

1 under subsection (a) as the Secretary consider appropriate
 2 to protect the interests of the United States.

3 **SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY**
 4 **PROJECTS.**

5 The Federal Transit Administration’s Dear Colleague
 6 letter dated April 29, 2005 (C-05-05), which requires
 7 fixed guideway projects to achieve a “medium” cost-effec-
 8 tiveness rating for the Federal Transit Administration to
 9 recommend such projects for funding, shall not apply to
 10 the Northstar Corridor Commuter Rail Project in Min-
 11 nesota.

12 **DIVISION C—DEPARTMENT OF**
 13 **ENERGY NATIONAL SECURITY**
 14 **AUTHORIZATIONS AND**
 15 **OTHER AUTHORIZATIONS**
 16 **TITLE XXXI—DEPARTMENT OF**
 17 **ENERGY NATIONAL SECURITY**
 18 **PROGRAMS**
 19 **Subtitle A—National Security**
 20 **Programs**

21 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 22 **TION.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 24 are hereby authorized to be appropriated to the Depart-
 25 ment of Energy for fiscal year 2007 for the activities of

1 the National Nuclear Security Administration in carrying
2 out programs necessary for national security in the
3 amount of \$9,333,311,000, to be allocated as follows:

4 (1) For weapons activities, \$6,455,389,000.

5 (2) For defense nuclear nonproliferation activi-
6 ties, \$1,726,213,000.

7 (3) For naval reactors, \$795,133,000.

8 (4) For the Office of the Administrator for Nu-
9 clear Security, \$356,576,000.

10 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

11 From funds referred to in subsection (a) that are available
12 for carrying out plant projects, the Secretary of Energy
13 may carry out new plant projects for the National Nuclear
14 Security Administration as follows:

15 (1) For readiness in technical base and facili-
16 ties, the following new plant projects:

17 Project 07–D–140, Readiness in Technical
18 Base and Facilities Program, project engineer-
19 ing and design, various locations, \$4,977,000.

20 Project 07–D–220, Radioactive liquid
21 waste treatment facility upgrade project, Los
22 Alamos National Laboratory, Los Alamos, New
23 Mexico, \$14,828,000.

24 (2) For facilities and infrastructure recapital-
25 ization, the following new plant project:

1 Project 07–D–253, Technical Area 1 heat-
2 ing systems modernization, Sandia National
3 Laboratories, Albuquerque, New Mexico,
4 \$14,500,000.

5 (3) For defense nuclear nonproliferation, the
6 following new plant project:

7 Project 07–SC–05, Physical Sciences Fa-
8 cility, Pacific Northwest National Laboratory,
9 Richland, Washington, \$4,220,000.

10 (4) For naval reactors, the following new plant
11 project:

12 Project 07–D–190, Materials Research
13 Technology Complex, project engineering and
14 design, Bettis Atomic Power Laboratory, West
15 Mifflin, Pennsylvania, \$1,485,000.

16 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

17 Funds are hereby authorized to be appropriated to
18 the Department of Energy for fiscal year 2007 for defense
19 environmental cleanup activities in carrying out programs
20 necessary for national security in the amount of
21 \$5,430,312,000.

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

23 Funds are hereby authorized to be appropriated to
24 the Department of Energy for fiscal year 2007 for other

1 defense activities in carrying out programs necessary for
 2 national security in the amount of \$624,530,000.

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

4 Funds are hereby authorized to be appropriated to
 5 the Department of Energy for fiscal year 2007 for defense
 6 nuclear waste disposal for payment to the Nuclear Waste
 7 Fund established in section 302(c) of the Nuclear Waste
 8 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
 9 of \$333,080,000.

10 **Subtitle B—Other Matters**

11 **SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE**
 12 **TO CERTAIN THIRD PARTY FINANCING AR-**
 13 **RANGEMENTS.**

14 Subtitle A of title XLVIII of the Atomic Energy De-
 15 fense Act (50 U.S.C. 2781 et seq.) is amended by adding
 16 at the end the following new section:

17 **“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE**
 18 **TO CERTAIN THIRD PARTY FINANCING AR-**
 19 **RANGEMENTS.**

20 “(a) NOTICE AND WAIT REQUIREMENT.—The Sec-
 21 retary of Energy may not enter into an arrangement de-
 22 scribed in subsection (b) until 30 days after the date on
 23 which the Secretary notifies the congressional defense
 24 committees in writing of the proposed arrangement.

