

DIVISION C-DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI-DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A-National Security Programs Authorizations

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2010, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title authorizes appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance.

The budget request for atomic energy defense activities at the Department of Energy included \$16.4 billion for atomic energy defense activities, a 1 percent increase above the fiscal year 2009 appropriated level. Of the total amount requested:

- (1) \$9.9 billion is for NNSA, of which:
 - (a) \$6.4 billion is for weapons activities;
 - (b) \$2.1 billion is for defense nuclear nonproliferation activities;
 - (c) \$1.0 billion is for naval reactors; and
 - (d) \$420.7 million is for the Office of the Administrator;
- (2) \$5.5 billion is for defense environmental cleanup;
- (3) \$852.5 million is for other defense activities; and
- (4) \$98.4 million is for defense nuclear waste disposal.

The budget request also included \$6.2 million for energy security and assurance within energy supply.

The conferees agree to authorize \$16.5 billion for atomic energy defense activities, an increase of \$88.4 million above the budget request.

Of this amount, the conferees agree to authorize:

- (1) \$10.1 billion for NNSA, of which:
 - (a) \$6.4 billion would be for weapons activities, an increase of \$48.7 million above the budget request,
 - (b) \$2.2 billion would be for defense nuclear nonproliferation, an increase of \$39.7 million above the budget request;
 - (c) \$1.0 billion would be for naval reactors, the amount of the budget request; and
 - (d) \$420.7 million would be for the Office of the Administrator, the amount of the budget request;
- (2) \$5.5 billion would be for defense environmental cleanup activities, the amount of the budget request;
- (3) \$852.5 million would be for other defense activities, the amount of the budget request; and
- (4) \$98.4 million would be for defense nuclear waste disposal, the amount of the budget request.

The conferees agree to authorize \$6.2 million for energy security and assurance, the amount of the budget request.

Items of Special Interest

Reports

The conferees direct that all reports requested by this or any other act and that address the programs and activities funded by the fiscal year 2010 Atomic Energy Defense funds, should be provided to the congressional defense committees in addition to any committees specifically specified in the provision or requirement directing such report.

Department of Energy protective forces

In section 3124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), the Comptroller General was directed to submit to Committees on Armed Services of the Senate and the House of Representatives a report on the management of the protective forces at the Department of Energy (DOE). Section 3124 also directed the Secretary of Energy to review the Comptroller General report, and submit no later than 90 days after receiving the Comptroller General report, the results of that review including any additional options, to the Committees on Armed Services of the Senate and the House of Representatives.

The report was completed in August 2009, and will be formally published shortly. The report identified a series of issues and concerns with the management of the DOE protective forces. These issues include rigid physical fitness and other requirements and the relationship these requirements have to recruitment, hiring, training, retirement, retention, and health care. In addition the report found significant differences amongst the sites as to how the forces were managed, trained, and compensated. Other issues were identified, including varying hot pursuit policies and varying law enforcement authorities.

After September 11, 2001, the requirements for security at the DOE facilities with Category I nuclear materials were increased significantly. The conferees note that the effect of the new requirements has placed many of the members of the DOE protective force in a situation where they will not meet the physical and other requirements long before they reach retirement age.

Of the many issues identified in the Comptroller General's report that should be addressed by the DOE, the disconnect between the physical demands and requirements of the protective forces on the one hand, and the retirement program on the other is the most problematic. Each of the relevant sites has seen increased injury and attrition rates. Because recruiting, hiring, training, and obtaining clearances for the protective forces is a time consuming and costly process, increased attrition rates will drive up the overall security costs. The conferees are concerned that the attrition rate is connected to the changes in the requirements and the lack of a career path that reflects these requirements.

DOE is aware of the problem and earlier this year assembled a group with representatives from each of the relevant DOE offices to examine "realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members while maintaining, within current and anticipated budgetary constraints a robust and effective security posture." This study group made 29 recommendations to address the issues in the protective forces.

The conferees believe that DOE needs to take seriously the concerns raised in the Government Accountability Office report and the recommendations of the study committee to ensure that the protective forces are able to carry out reliably their responsibilities to prevent nuclear material and nuclear weapons from being stolen or worse. To that end, the conferees direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration to develop a comprehensive, DOE-wide plan to identify and implement the recommendations of the

study group. This implementation plan should be submitted with the plan required to be submitted by section 3124, as discussed above.

