security programs; (2) require the Secretary to develop a plan to accelerate the conversion or return of weapons-usable nuclear materials to the country of origin; (3) establish within the MPC&A program a radiological dispersal device MPC&A program and require a feasibility study on such a program; and (4) provide a sense of Congress encouraging support of the Convention on Physical Protection of Nuclear Materials. The provision would authorize the Office of Defense Nuclear Nonproliferation in the National Nuclear Security Administration to use up to \$5.0 million for these activities.

The House bill contained no similar provision.

The House recedes with an amendment that would set forth the sense of Congress that the President should encourage amendment of the Convention on the Physical Protection of Nuclear Materials to: (1) apply to both domestic and international use and transport of nuclear materials; (2) incorporate fundamental practices for the physical protection of these materials; and (3) address protection against sabotage involving nuclear materials.

*Sense of Congress on program to secure stockpiles of highly enriched uranium and plutonium (sec. 3162)*

The Senate amendment contained a provision (sec. 3157) that would contain a sense of Congress that the Secretary of Energy, in consultation with the Secretaries of State and Defense, develop a comprehensive program to encourage all countries with nuclear materials to adhere to or adopt International Atomic Energy Agency standards on The Physical Protection of Nuclear Material and

Nuclear Facilities (INFCIRC/225/Rev.4) relating to the security of stockpiles of highly enriched uranium and plutonium. The amendment would also authorize the Secretary of Energy to carry out a program with the Russian Federation and any other nation with highly enriched uranium to pursue options for blending the uranium so that the uranium of U-235 is below 20 percent. As part of these options, the Department's Material Consolidation and Conversion program would be expanded, and the Secretary of Energy could provide financial and other incentives to Russia for the consolidation of Russian highly enriched uranium located throughout the Russian Federation. The Secretary would be required to report to Congress no later than July 1, 2003, on the status of this program. The provision would also permit the Secretary to purchase highly enriched uranium or weapons grade plutonium from any country and transport it to and store it in the United States. Alternatively, the Secretary may encourage a similar transaction between any nation and Russia, and the Secretary would have the option to pay the nation's costs to transport these nuclear materials to Russia as well as the blenddown costs. Finally, the provision would enable up to \$40.0 million to be used to carry out the activities in this section.

The House bill contained no similar provision.

The House recedes with an amendment that would set forth the sense of Congress that the Secretary of Energy, in consultation with the Secretaries of State and Defense, develop a comprehensive program of activities to encourage all countries with nuclear materials to adhere to or adopt International Atomic Energy Agency standards on The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIR/225/Rev.4) relating to the security of stockpiles of highly enriched uranium and plutonium.

#### Subtitle D—Other Matters

##### *Indemnification of Department of Energy contractors (sec. 3171)*

The Senate amendment contained a provision (sec. 3171) that would amend section 170 d.(1)(A) of the Atomic Energy Act of 1954, 42 U.S.C. 2210(d)(1)(A), by extending the authority of the Department of Energy to extend indemnification coverage to its contractors from August 1, 2002 to August 1, 2012.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to December 31, 2004.

##### *Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico (sec. 3172)*

The Senate amendment contained a provision (sec. 3174) that would authorize \$6.9 million to be paid by the Department of Energy (DOE) to the Los Alamos Education Foundation in fiscal year 2003. The Foundation was established by section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). The Foundation provides for educational support to students and schools in the Los Alamos area.

The provision would also amend section 3136 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-

107) to allow the National Nuclear Security Administration (NNSA) to extend the current contract with the Los Alamos Public Schools to provide for cost of living adjustments for the school teachers through fiscal year 2013. The current contract between the NNSA and the Los Alamos schools, pursuant to which this annual payment is made, expires at the end of fiscal year 2003. This amendment is necessary to allow the NNSA to include the annual payment in its fiscal year 2004 budget request and in subsequent years' budget requests.