25 “(b) COVERED ARRANGEMENTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), an arrangement referred to in subsection
3 (a) is any alternative financing arrangement, third
4 party financing arrangement, public-private partner-
5 ship, privatization arrangement, private capital ar-
6 rangement, or other financing arrangement that—

7 “(A) is entered into in connection with a
8 project conducted using funds authorized to be
9 appropriated to the Department of Energy to
10 carry out programs necessary for national secu-
11 rity; and

12 “(B) involves a contractor or Federal
13 agency obtaining and charging to the Depart-
14 ment of Energy as an allowable cost under a
15 contract the use of office space, facilities, or
16 other real property assets with a value of at
17 least \$5,000,000.

18 “(2) EXCEPTION.—An arrangement referred to
19 in subsection (a) does not include an arrangement
20 that—

21 “(A) involves the Department of Energy or
22 a contractor acquiring or entering into a capital
23 lease for office space, facilities, or other real
24 property assets; or

1 “(B) is entered into in connection with a
2 capital improvement project undertaken as part
3 of an energy savings performance contract
4 under section 801 of the National Energy Con-
5 servation Policy Act (42 U.S.C. 8287).”.

6 **SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBU-**
7 **TIONS TO THE GLOBAL THREAT REDUCTION**
8 **INITIATIVE.**

9 Section 3132 of the Ronald W. Reagan National De-
10 fense Authorization Act for Fiscal Year 2005 (Public Law
11 108–375; 50 U.S.C. 2569) is amended—

12 (1) by redesignating subsection (f) as sub-
13 section (g); and

14 (2) by inserting after subsection (e) the fol-
15 lowing new subsection:

16 “(f) **INTERNATIONAL PARTICIPATION IN PRO-**
17 **GRAM.**—(1) In order to achieve international participation
18 in the program under subsection (b), the Secretary of En-
19 ergy may, with the concurrence of the Secretary of State,
20 enter into one or more agreements with any person, for-
21 eign government, or other international organization that
22 the Secretary of Energy considers appropriate for the con-
23 tribution of funds by such person, government, or organi-
24 zation for purposes of the programs described in para-
25 graph (2)(B).

1 “(2)(A) Notwithstanding section 3302 of title 31,
2 United States Code, and subject to paragraphs (3) and
3 (4), the Secretary of Energy may retain and utilize for
4 purposes of the programs described in subparagraph (B)
5 any amounts contributed by a person, government, or or-
6 ganization under an agreement under paragraph (1) with-
7 out further appropriation and without fiscal year limita-
8 tion.

9 “(B) The programs described in this subparagraph
10 are the following programs within the Global Threat Re-
11 duction Initiative:

12 “(i) The International Radiological Threat Re-
13 duction program.

14 “(ii) The Emerging Threats and Gap Materials
15 program.

16 “(iii) The Reduced Enrichment for Research
17 and Test Reactors program.

18 “(iv) The Russian Research Reactor Fuel Re-
19 turn program.

20 “(v) The Global Research Reactor Security pro-
21 gram.

22 “(vi) The Kazakhstan Spent Fuel program.

23 “(3) The Secretary of Energy may not utilize under
24 paragraph (2) any amount contributed under an agree-
25 ment under paragraph (1) until 30 days after the date

1 on which the Secretary notifies the congressional defense
2 committees of the intent to utilize such amount, including
3 the source of such amount and the proposed purpose for
4 which such amount will be utilized.

5 “(4) If any amount contributed under paragraph (1)
6 has not been utilized within 5 years of such contribution,
7 the Secretary of Energy shall return such amount to the
8 person, government, or organization that contributed it.

9 “(5) Not later than 30 days after the receipt of any
10 amount contributed under paragraph (1), the Secretary
11 of Energy shall submit to the congressional defense com-
12 mittees a notice of the receipt of such amount.

13 “(6) Not later than October 31 of each year, the Sec-
14 retary of Energy shall submit to the congressional defense
15 committees a report on the receipt and utilization of
16 amounts under this subsection during the preceding fiscal
17 year. Each report for a fiscal year shall set forth—

18 “(A) a statement of any amounts received
19 under this subsection, including the source of each
20 such amount; and

21 “(B) a statement of any amounts utilized under
22 this subsection, including the purposes for which
23 such amounts were utilized.