The conferees recognize that the protective forces fall under a wide arrange of contractual mechanisms. The conferees do not believe, however, that the different contractual mechanisms are the problem; rather it is the lack of clear, uniform, and realistic guidance and policy from DOE to the various contractors who manage the protective forces that is at the root of the problems.

Legislative Provisions Adopted

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$10.5 billion for the National Nuclear Security Administration (NNSA), an increase of \$534.6 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$10.1 billion for the NNSA, an increase of \$106.2 million above the budget request.

The conferees agree to include a provision (sec. 3101) that would authorize \$10.0 billion, an increase of \$88.4 million above the budget request.

Within NNSA, the provision would authorize \$6.4 billion for weapons activities, an increase of \$48.7 million above the budget request; \$2.2 billion for defense nuclear nonproliferation, an increase of \$39.8 million above the budget request; \$1.0 billion for naval reactors, the amount of the budget request; and \$420.8 million for the Office of the Administrator, the amount of the request. This includes an offset of \$42.0 million for prior year balances in weapons activities.

The budget request included \$6.4 billion for weapons activities. The provision would authorize \$6.4 billion, an increase of \$48.7 million above the budget request. Within directed stockpile work the provision would authorize \$1.5 billion, an increase of \$20.0 million above the budget request, including an increase or \$10.0 million for dynamic plutonium experimentation at the Nevada Test Site, and an increase of \$10.0 million for weapons dismantlement and disposition. Within campaigns, the provision would authorize \$1.6 billion an increase of \$23.7 million above the budget request, including \$5.0 million for enhanced surety, and an increase of \$18.7 million above the budget request for inertial confinement fusion including, an increase of \$1.0 million for National Ignition

Facility diagnostics, cryogenics, and experimental support, an increase of \$6.5 million for Omega operations and an increase of \$11.2 million for the national ignition campaign. Within readiness in the technical base and facilities, the provision would authorize \$1.4 billion for operations of facilities, an increase of \$18.0 million above the budget request, including an increase of \$8.0 million for the Pantex Plant and \$10.0 million for the Y-12 National Security Complex, and \$232.4 million for construction, an increase of \$29.0 million including, \$24.0 million for the LANSCE refurbishment at Los Alamos National Laboratory, project number 09-D-007, and \$5.0 million for test capabilities revitalization at Sandia National Laboratories, project number 09-D-104.

The budget request included \$2.1 billion for defense nuclear nonproliferation. The provision would authorize \$2.2 billion for defense nuclear nonproliferation, an increase of \$39.8 million. The provision would include an increase of \$40.0 million above the budget request for the Nonproliferation and Verification Research and Development program to support international safeguards technologies, advanced nuclear detection technologies, and to support the joint Department of Energy Air Force space situational awareness activities. The provision would authorize a reduction of \$20.0 million below the budget request for the Nonproliferation and International Security program. The provision would authorize an increase of \$39.8 million above the budget request for the International Nuclear Materials and Cooperation program to secure nuclear weapons and weapons materials outside the United States and to deploy radiation detection equipment and related capabilities at high-threat border crossings and ports of transit. Funding for the fissile materials disposition program is authorized at the budget request. The conferees continue to believe that the NNSA is the responsible entity within the Department of Energy to manage nonproliferation programs and have included funding for fissile materials disposition in the NNSA. The provision would authorize a decrease of \$20.0 million below the budget request for the Global Threat Reduction Initiative.

The conferees note, regretfully, that no funds are provided for nonproliferation work in North Korea. If the North Koreans return to the Six-Party Talks and real progress is possible to disable and dismantle the North Korean nuclear weapons program, the conferees would consider a reprogramming or other request for funds to address the North Korean nuclear weapons program at such time.

The budget request included \$1.0 billion for naval reactors. The provision would authorize the amount of the budget request.

The budget request included \$420.8 million for the Office of the Administrator. The provision would authorize the amount of the budget request.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize \$5.1 billion for defense environmental cleanup, a decrease of \$471.3 million below the amount of the budget request.