The budget request for fiscal year 2003 for the NNSA includes \$8.0 million for the Los Alamos Public Schools to offset the cost of living for school teachers teaching in the public schools.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the duration of the contract extension to 2005 and that would direct the Secretary of Energy, in conjunction with the Administrator of the National Nuclear Security Administration, to look at alternatives to the annual authorization and appropriation process to obtain funds to offset the cost of living for school teachers in the Los Alamos Public Schools. While the conferees recognize the need for this payment as well as the high cost of living in Los Alamos, the conferees urge DOE to identify and fund a mechanism to bring this annual process to a close in a reasonable amount of time. In exploring options, the Secretary should look at a buy-out option in the form of several larger payments over a limited number of years that would shift these annual payments to the Los Alamos school system, to local government, or to some other local entity.

*Worker health and safety rules for Department of Energy nuclear facilities (sec. 3173)*

The Senate amendment contained a provision (sec. 3172) that would add a new section 234C, following 234B of the Atomic Energy Act of 1954 (42 U.S.C. 2282b). This new section would authorize the Secretary of Energy to assess civil penalties against Department of Energy (DOE) contractors who have entered into an agreement of indemnification under section 170d of the Atomic Energy Act of 1954, for violation of any regulation relating to industrial or construction health and safety promulgated by DOE. The provision would also direct the Secretary to promulgate industrial and construction health safety regulations that incorporate the provisions of DOE Order No. 440.1A (1998) no later than 270 days from the date of enactment of this Act. These regulations would go into effect one year after the date of promulgation of the regulations. The provision would cap any fines at \$0.1 million per violation and would direct the Secretary to provide in the regulations a variance and exemption process for national security related work and at sites and facilities to be closed or transferred. The provision would cap total fines and penalties under 234A, 234B, and 234C, for non-profit contractors so that the total fees assessed would not exceed the amount of the annual fee paid by DOE. Activities under the Naval Nuclear Propulsion Program would be excluded from the program.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary to promulgate regulations for industrial and construction health and safety. The regulations promulgated would provide a level of protection for workers that is substantially equivalent to current levels of protection. The conferees note that the DOE contractors currently operate under DOE order 440.1A (1998) which provides an adequate level of safety.

The Secretary would also be required to establish a mechanism to provide flexibility to implement the regulations. The regulations should establish a process that would allow sites to implement the regulations to account for unique site or mission circumstances or particular work environments and would include national security missions and requirements at closing facilities. In establishing a process for flexible implementation, the Secretary should ensure that there is no diminution of worker health and safety.

The provision would direct the Secretary to assess either civil penalties or contract penalties, but not both, for any individual action and would prohibit the Secretary from assessing a penalty under both 234A and 234C for the same action. The maximum fine for each violation would be \$70,000.

*Extension of authority to appoint certain scientific, engineering, and technical personnel (sec. 3174)*

The conferees agree to include a provision that would extend the current Department of Energy authority to appoint certain specific scientific engineering and technical personnel from September 30, 2002 to September 30, 2004.

*One-year extension of panel to assess the reliability, safety, and security of the United States nuclear stockpile (sec. 3175)*

The House bill contained a provision (sec. 3141) that would extend the panel to assess the reliability, safety, and security of the United States nuclear stockpile through April 1, 2003. The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the panel to use the extension to assess progress toward meeting the expectations set forth by the panel in previous reports. The panel would submit to the Committees on Armed Services of the Senate and the House of Representatives, by February 1, 2003, a report on the assessment, together with any recommendations for corrective legislative action where progress has been unsatisfactory.

*Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War (sec. 3176)*

The House bill contained a provision (sec. 3152) that would require the Secretary of Energy to prepare a report on the status of environmental initiatives being undertaken to accelerate cleanup and reduce environmental risks. The report should include a discussion of the progress of such initiatives.

The Senate amendment contained no similar provision.  
The Senate recedes.

Subtitle E—Disposition of Weapons-Usable Plutonium at Savannah River, South Carolina

*Findings (sec. 3181)*

The Senate amendment contained a provision (sec. 3181) that would set forth a series of findings with respect to the September 2000 agreement between the Russian Federation and the United States to manage and dispose of 34 tons of excess weapons grade plutonium.

The House bill contained no similar provision.

The House recesses.