1 “(7) The authority of the Secretary of Energy to ac-
2 cept and utilize amounts under this subsection shall expire
3 on December 31, 2013.”.

4 **SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBU-**
5 **TIONS TO THE SECOND LINE OF DEFENSE**
6 **CORE PROGRAM.**

7 (a) INTERNATIONAL CONTRIBUTIONS AUTHOR-
8 IZED.—In order to achieve international participation in
9 the Second Line of Defense Core Program administered
10 by the National Nuclear Security Administration, the Sec-
11 retary of Energy may, with the concurrence of the Sec-
12 retary of State, enter into one or more agreements with
13 any person, foreign government, or other international or-
14 ganization that the Secretary of Energy considers appro-
15 priate for the contribution of funds by such person, gov-
16 ernment, or organization for purposes of the program.

17 (b) UTILIZATION OF CONTRIBUTIONS.—Notwith-
18 standing section 3302 of title 31, United States Code, and
19 subject to subsections (c) and (d), the Secretary of Energy
20 may retain and utilize for purposes of the program any
21 amounts contributed by a person, government, or organi-
22 zation under an agreement under subsection (a) without
23 further appropriation and without fiscal year limitation.

24 (c) NOTICE AND WAIT REQUIREMENT.—The Sec-
25 retary of Energy may not utilize under subsection (b) any

1 amount contributed under an agreement under subsection
2 (a) until 30 days after the date on which the Secretary
3 notifies the congressional defense committees of the intent
4 to utilize such amount, including the source of such
5 amount and the proposed purpose for which such amount
6 will be utilized.

7 (d) RETURN OF UNUTILIZED AMOUNTS.—If any
8 amount contributed under subsection (a) has not been uti-
9 lized within 5 years of such contribution, the Secretary
10 of Energy shall return such amount to the person, govern-
11 ment, or organization that contributed it.

12 (e) NOTIFICATION REQUIREMENT.—Not later than
13 30 days after the receipt of any amount contributed under
14 subsection (a), the Secretary of Energy shall submit to
15 the congressional defense committees a notice of the re-
16 ceipt of such amount.

17 (f) ANNUAL REPORT.—Not later than October 31 of
18 each year, the Secretary of Energy shall submit to the con-
19 gressional defense committees a report on the receipt and
20 utilization of amounts under this subsection during the
21 preceding fiscal year. Each report for a fiscal year shall
22 set forth—

23 (1) a statement of any amounts received under
24 this section, including the source of each such
25 amount; and

1 appropriations Act, 1998 (Public Law 105–119; 111 Stat.
2 2523; 42 U.S.C. 2391 note) is amended—

3 (1) in subsection (d)(2), by striking “10 years
4 after the date of enactment of this Act” and insert-
5 ing “November 26, 2012”; and

6 (2) in subsection (g)(3)(B), by striking “the
7 end of the 10-year period beginning on the date of
8 enactment of this Act” and inserting “November 26,
9 2012”.

10 **SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
11 **WASTE TREATMENT AND IMMOBILIZATION**
12 **PLANT.**

13 Of the amount authorized to be appropriated under
14 section 3102 for defense environmental cleanup activities
15 and available for the Waste Treatment and Immobilization
16 Plant—

17 (1) not more than 30 percent of such amount
18 may be obligated or expended until the date on
19 which the Secretary of Energy certifies to the con-
20 gressional defense committees that the Defense Con-
21 tract Management Agency has certified the earned
22 value management system used to track and report
23 costs of the Waste Treatment and Immobilization
24 Plant; and

1 (2) not more than 60 percent of such amount
2 may be obligated or expended until the date on
3 which the Secretary of Energy certifies to the con-
4 gressional defense committees that the final seismic
5 and ground motion criteria have been approved by
6 the Secretary and that the contracting officer of the
7 Waste Treatment and Immobilization Plant Project
8 has formally directed that the final criteria be used
9 for the final design of the Pretreatment Facility and
10 the High-Level Waste Facility of the Waste Treat-
11 ment and Immobilization Plant.