The Senate amendment contained a similar provision (sec. 3102) that would authorize \$5.4 billion for defense environmental cleanup, a decrease of \$100.0 million below the amount of the budget request.

The conferees agree to include a provision (sec. 3102) that would authorize \$5.5 billion, the amount of the budget request.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize \$872.4 million for other defense activities including \$357.8 million for health, safety, and security, an increase of \$20.0 million above the budget request.

The Senate amendment contained a similar provision (sec. 3103) that would authorize \$852.5 for other defense activities, the amount of the budget request.

The conferees agree to include a provision (sec. 3101) that would authorize \$852.5 million the amount of the budget request.

Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize \$98.4 million for the defense nuclear waste disposal payment to the Nuclear Waste Fund.

The Senate amendment contained an identical provision (sec. 3104).

The conference agreement includes this provision.

Energy security assistance (sec. 3105)

The House bill contained a provision (sec. 3105) that would authorize \$6.2 million for energy security and assurance.

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

Relation to funding tables (sec. 3106)

The Senate amendment contained a provision (sec. 3105) that would provide that the amounts authorized for the Department of Energy in this title are available for the projects, programs, or activities and in the dollar amounts indicated by the funding tables in Division D of the Act.

The House bill contained no similar provision.

The House recesses.

Subtitle B-Program Authorizations, Restrictions, and Limitations

Stockpile stewardship program (sec. 3111)

The House bill contained a provision (sec. 3111) that would amend section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to update the goals and objectives of the stockpile stewardship program (SSP) carried out by the Administrator of the National Nuclear Security Administration (NNSA) at the Department of Energy. The provision would restate a current objective of the SSP to preserve core intellectual and technical competencies and establish a second broad objective to assure that the nuclear weapons stockpile remains safe, secure, and reliable without underground testing. In addition, the provision would expand the goals of the advanced computing and simulation capabilities to include improved understanding of the performance over time of nuclear weapons. The provision would also add new requirements for the SSP to support the laboratories and manufacturing facilities needed to support the U.S. nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would expand and clarify the facilities and experimental tools that should be maintained and supported under the SSP to include the experimental facilities at the Nevada Test Site (NTS) and the production and manufacturing capabilities of the national security laboratories.

The conferees note that the NTS, the national security laboratories, and the production and manufacturing facilities also support the nonproliferation programs and other nuclear security activities of the NNSA. While this provision includes supporting these facilities in support of the weapons activities, the conferees also believe that it is equally important to support the NNSA facilities in support of the nonproliferation programs and additional nuclear security programs of the NNSA.

Report on stockpile stewardship criteria and assessment of stockpile stewardship program (sec. 3112)

The House bill contained a provision (sec. 3113) that would modify existing requirements for annual plans to support execution of the stockpile stewardship and management programs, including a new requirement for an assessment of the stockpile stewardship program by the directors of the national laboratories.

The Senate amendment contained a provision (sec. 3133) that would require an update of the stockpile stewardship criteria and direct the Secretary of Energy to include, in the annual stockpile stewardship plan for fiscal year 2010, an update on the stewardship criteria used to assess the safety, security, and reliability of the nuclear weapons stockpile. The 2010 plan would also include a review of each science-based tool, such as experimental facilities, developed or modified in the last 5 years.

The House recedes with an amendment that would amend section 4202 of the Atomic Energy Defense Act (50 U.S.C 2522) to include in the annual stockpile stewardship plan for each odd-numbered year the information needed to determine that the nuclear weapons are safe, secure and reliable, an update of the stockpile stewardship criteria used to determine the information needed, the relationship of the science-based tools to the collection of that information, and an update to the criteria used for assessing the effectiveness of each science based-stockpile tool.

In addition, the provision would require an assessment of any key technical challenges to the stockpile stewardship program and strategies to address such challenges. The provision would also require development of a strategy for using each science-based tool and to determine what future science-based tools are needed and how they would be used. Finally the assessment would include the core scientific and technical competencies needed to achieve the objectives of the stockpile stewardship program. The assessment would be conducted in consultation with each of the directors of the national security laboratories.