*Disposition of weapons-usable plutonium at Savannah River Site (sec. 3182)*

The Senate amendment contained a provision (sec. 3182) that would direct the Secretary of Energy to submit, by February 1, 2003, a plan to Congress for the construction and operation of a Mixed Oxide (MOX) plutonium facility at the Savannah River Site. The plan would include a schedule for construction and operations to achieve by January 1, 2009, and thereafter, the MOX production objective, to ensure that one ton of MOX fuel has been produced by December 31, 2009, and that all 34 metric tons of defense plutonium and defense plutonium materials at the Savannah River Site would have to be processed into MOX fuel by January 1, 2019. If in any year the Secretary of Energy does not comply with the plan and the schedule, the Secretary would have to make economic assistance payments to the State of South Carolina at the rate of \$1.0 million per day but not to exceed \$100.0 million in any year. This payment would be subject to authorization and appropriation.

At various stages in the process, if the Secretary of Energy is not in compliance with the plan or any subsequent corrective action plans, the Secretary would also have to remove all or part of the defense plutonium materials that had been shipped to the Savannah River Site in South Carolina.

If an injunction is obtained by the State of South Carolina that would prevent the Department of Energy from taking actions necessary to meet the deadlines of the provision, any such deadlines would be extended for the period of time during which the court-ordered injunction is in effect.

The provision would also require that if any MOX fuel remains at the MOX facility one year after the MOX facility ceases operation, the Secretary must submit to Congress a report detailing when such fuel would be transferred for use in commercial nuclear reactors or a plan for its removal from the State of South Carolina.

The House bill contained no similar provision.

The House recesses with an amendment providing that any requirement to pay economic assistance payments to the State of South Carolina may be made from any funds available to the Secretary without the requirement for further authorizations or appropriations for such payments and an additional MOX processing requirement for the period between 2011 and 2017.

*Study of facilities for storage of plutonium and plutonium materials at Savannah River Site (sec. 3183)*

The Senate amendment contained a provision (sec. 3183) that would require the Defense Nuclear Facilities Safety Board (DNFSB) to conduct a study of the adequacy of the K-Area Materials Storage (KAMS) facility and related facilities for the storage of defense plutonium materials in connection with the Department of Energy plutonium disposition program. The DNFSB would be required to complete the study and submit a report on the study to Congress within one year of the date of enactment of this Act. The DNFSB should include in the report any proposals to improve the safety, reliability, or functionality of the KAMS facility. Not later than six months after the report is submitted, the DNFSB and the Secretary of Energy shall each submit a report on the actions taken in response to the proposals, if any.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Availability of funds for environmental management cleanup reform*

The Senate amendment contained a provision (sec. 3131) that would require the Secretary of Energy to establish and publish selection criteria for the environmental management cleanup reform account. The provision would also provide the Secretary of Energy authority to dissolve the account, in the event the Secretary opts not to establish selection criteria, and redistribute the funds in the account to the sites and projects on a pro rata basis according to fiscal year 2002 funding levels. In addition, the provision would require the Secretary to submit to the congressional defense committees a list of the activities at each site that would be funded by this account 30 days before such funds were obligated or expended.

The House bill contained no similar provision.

The Senate recedes.

The Department of Energy (DOE) budget request for fiscal year 2003 included \$800.0 million for a new initiative, the environmental cleanup reform account. An amended budget request sought an additional \$300.0 million for a total request of \$1.1 billion. According to the DOE budget justification material, the purpose of the new account is "to enable the Department, the States, and the American taxpayer to begin realizing the benefits immediately of alternative cleanup approaches that will produce more real risk reduction, accelerate cleanup, or achieve much needed cost and schedule improvements."

DOE has signed letters of intent, for all but \$2.0 million of the \$1.1 billion in the cleanup reform account, in the absence of any authorization or appropriation of funds for the reform account. While the conferees support the idea of DOE, the States, and the EPA reviewing the various cleanup agreements to ensure that the cleanup at each site is being conducted as efficiently as possible, the conferees note that DOE has not demonstrated how creation of the reform account will accomplish the goal set forth in the fiscal year 2003 budget justification material.