12 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**
13 **IMPLEMENTATION OF THE RUSSIAN SUR-**
14 **PLUS FISSILE MATERIALS DISPOSITION PRO-**
15 **GRAM.**

16 (a) LIMITATION.—(1) Except as provided in sub-
17 section (b), none of the amount authorized to be appro-
18 priated under section 3101(a)(2) for defense nuclear non-
19 proliferation activities may be obligated for the implemen-
20 tation of the Russian Surplus Fissile Materials Disposition
21 Program (in this section referred to as the “Program”)
22 until 30 days after the date on which the Secretary of
23 Energy provides to the congressional defense committees
24 written recommendations regarding whether and in what
25 manner the Program should proceed.

1 (2) The recommendations submitted under para-
2 graph (1) shall include—

3 (A) a description of the disposition method the
4 Government of Russia has agreed to use;

5 (B) a description of the assistance the United
6 States Government plans to provide under the Pro-
7 gram;

8 (C) an estimate of the total cost and schedule
9 of such assistance;

10 (D) an explanation of how parallelism is to be
11 defined for purposes of the Program and whether
12 such parallelism can be achieved if the United States
13 mixed-oxide (MOX) plutonium disposition program
14 continues on the current planned schedule without
15 further delays.

16 (b) EXCEPTION.—The limitation under subsection
17 (a) does not apply to the obligation of funds to continue
18 research and development associated with the Gas Tur-
19 bine-Modular Helium Reactor (GT-MHR).

20 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**
21 **CONSTRUCTION OF MOX FUEL FABRICATION**
22 **FACILITY.**

23 None of the amount authorized to be appropriated
24 under section 3101(a)(2) for defense nuclear nonprolifera-
25 tion activities may be obligated for construction project

1 99–D–143, the Mixed-Oxide (MOX) Fuel Fabrication Fa-
2 cility, until 30 days after the date on which the Secretary
3 of Energy provides to the congressional defense
4 committees—

5 (1) an independent cost estimate for the United
6 States Surplus Fissile Materials Disposition Pro-
7 gram and facilities; and

8 (2) a written certification that the Department
9 of Energy intends to use the MOX Fuel Fabrication
10 Facility for United States plutonium disposition re-
11 gardless of the future direction of the Russian Sur-
12 plus Fissile Materials Disposition Program.

13 **SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHOR-**
14 **IZATION OF APPROPRIATIONS FOR FISCAL**
15 **YEAR 2006.**

16 Effective as of January 6, 2006, and as if included
17 therein as enacted, section 3101(a) of the National De-
18 fense Authorization Act for Fiscal Year 2006 (Public Law
19 109–163; 119 Stat. 3537) is amended by striking
20 “\$9,196,456” and inserting “\$9,196,456,000”.

21 **SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) The Department of Defense and the United
25 States depend on the specialized expertise of nuclear

1 engineers who support the development and
2 sustainment of technologies including naval reactors,
3 strategic weapons, and nuclear power plants.

4 (2) Experts estimate that over 25 percent of
5 the approximately 58,000 workers in the nuclear
6 power industry in the United States will be eligible
7 to retire within 5 years, representing both a huge
8 loss of institutional memory and a potential national
9 security crisis.

10 (3) This shortfall of workers is exacerbated by
11 reductions to the University Reactor Infrastructure
12 and Education Assistance program, which trains ci-
13 vilian nuclear scientists and engineers. The defense
14 and civilian nuclear industries are interdependent on
15 a limited number of educational institutions to
16 produce their workforce. A reduction in nuclear sci-
17 entists and engineers trained in the civilian sector
18 may result in a further loss of qualified personnel
19 for defense-related research and engineering.

20 (4) The Department of Defense's successful
21 Science, Math and Research for Transformation
22 (SMART) scholarship-for-service program serves as
23 a good model for a targeted scholarship or fellowship
24 program designed to educate future scientists at the
25 postsecondary and postgraduate levels.

1 (b) REPORT ON EDUCATION OF FUTURE NUCLEAR
2 ENGINEERS.—

3 (1) STUDY.—The Secretary of Energy shall
4 study the feasibility and merit of establishing a tar-
5 geted scholarship or fellowship program to educate
6 future nuclear engineers at the postsecondary and
7 postgraduate levels.

8 (2) REPORT REQUIRED.—The President shall
9 submit to the congressional defense committees, to-
10 gether with the budget request submitted for fiscal
11 year 2008, a report on the study conducted by the
12 Secretary of Energy under paragraph (1).