Stockpile management program (sec. 3113)

The House bill contained a provision (sec. 3112) that would amend section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) to direct the Secretary of Energy acting through the Administrator of the National Nuclear Security Administration (NNSA) to carry out a new stockpile management program (SMP) and

establish objectives for the program. The provision would also establish program limitations for the SMP and repeal section 4204A of the Atomic Energy Defense Act, (50 U.S.C. 2524a) which established a requirement for a reliable replacement warhead (RRW).

The Senate amendment contained a provision (sec. 3113) that would also repeal section 4204A of the Atomic Energy Defense Act.

The Senate amendment also contained a provision (sec. 3111) that would amend section 4204 of the Atomic Energy Defense Act to expand and update the goals and objectives of the stockpile life extension program, to develop a life extension plan, to direct the manner in which funds for the life extension plan are requested, and to ensure that the life extension plan is updated as needed. The Senate provision would also set forth the sense of Congress that the President should include in each fiscal year budget request for the NNSA sufficient funds to carry the activities under the life extension plan for that fiscal year.

The Senate recedes with an amendment to clarify that the SMP is part of the stockpile stewardship program and that the SMP includes stockpile life extension activities. The provision would also direct the Secretary of Energy to develop a long-term SMP plan to extend the effective life of the weapons in the nuclear weapons stockpile without the use of nuclear weapons testing. The plan would be updated annually as needed, and any updates would be included in the annual stockpile stewardship plan required under section 4203(c) of the Atomic Energy Defense Act. The provision would also direct that each budget submitted by the President that includes funds for the SMP should clearly identify the funds requested for the SMP.

Dual validation of annual weapons assessment and certification (sec. 3114)

The House bill contained a provision (sec. 3114) that would amend section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) to modify existing requirements for annual assessments and reports to the President and Congress on the condition of the United States' nuclear weapons stockpile to require the Administrator of the National Nuclear Security Administration (NNSA) to establish a dual validation process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Administrator of NNSA to establish dual validation teams.

The conferees believe that a rigorous surveillance, and annual assessment and certification process is essential to sustain the United States' nuclear weapons stockpile.

Reluctantly, the conferees have agreed to provide the Administrator with discretionary authority to conduct a dual validation process and to not make dual validation mandatory. Without an understanding of the complexity and cost of dual revalidation the conferees believe that it is premature to mandate dual validation for fiscal year 2010. Nevertheless, the conferees believe that a dual validation process should be instituted in the future and have directed the Administrator to submit a report to the congressional defense committees no later than March 1, 2010, to carry out a dual validation program. This report should include a plan to implement dual validation beginning in fiscal year 2011.

Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President (sec. 3115)

The Senate amendment contained a provision (sec. 3112) that would amend section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) to eliminate the nuclear weapons life extension program exception in the budget request.

The House bill contained no similar provision.
The House recesses.

Long-term plan for the modernization and refurbishment of the nuclear security complex (sec. 3116)

The House bill contained a provision (sec. 3115) that would establish the policy of the United States that sustainment, modernization and refurbishment of the nuclear security complex is mandatory for any reductions in the nuclear weapons stockpile. In addition, the provision would require the development of an annual plan for the modernization and refurbishment of the nuclear complex, an annual determination as to the adequacy of the budget request to support the plan, and an assessment as to the risks and implications to the stockpile if the budget request is inadequate.

The Senate amendment contained no similar provision.

The Senate recesses with an amendment that would direct the Administrator of the National Nuclear Security Administration (NNSA) to develop a biennial plan for the modernization and refurbishment of the nuclear security complex. The plan should be submitted in each odd-numbered fiscal year beginning in 2011. The provision would also require an assessment by the Administrator of the budget for such fiscal year and the future-years nuclear security program as to whether the funding is adequate to support the modernization and refurbishment plan.

If the Administrator determines that the budget request is insufficient for the modernization and refurbishment of the nuclear security complex as provided in the plan, the Administrator shall include with the budget materials for that fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile. This assessment is to be coordinated with the Secretary of Defense and the Commander of U.S. Strategic Command.

Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship (sec. 3117)

The Senate amendment contained a provision (sec. 3115) that would repeal section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561).