The conferees note section 3176 of this Act would require the Secretary of Energy to provide a report on the progress being made to streamline the cleanup process, reduce environmental risks quickly, and to provide an assessment of the progress being made to improve the responsiveness and effectiveness of the environmental management program. The conferees expect DOE to provide in the report evidence that this accelerated cleanup program will result in real risk reduction and much needed cost and schedule improvements. This report is due with the submission of the fiscal year 2004 budget request for DOE.

#### *Disposition of plutonium in Russia*

The Senate amendment contained a provision (sec. 3158) that would encourage the Secretary of Energy to continue to support the Secretary of State in negotiations with the Ministry of Atomic Energy of the Russia Federation to finalize the terms of the Russian plutonium disposition program. As part of this support, the Secretary of Energy would be authorized to consider using financial incentives to reach a successful agreement with the Ministry of Atomic Energy. The amendment also identifies various elements that would be required as part of the Russian plutonium disposition program including: (1) transparent, verifiable steps; (2) proceeding at approximately the equivalent rate of the United States program for the disposition of plutonium; (3) cost-sharing among various countries; (4) contributions by the Russian Federation; (5) steps to confirm with high confidence that the disposition of plutonium of the Russian Federation will be achieved; and (6) possible research on more speculative, long-term options for the future disposition of additional Russian plutonium.

The House bill contained no similar provision.

The Senate recesses.

The conferees note that while the Russian plutonium disposition program is one of the most critical nonproliferation programs underway between the United States and the Russian Federation, the conferees remain concerned with the slow pace of the Russian program. The conferees believe it is imperative that the Secretary of State work as assiduously as possible to conclude negotiations with the Russian Federation as quickly as possible. The conferees believe, however, that any negotiation should include transparent and verifiable steps to enable the United States to have the necessary assurances that the schedule for the disposition of plutonium will be achieved.

The conferees feel strongly that the program must have cost-sharing arrangements among participating countries and the Russian Federation.

In addition, the conferees believe that the U.S. and Russian programs should proceed at a rate that is generally equivalent to one another. Unfortunately, however, the United States program is lagging behind the Russian lead test assembly program. The conferees note that pushing forward with the U.S. lead test assembly effort will enable the U.S. plutonium disposition program to reach an essential milestone that is important for the success of both the U.S. plutonium disposition program and the Russian disposition plutonium program.

Finally, the conferees direct the Secretary of Energy to conduct research on more speculative, long-term options for the future disposition of the plutonium of the Russian Federation.

*Improvements to nuclear materials protection, control, and accounting program of the Russian Federation*

The Senate amendment contained a provision (sec. 3161) that would direct the Secretary of Energy to work with the Ministry of Atomic Energy of the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting Program to focus on achieving, as soon as practicable, but no later than January 1, 2012, a sustainable nuclear materials protection, control, and accounting system for the nuclear materials of the Russian Federation. The amendment would require the Secretary to work with the Russian Federation to accelerate nuclear materials protection, control and accounting programs at Russian defense nuclear facilities and to identify various transparency alternatives to assure the United States that the program is meeting the goals for improved nuclear materials protection, control, and accounting. The provision would also set forth the sense of Congress that the Secretary should enhance its partnership with Russia to increase the pace and effectiveness of the nuclear materials protection, control, and accounting program and identify the assistance, Russian contribution, and transparency milestones used to assess progress in this program.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to consolidate all matters dealing with materials protection, control, and accounting in one provision.

*One-year extension of authority of Department of Energy to pay voluntary separation incentive payments*

The Senate amendment contained a provision (sec. 3173) that would amend section 3161(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) to provide a one-year extension of the Department of Energy (DOE) authority to make voluntary separation incentive payments. The committee is aware that DOE would like to extend the ability to encourage voluntary separations and avoid any future need to conduct a reduction in force. This provision would allow DOE to do long-term planning for reductions as a result of future reorganizations.

The House bill contained no similar provision.

The Senate recedes.