13 **TITLE XXXII—DEFENSE NU-**
14 **CLEAR FACILITIES SAFETY**
15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 There are authorized to be appropriated for fiscal
18 year 2007, \$22,260,000 for the operation of the Defense
19 Nuclear Facilities Safety Board under chapter 21 of the
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **TITLE XXXIII—NATIONAL**
2 **DEFENSE STOCKPILE**

3 **SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URA-**
4 **NIUM STORED AT SEQUOYAH FUELS COR-**
5 **PORATION, GORE, OKLAHOMA.**

6 (a) **TRANSPORT AND DISPOSAL.**—Not later than
7 March 31, 2007, the Secretary of the Army shall, subject
8 to subsection (c), transport to an authorized disposal facil-
9 ity for appropriate disposal all of the Federal Government-
10 furnished uranium in the chemical and physical form in
11 which it is stored at the Sequoyah Fuels Corporation site
12 in Gore, Oklahoma.

13 (b) **SOURCE OF FUNDS.**—Funds authorized to be ap-
14 propriated by section 301(1) for the Army for operation
15 and maintenance may be used for the transport and dis-
16 posal required under subsection (a).

17 (c) **LIABILITY.**—The Secretary may only transport
18 uranium under subsection (a) after receiving from
19 Sequoyah Fuels Corporation a written agreement satisfac-
20 tory to the Secretary that provides that—

21 (1) the United States assumes no liability, legal
22 or otherwise, of Sequoyah Fuels Corporation by
23 transporting such uranium; and

1 (2) the Sequoyah Fuels Corporation waives any
2 and all claims it may have against the United States
3 related to the transported uranium.

4 **TITLE XXXIV—NAVAL**
5 **PETROLEUM RESERVES**

6 **SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROC-**
7 **ESS FOR NAVAL PETROLEUM RESERVE NUM-**
8 **BERED 1.**

9 Section 3412(g) of the National Defense Authoriza-
10 tion Act for Fiscal Year 1996 (Public Law 104–106; 10
11 U.S.C. 7420 note) is amended—

12 (1) by inserting “(1)” after “(g)”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2)(A) In light of the unique role that the inde-
16 pendent petroleum engineer who is retained pursuant to
17 paragraph (b)(2) performs in the process of finalizing eq-
18 uity interests, and the importance to the United States
19 taxpayer of timely completion of the equity finalization
20 process, the independent petroleum engineer’s ‘Shallow Oil
21 Zone Provisional Recommendation of Equity Participa-
22 tion,’ which was presented to the equity finalization teams
23 for the Department of Energy and Chevron U.S.A. Inc.
24 on October 1 and 2, 2002, shall become the final equity
25 recommendation of the independent petroleum engineer,

1 as that term is used in the Protocol on NPR-1 Equity
2 Finalization Implementation Process, July 8, 1996, for
3 the Shallow Oil Zone unless the Department of Energy
4 and Chevron U.S.A. Inc. agree in writing not later than
5 60 days after the date of the enactment of this paragraph
6 that the independent petroleum engineer shall not be liable
7 to either party for any cost or expense incurred or for any
8 loss or damage sustained—

9 “(i) as a result of the manner in which services
10 are performed by the independent petroleum engi-
11 neer in accordance with its contract with the De-
12 partment of Energy to support the equity determina-
13 tion process;

14 “(ii) as a result of the failure of the inde-
15 pendent petroleum engineer in good faith to perform
16 any service or make any determination or computa-
17 tion, unless caused by its gross negligence; or

18 “(iii) as a result of the reliance by either party
19 on any computation, determination, estimate or eval-
20 uation made by the independent petroleum engineer
21 unless caused by the its gross negligence or willful
22 misconduct.

23 “(B) If Chevron U.S.A. Inc. agrees in writing not
24 later than 60 days after the date of the enactment of this
25 paragraph that the independent petroleum engineer shall

1 not be liable to Chevron U.S.A. Inc. or the Department
2 of Energy for any cost or expense incurred or for any loss
3 or damage described in clauses (i) through (iii) of sub-
4 paragraph (A), the Department of Energy shall agree to
5 the same not later than such date.”.

Passed the Senate June 22, 2006.

Attest:

Secretary.