The House bill contained no similar provision.

The House recesses.

Modification of minor construction threshold for plant projects (sec. 3118)

The Senate amendment contained a provision (sec. 3116) that would amend section 4701(3) of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) to modify permanently the threshold for general plant projects (GPP) from \$5.0 million to \$7.0 million.

The House bill contained no similar provision.

The House recesses with an amendment that would temporarily increase the threshold for general plant projects to \$10.0 million for fiscal year 2010. The amendment would also prohibit the Secretary of Energy from initiating any GPP that is in excess of \$5.0 million until 15 days after submitting a notification to the congressional defense committees setting forth the total estimated cost of the GPP. For fiscal year 2011 and beyond the threshold would revert back to \$5.0 million.

The conferees remind the Secretary of the obligation to submit an annual report briefly describing the GPPs for the preceding fiscal year. The conferees expect this report to be submitted in the first quarter of the fiscal year following the fiscal year covered by the report.

Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3119)

The Senate amendment contained a provision (sec. 3117) that would extend until September 30, 2011, the authority for the

Secretary of Energy to hire, establish, and set rates of pay for not more than 200 positions in the Department of Energy for scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities.

The House bill contained no similar provision.

The House recesses.

National Nuclear Security Administration authority for urgent nonproliferation activities (sec. 3120)

The Senate amendment contained a provision (sec. 3114) that would authorize the Secretary of Energy to obligate not more than 10 percent of the funds for the international nuclear materials protection and cooperation program in the National Nuclear Security Administration (NNSA) for any bilateral or multilateral activities relating to nonproliferation or disarmament, notwithstanding any other provision of law. The authority could be exercised by the Secretary after notifying the congressional defense committees 15 days in advance of the intent to exercise this authority and if the President certifies the action is necessary to support the national security objectives of the United States.

The House amendment contained no similar provision.

The House recesses with an amendment that would authorize the Secretary to utilize 10 percent of the funds available for the NNSA nonproliferation programs to address certain urgent nonproliferation threats and require that the Secretary of Energy obtain the concurrence of the Secretaries of State and Defense prior to exercising the authority. The amendment would also clarify that the activities carried out to address the urgent threats would be the nonproliferation activities of the NNSA nonproliferation program.

Prior to utilizing the authority the Secretary of Energy would be required to make a series of determinations, and submit written notification to the appropriate congressional committees, 15 days before using the authority.

Repeal of sunset date for consolidation of counterintelligence programs of the Department of Energy and National Nuclear Security Administration (sec. 3121)

The Senate amendment contained a provision (sec. 3118) that would repeal section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), which established a sunset date for the authority to consolidate the offices of intelligence and counterintelligence at the Department of Energy.

The House bill contained no similar provision.
The House recesses.

Subtitle C-Reports

National Academy of Sciences review of national security laboratories (sec. 3131)

The House bill contained a provision (sec. 3121) that would require the Comptroller General to assess the costs associated with the transition to new management and operations (M&O) contracts, which took place at Los Alamos National Laboratory (LANL) in 2006 and at Lawrence Livermore National Laboratory (LLNL) in 2007. A report on the results of the assessment would be due to the congressional defense committees on March 1, 2010.

The Senate amendment contained a provision (sec. 3132) that would direct the Secretary of Energy, in consultation with the Committees on Armed Services of the Senate and the House of Representatives, to appoint an independent panel of experts to conduct a review of the management and operation of the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories (SNL).

The conferees agree to include a provision that would direct the Secretary of Energy to enter into a contract with the National Academy of Sciences to conduct a study of the three laboratories, LANL, LLNL, and SNL.

The study would include an evaluation for each of the laboratories of the quality of the scientific research and engineering conducted at each lab; the criteria used to assess the quality of the scientific research and engineering; the relationship between the quality of the work and the contract for managing and operating the laboratory; and the management of the work that the laboratories perform for other entities.

There is a growing concern about the ability of the Department of Energy to maintain the overall quality of the scientific research and engineering capability at the three laboratories. This concern was most recently highlighted in the report of the Congressional Commission on the Strategic Posture of the United States. The conferees believe that an even handed, unbiased assessment of the quality of the scientific research and engineering at each of the three laboratories, with a clear understanding of the criteria used to measure quality and what factors influence quality would be useful in long-term planning for the operations of the laboratories.

Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities (sec. 3132)

The House bill contained a provision (sec. 3122) that would direct the Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, to prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons and related activities.

The Senate amendment contained no similar provision.

The Senate recesses.

Comptroller General study of stockpile stewardship program (sec. 3133)

The Senate amendment contained a provision (sec. 3137) that would direct the Comptroller General to conduct a study of the stockpile stewardship program to determine if the program was functioning, as of December 2008, as envisioned when the program was established. A report on the study would be due to the congressional defense committees 270 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recesses.

Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009 (sec. 3134)

The Senate amendment contained a provision (sec. 3134) that would direct the Comptroller General to review and report on the efforts of the Department of Energy's (DOE) Office of Environmental Management (EM) to identify and implement cleanup projects using the funds received pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). The review would occur in three phases. The first phase is an initial review focused on the criteria used for project selection and the process to develop cost and schedules for the projects. The second phase is an ongoing review of the project implementation with quarterly reports on the ongoing work. The third and final phase of the review is a recap of the entire effort that would look at areas such as cost and schedule compliance and how the overall effort has led to an accelerated cleanup schedule.

The House contained no similar provision.

The House recesses with a clarifying amendment.

Subtitle D-Other Matters

Ten-year plan for use and funding of certain Department of Energy facilities (sec. 3141)

The Senate amendment contained a provision (sec. 3131) that would direct the Administrator of the National Nuclear Security Administration and the Under Secretary of Science at the Department of Energy to jointly develop a plan to use and fund, over a 10-year period, the National Ignition Facility at the Livermore National Laboratory, the Los Alamos Neutron Science Center at the Los Alamos National Laboratory, and the "Z" Machine at the Sandia National Laboratory.

The House bill contained no similar provision.

The House recesses.

Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program (sec. 3142)

The Senate amendment contained a provision (sec. 3136) that would amend section 3686 of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) (42 U.S.C. 7385s-15) to include part B of the program under the EEOICPA ombudsman and direct the ombudsman in carrying out his duties, to work with the ombudsman of the National Institute for Occupational Safety and Health (NIOSH).

The House bill contained no similar provision.

The House recesses.

The conferees note that the EEOICPA ombudsman has been helpful to claimants under part E of EEOICPA program in navigating the claims process and could provide the same assistance to claimants under part B of the program.

The conferees note that nothing in this expanded authority for the EEOICPA ombudsman is intended to provide authority for the EEOICPA ombudsman to participate directly in the NIOSH process to determine exposures. On the other hand, the conferees recognize a need for the two offices to work cooperatively in assisting claimants process their claims.

Identification in budget materials of amounts for certain Department of Energy pension obligations (sec. 3143)

The Senate amendment contained a provision (sec. 3135) that would require the funding needed to meet pension obligations of contractor employees at each Department of Energy (DOE) facility operated using funds authorized in the National Defense Authorization Acts be included and specifically identified in

the DOE budget materials in support of each DOE budget request for each fiscal year for which funds are requested.

The House bill contained no similar provision.

The House recesses.

Sense of Congress on production of Molybdenum-99 (sec. 3144)

The Senate amendment contained a provision (sec. 3138) that would set forth the sense of Congress that the Secretary of Energy should continue and expand the program to meet the need identified by the National Academy of Sciences for Molybdenum-99 (Mo-99) for medical purposes in the United States by developing a source of Mo-99 using low enriched uranium.

The House had no similar provision.

The House recesses.

TITLE XXXII-DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize \$26.1 million for the Defense Nuclear Facilities Safety Board (DNFSB).

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

The conferees note that DNFSB brings a consultative, interactive, technically competent approach to oversight that is well suited to the work at Department of Energy defense nuclear facilities.

TITLE XXXIV-NAVAL PETROLEUM RESERVES

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize \$23.6 million for the Department of Energy for the naval petroleum reserves.

The Senate amendment contained no similar provision.

The Senate recesses.

TITLE XXXV-MARITIME ADMINISTRATION

Legislative Provisions Adopted