*Prohibition on development of low-yield nuclear weapon*

The House bill contained a provision (sec. 3146) that would repeal section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) and would prohibit the Secretary of Energy from conducting development which could lead to the production of a low-yield nuclear weapon.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize the importance of exercising the nuclear weapon design process in order to maintain skills and capa-

bilities critical to national security. The conferees further understand that many of the Nation's weapon designers with actual test experience have retired or will soon be eligible for retirement. The conferees believe the National Nuclear Security Administration must move aggressively to transfer skills to the next generation.

*Requirement for authorization by law for funds obligated or expended for Department of Energy national security activities*

The Senate amendment contained a provision (sec. 3135) that would amend section 660 of the Department of Energy Organization Act, 42 U.S.C. 7270, to add a new subsection that would require a specific authorization for national security programs and activities at the Department of Energy (DOE) before funds may be obligated or expended.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that section 660 of the Department of Energy Organization Act applies to all programs and funds at the Department of Energy and that this section established the requirement for an authorization of appropriations for all programs and activities at DOE as a condition of the obligation and expenditure of funds. As a result, the Senate provision, which applied to national security activities, is not needed because national security activities and programs are already included in the scope of section 660.

*Utilization of Department of Energy national laboratories and sites in support of counterterrorism and homeland security activities*

The Senate amendment contained a provision (sec. 3163) that would authorize the Department of Energy (DOE) to enter into joint sponsorship agreements at DOE laboratories with state, local, or other federal agencies and establish the parameters under which the joint partnership agreements would operate.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

*Authorization (sec. 3201)*

The House bill contained a provision (sec. 3201) that would authorize \$19.0 million for the Defense Nuclear Facilities Safety Board.

The Senate amendment contained a similar provision (sec. 3201) that would authorize \$19.5 million.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Authorization of appropriations for the formerly used sites remedial action program of the Corps of Engineers*

The Senate amendment contained a provision (sec. 3202) that would authorize \$140.0 million for fiscal year 2003 for the Department of the Army.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to include these funds without specific authorization.

#### TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

##### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized uses of National Defense Stockpile funds (sec. 3301)*

The House bill contained a provision (sec. 3301) that would authorize \$76.4 billion for the National Defense Stockpile.

The Senate amendment contained no similar provision.

The Senate recedes.

#### TITLE XXXIV—NAVAL PETROLEUM RESERVES

##### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorization of appropriations (sec. 3401)*

The House bill contained a provision (sec. 3401) that would authorize \$21.1 million for the Secretary of Energy for activities relating to the naval petroleum reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

#### TITLE XXXV—MARITIME ADMINISTRATION

##### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorization of appropriations for fiscal year 2003 (sec. 3501)*

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Authority to convey vessel USS SPHINX (ARL-24) (sec. 3502)*

The House bill contained a provision (sec. 3502) that would authorize the Secretary of Transportation to convey an obsolete vessel to a nonprofit organization for display as a military museum.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify terms under which the vessel could be transferred.

##### *Independent analysis of title XI insurance guarantee applications (sec. 3503)*

The House bill contained a provision (sec. 3504) that would amend the Merchant Marine Act, 1936 to permit the Secretary of Transportation to obtain an independent analysis of an application for a title XI loan guarantee.

The Senate amendment contained no similar provision.

The Senate recedes.

*Preparation as artificial reefs and scrapping of obsolete vessels (sec. 3504)*

The House bill contained a provision (sec. 3503) that would authorize the Secretary of Transportation to provide financial assistance to States to help them prepare obsolete vessels transferred from the National Defense Reserve Fleet for use as artificial reefs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require the Secretary and the Administrator of the Environmental Protection Agency to jointly develop environmental best management practices to be used in the preparation of vessels for use as artificial reefs; (2) require the establishment of one or more pilot programs to explore the feasibility and advisability of various alternatives for exporting obsolete vessels in the National Defense Reserve Fleet for purposes of the dismantlement and recycling of such vessels; and (3) clarify that the section does not establish a preference for the reefing or export of obsolete vessels in the National Defense Reserve Fleet over other disposal alternatives (such as domestic scrapping) available to the Secretary under existing law. The pilot programs established pursuant to this section would be authorized to include a total of no more than four vessels. The conferees intend that the Secretary of Transportation would have the discretion to choose which vessels to include in the pilot programs.

TITLE XXXVI—ATOMIC ENERGY DEFENSE PROVISIONS

*Short title (sec. 3601)*

The House bill contained a provision (sec. 3120) that would set out the title of the Department of Energy National Security Authorizations General Provisions Act and define terms to be used in the Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment that would establish the name of the act as the Atomic Energy Defense Act.

Permanent provisions of law affecting the Department of Defense are included in title 10, United States Code. Several acts, such as the Department of Energy Organization Act Public Law 95-91, and the Atomic Energy Act of 1954, Public Law 83-703, provide various overarching legal authorities for the Department of Energy (DOE), but there is no act or even a single title or chapter in the United States Code where all permanent provisions of law governing the national security functions of the Department of Energy can be found.

Over the years, as the number of provisions has grown, researching the various provisions that are included in annual defense authorization acts has become increasingly difficult. The conferees believe the time has come to enact a law that will be a comprehensive collection of the various permanent authorities that govern the national security activities of DOE. The goal is to have a single place in the United States Code where these provision could be easily and quickly referenced.

The provisions described in sections 3601 and 3620-3631 will constitute the first sections of title B of the Atomic Energy Defense Act, the DOE National Security Authorizations General Provisions.

Over the next several fiscal years, the conferees, working with DOE, hope to reenact various provisions of current law as sections of this new act. In addition, as future provisions are enacted, the conferees anticipate that such new provisions would also be included in the new act. The conferees believe this effort to organize and co-locate the various provisions will simplify efforts to identify various statutory authorities that govern DOE.

#### LEGISLATIVE PROVISIONS ADOPTED

##### Subtitle A—[Reserved]

##### Subtitle B—Department of Energy National Security Authorization General Provisions

###### *Definitions (sec. 3620)*

The House bill contained a provision (sec. 3120) that would set out the title of the Department of Energy National Security Authorizations General Provisions Act and define terms to be used in the Act.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

###### *Reprogramming (sec. 3621)*

The House bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of the amounts authorized for national security programs until the Secretary of Energy has notified the congressional defense committees and a period of 30 days has elapsed after the date on which the notification is received.

The Senate amendment contained a similar provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 115 percent of the amount authorized for the program or in excess of \$5.0 million above the amount authorized for the program, whichever is less, until the Secretary of Energy submits a report to the congressional defense committees and a period of 30 days has elapsed after the date on which the report is received.

The House recedes with an amendment that would make the provision part of Subtitle B, the Department of Energy National Security Authorizations General Provisions, of the Atomic Energy Defense Act.

###### *Minor construction projects (sec. 3622)*

The House bill contained a provision (sec. 3122) that would provide the Secretary of Energy with authority to conduct minor construction projects using funds authorized to the Secretary pursuant to a Department of Energy national security authorization. If at any time during the period of construction of any minor construction project, the most current estimated cost exceeds the minor construction threshold, the Secretary would be required to notify the congressional defense committees and provide a report explaining the reasons for the cost variation.

The Senate amendment contained a similar provision.

The Senate recedes.

*Limits on construction projects (sec. 3623)*

The House bill contained a provision (sec. 3123) that would permit any construction project to be initiated and continued only if the estimated cost for the project does not exceed, by 25 percent, the higher of either the amount authorized for the project or the most recent total estimated cost presented to Congress as justification for such a project. The Secretary of Energy would be prohibited from exceeding such limits until 30 legislative days after the Secretary submits to the congressional defense committees a detailed report setting forth the reasons for the increase. This provision would also specify that the 25 percent limitation would not apply to projects estimated to be a minor construction project under \$5.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

*Fund transfer authority (sec. 3624)*

The House bill contained a provision (sec. 3124) that would permit funds authorized for the Department of Energy to be transferred to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit the merger of such transferred funds with the authorizations of the agency to which they are transferred. The provision would also limit, to no more than five percent of the account, the amount of funds authorized by this Act that may be transferred between authorization accounts within the Department of Energy.

The Senate amendment contained a similar provision.

The Senate recedes.

*Conceptual and construction design (sec. 3625)*

The House bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary has completed a conceptual design. This limitation would apply to construction projects with a total estimated cost greater than \$5.0 million. If the estimated cost to prepare the construction design exceeds \$600,000, the provision would require the Secretary to obtain a specific authorization to obligate such funds. If the estimated cost to prepare a conceptual design exceeds \$3.0 million, the provision would require the Secretary to request funds for the conceptual design before requesting funds for construction. The provision would further require the Secretary to submit to Congress a report on each conceptual design completed under this provision. The provision would also provide an exception to these requirements in the case of an emergency.

The Senate amendment contained a similar provision.

The Senate recedes.

*Authority for emergency planning, design, and construction activities (sec. 3626)*

The House bill contained a provision (sec. 3126) that would permit the Secretary of Energy to perform planning and design with any funds available to the Department of Energy (DOE) pursuant to a DOE national security authorization including those

funds authorized for advance planning and construction design, whenever the Secretary determines such activities must proceed expeditiously to protect the public health and safety, to meet the needs of national defense, or to protect property. The provision would require the Secretary of Energy to submit to Congress a report on each construction project to be completed under this provision prior to exercising the authority that would be provided by this provision.

The Senate amendment contained a similar provision.

The Senate recesses.

*Scope of authority to carry out plant projects (sec. 3627)*

The House bill contained a provision (sec. 3131) that would clarify that the authority of the Secretary of Energy to carry out plant projects includes authority for maintenance, restoration, planning, construction, acquisition, modification of facilities, and continuation of projects authorized in prior years, and related projects.

The Senate amendment contained no similar provision.

The Senate recesses.

*Availability of funds (sec. 3628)*

The Senate amendment contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment for the Department of Energy (DOE) to remain available until expended. Program direction funds would remain available for expenditure until the end of fiscal year 2004.

The House bill contained a similar provision (sec. 3128) that would provide that funds authorized to be appropriated to the National Nuclear Security Administration are available for expenditure for two years with the exception of the funds for the Office of the Administrator, which would be available for expenditure for one year.

The House recesses with a technical amendment that would provide that funds available to DOE pursuant to a national security authorization for program direction are available for obligation for one year—until the end of the fiscal year for which they are authorized. In addition, this provision would become a section in Subtitle B, the Department of Energy National Security Authorizations General Provisions Act, of the Atomic Energy Defense Act.

*Transfer of defense environmental management funds (sec. 3629)*

The House bill contained a provision (sec. 3129) that would direct the Secretary of Energy to provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management activities funds from a program or project under the jurisdiction of that office to another such program or project. With certain limitations, only one transfer may be made to or from any program in one fiscal year, and no transfer may exceed \$5.0 million. The Secretary of Energy would be required to notify Congress within 30 days after any such transfer.

The Senate amendment contained a similar provision (sec. 3129) that would have provided three transfers per year.

The Senate recesses.

*Transfer of weapons activities funds (sec. 3630)*

The House bill contained a provision (sec. 3130) that would direct the Secretary of Energy to provide the manager of each field office of the Department of Energy with the authority to transfer weapons activities funds from a program or project under the jurisdiction of that office to another such program or project. With certain limitations only one transfer may be made to or from any program in one fiscal year, and no transfer may exceed \$5.0 million. The Secretary of Energy would be required to notify Congress within 30 days after any such transfer.

The Senate amendment contained a similar provision (sec. 3130) that would have provided three transfers per year.

The Senate recesses.

*Funds available for all national security programs of the Department of Energy (sec. 3631)*

The House bill contained a provision (sec. 3127) that would authorize, subject to section 3121 of the Department of Energy National Security Authorizations General Provisions Act and appropriations acts, amounts appropriated for management and support activities and for general plant projects to be made available for use in connection with all national security programs of the Department of Energy.

The Senate amendment contained a similar provision.

The Senate recesses.

From the Committee on Armed Services, for consideration of the House amendment and the Senate amendment, and modifications committed to conference:

BOB STUMP,  
DUNCAN HUNTER,  
JAMES V. HANSEN,  
CURT WELDON,  
JOEL HEFLEY,  
JIM SAXTON,  
JOHN M. MCHUGH,  
TERRY EVERETT,  
HOWARD P. "BUCK" MCKEON,  
J.C. WATTS, Jr.,  
MAC THORNBERRY,  
JOHN N. HOSTETTLER,  
SAXBY CHAMBLISS,  
WALTER B. JONES,  
VAN HILLEARY,  
LINDSEY GRAHAM,  
IKE SKELTON,  
JOHN M. SPRATT, Jr.,  
SOLOMON P. ORTIZ,  
LANE EVANS,  
MARTIN T. MEEHAN,  
ROBERT A. UNDERWOOD,  
THOMAS ALLEN,  
SILVESTRE REYES,

JIM TURNER,  
ELLEN O. TAUSCHER,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PORTER J. GOSS,  
DOUG BEREUTER,

From the Committee on Education and the Workforce, for consideration of secs. 341–343, and 366 of the House amendment, and secs. 331–333, 542, 656, 1064, and 1107 of the Senate amendment, and modifications committed to conference:

JOHNNY ISAKSON,  
JOE WILSON,  
GEORGE MILLER,

From the Committee on Government Reform, for consideration of secs. 323, 804, 805, 1003, 1004, 1101–1106, 2811, and 2813 of the House amendment, and secs. 241, 654, 817, 907, 1007–1009, 1061, 1101–1106, 2811, and 3173 of the Senate amendment, and modifications committed to conference:

DAN BURTON,  
DAVE WELDON,

From the Committee on International Relations, for consideration of secs. 1201, 1202, 1204, title XIII, and sec. 3142 of the House amendment, and subtitle A of title XII, secs. 1212–1216, 3136, 3151, and 3156–3161 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,  
BENJAMIN A. GILMAN,

From the Committee on the Judiciary, for consideration of secs. 811 and 1033 of the House amendment, and secs. 1067 and 1070 of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,

From the Committee on Resources, for consideration of secs. 311, 312, 601, title XIV, secs. 2821, 2832, 2841, and 2863 of the House amendment, and secs. 601, 2821, 2823, 2828, and 2841 of the Senate amendment, and modifications committed to conference:

JOHN J. DUNCAN, Jr.,

From the Committee on Science, for consideration of secs. 244, 246, 1216, 3155, 3163 of the Senate amendment, and modifications committed to conference:

SHERWOOD L. BOEHLERT,  
NICK SMITH,  
RALPH M. HALL,

From the Committee on Small Business for consideration of secs. 243, 824, and 829 of the Senate amendment and modifications committed to conference:

DONALD A. MANZULLO,  
SUE KELLY,

From the Committee on Transportation and Infrastructure, for consideration of sec. 601 of the House amend-

ment, and secs. 601 and 1063 of the Senate amendment, and modifications committed to conference:

DON YOUNG,  
FRANK A. LOBIONDO,  
CORRINE BROWN,

From the Committee on Veterans' Affairs, for consideration of secs. 641, 651, 721, 723, 724, 726, 727, and 728 of the House amendment, and secs. 541 and 641 of the Senate amendment, and modifications committed to conference:

CHRIS SMITH,

*Managers on the Part of the House.*

CARL LEVIN,  
TED KENNEDY,  
ROBERT C. BYRD,  
JOSEPH I. LIEBERMAN,  
MAX CLELAND,  
MARY L. LANDRIEU,  
JACK REED,  
DANIEL K. AKAKA,  
BILL NELSON,  
BEN NELSON,  
JEAN CARNAHAN,  
MARK DAYTON,  
JEFF BINGAMAN,  
JOHN W. WARNER,  
STROM THURMOND,  
JOHN MCCAIN,  
JAMES M. INHOFE,  
PAT ROBERTS,  
JEFF SESSIONS,  
SUSAN COLLINS,  
JIM BUNNING,

*Managers on the Part of the Senate.*

